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Research Article

Responsibility of International Organisations in Protection of Human Right to Environment

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ABSTRACT

Subject: The process of crisis in the field of environmenthave attracted the attention of countries and international institutions to itself. Up through actions at the international, regional and national level, to prevent expanding the range of this crisis as much as possible and for serious collation with this crisis, there is no choice except cooperation among governments and international institutions at the global level.
Text: International organizations have been able to perform activities in order to training of environmental issues, codification and development of international environmental law, resolving about environmental disputes, cooperation and coordination between active institutions in the field of environment.
The main question: What is the purpose of responsibility of international organizations in the field of environment?What elements involves?
Method: This research is collected based on library manner.
Result: International organizations with their activities in the field of environment have been able to resolve gaps of international environmental law to a considerable extent and existence of international environmental law in its present form and optimal protection of environment to large extent was and is indebted to international organizations.

Keywords: international organizations, international environment, international law, the responsibility of international organizations

1- INTRODUCTION

One of the ways for development of implementing environmental regulations, at the international level, is expansion the range of international responsibility, related to adversative countries of mentioned regulations. In this regard in the past years, serious efforts have done. In a way, that has caused incidence of significant changes in this subject. Today, in the field of international responsibilitycaused by environmental damages, we can named of transformation such as expanding the rangebased on this type of responsibility.In addition, we can mention in this field responsibilitycaused by error to principle of the responsibility arising from the threat, the extension of range related to environmental responsibility, acceptance of criminal responsibility for creators of environmental damages and some other transformations. In general, all of them indicate change and revolution in regime of the responsibility in the field of environment at the international level.

Considering the increasing importance of the discussion of the environment and the issue of its protection, has great importance in this regard subject of international responsibility of governments. Since the in relation to the environment at various levels and dimensionsshould not be done,many of the actions and must be done some actions and works necessarily (verbs and leaving of criminal verbsin relation to environment). Certainly, these dos and don'ts only in situations will be useful and effective which it contains a kind of

executive guaranty. Undoubtedly, introduction and a precondition for any kind of executive guaranty should know acceptance of international responsibility for the guilty country. Of course, this case might seem so obvious and certain that about the necessity of its existence we do not feel the need to discuss. However,it should remember that unfortunately, According to different reasons, issue ofthe international responsibility caused by environmental damages such as some other environmental issues with the passage a very long time and many of the vicissitudes have entered in the realm of the rules of international law. Therefore,we may not still acknowledge that subject of international responsibility in the field of environmenthasbeen created and has been used completely and efficiently. However, in recent years in various fields, many changes have occurred in the field of international responsibility caused by environmental damage that it needs abundant discussion.In order to more effectiveness, the responsibility system in the field of environment shouldmore recognizeand used these (changes) developments and innovations.

Basically,in every sphere of various subjects, when creation of rules and regulations and legislation is useful that is accompanied with executive guaranty.In other words, besidesmaking and adoption of comprehensive and prohibitive ruleswe must devise and predict a responsibility regime combined with effective executive guarantees. Experience illustrates in areas where this matter has neglected, predicted regulations could not fully realize the objectives of the legislator.This matter is more important in the field of environmental issues. In such topics or issues, violation of regulations by both real and legal persons is more likely. Especially in international relations, there is more risk with regard to favour-seeking motivations and pretext of supply national interests and on the other hand,the lack of an authoritative and powerful superior with imperative competence. Lawyers have so far made great efforts in order to create a regime of international responsibility arising from environmental damages.

The regime of international responsibility caused by environmental damages during the time and with many vicissitudes have been relatively positive changes and evolutions. However, these evolutions have happened very slowly and in the long term, So that it may not be far from reality. If it is said that the process of change and evolution in this sphere has been much slower than other spheres of international law. The reason of this matter,we must search in various subjects. For example, the issue of sovereignty of countries and their unwillingness to lose it, being not- exchange of environmental commitments, being optional of the regime of responsibility caused by environmental damages, the lack of effective executive guarantees both at the international and national legal systems.However, despite all these barriers must be admitted from past to the present, significant evolutions is located in the regime of international responsibility caused by environmental damages. For example, acceptance of responsibility based on risk, developmentand expansion of responsibility related to private section, acceptance of criminal responsibility for some environmental offenses, expansion of Executive guarantees.

