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Research Article

Achieving Sustainable Development From The Perspective Of International Environmental Law

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ABSTRACT

Although man has used nature as a tool and platform for development for many years, unbridled development after the Industrial Revolution has left such devastating effects on the planet that not only the developing countries' choice of the same methods for development due to declining capacity Natural resources are impossible, but in today's conditions, they seem selfish. Hence, "sustainable development" has been offered as a solution for decades. On the other hand, environmental law is an important tool for monitoring and managing sustainable development. These rights are effective in determining environmental protection policies and the rational and sustainable use of natural resources. The Stockholm Declarations of 1972, Rio 1992, Johannesburg 2002, and Rio +20 called for the pursuit of sustainable development to protect the environment and called for the orientation of international environmental law towards the concept of sustainable development. But in practice, it is observed that sustainable development faces global challenges, one of the most important of which is the confrontation between development and the environment in developed and developing countries. This article aims to examine the achievement of sustainable development by addressing the binding and non-binding documents in international environmental law.

Keywords: *Environment, Sustainable Development, International Environmental Law, Sustainability, Climate Change.*

1. INTRODUCTION

Environmental rights are an important tool for monitoring and managing sustainable development. These rights effectively determine policies and measures for environmental protection and the rational and sustainable use of natural resources. As emphasized in important international documents and declarations on the environment, including the Rio Declaration, in the long and difficult stages of human evolution on earth, a stage has been reached in which man, with the help of science and the rapid advancement of science. In multiple ways and at unpredictable scales, it has gained the power to change its environment. This situation poses a serious threat to the current generation and seriously endangers human survival. One of the most important sources to address these threats and regulate international law behavior is international environmental law. Today, sustainable development is the key to solving most environmental issues and is one of the most fundamental issues in international environmental law. It can be named the main goal of development and codification of international environmental law. The importance of sustainable development in international environmental law has caused the world to witness the transformation of this branch of law into international law of sustainable development. The Rio and Stockholm Declarations state that achieving sustainable development requires the protection of the environment. By merging the two concepts and proposing a Commission for Sustainable Development, Dastourkar has called for the orientation of international environmental law towards the concept of sustainable development. It should be noted that this commission has made a significant contribution to promoting the concept of sustainable development.

Stability has a relative meaning; to remain stable to move forward and continue [1-4]. In dictionaries, stability in the word is meant to mean lasting and enduring [5]. In Latin, the lexical root and related phrases are associated with the word stability [5]. "Sustainable" means stability, an attribute that describes something and brings peace, nourishment, and provision to life, leading to the continuation and prolongation of life. "Sustain" means support, keeping alive, continuing continuously, "Sustenance" means the process of life stability [6]. Brantland's definition is generally accepted: "Sustainable development is the development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs." In this way, sustainable development can be defined as managing the relationship between human systems and natural ecosystems to use sustainable resources to ensure present and future

generations [8]. Adding the extension of development to sustainable due to the wide range of side effects of development plans in the treatment of society as well as their transnational and global effects, attention to environmental issues that mainly include environmental dimensions, after industrial development in the 1950s and 1960s in Europe and their abnormal environmental effects emerged [9]. Sustainable development is a set of actions that are guided by the philosophy of sustainability. In this development, actions and activities are constantly reviewed and revised from sustainability principles [8]. With these explanations, it is established that sustainable development is a development that, in addition to the development and excellence of the present generation, also supports future generations. Based on it, human conditions and environmental and ecosystem conditions are considered simultaneously. Takes [10]. Therefore, today, sustainable development is considered a goal for a world under pressure and increasing problems, the background of which is the development of the ecosystem. This view defines the development of the ecosystem at the local or regional level with the potential of that space and emphasizes the rational use of resources, the application of technology, and organization in a way that considers nature and man. [11].

Sustainable development is the creation of a balance between development and the environment. Sustainable development combines the economic, social, and environmental goals of society wherever possible through policy-making, action, and advocacy. And wherever it is not possible to combine creates an exchange relationship between them, examines and coordinates these exchanges.

The four dimensions of sustainable development are social, economic, political, and environmental dimensions. The social dimension refers to the human relationship with other human beings, improving individuals' well-being, improving access to health and educational services, developing different cultures, and equality and poverty alleviation. The economic dimension is related to economic variables. The well-being of the individual and society must be promoted as much as possible through the optimal and efficient use of natural resources and the fair distribution of the resources obtained. The environmental dimension is related to protecting and strengthening the physical and biological resources and the ecosystem and deals with nature and man's relationship. The political dimension also pays attention to laws, policies, planning, budgeting, institutionalization, diversity and pluralism, respect for human rights and effective participation of people in decision-making processes, and regulates the situation and conditions necessary to integrate social goals. Economic and environmental and creating an exchange relationship between them to achieve sustainable development [8].

Sustainable development is a new way to achieve human aspirations while preserving resources and facilities for the future. Because sustainable development encompasses a wide range of social, economic, political, physical, and environmental concepts [12], it requires a longer-term perspective to examine and determine the impact of current decisions on future generations, legislation, regulations, Necessary local, national, regional and global cooperation, concluding contracts and adhering to treaties, conventions, and protocols, and finally institutional and managerial arrangements, etc., and this determines another main environment and dimension. [13]. The relative priority given to the various sustainable development dimensions varies from country to country, community, culture, and even situation. For this reason, while sustainable development is a global challenge, practical solutions can only be defined nationally, locally, and indigenously. Sustainable development approaches reflect the diversity of social, economic, environmental, and political challenges that different countries face, and many different interpretations of sustainable development are derived from different values and interests in different societies [8].

The idea of sustainable development has little history in international law. For the first time in 1983, the UN General Assembly convened the World Commission on Environment and Development, in which an influential document entitled "Our Common Future" was presented by the then Prime Minister of Norway, Gruelm Brontland. The report called for sustainable development as the basis of any human economic activity focusing on serious environmental concerns and linking them to efforts to raise the living standards of the world's poor [1]. Thus, attention to sustainable development from the eighties onwards became one of the main concerns of the international community, and after the presentation of the final report of Brontland in 1987, it became the focus of international attention [2].

