

## An Investigation of Right to Environment

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### ABSTRACT

The international Law is a set of legal rules binding on the relations between States and other members of the international community. This paper examines the right to environment and relationship it with international Law.

**KEYWORDS:** Right to Environment, international Law.

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### 1. INTRODUCTION

The word rights on three different meanings:

- a) Right is a set of decisions to the ruling social relations.

Means a set of duties and prohibitions, which members must abide by that community and the Government undertakes to implement them. Word rights in this sense if the reports indicate they combine a set of decisions and if the word combination single, they not only that but it's like the rest of the words as names combined: for example, group and tribe. It could be argued that the rights in this sense like the word Islam or Sharia in the terminology of the scholars of Islam. Sometimes be synonymous with the rights of the law. It can be called a set of examples: Law of Iran, civil Law and international Law.[1,3]

b) The rights are a collection of right. For regulate the relations of people and the maintenance of order in society. Knowledge of the rights of each person an advantage against to others and the special capacity to forgive him we can call on this feature and the ability of the right which in its collection rights such as the right to life, ownership, freedom, works and marital rights of human rights.[2,5]

c) Rights are science of rights. That is mean analysis of the legal rules and line development. Positions of most widely are used of this meaning like as Faculty of Law and the various sections of the rights such as civil Law and criminal Law and ...et al. [4, 6]

Since a subject of right to environment is related to the second use of the word rights is the right to collect. For to use of the word of truth does not lead to error in these two different all words (right) and (law) in this subject. Because we use are as follows:

- 1) We can use the full single word lieu rights word such as: the title of this topic is: right to environment.
- 2) In the subjects who require that we use the word rights is extensive and there is no presumption of her show on the Rights collection, we use the right terminology in English provided.
- 3) In the subjects who we mean the system of Law or human rights law or science and there isn't a presumption of rights evidenced by the term we take advantage of English word. Such as: the Law of the environment in Iran or international environment Law. [7, 8]

### 2. METHODOLOGY

Some authors questioned in the presentation of a comprehensive definition and rights to environment, because the rights of Iran Interior and many countries in relation to the definition of environment are silent and many surroundings of the environment referred to the relationship with the elements of nature, natural resources, city and landscapes. For this, the concept of environment from the perspective of countries varies from one country to another view of the importance of each of the elements at the environment in each country. Therefore, in order that we can know the environment in the vicinity of a mosque must stand on some concepts to know the ocean environment and in the end, to show our definition to environment.

#### A) Nature:

If we want to call this vague sense of the word, this word does not mean anything without the word Nature because of all the assets of nature created by God in the world called nature. In other words, everything does not enter anything for humans in His creation are called nature.

#### B) Ecology

An ecology or Zoo Ecology is science deals with the relations of animals with the environment in which they live. Given the content, it is clear from the general idea that there is no difference between Ecology and environment.

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### C) Ecosystem

An ecosystem is opposite reactions that occur in the nature of all aspects of living and assets between static objects and methods of transmission of material between them such as lake or jungle. An ecosystem includes four factors: non-living objects, manufacturing, consuming and analyzed. From this we can say that ecosystem an unlimited number of small and ecosystem human life and its continuation on all ecologies. Ecologies have different types: such as: ecological land and marine ecosystems that are also their types.

### D) Earth

Earth on the basis of criteria of the natural environment into the following sections:

- 1) **Lithosphere**: stone ball, which include on the rock solid dissolved and the section of procedure.
- 2) **Pedosphere**: dirt ball: that was formed to analyze the impact of Lithosphere and the remnants of animals and the remains of raw materials. The top section lightweight is used for agriculture.
- 3) **Hydrosphere**: the ball of water containing three-quarters of the earth's surface of fresh water and salt.
- 4) **Atmosphere**: Air ball, which is formed from the gas, the Earth's atmosphere and the air layer, is formed of several layers as well.

Given what has been said we get to the definition to environment, one author says: environment is air, water, soil, plants, woods, marshes, grove, sea, lake, rivers and springs, animals, mountains, desert, plain, city and village (which includes the alley, street, building, which include historical, regular and factories) and so on.

Others showed the of the environment follows:

Called of the environment section of the atmosphere related to the land, which helps to reduce at least to live, and therefore the ocean environment is a comprehensive section on a small part of the air Atmosphere (Hydrosphere and Lithosphere) In other words, the environment is a thin crust of the air, land and water that are of life.

Alexander believes that the term environment can be called on the ocean that surrounds the area is limited and all the Way and even outer space. The term biosphere or life layer used by UNESCO correspond with the most comprehensive definitions, which is a circumference of human life or that part of the world based on the existential anthropology continue all of life.

If we want to collect the definition of the definitions above should say:

The environment is called the environment in which all the human being, directly or indirectly linked to the life and activity.