For becoming more efficient of responsibility regime in thissphere should not rely on same cases and we should do more effort. Considering that in fact, the main audiences of environmental regulations are countries. It is better to ensure the implementation of this regulation and providing more environmental protection, we should provide an international mechanism, apart from national legal systems, or at least beside them. Responsibility regime should gradually take away optional, encouraging and advisory mode and should lead towardsforced and bonded direction.In addition, in order to provide a suitable context for this rotation should be used concepts such as common heritage of humankind and peremptory norms.

One of the problems of international environmental law and including responsibility regime is the lack of a specific organ and independent operator. Although different organizations and some of the pillars of the United Nations know its own operator of this work in various forms.However, the fact this is that this sphere of international law requires an

independent and powerful operator of global that we should try to create it.

2. The right to a healthy environment

2.1. In the approaches and theories

The relationship between human rights and the right to a healthy environment has attracted the attention of many scientists and scholars. There are big three intellectual doctrines in this subject according to theory's Mr.Fyts Maurice.

A view supports this matter, that there is not human rights without the right to the environment. Another view about the existence of this right or the appearance of it is highly questionable. The third view believes that the right to a healthy environment is extractable and identifiable from existence other parts of human rights such as the right to life, right to health, right to information. In a different approach to the relationship between the environment and human rights hasbeen discussedbased on two human-centred and environment-centred views. In the view of human-centred, they consider to situation of environment because of pressure and direct effect that survival and quality of life and health have on welfare of human.

This view of human-centred focuses on supporting the benefit and welfare of individual. This traditional approach of human rights we can find for example, in judicial procedure related to overseer on European convention for the protection of human rights and fundamental freedoms. A newer formula of this human-centred approachabout environmental considers it and rights relies on the relationship between degradation of environment and human rights abuses and poverty. The environment-oriented approach, the human right to a healthy environment bases on the change of position on the environment. According to which individuals inherently have rights that they will able to declare environmental benefits. However,in order to know and accept these benefits in terms of legal, it is not necessary to show that these benefits effecton good and welfare a particular individual or group of people (Molaii, 2008, pp 276).

2.2. In civil and political rights

Right of human in having healthy and clean environment where it can come to fruition their capabilities and talents isone of the results of forcible and Non-negligible about legal subjects that there is no doubt in its belonging to humanity as their basic and fundamental rights. In other words, if the fundamental and known human rights investigate (either first or second generation), some of them have environmental dimensions and in light of the same rights, usage all people from a healthy, hygienic and safe environmentwill be as one of the constitutive components or inevitable effect related to its right.

Of course, conclusion and extraction of the human right to healthy environment from other fundamental rights of human Has both strengths and weaknesses. Its strength is that the human right to a healthy environmentitself will be one of the fundamental equipmentwith main effects of rights related to first or second generation.In these conditionswill benefit unique features of the first generation (non-suspension, relative possibility of asking the complaint for its violation by the government, lack of restraint and avoidance from it and characteristics of the second generation (being demandable from government etc.).

Nevertheless, its weakness, this is that mentioned right has not independence and it is not as an independent and separate right of humanity in the collection of rights and fundamental freedoms, but as one of materials, contexts, components or the effects of rights will be first or second generation. Therefore, in these cases disagreement or difference of opinion of countries will have a serious effect on the range of mentioned right.

Since real and exact content of these rights is not yet bright and cleardespite various measures international organizations Including judicial, quasi-judicial and political organizations. Understanding the human right on safe and healthy environment from rights related to mentioned difference might confront with the problem(Saed, 2010, pp249-250).

The right of life, the right of partnership, the right of access to information, the right of education, the right to basic and primary necessities of life and survival materials are including civil and political rights.

2.3. In the light of the economic, social and cultural rights

In practice, when we are talking about the defence of human rights, what most comes to mind is civil and political rights. In addition, in this regard, we think the right of life, freedom of expression, political and civil freedoms, and freedom ofcommuting (movement) and so. We speak about military exploits, illegal detentions and interventions (intractably). Nevertheless,we rarely insist on the economic, social and cultural rights and even on the contrary, we neglect them. The right of healthy environment, hygiene, development, food and so like other civil and political rightshave importance for (realization and implementation) sustainable development and this matter (Thankfully) has been accepted in the past few decades. However, the environment has deep linkage with most of the economic, social and cultural rights such as civil and political rights. Violation of the right to a healthy environment disaffirms (violates) mentioned rights too. While, observing them leads to full realization of the right to a healthy environment.In addition, even in some cases, the extent of implementation of these rights is limited to respect of observance of right to environment. The right to health, right of property, the right of work in an appropriate and healthy environment,respect for the cultural rights of minorities are including human rights that have environmental dimensions (Saed, 2010, pp 260).