A year after Brontland's final report, the UN General Assembly passed a resolution calling for a conference on the UN headquarters' environment and development. Finally, after two years of continuous deliberation and controversial statements, the conference was held in June 1992 on the twentieth anniversary of the Stockholm Conference on the Environment in Rio de Janeiro. This conference's result was a redesign and emphasis on the concept of "sustainable development" in the realm of international law. A concept that has been controversial from the outset, but because it is at the heart of the link between economic issues, environmental concerns, and the fundamental principles of human rights [3], requires serious reflection, and contemporary international law cannot Indifferent to its theoretical foundations or its manifestation in international practice.

2. SUSTAINABLE DEVELOPMENT IN THE LIGHT OF INTERNATIONAL RELATIONS

Today, sustainable development is an advanced process that meets the current generation's needs without reducing future generations' ability to meet their needs. Therefore, sustainable development is one of the most fundamental issues of international environmental law today, and without a doubt, it can be named the main goal of the development of international environmental law. Attention to sustainable development has been addressed in several international instruments and treaties on the environment. The Rio and Stockholm Declarations state that achieving sustainable development requires protecting the environment and that the development agenda considers these two concepts to be inseparable [14].

Stockholm Conference Statement (1972) [6]: This conference was a preliminary step in establishing a link between environmental protection and development as a central concept of sustainable development. For example, Article 8 of the Stockholm Declaration considers economic and social development desirable for the environment and necessary for life and work, or Article 9 reaffirms the creation of environmental problems caused by little development. Article 11 of the Declaration also stipulates that environmental policies are for improvement, not adversely affecting developing countries' current and potential future development [15].

Bronteland Commission Report (1987) [7]: This report, known as "Our Common Future," is the result of more than three years of work by the Bronteland Commission, which the General Assembly approved in 1987. The resolution defines sustainable development's famous definition, the intersection of present needs without forgetting the next generation's needs. With the adoption of this resolution, sustainable development officially entered the international legal literature [16]. The commission defines sustainable development as "a type of development that meets the needs of the present generation without undermining the next generation's ability to meet their own needs" [14].

Rio Declaration (1992) [8]: After the end of the 1980s, the key to solving the problems of this period in the field of environmental protection has been "sustainable development." During the negotiations of the environmental conferences, the developing countries were able to consolidate the right to development in principle 3 of the Rio Declaration; Which states that the right to development must be exercised in a way that equally meets the needs of the present and future generations in the field of development and protection of the environment. Instead, developed countries were able to reach a consensus on Article 4. It should be noted that Article 4 states that, to achieve sustainable development, the development process must be consistent with environmental protection and cannot be considered in isolation. These two principles are at the heart of the Rio Declaration and must be considered together. Principle 3 is very similar to the definition of sustainable development in the Brontland Commission. Principle 4 also considers the environment to be an integral part of development. The only difference between the two principles is that the former emphasizes development and the latter on the environment [17].

From a legal perspective, this conference's greatest achievement is paving the way for the transition from international environmental law to modern law, still defining sustainable development [14]. For example; The first principle of this declaration states: "Human beings are the main subject of any development, the enjoyment of health and physical and mental abilities is part of human rights following nature." Principle 2 of the Rio Declaration recognizes governments' right to exploit resources following their own environmental and development policies. The third principle also stipulates the right to development. The fourth principle considers environmental protection as an integral part of the development process [17].

Agenda 21: Chapter 39 of Agenda 21, entitled International Legal Documents, states: "Further development of international law on sustainable development will require special attention to the capacity balance between environmental and development considerations" [18]. Agenda 21, with special attention to this goal, in addition to proposing the establishment of the Commission for Sustainable Development, has called for the orientation of international environmental law in line with the concept of sustainable development [14].

Millennium Declaration (New York - 2000) [10]: The Millennium Declaration sets the path to sustainable economic, social and environmental development by setting the following goals: eradicating extreme poverty and hunger; Access to primary education worldwide; Development of gender equality and women's empowerment; Reduce child mortality; improving maternal health; The fight against AIDS and its causative virus, as well as in its time target and indicators, refers to the integration of the principles of sustainable development in the policies and programs of the country and reversing the process of waste of environmental resources [19].

Declaration of the World Summit on Sustainable Development (Johannesburg - 2002) [11]: Principle 5 of this Declaration states that "we assume a collective responsibility to develop and strengthen the interdependent and interdependent pillars of sustainable development the global level. Let's accept. It is also stated in Article 16 that; We are determined to ensure that the rich diversity, which is our collective strength, is used in a constructive partnership to change and achieve the common goal of sustainable development, as stated in Article 37, and indeed in its final principle; We, from Africa - the cradle of humanity - formally pledge to the peoples of the world and the generations who are the indisputable heirs of this land to seriously guarantee everyone's hope for sustainable development" [20].

The Rio+20 conference document outlines an international framework for sustainable development. The main focus of the 2012 Sustainable Development Conference was "Green Economy for Sustainable Development," "Poverty Reduction," and "Institutionalized Framework for Sustainable Development." The Rio + 20 summit reflected a new model for international efforts to promote sustainable development.

Climate Change Convention (1992) [12]: The preamble to the Climate Change Convention states that all countries, especially developing countries, need access to the resources needed to achieve sustainable development. It also emphasizes all countries' determination to protect the present and future generations [21].

Kyoto Protocol (1997) [13]: According to Article 2; To fulfill the commitment to reduce emissions and to promote sustainable development, the Protocol is required to implement or explain further policies and measures following national conditions, such as increasing energy efficiency in sectors related to the national economy, protection and Increase greenhouse gas wells and reservoirs, encourage sustainable forms of agriculture, encourage the realization, development and expansion of the use of new and renewable energy sources and provide cooperation with other members [22].

Biodiversity Convention (1992) [14]: Article 2 of this convention provides a clear definition of sustainable development: the use of biodiversity in such a way that it does not reduce biodiversity in the long run and therefore it's potential To meet the needs and aspirations of current and future generations. Article 7 of this Convention also deals with measures relating to the protection and sustainable use of land. Article 10 also addresses the sustainable use of biodiversity components [23].