## 3. DISCUSSION AND CONCLUSION

This section examines the right to environment and relationship it with international Law.

### International Law and new trends

#### Definition of international Law

That is a dozens of international Law definitions, but in particular we say:

The international Law is a set of legal rules binding on the relations between States and other members of the international community.

The international system as any system other than the static and always have a change and types, as well as the international Law varies in their relationship and control of the international communities because it is basically that the international Law is based on human evolution. In other words, every system in the case of rights integrated because rights must be matched together with the existing reality. This flow integrated to find the source of the cause of the difference of international Law compared to the past so that they can come out of the organization pending international relations. Today, the amplitude issues sensitive to the international system of Law has become more clearly than the traditional areas and to be expanded in new topics such as rights of human beings, economy, trade, environment, terrorism..et al. As a result it is in the field of international Law vary diverse topics.

For this reason it is at the present time there are important topics such as: international economic Law system and international human rights and international water Law.....are parts of the threads is very important in the new international Law.

### Relationship environment and international Law

The search of the environment and environment rights of the environment in spite of that branch of the rights of Interior, but in the current era, it became so much due to industrial progress and the technical reason for the existence of environmental issues, pollution, and became the subject of several regions and countries. For this reason, the environment and protect the environment today is an area for a new international decisions. International Law to be respondent on the issues and problems of the international environment and solve their rights it seeks to put the decisions and rules that result in this matter to the existence of a branch in the name of international environment law which is the newest branch of international Law.

### **The international environment law and appearance it**

The international environment law is a set of international legal rules designed to protect the environment.

Issues and problems of the environment led to the need for decisions of the environment at the international level and to change little by little from this time to the next form to receive and consider with the theme of the environment as a whole. A pressure general idea is expanding gradually until it became internationally and in the state of country. The environment as a group on procedure and took the texts legal interest in increasing the protection of the environment, government and enterprises Special Administrative interview contamination that has been formed international organizations that have demonstrated appropriate work and strong and began a strong start to meet new issues and contemporary. In the stages of development has become an environment law is parallel to Interior International law.

On the other hand, the challenges of protection rights to environmental in the global level turned out to be a strong factor in the evolution point of the basic concepts of international Law. Importance of this subject to take more interest in drawing attention to issues related to the environment in the international aspects, in this view that has been looking at it I have found other items on the international level and that have a role in the fight against pollution of the environment such as: water, air, birds, and so on.

If we want to find the early history of the rules and decisions relating to the environment at the international level, we must say that the first of the Convention related to the protection of the environment due to the early twentieth century, but roots of realism to international environment law is back to the late years of 1960 and clearly 1968 is began to enter international organizations classes in a new relationship with the protection of the environment. This year has been to vote on important decisions between the Organization of the United Nations and organizations of the region means the Council of Europe and the Organization of African Unity, which voted on (Declaration of fighting with the air pollution) in March 8, 1968 and the decision: The European waters in the May 6, 1968 and was the first law passed in the United Nations in the field of environmental protection in the September 15, 1986 was the formation of the African Convention for the Protection of the environment and natural springs and replace of Convention London 1933.

### **Development international environment law**

#### **Development of courses**

Of the short-lived international environment law we saw the vote on the many international laws related to the protection of the environment of the planet. More than 900 bilateral treaties and 300 multilateral treaties and more than 200 voted law in international organizations and comprehensive rules on the protection of the environment. It was noted this development and growth in States' rights also in the internal environment. Today, in almost all countries of the world have been laws and decisions on the protection of the rights to environment in which if collected would amount to approximately the same number of 3000.

The reference to all these laws are out of this subject and it also calls for the need to study in detail but there are several important decisions related to our subject, and many will be studied in aggregate.

#### **A) Declaration of the United Nations on the subject of the Human Environment (Stockholm Declaration)**

Proposed to the General Assembly of the United Nations on the date of December 3, 1968 under the environment No. 2398 XXIII calling for the formation of a global conference on the Human Environment and voted upon after four years of 5 to 16 January 1972, the conference was formed in Stockholm, capital of Sweden. This conference was the largest international conference on the environment have been held and attended by more than 6000 a representative of the 113 countries, more than this number of representatives of international organizations, 700 international observers from 400 organizations and 1500 is an international journalist. In this conference was to vote on several important laws, including (Declaration of the United Nations Conference on the Environment) on 26 points to the principle of protection of the environment and the law of one or a comprehensive work program on the recommendation of 109 Preliminaries for collaboration to meet the problems of the environment. The announcement is known as announcement Stockholm. The convening of this conference was a turning point in the development of international policies on the environment. Some of the principles laid down in this conference and the programs that have been put forward have had the effects of magic. In addition, items that have been put forward in this conference and the agreements resulting from them have been a cornerstone of international policy environment for the future for twenty years. In this conference was the reference to the importance of international environmental topics as part of the international issues. This principle makes it states that the supervisor is planning to cooperate in international in improving the joint international sources and reduce pollution.