3. International responsibility of organizations

The starting point of responsibility when is that the ability of attribution ends[1].

Therefore, the ability of attribution is part of the very sensitive issues in the law of international responsibility. This concept in international law to the extent places in the main beam that we can callit as practical and realistic representation[2] in domestic legal systems[3].

Therefore, international organizations such as governments are not inherently active characters. However, in reality, institutions and the staff of organizations serve on its behalf[4]. On the other hand, mainly, international responsibility isto stopperpetration an act contrary to international law by one of the follower's international law. Hence, to realize the international responsibility of organization, donewrongdoing action, we mustattribute to the mentioned organization. International Law Commission in draft of own material about international responsibility of governments, has not knowndependent on domestic law subjects such as attribution of behaviour related to operative organization in its competence and capacity (Articles 5 and 10) and individuals or groups that actually act on behalf of the government (Article 8) than to its government. It seems that this subjectis comparable to an international organization.

International responsibility and the ability of attribution an action to organization assesses and determines based on the principle of effective control and limited legal capacity of each organizationwe should highlight and intend in this case[5]. In the case of international responsibility of government, International Court of Justice in the case of Nicaraguastatedin order that donations and helps of USA to Contra rebels that cause United States takes responsibility of their actions.It must prove that the government had have effective control on military and paramilitary operations and during it claimed defects has happened[6]. It is obvious; a government applies control in its territory, which control is exclusive and wide and for this reason, international lawimposes widespread responsibility on the government about occurred events within its territory. However, due to the limitation of range and territory related to control of international organizations,their

[1]Starke J. G., "Imputability in International Delinquences", BYIL.1938, p. 106.
[2]Factual Agency
[3]Higgins, op. cit., p. 283.

[4]Brownlie I., "System of the Law of Nations, State Responsibility", part I, oxford. 1983, p. 136.
[5]. Eagleton C., "International Organizations and the Law of Responsibility", RCADI. 1950, vol. 76, pp. 399-403.
[6]ICJ Reports, 1986, pp. 64-65.

probable responsibility is relatively less than responsibility of a government[1].

According to opinion of International Law Commission in the interpretation of Article 13 of the draft aboutresponsibility of governments, actions of organs related to an international organization consider as the origin of responsibility about its organization that contains violation of international obligation about its organization. In order that result of the action of organ or officer involves the organization itself, they should have acted in that particular case within its competence and in form of its capacity. That means, they proceed in the name of organization and on behalf of it in works related to occupations and under the exclusive control of organization[2]. For this reason, treaties related to creator of European Community haveexplicitly decreed that communities are responsible for damages that their employees have created at the time of performing their tasks (Paragraph 3 of Article 315 Treaty of the Economic Community of Europe, Paragraph 3 of article 188or atomand article 40 paragraph 2 of the coal and steel Community).

However, only official acts of the staff are to be responsible for communities[3]and not what they have done as private individuals in their own posts. Regarding the concept and the scope of "Acts carried out in territory of the duties of Employees within European societies ", several opinions of the domestic courts of the Member States and the Court of Justice of the European Communities, depending on the type and duration of their assigned missions, particularly in the case of traffic accidents has been issued. An interesting point is that the Court of Justice of Communities considering the need to compensate victims and the fact that the actions implemented in the area of employee tasks is dominated by the principle of indemnity, has tried to offer a restricted interpretation of official actions. . Court by appointing this act that operating in official position only in exceptional cases can occur that these acts cannot otherwise be performed by the community and by employees, has severely limited the concept of official business because of the indemnity barrier.[4]

This policy considerations by the Court has been a fair and appropriate compensation for victims. We should not forget that the officer of executive action of violation must be related to its jurisdiction or in non-compliance of the orders of his government and refers to his own government, Otherwise, the international responsibility of the government is just a mirage, because a government official is rarely ordered or permitted to commit a crime. What is important is that the officers act as the organs of government, Whether in terms of the way it was done during the exercise of their duties, or covered by formal nature of his/her act.[5]