Desertification Convention (1994) [15]: Article 2 of this convention states that the purpose of this convention is desertification and mitigation of the effects of drought through effective action at all levels with the support of international cooperation and partnership arrangements, within the framework of a procedure. Comprehensive with Agenda 21 to help achieve sustainable development achievements in affected areas, and Article 9 states that the process of preparing a national action plan should be accompanied by other measures to formulate national development policies. Stable to be interrelated [24].

Barcelona Convention for the Protection of the Marine Environment and the Mediterranean Coast: The Convention pays particular attention to the principle of sustainable development. According to the Convention, the convention members are fully aware of their responsibility to preserve and sustainably develop this common heritage to benefit and use present and future generations [25].

3. SUSTAINABLE DEVELOPMENT AND INTERNATIONAL ENVIRONMENTAL LAW

Given that there is not yet a comprehensive convention on sustainable development that provides a legal expression of its concept, many international environmental law principles are used to prove and apply this concept. These principles, which are largely transcribed and contracted internationally, bind and oblige all international community members. However, the degree of binding varies. These principles must be considered in a unified set, as each principle complements the other principles. These principles are mentioned below, and some concepts are discussed below.

Principle of sovereignty [16]: Governments have the exclusive right to sovereignty over their natural resources, but the exercise of this right should not cause damage to the environment of other countries or regions outside the jurisdiction of governments. It should be noted that the Stockholm Declaration was one of the first documents to state: The principle of sovereignty over natural resources must be applied in an environmentally sound manner and is explicitly stated in Article 21 of the Stockholm Declaration. [15] Principle 2 of the Rio Declaration then repeats this with brief but useful changes. Thus, using Article 21 of the Stockholm Declaration and Principle 2 of the Rio Declaration, which has its roots in custom, countries can be guided towards a general commitment to environmental protection and sustainable development.

Principle of Commitment to Cooperation, Information, and Assistance in Environmental Emergencies: Principle 5 of the Rio Declaration obliges all governments and all human beings to work together to end deprivation as a prerequisite for sustainable development. Article 9 of the Rio Declaration; Strengthen cooperation in line with the principle of sustainable development or reform and improve the understanding or exchange of scientific information and proper knowledge of technology and development (incoordination) and also Article 27 of the Rio Declaration based on the general commitment of governments to cooperation To achieve sustainable development [17].

Principle of protection and protection of the environment [17]: Since the ways of exploiting the species of life, both plant and animal, have been accepted in the regulations, the term protection has become practically used, which refers to the "level of sustainable utility of products" which According to it, the exploitation of natural resources should be done in a way that does not damage the permissible level of renewal of that resource and also provides the means for the sustainability of those natural resources. In recent texts, conservation has been supplemented or replaced by a reference to "sustainable development," which more convincingly pursues the issue of production from exploitable natural resources and the protection of all plant and animal species [26].

Principle of prevention [18]: Both experience and the opinion of scientific experts prove that the principle of prevention for the environment, both ecologically and economically, is considered a "golden rule" [26]. Undoubtedly, sustainable development has a significant role in protecting present and future generations' rights.

Prudential principle [19]: To achieve sustainable development, policies should be based on the principle of prudential action. When the prevention principle had not yet had a fundamental effect on all environmental regulations, the precautionary principle was considered and further developed. This principle can be considered as one of the

considerations and one of the most important initiatives of the Rio Declaration [27].

- The origin of the polluting payer: Given that developed countries have played a major role in the destruction of the global environment by creating pollution from industrial activities, accepting the principle of responsibility of the polluter helps developing countries a basis. They have other rights to demand “debt to nature” and, with more seriousness and perseverance, not only these countries, but all countries should take steps towards the rights of mirror generations, which is one of the basic goals of sustainable development. [26].

The concept of the common heritage of humanity [20]: According to this concept, all governments are obliged to protect the environment of areas under the title of the common heritage of humanity and refrain from its destruction or pollution; everyone can benefit from it. Therefore, these areas cannot be under the exclusive sovereignty of governments, but they must be protected and exploited in a way that serves the interests of all humanity (present and future generations) without any discrimination.

- The concept of the rights of future generations [21, 28]: In international environmental law, future generations’ rights to enjoy proper living conditions on the planet have also been considered and identified. Accordingly, due to its negative consequences, the destruction and pollution of the environment is considered a violation of future generations’ rights and should be avoided [27, 29]. Protecting future generations’ rights is one of the key concepts in many international environmental instruments, including the Stockholm and Rio Declarations.

4. PRINCIPLES OF INTERNATIONAL ENVIRONMENTAL LAW RELATED TO SUSTAINABLE DEVELOPMENT

4.1 The principle of sovereignty over natural resources

Governments have the exclusive right to sovereignty over their natural resources, but the exercise of this right should not cause damage to the environment of other countries or regions outside the competence of states [1].

The exclusive sovereignty and authority of states over their territory mean that only they can extend the policies and rights of their natural resources and the environment. The scope of sovereignty over natural resources is:

- 1- The land inside the borders and the soil under them
2. Inland waters such as lakes, rivers, and streams
- 3- Territorial sea and its bed and sub-bed resources
4. The upper space of land, inland waters, and the territorial sea until the legal system of the upper atmosphere begins. States also have more limited sovereign rights over other regions, including adjacent regions close to the territorial sea, the continental shelf, subcontinent, and monopoly-economic zone.

Except in the above cases, some areas are not under the sovereignty of any country; these areas, which are sometimes interpreted as commonalities, include the high seas and the bed of its bedrock, the southern hemisphere.

Sovereignty over natural resources has been interpreted as the source of a series of tasks. In particular, the task of sustainable and prudent use of natural resources, protection of biodiversity, and elimination or reduction of soil erosion, deforestation, overfishing, and pollution.