At the same time, the Stockholm Conference was a very basic issue in the field of environmental protection, but after several years, new issues have emerged to the environment necessitated the development of new decisions. For example, high infections or cross the border a new problem for the environment. Therefore,

it is to resolve this issue was voted on a law in November 13, 1979 in the city of Geneva Convention with topic (the Convention on Long-Range Transboundary air pollution). In the years following the vote on the additional protocols to this Convention too.

### **C) World Charter for Nature**

The large number of pollution and environmental problems especially natural resources lead to take precautions to protect that are descendants of the present and future. Therefore, it is ten years after the Stockholm Conference was to vote on the second international law under the title of the international (World Charter for Nature) in the field of environmental protection in the introduction and 24 articles and a prohibition under the statement number 3281 XXIX on October 28, 1982 by the General Assembly of the United Nations. World Charter for Nature is principle required and necessary to improve the system and the division of life to raise the vital needs and diversity of organic life. In principle the result of the publication shows that it must preserve the nature and the economic and social development that includes nature conservation and the fight against vandalism natural resources and operational regulations must be through these concepts.. Wholly used of protection of Nature.

### **C) Declaration of the United Nations in the field of Environment and Development (Rio Declaration)**

Conference was held under the title (the United Nations Conference on Environment and Development) after twenty years of the Stockholm Conference raised in the presentation of the foibles, flaws, issues, given the new circumstances. From the third to the fourteenth of January 1992 in the capital city Rio de Janeiro, Brazil which was the topic of environment and development - in front of the human.

Preliminary work for this conference had been formed by the World Convention on Environment and expansion in late 1983 and under the letter No. 161/38 XXX V III of the General Assembly. This committee submitted a report entitled Report in the fall of 1978 to the General Assembly of the United Nations to explain the development environment, which has been on the impact of the General Assembly vote on the formation of a World Conference on Environment and Development in December 22, 1989 under the statement 228/44, attended by representatives of 172 countries and 6 international organizations connected with the United Nations, 10,000 people on the joint includes 116 of the Heads of State, the Japanese were made up of 300 people, 1400 people from non-governmental organizations and almost 9000 journalist.

In the sum of the main issues that were raised at this conference was protections Atmosphere, control of air pollution, protection of diversity, directing the proper materials, additional improve life quality and safety of human, protection of oceans, protection of forests and in the last financial issues for fight against environmental pollution. Was among the laws that have been rated a (Declaration of the United Nations Conference on Environment and Development) and (statement of Forest Principles) and (Action plan agenda 21). It was within this conference was that the vote on the two Convention was a (Convention on Biological diversity) and (the Convention on Climate changes) to water and air) and that with a total of laws that have been to five.

Declaration of the United Nations in the field of environment and development known as the Rio Declaration also includes of 27 principles set out the functions of governments in exchange for development and the environment.

These principles to the issues and describes the functions of State and international cooperation to protect the environment and the role of the parish, the rights of women and rural dwelling in this relationship. This law in real of the Declaration of Stockholm in the area is a second law with several ways. It also touched on the subject of advertising (Sustainable development), which means the interest the Sustainable development and the protection of the environment.

The many conferences held in the field of environment are the most important conference in New York and Kyoto.

### **D) The law of the World Conference for the Sustainable development(Johannesburg)**

After ten years of the Rio Conference, a conference was held Johannesburg in South Africa's entitled (World summit Sustainable development) that the Council was one of the biggest councils in the subject of the Sustainable development to the present at 26 August to September 4, 2002. Its goal is study and evaluate the implementation of the Law of Action 21 this was voted upon at the 1992 Rio. Been studying ways to fight poverty and environmental destruction and an interview with the escalating growth of society and in the end, the law was voted on the implementation of decisions that have already voted on.

### **Enterprise Development**

The development of human environment in the field of international enterprises and organizations are evident too. Today thousands of organizations with activities, including global, regional, United Nations-related and not related to the United Nations, governmental and non-governmental organizations in the protection of the

environment in which protection of the environment has been developed and put the decisions of environmental legislation to save the environment by these enterprises.

These organizations on the environment as have been said previously it's many sections and can be divided from several sides. It is obvious that the mention of these enterprises with these divisions outside the research topic, but we point out the most important enterprises that have a close relationship with the subject and nomination it in the future.