Such a point logically is also true in the case of officials and employees of international organizations, because the firmness of the link among International staff with their organization is not less than the relationship between an agent and his administration. In confirmation of this the Article 100 of the Charter of the United Nations can be cited which not only requires employee to reject the government's orders and only perform the duties of the Organization, but determines that the member states are not allowed to have control over their nationals in the discharge of their duty as a United Nations staff. Attribution of the agent of International organization's misdoings to the relevant organizations of the United Nations peacekeeping forces and responsibility for their work by the United Nations is quite evident. But it should be noted that "As far as this case is the responsibility of the United Nations, they must stop the criminal acts under domestic law of that particular country which is not emanated from official duties of force members (Such as rape and robbery); and distinguish between actions that have been carried out in the form of official duties. In the first case basically, only the United Nations' commitment uses all in its power for the investigation of the alleged crime and insist

[1]Eagleton.Ibid. p. 386.
[2]YILC., 1975., vol. II, p. 90.
[3]Shermers H. G, "Official Acts of Civil Servants", Inschermers, Heukels and Mead, op. cit,. p. 75.
[4]Second Sayag case. 9/69, 1969, E.C.R., In Ibid., p. 79.
[5]Aréchage E. J. and Tanzi A., "International State Responsibility", In Bedjaoui., op. cit., p.358.

that the relevant countries participating in the operation, implement their commitment in punishing the offenders. Articles 13 and 29 of the regulations governing the United Nations Interim Force in Congo suggests that the ultimate responsibility for disciplinary action and criminal punishment are both the responsibility of the participating government officials.In the second case that actions of offenders are official measures ,it is clear that United Nations should be responsible for these actions.

For example, in this case, we can refer to the concluded agreements by the United Nations in 1965, 1966 and 1967, with Belgium, Greece, Italy, Luxembourg and Switzerland on compensation for damages to persons and property of nationals of those states as a result of military operations of the United Nations in Congo. In fact, the United Nations, being proved that officials of the Organization have brought unjustified damage to others, really accepted responsibility for their actions. However, in this case the United Nations accepted only liability resulting from acts under its authority. "The Organization takes no responsibility for the aircraft crews of governments that were employed to carry national requirements of their own units in Congo."

In sum, in this case, two assumptions can be raised. First, the actions causing damages were illegal acts outside the mandate and mission of the forces. Second, actions violating the principles and spirit of the general international conventions are applicable to the acts of military personnel. Such actions are correct bases for demanding compensation from the United Nations, provided that they are attributable to the United Nations, either because they have been done in the performance of official duties, or under the special powers, or by subsequent approval of the United Nations which were by commands of the Secretary-General or an officer or commander in charge of the operation.

The International Atomic Energy Agency, on the basis of general legal principles, has always accepted responsibility for damages caused by the failure of the agency or its employees in the course of performing their duties. It is noteworthy that the two conditions may result in a claim for responsibility of Agency. First, the Agency's activities within the territory of a State result in the accident that causes damage to persons or property. This is possible due to the actions of inspectors or their equipment at nuclear facilities. Second, damages due to the disclosure of trade secrets, industrial or other confidential information acquired by the agency. All agreements concluded between IAEA and governments would ensure the agency's commitment about the behavior of the inspectors and supporting acquired information. The Agency is obliged to compensate the injured party for a breach of this obligation.

Sometimes a government through an agreement with the organization is considered to be responsible for the actions of its employees and agents, like, 21 May 1968 Agreement between the United Nations and its specialized agencies of the Australian Government. It is clear that such cases do not include the attribution of the illegal act of the organization to the government; they only include accepting the consequences of the Organization’s acts by the government through special treaty. This is in the context of indirect responsibility or liability resulting from the actions of others.

There must be a causal relationship between the acts attributed to an organization and the claimed damages. But sometimes harm may be caused through several different ways. It should be clear which one of them is the true cause of the damage. Jurisprudence of the Court of Justice of European Communities revealed that the causal relationship between performing/not performing the illegal action and the damages should be a direct, immediate, and exclusive one. Undoubtedly, if the illegal act of employees and agents of an international organization is not attributable to that organization, the individual himself/herself must personally be considered responsible for damages.

Despite the fact that the International Law Commission discusses the international responsibility arising from acts not prohibited by international law for years; yet, violation of an international law is the basic cause of the international responsibility (para. (b) Article 3 of

the international law Commission draft on international responsibility).