The Stockholm Declaration (1972) was one of the first documents to state:

The principle of sovereignty over natural resources must be exercised in a valid environmental manner. It is explicitly stated in Article 21 of the Stockholm Declaration: “States are entitled following the Charter of the United Nations and the principles of international law to enjoy the exploitation of their natural resources following their environmental policies, which are in addition to their declarations” [21]. Stockholm is fully enshrined in Article 3 of the Convention on Biological Diversity (1992) and Bundaloff on the First Principle of Forest Principles (1992).

Principle 2 of the Rio Declaration (1992) then repeats this with brief but useful changes, adding the words “environmental policy” and “environmental and development policies.” This principle is also enshrined in the preamble to the 1992 Convention on Climate Change.

After mentioning Article 21 of the Stockholm Declaration and Article 2 of the Rio Declaration as documents that can be used at the international level, the Court of Justice considers the commitment to these principles as part of international environmental law [3].

The fact is that the destruction of the environment, even when it occurs completely outside the country’s borders, can lead to global damage. These damages (ozone depletion, global warming, climate change, soil erosion, desertification, etc.).

Using Principle 21 of the Stockholm Declaration and Principle 2 of the Rio Declaration, which has customary roots [6]. It can lead countries to accept the overall commitment to protect the environment and ultimately to implement sustainable development.

New Delhi Declaration, India (April 2-6, 2002), also in

The second paragraph of the first principle obliges states to manage natural resources under the territory or national territory rationally and sustainably, considering the development of nations with special attention to indigenous peoples’ rights, protection, and p, Ha, he knows. He says that governments must also take into account the wishes and needs of future generations. All relevant actors (including governments, related industries, and other components of civil society) are obliged to prohibit the extravagant use of natural resources.

The third paragraph of the first principle of this declaration also states that:

The protection, protection, and enhancement of the natural environment, particularly the proper management of the

climate system, biodiversity, living things, and plants, are common issues of humanity. Sources outside the celestial atmosphere and the resources of the seas, oceans, and subsoil within the boundaries of the national territory are the common heritage of humanity [4].

4.2 Principle of commitment to cooperation, information, and assistance in environmental emergencies

In environmental protection, international cooperation for protecting the environment is essential, especially for governments to exercise territorial jurisdiction outside their territory and borders, including the high seas, the Antarctic, or elsewhere. This cooperation is necessary [2]. According to this principle, governments must cooperate in all circumstances and in good faith to protect the environment. In this regard, they should inform other countries about the possible dangers of environmentalism before the occurrence of environmental incidents and prevent its spread and reduce the destructive effects of such incidents on the environment and the principle of commitment to the cooperation of all countries of the world in protecting the environment has been cited in many international instruments, including the Stockholm Declaration, the Rio Declaration, some UN General Assembly resolutions, and the judgments of international courts. According to this principle, the trial court of Hungary and Slovakia declared. Slovakia has violated its obligations under international law on the grounds of “non-cooperation in good faith”: a commitment to cooperation, a wide range of cooperation, from providing the necessary resources and technology, holding training courses, and exchanging information. Includes environmental emergencies [5]. The Stockholm Declaration outlines 22 areas and issues of cooperation and then states the commitment of governments to activate international organizations as the largest symbol of cooperation between governments in the environment. Article 24 of the Declaration also provides solutions. For international cooperation, he suggested, such as: (concluding bilateral or multilateral agreements), of course, he did not limit cooperation only to these ways and mentioned other appropriate ways that he has left to the state’s discretion. In this context, the Stockholm Declaration merely sets out a few principles related to international cooperation with limited headings and an arrangement for international cooperation in exchanging information on new activities or events within the national jurisdiction outside the area [3].

But the Rio Declaration filled that gap, setting principles for information obligations, and the public commitment to cooperation underpinned many other commitments, including information exchange, consultation, negotiation, and information. The following are some of the principles of the Rio Declaration regarding this principle. Article 5 of the Rio Declaration obliges all governments and all human beings to work together to end deprivation as a prerequisite for sustainable development. Article 9 calls for the strengthening of cooperation in line with the principle of sustainable development or the improvement of understanding or exchange of scientific information and knowledge in technology and development (incoordination) and the development and transfer of technology and access to new technological achievements and accelerate Has paid attention to them [2]. Article 14 of the Rio Declaration also addresses the commitment of governments to cooperate in the transport and movement of harmful substances. In Article 18 of the Declaration, States must notify other countries immediately of any natural disasters or emergencies that appear to have adverse effects on their environment. Article 19 emphasizes that information must be specialized and timely, and at the end of this principle states: “Consultation must take place in an atmosphere of complete confidence.”

It should be noted that full trust is considered a fundamental condition in relations between states. And has a special place in the field of foreign affairs of certain activities [2], and Article 27 of the Rio Declaration is based on the overall commitment of the general government and the public to work together to achieve sustainable development. The principle of commitment to consult in hazardous activities or nuclear emergencies and assistance in such cases is also an example of a commitment to cooperate in environmental protection. This is especially important in certain situations, such as large-scale marine pollution and nuclear accidents. In addition to exchanging information and consulting with countries at risk, countries should also assist them in emergencies. At the same time, it should be noted that any assistance must be provided at the request and permission of the country in question; otherwise, assisting without the permission of the affected country, interference in the internal affairs of that country will be considered. However, it should be noted that under international law, interference in the affairs of other countries is prohibited under the pretext of protecting the environment [5].

It should be noted that the principle of information is also enshrined in Article 198 of the 1982 Convention on the Law of the Sea, and following that, the government shall, immediately after becoming aware of the imminent danger of damage to the marine environment, refer to the matter to another State. If it hurts, it will inform. The International Court of Justice has also ruled in the Corfu Channel case that governments have to make the other country aware of the potential dangers in their territory [5].

Article 4 of paragraph 1 of the Convention on Climate Change is a good example of this: “All countries shall cooperate fully, openly and openly in the exchange of scientific, technical, economic, social and related information.” 4 According to this convention, developed countries must take all necessary measures to encourage, facilitate and provide credit, transfer or access to complete and sensible environmental knowledge and technology to other members, especially developing countries, to enhance their capacity. They should also support the development and promotion of technology and capabilities of developing countries.