#### **A) United Nations Environment Programmed**

United Nations Environment Programmed is the so-called short (the UNEP) has found the statement No. 2997 XXVII by General Assembly of the United Nations in December 15, 1972. This institution based in Nairobi, Kenya Center of United Nations activities in the field of environment. The establishment of this institution because of activities for the Nations organizations that cooperate with other organizations, respect to the environment and concerned with matters of the environment at the top of its activities too. To the UNEP's role is vital in these areas, such as:

- Development of political awareness about the problems of the environment.
- Help collect scientific consensus in the field of environmental problems and ways to confront and come to some sort of consensus among the international consensus.
- Facilitate the discussions on the protection of seas of the region and the ozone layer.
- Increase the capacity of countries to manage better for the environment.

Institutional international policies in the field of environment means in the sense when was even interested in the session that the public and politicians about environmental issues, the stages of environmental protection has not lost driving forces. Therefore, during the twenty years after the Stockholm Conference and the formation of the UNEP, the policies that have been drawn have been completed and deployed in the field of environmental issues. The role of the UNEP entitled initialize, accelerator and the international consensus. From the perspective of one of the UNEP, the formations of Staff Sub-Assembly of the United Nations and has 3 pillars of which are about: Board of Governors, secretariat and the Environment Fund.

#### **B) Sustainable development Committee**

After twenty years the formation of the UNEP committee was formed to sustainable development committee by the General Assembly under the statement No 191/47 on December 22.1992 The objectives of this Committee is: Control and monitoring of progress in the business and implementation plans for the 21st century, Planning objectives on environment and development in all United Nations system through analysis of reports submitted by all enterprises, organizations and United Nations organizations. It is considered configurations, the judgment of this committee in one of the pillars of the Consultative Sub-Economic and Social Council ECOSOC, based in New York and the election of 53 of members by the Board of Governors.

#### **C) Other organizations**

There are other organizations related to environmental issues without UNEP and Sustainable development committee, which we can mention International Maritime Organization (IMO), known as the Organization of international waters. This organization in addition to other functions, the responsibility for fighting environmental pollution output from ships as well. After the formation of the UNEP at the division of functions between staff of the Organization of the United Nations in relation to the protection of the aquatic environment it was decided that the responsibility to fight the sources of contaminated custody of the UNEP and the responsibility of the fight against environmental pollution caused by IMO.

In addition to IMO there are other organizations that have the powers in the environment such as United Nations Education, Scientific and Culture Organization (UNESCO), International Atomic Energy Agency (IAEA), World Health Organization (WHO), Food and Agriculture Organization (FAO) and the International Labour Organization (ILO). And these organizations in addition to the original functions, they have functions related to the environment and cooperation in the form of a joint (the joint representative).

Today, In addition to global enterprises, there are many regional organizations active in various environmental issues too. With the exception of the above topics, there are thousands of organizations, groups and non-governmental organization with an active role in the field of environment, which including the International Union for Conservation of Nature and Nature sources (IUCN), and enjoyed with particular importance by the first plan publication (WCN) have been formatted by specialists in this union.

#### **Right to environment and international environment law**

According to what was stated in previous discussions the relationship was determined between the right to environment ,international Law and international environment law because as has been said, the evolution and development of the concept of international Law and the development of the field work and eventually find

concepts such as rights of human beings leads to the development of rules of international Law based on interests, without media and direct government rules governing the interests of the international community and the common interests of mankind. Therefore, the heart of busy related to the protection of rights of human beings leading to the development of this set of rules. In other words, one of the important properties of classical international Law 1914-1815 is to regulate the relations between governments based on the principle (Reciprocity) or a draw to win concessions and pledge commitments. After World War I and II, the protection of human rights had led to the expansion of international rules and excluded from the principle of reciprocity interests without controlled media and direct others committed to international treaties. With the new plan issues and which ones to take advantage of air space and the common heritage of mankind and the environment. These rules took its importance in the international system. On the other hand, the rules relating to international Law to the environment associated with a set of rules that benefits the human goals. If we know that the environment interests and relationships common to humanity should be said that this benefit is known in law reflected for individuals and the care of the international Law, fundamental freedoms of individuals is part of human relations and interests in common too.

In the introduction (Universal Declaration of the Rights of human), which was voted on in December 10, 1948 was as follows:

(Recognition of the inherent dignity for all members of the human family and equal rights of others and move them as possible is the foundation of freedom, justice and peace in the world.

On the other hand, the declaration of the United Nations Conference on Environment (Stockholm Declaration) says in Article 1:

Enjoy the human of the fundamental rights of freedom, equality and the right conditions to live in the environment that give him dignity and happiness. It is officially undertakes the responsibility to protect and improve the environment for present and future offspring.

As noted, the Stockholm Declaration is part of the rules and decisions of international Law to the environment. The relationship between the rights of human and the protection of the environment is Indefeasible. In other words we can say that the point of convergence between international and human rights and international environment law is in the rights to environment. In next topics will spell out of abundance in the following topics in this area.

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