Basic of an international commitment is the commitment of one or more follower of international law for one or more other followers and violations of international law will be the event when doing/not doing an action is not in accordance with the relevant commitment (Article 16 of the Commission draft). Any international organization that has undertaken international obligations will be held responsible if it violates any of those international obligations. In other words, "liability for damage is based on the assumption of illegitimacy or illegality of claimed action. Lack of legitimacy also implies a hierarchy between the rules and, more specifically, the top set of rules according to which the correctness of the actions will be assessed. "

The top rule in international organizations is the founding document of the organization which is considered as the constitutional mandate and is the criterion for assessing the validity of the actions and decisions of institution and agents of it. For example, the UN International Court of Justice in the case of certain costs has clearly considered objectives of the organization to establish the legitimacy of deploying the UN forces; and also the right of the organization to make them. Since the ICJ found that the action took place in the territory of the organization's authority, the act was legitimate.

Therefore, it is clear that proof of the alleged action attribution to the organization, and the existence of a causal relationship between the act and the damage do not fulfill the international responsibility of the organization concerned, unless such action constitutes a breach of conventional and unconventional commitments of the organization. This depends on the legal status of each organization for the member/none member States and varies from organization to organization.

As noted, international organizations do not have an inherent nature and their founding documents, in addition to bestowing them existence, specify the scope of their jurisdiction, authority and competence. For this reason, "With the growth of international organizations, the opportunity is provided to emphasize on the rule of detournement of the power in international law as well as internal systems."

However, the International Court of Justice (ICJ) in cases of certain costs of the United Nations (1962) and Namibia (1971), due to legal and practical reasons, considered the authority of the organization with its goals correlated; and declared that if the organization takes an action which is suitable for and in accordance with one of its goals, it is assumed that such an action is not detournement of the power of organization.

However, by breach of international commitments, the general interpretations of the commitment is meant, that is not limited to violations of the founding document by the organization. It is clear that the detournement of the power rule can be cited by the Member States and in certain circumstances while non-member states, if suffered because of the actions of the organization, shall prove the violation of general international law or violations of special agreements concluded with the organization. The main role of powers and authority doctrine on an international organization is to ensure that the concerned organization in its relations with Member States will act as agreed. This doctrine is not a reference for attribution of damages between the organization and third parties.

It is clear that an international organization can not refer to its Charter and Constitution as justification for failing to implement a legal duty. This principle is one of the most established principles of international responsibility of governments, which in terms of logical necessity is also applicable in the case of international organizations. However, some believe that the practical role of authority appears in a situation that an organization fully and openly acts outside the scope of its duties and arrangements of its constitution. Then, the claim that member states have used that organization as a tool to complete their own action will be stronger; consequently, the responsibility of concerned action is not on the organization but on those member states which have supported the decision. Undoubtedly, this will be only objectively true when a symmetrical or secondary responsibility is considered for international organizations Member States.

Nevertheless, even despite removing this obstacle, analysis of the government's actions in the form of a single legal personality bring undesirable results and effects which were mentioned earlier. Some even step further and argue that operating outside the jurisdiction and authorities does not necessitate responsibility for the organization, but directly considers the joint and individual responsibility for member states of the organization.It is well evident that such a claim is inconsistent with the principle of independence of the legal entity of the organization and, therefore, is not valid.

4. The United Nations role in helping environmental sustainability

Institutional liberals believe that supranational institutions are able to make better and more co-operation. One of the main pillars of liberal theories is to emphasize the role of international institutions for achieving significant developments at international level. Liberals argue that international organizations can play a positive and constructive role in promoting international stability and global prosperity. Functionalism and institutionalism are two dominant liberal explanations of international organizations.

Institutionalists do not consider governmental international organizations as the successor of state- nation. Governmental international organizations help governments achieve mutually beneficial outcomes in international relations. International organizations aid development of common interests and common values. Governments are not the only actors in international relations; multinational corporations and international organizations are new players which are playing a role together with the governments. Military, security and strategic issues are not the only basic problems of the world, but also economic, environmental, social and cultural issues become more important. This change is called moving from acute policies toward moderate policies. In the global arena, conflict has changed into transnational cooperation.