In terms of international investment and financial assistance in relations between developed countries and developing countries, Article 20 of the Convention on Biological Diversity is a good example of the need for developed countries to provide new and additional financial resources so that developing countries can meet the total costs in addition to the terms of the agreement in carrying out the necessary measures following the obligations of this convention [6].

Therefore, cooperation is one of the most important principles of international environmental law, and most of the principles and regulations of international environmental law will be applicable without cooperation between states.

4.3 The principle of protection and protection of the environment

Although in all international instruments concerning the protection and preservation of the environment, there is a focus on certain sections and issues, regulating the general principle of all requirements in a general principle is an exception. One of the specific texts on this principle in Article 192 of the UN Convention on the Law of the Sea states: "States are committed to protecting and protecting the marine environment. "Of course, it should be noted that this commitment is only related to one part of the environment. However, it contains the general principle that all maritime areas are included, including that part of the territorial sea under the jurisdiction of the coastal state and that part of common areas such as the high seas and the common heritage of humanity seabed mineral resources.

Article 6 of the Convention on Biological Diversity (1992) also sets out general measures for the conservation and rational use of biodiversity. Includes: Implements rational development strategies in completing plans or programs as far as possible and appropriate to support and rationally use biodiversity diversity in sectoral and cross-sectoral plans, programs and policies. In various other areas, under the 1992 Convention on Climate Change, Article 3 of paragraph 1 states: Members must support the climate system for the benefit of present and future generations of human beings. Similarly, Article 4 sets out more detailed obligations for the parties to the treaty.

There is no formal definition of the terms protection¹ and maintenance². But both are used in Article 192 of the Convention on the Law of the Sea, which explicitly differs in meaning. What can be deduced from the word protection³ contains a general principle that includes both interpretations, including refraining from harmful actions and taking positive care measures to the extent that they do not lead to environmental damage. In the general sense, conservation includes ecological community and related management, including basic laws, procedures, and related organizations at the national level.

What is implied by the term conservation is more careful consideration of the rights and interests of future generations and of what should be protected from natural resources [6]. The term protection has a more limited scope but also includes the title protection³. The World Conservation Strategy, developed in 1980 by the World Conservation Alliance for the Conservation of Nature and Natural Resources, recommends an action plan to governments and sets out the principle of conservation, which aims to:

- Ecological cycle survival and life system support;
- Preserving genetic diversity;
- Achieve sustainable operation of various species and ecosystems.

Since the exploitation of plant and animal life species has been accepted in the regulations, the protective shield has practically become popular, referring to the "sustainable utility level of products" based on which the exploitation of natural resources is based. It must be done to not damage the source to the extent that it is renewable and provides the reasons for its sustainability of natural reserves. In recent texts, conservation has been supplemented or replaced by a reference to the principle of "sustainable development," which is a more convincing state that pursues the production of exploitable natural resources and the protection of all plant and animal species. The most recent concept used more and more in this field is "protection desirability," which is not based on the idea of exploitation and production but on ensuring the protection of life resources [6].

4.4 Principle of prevention

Environmental rules and regulations must anticipate and prevent environmental causes. When there are serious threats and irreparable damage, failure to fully identify these threats should not be a reason to postpone environmental disaster prevention measures. The experience and opinion of scientific experts prove that the principle of prevention for the environment, both ecologically and economically, is a "golden rule." Because it is often possible to compensate for the damage done to the environment, these irreparable damages are:

Extinction of animal and plant species, soil erosion, or even discharging persistent contaminants into the sea creates irreversible conditions. Even if the damage is compensable, the cost of rehabilitation is expensive [6]. Almost all international environmental law instruments have made the principle of preventing environmental degradation a reality, most of which are pollution of waters, inland waters, air, the protection of contaminated resources, and only a handful of international instruments. Other ways of protecting the environment, including the traditional principle of government responsibility for cooperating directly with victims of environmental abuse, have been considered. The prevention principle requires special techniques such as risk analysis and risk analysis and then assessing the consequences of the activities performed [6]. Environmental Impact Assessment Before initiating an activity or project that may result in significant environmental hazards, the project's environmental impact Guarantee. Therefore, environmental assessment and implementing plans and strategies to reduce the side effects of implementing the plans will help increase the project's overall score [7]. According to Article 206 of the Convention on the Law of the Sea: "As far as practicable, they should assess the potential effects of these activities on the environment and send reports of the results of these assessments to members." The Rio Declaration, in principle, defines environmental impact assessment. The principle of restraint requires that every government "strive" to comply with the provisions of "fair action" based on "fair action" and in good public order. The private sector activities under his jurisdiction and supervision should not be harmful to the

environmental sector. The principle of non-abuse is emphasized as an absolute duty to prevent all harm, but the requirement for states to prohibit activities is when that activity becomes a serious cause of harm to the environment. For example, the discharge of waste into an international lake that the results of permitted activities have harmed should be minimized. For example, restrictions on the release of sulfur dioxide into the air are effective [6].

4.5 Precautionary principle

To achieve sustainable development, policies must be based on the principle of prudential action. When prevention had not yet had a major impact on all environmental protection regulations, the precautionary principle was considered and further developed [6]. This principle can be considered as one of the considerations and one of the most important initiatives of the Rio Declaration. For example, Article 15 of the Rio Declaration states: To protect the environment, countries should use preventive protection measures and criteria according to their capabilities.

The reference to “states” conveys the universality of the original implementation, and the reference to the “power of each state” reflects the jointly different responsibilities of states. “Provide precautionary measures to anticipate, prevent or minimize climate change and reduce its adverse effects.” “These rules should benefit the world as little as possible.” The introduction to the Convention on Biological Diversity also states that lack of complete scientific certainty should not be used as a reason to delay criteria to avoid or minimize a “significant threat to biodiversity reduction” without actively referring to a precautionary approach.

The question that arose during the negotiations on the Vienna Convention on the Protection of the Ozone Layer and the Convention on Climate Change on this principle was what kind of risk is necessary to impose liability for damage prevention? Answering this question can reduce the ambiguity of the concept of precautionary action. It seems, first, that the loss should be related to the future and predictable and not the present and inevitable because only the occurrence of predictable risk in the future can be prevented. Second, the danger that is to occur must be significant. Therefore, “logical foresight” and “the importance of risk” are two components that should be considered in applying the precautionary principle [8].