International organizations mobilize their joint efforts to examine issues of particular states. They play a significant role in encouraging and strengthening international cooperations through the coordination of policies of Member States and collective action; the United Nations is a good example. Perhaps the role of international organizations in identification, spotlighting and coordination of measures to deal with issues with a global and international nature is more evident than their other activities (Aghaei, 1375: 520). The United Nations held the Conference on Human Environment for the first time in Stockholm in 1972. Big meeting in Rio, in 1992, was the first meeting in the history of the world held for the UN Conference on Environment and Development.

General Assembly of the United Nations in line with its efforts to promote human rights at December 22, 1995 passed a resolution entitled the right to development. The resolution beside referring to previous UN efforts to promote human rights and the right to development, such as the Rio Declaration, the Vienna Declaration and Programme of Action, the Copenhagen Declaration and the Beijing Declaration and the Platform for Action of Women's Conference, determines the duties of the Secretary-General of the United Nations, Human Rights Commission and High Commissioner for Human rights in connection with the right to development. This resolution compared to previous ones has two major features: 1) it clearly declares the right to development as an inseparable element of the interwoven network of human right set; and 2) duties of the Secretary-General of the United Nations, the Commission and the Commissioner for Human rights has been set in order to execute the development objectives. In Resolution 184/50, the outlines which the UN Secretary General presented to the General Assembly in a report released on June 6, 1994 entitled "Agenda for Development", have been identified. In this report, the Secretary-General proposed various dimensions of development to be evaluated within an objective framework. The Secretary-General emphasized on the executive mechanisms of the right to development, asked for more coordinated cooperation among UN organizations, and considered professional programs such as the UN Development Program

to have a significant role. On the recommendation of the World Conference on Human Rights, the UN High Commissioner for Human Rights took a specific mission to promote the right to development and coordination of supports of the relevant organs of the United Nations (Molaei, 1386: 5958).

Building-up high-ranking force to implement the right to development is also among United Nations efforts to realize the right to development. The United Nations has to deal with poverty to realize the right to development. An example would be setting up high- ranking working group on the implementation of the right to development by the former Commission on Human Rights. The Commission in its sixtieth session, in 2004, established a permanent subsidiary Intergovernmental Working Group to deal with the Right to Development. It includes human rights experts as an advisory body to the Working Group, and is established to implement the Declaration on the Right to Development. The working group gathering human rights experts and representatives of international development and trade agencies examines the relationship between human rights and economic development and the consequences of global economic governance. Human Rights Commission established three working groups, first and second groups were formed temporarily in 1993 and 1996, but the third Working Group was established permanently pursuant to Resolution 72/1998 of Human Rights Commission.

In the fourteenth meeting of the Working Group in 2013 government's ideas and viewpoints were pointed out. The meeting emphasized on the promotion of individual capabilities, human development, improvement of the social and economic status through the full implementation of the rights of hygiene, food, education, housing, safe drinking water as well as civil and political rights based on the principle of fair share and access to resources. In this meeting there were discussions about implementing proper development programs through developing effective supervising government to fully realize the right to development, international commitments to support, assuring access to financial resources in order to proceed the development, establishing a national and international supervising system and eliminating poverty through reforms.

The non- human-right organizations can play an important role in the development and promotion of human rights. For instance, the ILO, WTO, UNESCO as a specialized agency of the United Nations, relying on its founding document, identifying clearly the richness of cultural pluralism and theorizing it as part of the common heritage of mankind can open the way to respect and ensure the universality of human rights in practice.

The United Nations system executed some activities toward raising awareness about the Millennium Development Goals in countries based on their national strategies and needs. The main objective of these activities in the developed countries was to mobilize public opinion as a mean to increase aids to development and trade, debt relief, technology and other areas supports to achieve the Millennium Development Goals. The main objective in the developing countries was to build coalitions for action and helping governments to set priorities in their budgets and effective use of resources.

The UN General Assembly declared the 60s, the decade of development. The first decade saw the creation of institutional structures for the development at the United Nations level, including UNDP, UNIDO, the United Nations Conference on Trade and Development and the World Food Programme. United Nations Industrial Development Organization (UNIDO) in collaboration with 172 member states is responsible for promoting industrial development in the developing world and has concentrated its efforts on relieving and eliminating poverty by fostering productivity growth. The organization helps developing countries and economies in transition in their fight against marginalization in today's globalizing world. It mobilizes knowledge, skills, information and technology to promote productive employment, competitive economy and safe environment. Among the most important programs of the United Nations is development of cooperation projects which

include the United Nations Children's Fund (UNICEF), World Food Programme, World Health Organization and the majority of non-governmental organizations.