The conclusion to be drawn from this principle is that governments can only do something that shows that it will not cause unacceptable damage to the environment. Although this interpretation and conclusion of the principle in question aim to limit countries’ sovereignty, the World Bank has “practically followed it” to evaluate various lending schemes. Similarly, even unproven environmental damage (such as cracking in the ozone layer) can only be compensated for by this principle, citing the importance of the hazard. And placed the burden of proving the safety of the activity on the other party (the defendant). In the case of North American acid rain, for example, when Canada proposed that the United States take compensatory action under international law, the United States government rejected the “lack of scientific recognition” as well as the “emission of pollution” as reasons for rejection.

4.6 Principle of obligation to pay compensation by the polluter

According to this principle, the cost of decontamination must be paid by the polluter. On the one hand, this principle recognizes the right of others to enjoy a healthy environment and, on the other hand, is a preventive measure to prevent environmental degradation. The principle of the obligation to pay compensation by the environmental polluter for the damage was first raised by the Organization for Economic Cooperation and Development.

Today, this principle has been used in treaties and other important international documents and judicial practice and has become a custom among internationals.

Article 16 The Rio Declaration urges governments to pay attention to this principle, emphasizing the public interest and a reference to the fact that the polluter must pay for its remediation in principle. Chapter 20 of Agenda 21 also calls on governments to address this issue in their domestic policies, especially hazardous waste [1].

This principle entered into international environmental law from the time of the drafting of the civil liability of individuals in international treaties on nuclear and oil accidents, according to which individuals have civil liability for activities that lead to the destruction of the environment; However, this issue has already been cited in international court rulings. Accordingly, the Smelter Arbitral Tribunal held Canada responsible for polluting the US environment and declared that it should compensate for the damage to the US environment. However, it should be noted that in the latter case, Canadian liability was a liability arising out of danger arising out of the conduct of activities not prohibited under international law and no liability arising out of a liability resulting in a breach of an international obligation. In any case, today, this type of responsibility has also become a customary international rule.

According to this principle, the UN Security Council, as the competent international authority for the maintenance of world peace and security, held Iraq responsible for the destruction of the environment during the invasion of Kuwait and obliged that country to compensate for the damage to Kuwait’s environment. And other neighboring countries, including the Islamic Republic of Iran. Accordingly, the extent of the damage to the region’s environment has been assessed by the affected countries and notified to the Security Council Compensation Committee, which has already paid part of the relevant compensation [5].

Sindh (a well-known German jurist) argues that accepting the principle of polluting responsibility helps developing countries, given that developed countries have played a major role in global environmental degradation by causing pollution from industrial activities. Have another legal basis for claiming “debt to nature” and strengthen the Nordic countries’ historical responsibility [1].

5. CONCEPTS OF INTERNATIONAL ENVIRONMENTAL LAW RELATED TO SUSTAINABLE DEVELOPMENT

5.1 The concept of the common heritage of humanity

The common heritage of humankind is a concept that has recently become the norm and dates back to the late 1960s. The concept of the common heritage of humanity has a broader meaning than common property, which refers to parts outside the national territory in the concept of common property in international law, such as the high seas and untouched spaces that cannot be reached and belong to the community of nations. However, anyone can exploit the resources available to it. Since the common heritage is related to the general public, they must be protected by special legal systems. This right has been accepted in certain areas, including the legal system of the seabed and subsoil, Antarctica, the moon, celestial bodies, space, and areas and historical monuments that are considered relevant works. Cultural affairs are considered a common heritage of humanity [6].

The states cannot monopolize these areas, but they must be protected and exploited in a way that serves the interests of all humanity (present and future generations) without discrimination.

The concept of the common heritage of humanity includes five main concepts. Non-allocation, joint international management, division of interests (especially for the benefit of developing countries), conditions for peaceful purposes, and protection for humankind [9].

It should be noted that the convention on the Protection of the Cultural and Natural Heritage of the World (1972) is one of the important conventions that has applied the concept of common heritage.

The convention also entrusts the biodiversity conservation and sustainable use of biodiversity to the States Parties to this Convention (Articles 6 to 10). The preamble to the Convention on Biological Diversity states: "The conservation of biodiversity is a matter for all of humanity and States parties to the treaty are responsible for preserving their country's biodiversity and the sustainable use of their biological resources, etc. in the interests of present and future generations." This concept is more logical and acceptable in global environmental issues, especially ozone depletion, deforestation, global warming, etc., because some natural resources (such as the earth's atmosphere) can not be divided and owned. At the same time, it has been used and is being used by all humanity [8]. According to this principle, all governments have to protect the environment of the regions under the title of common human heritage and refrain from destroying or polluting it so that everyone can benefit from it.

5.2 The concept of the rights of future generations

In international environmental law, the rights of future generations of human beings to enjoy adequate living conditions on the planet have also been considered and recognized. Accordingly, the destruction of the environment, given its negative consequences, is considered a violation of the rights of future generations and should be avoided. Protecting the rights of future generations is one of the fundamental concepts in many international environmental documents. It has also been seriously considered in the Stockholm and Rio statements, for example. In providing an acceptable definition of these rights, it can be said that it is a right that transfers the interests of a generation in terms of the natural development of cultural heritage inherited from the previous generation to the next generation. According to this right, the protection of renewable natural resources as well as the protection of ecosystems and life-strengthening currents, as well as the protection of science, culture, and art, is considered a necessity and requires the avoidance of harmful activities and their irreparable effects on It is nature and cultural heritage [6]. The Stockholm Declaration, which is considered to be the first founder of this principle, states in the first principle: "Man ... has a serious responsibility to preserve and improve the environment for present and future generations." The same is true of various treaties and international instruments that have been repeated, in particular in paragraph 1 of Article 3 in the framework of the Convention on Climate Change, stating: "Members must support the climate system in favor of present and future generations based on equality and following their shared responsibilities and differences and their capabilities." Article 3 of the Rio Declaration on Environment and Development, the Rights of Future Humanities "The right to development must be conditional on the need to meet the needs of the present and future generations fairly, concerning development and the environment," he said.

5.3 The concept of common but different responsibilities

This principle is first mentioned in the introduction to the Stockholm Declaration. The Stockholm Declaration, while summarizing the state of the world today, envisages different tasks for each of the developing and developed countries, which, despite being different, lead to a single result, the preservation of the environment, from which Considering the environmental considerations in the mentioned development process it can be said that the final goal of the Stockholm Declaration is to bring sustainable development to the northern and southern countries in two different ways (8).

According to this principle, all world governments have a shared responsibility to prevent and protect the

environment. However, despite the equality of sovereignty of states, the responsibility of countries should be commensurate with their capabilities and equal to the role they have played in destroying the environment.

In this principle, we face two types of responsibilities to solve environmental problems, the first of which is the responsibility of developed countries, which is mainly based on their historical role in environmental pollution. And second, the responsibility of developing countries, which is increasingly associated with environmental degradation by these countries in recent years. Of course, this responsibility is also different from each other: due to the differences in developing and developed countries, the technical criteria adopted to achieve sustainable development are different [1]. Article 7 of the Rio Declaration and Article 11 of this Declaration illustrate this point. For example, Article 11 states that "environmental standards must reflect the environmental and development framework to which they relate." This principle, which derives from equality of rights and fairness in international law, is based on fairness. These developed governments have played the greatest role in polluting and destroying the environment and more opportunities and capabilities. Compared to developing countries, they also have a heavier responsibility to protect it. Accordingly, developing countries have a lighter responsibility due to their lesser role in the destruction of the planet's environment, and the needs and conditions of these societies must also be considered [5]. Here, because of the importance of the principle of shared but completely different responsibilities, principle 7 of the Rio Declaration is mentioned:

Countries must work together in a spirit of global partnership to preserve, support, and restore the integrity and health of the planet's ecosystem. Countries have a common but different responsibility, given their different contributions to global environmental degradation. "Developed countries have taken on the responsibility of pursuing sustainable international development, given the pressures of their communities on the global environment and their technologies and resources."

According to this principle, developed countries must help developing countries in two ways: providing financial resources and transferring the technology necessary to achieve sustainable development. Although this principle is enshrined in all the International Conference on Environment and Development documents, the Convention on Climate Change arrangements appears more precise and detailed. The Convention on Climate Change distinguishes between general obligations relating to all Contracting Parties and specific obligations specific to developed countries [1]. These differences are:

- The first category is the developed countries, which "must take more important steps to combat climate change and its adverse effects." (According to Article 3 of the Convention) To do so, these groups must take serious action. Pay the agreed costs to the developing countries where the heavy costs incurred by the developing countries are part of their commitment to accept them (paragraph 3 of Article 4).

Developed countries will assist developing countries, which are particularly vulnerable to the adverse effects of climate change, to pay the costs of adapting to those adverse effects (Article 4, paragraph 4).

They must transfer safe technology to the environment and facilitate related knowledge to developing countries (paragraph 5 of Article 4). They must also submit the necessary information within the framework of the applicable provisions of the convention, which will be adopted at various meetings.

In the second group of Eastern European countries, which formerly had communist regimes, these countries are in the process of transitioning to a market economy, which must be considered to meet their obligations in the face of climate change. To. (Paragraph 6 of Article 4) • The third group of developing countries is the ones that should receive financial assistance and benefit from technology transfer. They should arrange to spend more time within the convention's provisions concerning the member states on the list of developing countries [6]. In the end, it is hoped that these solutions will help reduce global environmental degradation.

Of course, sustainable development as a concept in international environmental law must be proposed, since, after the end of the 1980s, the key to solving the problems of this period in the field of environmental protection has been the "principle of sustainable development." And during the negotiations of the Conference on Environment and Development, the group of 77 and the developing countries were able to unanimously include the right to development in Article 3 of the Rio Declaration, which states that the right to development must be exercised in such a way as to equally meet the needs of the present and future generations in the field of development and environmental protection. Instead, developed countries were able to reach a consensus on Principle 4. It should be noted that Principle 4 states: To achieve sustainable development, the development process must be consistent with the protection of the environment and cannot be considered in isolation. These two principles are, in fact, the heart of the Rio Declaration and must necessarily be taken into account. Principle 3 is very similar to the definition of sustainable development in the Brundtland Commission; Principle 4 considers the environment to be an integral part of development. The only difference between the two is that the emphasis is more on development and the emphasis on the environment[1].

In addition, the first principle of the Stockholm Declaration combines the right to life and the right to a proper environment. Given that sustainable development is a concept that can express the right to development and the right to a healthy environment together. Therefore, the right to sustainable development can be considered as one of the examples of human rights. This view can be seen in the large number of international documents that have focused on human development.

According to Singh, the former judge of the International Court of Justice has the right to take root in the Charter of the United Nations:

The basic principles of sovereignty, equality, non-use of force, non-interference, non-discrimination, self-determination, and multifaceted cooperation as enshrined in the Charter of Human Rights, the right to life, the right to peace, the right to a proper environment, and the right to sustainable development Constitute [11].

In formulating the principle of sustainable development, the World Union for Conservation of Nature and Natural Resources insisted on establishing a precise program for environmentally friendly development. It emphasized that development policies should support deprivation and overall economic, social, and cultural conditions. Biodiversity and the survival of basic ecological currents and the strengthening of life systems. Environmental protection programs should be based on the project details and how to implement the activities related to the project at all stages and different levels, considering environmental considerations that are fully compatible with economic, social, and cultural factors. Finally, governments should be instructed to enact regulations in line with the development and environmental policies, to lay down the necessary laws and implement them for an ongoing plan, and to implement effective economic measures and structural structures and procedures that are fully in line with the currents environmental and development decisions throughout the planet.

The point to be made here is the need to formalize long-term planners to achieve certain goals, which this strategic approach may include how to use the environment and assess the consequences of social problems, analyze the results of costs incurred, and Natural resources accounting. In this planning, all aspects of the environment must be considered according to economic and social policies, and decisions must be made transparently and with the public participation of these governments [6].

The conclusion that can be drawn from the above is that, given the evolution of sustainable development in international law in general and international environmental law, it is specifically expected that sustainable development is taken out of concept and, in principle, becomes important in international law. Until it is implemented, and finally, as the United Nations promises, we will see the transformation of international environmental law into international law of sustainable development as soon as possible.

5. CHALLENGES OF ACHIEVING SUSTAINABLE DEVELOPMENT

The previous generation inherited a huge amount of capital for the present generation, but it seems that this generation can not pay its respects to the future and inherit something suitable for them. Today, instability has spread at various levels in human life and has affected and damaged humans and living organisms. Globally, ozone depletion, acid rainfall, greenhouse effects, and nationally, widespread resource exploitation and mining, industrial and urbanization policies, and locally, agrarian issues, poaching, and encroachment on habitats we see the beast, which is all the result of human activities, and it must take steps to move towards sustainable development at these levels [30].

It seems that the emphasis of futurists on balancing the four important factors, population, energy, resources, and environmental pollution, has been ignored. As a result, environmental crises and challenges must be considered in the human endeavor for development and progress necessary for his life. The emphasis on endless environmental accumulation can not be found in all industrial economies of the world's environmental sustainability experience. Sustainable word development is rhetoric. Efforts must be redoubled to make the impossible possible. It must be borne in mind that human survival requires consideration of present needs and the needs of future generations [31].

To acquire new knowledge to access new sources of information and discover new perspectives and strategies and new tools, techniques, and communications, for comprehensive development and the need for proper management in decisions and processes related to sustainability are two key issues in sustainability challenges.

Therefore, among the challenges that sustainable development faces in the field of international environmental law are:

The confrontation between development and environmental protection: For example, in the Gabeskivo-Nagimaros 1997 project (Hungarian-Slovak dispute [23]), the International Court of Justice tried to moderate this conflict in its judgment. In this case, the Court linked economic development to environmental protection with the following words: "New norms and standards of international environmental law must be taken into account both when governments intend to carry out new activities and when they continue. An activity that has started in the past. The need for compromise between economic development and environmental protection lies in the concept of sustainable development. In other words, the government that intends to carry out economic operations and development must first consider the existing rules of jurisprudence. If a new rule of thumb appears during the implementation of economic activity, the rule of new jurisprudence must be considered in implementing that activity." [28].

Conflict of interests between developing and developed countries and the lack of necessary convergence between them, for example, after five years since the Rio 1992 Conference and based on the decision taken at the same conference, with the participation of leaders and representatives of 185 countries and to review Analyzing the achievements of the Rio Conference, evaluating the implementation of the adopted agreements and deciding on the necessary measures to prevent further environmental degradation and achieving sustainable development, in the form of the 19th Special Session of the UN General Assembly from 23 to 27 June 1997 Earth + 5 [24-31] was held at the United Nations Headquarters in New York. The meeting follows disagreements between developing countries and industrialized nations over funding and technology transfer to developing countries, and disagreements over the renegotiation of Agenda 21, and disagreements between the United States and the European Union. He set a timetable for reducing greenhouse gas emissions, on the other hand, without achieving results, and issued a statement calling for a plan to go beyond Agenda 21.

6. CONCLUSION

The most important concern of human beings today and achieving world peace and security is protecting the environment. Today, the environment is so important that it has become one of the most important and main indicators of government evaluation worldwide. At the end of 2015, the world community is trying to replace the Millennium Development Goals with new goals focusing on sustainable development (combining the three concepts of economy, society, and environment). Despite the emphasis on education and many of the Millennium Development Goals in the new goals, sustainability is the most important in formulating these new goals, which are being developed with a special focus on the environment and reaching an agreement on climate change. The biological capacity of the world and the ability to regenerate nature are limited. At present, the amount of human exploitation of nature is more than the earth's biological capacity, so that for every year of human life on the planet, a year and a half is needed for reconstruction. Development must be in line with nature's law because no Advances and technology cannot confront nature. After all, disrupting the cycle of nature will lead to great harm to human life.

As emphasized in important international documents and statements on the environment, including the Rio Declaration, in the long and difficult stages of human evolution on earth, a stage has been reached in which man, with the help of rapid progress, science and technology have gained the power to change the environment in several ways and on unpredictable scales. This situation poses a serious threat to the current generation of human beings and endangers human survival in a new way.

Sustainable development emphasizes economic-environmental integration, protection-environment, intergenerational commitment, intergenerational and intergenerational justice, quality of life, and participation of individuals in the development process and becomes concrete when it improves the quality of human life. Forgive and secondly preserve the bioavailability of the earth. To improve the quality of human life, development policies should be formulated in such a way as to provide the basis for the excellence of all members of society; Provide them with physical and mental health; Provide educational, upbringing, health, and welfare facilities as a decent standard of living for human beings; Provide him with political, economic and judicial security so that appropriate human relations can be established between family members and the whole society at the local, organizational and national levels. Regarding the protection of the earth's bioavailability, development is considered based on which life support systems and ecological processes cause the continuation of the cycle of essential elements (air, water, soil, etc.) and the diversity of biological species. To be preserved; Ensure the sustainability of renewable resources; Consumption of non-renewable resources should be minimized, and the tolerance capacity of land and ecosystem should be observed. Sustainable development is expected to go beyond conceptualization and become an important principle in international environmental law for practical application.

One of the achievements and manifestations of achieving sustainable development with a global integration approach in the light of international environmental law was the recent 2015 Paris Conference on Climate Change. This conference's results, which in its way, even to a relative extent, is a great achievement for human beings, show the correct understanding of governments to achieve sustainable development and reduce human concerns about climate change through international environmental law because such an understanding is in the form of an international legal document.

Finally, it should be noted that the differences between developed and developing countries over the acceptance of the concept of sustainable development are due to the way of thinking that sustainable development is a single model for all countries. But more emphasis on UN Sustainable Development Documents is on countries setting clear and accountable laws based on their circumstances.

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