5. CONCLUSION

Despite significant development of international law regarding supporting and protecting environment especially in last decades, it should be pointed out that environmental compensation is still facing major challenges. Although nowadays numerous documents at regional and international level are approved in this regard, most of them focus on certain issues and basic concepts in environmental compensating process such as "damage level", "nature", "damage range" and "international environmental responsibility" are undetermined. Also according to the characteristics of environmental damage, the techniques of assessing environmental damage and its compensation such as restoring the status quo ante, compensation payment and other methods are also faced with failure. Finally, it should be stated that considering the raise of public awareness and cultural growth regarding supporting environment and failures of environmental compensation principal, developing a special compensation system for this area of international law will be soon necessary: a special law system that beside compliance with the general international principles, is tailored to the unique nature of the environment and damages to it.

Rights at risk in the development process not only include the right to health, right to housing, employment, civil and political rights which are essential to participatory, fair and equitable development, but also include the right to a healthy environment as well. Social mobilization pattern as the poverty reduction techniques was first carried out in Sistan and Baluchestan province and then in Hablehrood and Menarid project, Kerman, Bam, Lorestan. The most successful one was carbon sequestration project in South Khorasan. The successful results of this technique led this pattern to be expanded and be used in all UNDP projects, including environmental, health and development of local communities projects. One area of UNDP activities is helping environmental sustainability and achieving environmental security. In the face of environmental challenges, the United Nations Development Programme has a key role to play through the transfer of successful experiences in other countries and establishment of mechanisms for cooperation in the field of environmental protection at regional and international levels. Ecosystem based management approach to environmental management as a new successful experience is discussed widely in the world. This approach presents a model for the integration of human development activities in the environmental protection efforts.

The UNDP helps the transfer of international knowledge and experiences on ecosystem approach into a country through significant international advisors, implementation of ecosystem approach in wetlands management and sharing achievements and learned lessons from implementing a plan in selected sites. In Iran, based on the 4th and 5th development plan of the country, the environment organization is the chief entity for implementing ecosystem management; and in line with this, ecosystem management of the state wetlands is carried out in the form of a wetlands protection plan. The contents of the Fourth Development Plan consists steps for the peaceful transition from classical to sustainable development from policy and legislative aspects. There are efforts to increase options for public about sustainable development and environment, to make the plan a learning pattern through preparing the ground for participation and emphasizing the civil and private sector; to call public to participate in the planning and management process. These show Iran's cooperation with the basic global challenge of sustainable development and environment which is the same presented pattern by UNDP. Plans and projects of UNDP, in compliance with these rules, are trying to improve the management capacity of the government to maintain a sustainable environment. The most important outcome of this project is the change in authorities' and people's attitudes toward maintaining wetlands

and institutionalizing an integrated wetlands management approach in the country.

The 4th development plan emphasizing the role of knowledge in development, considers issues such as technology development, economic competitiveness and sustainable economic growth. Issues such as equal opportunities for all, capacity promotion, and empowerment of the poor have also been considered in this program. The emphasize of the 4th development plan on such issues shows that establishing the plan for sustainable development aspects has a growing importance among authorities. Promoting the relative level of per capita income and human development index are among the features that are considered in the document of outlook for 1404. Nevertheless, any shortcomings and flaws in the legislation and budgeting can be a challenge to the implementation of development plans and a limitation for the activities of UNDP.

6- SUGGESTIONS

1- The nature of overall commitment of responsible governments in prevents environmental damage due from legal actions that is commitment based on doer should be change to commitment based on result which necessity for this change is attention to concepts such as governance and economy. Because these two concepts in the adoption and implementation of international environmental treaties have an important role in restitution of damages to the injured parts.

2- Create specific legal system accordance with international general principles and tailored to the unique nature of the environment and entered damages and finally could help the international community to achieve the peaceful settlement of international environmental disputes and international environmental protection.

3- Major attention to promote and encourage communication between non-governmental organizations, international agencies and government officials in addition to the traditional relationship of international law. Because by promoting principles and values and new expectations, international agencies and NGO's, international environmental agreements will better implement.

4- With regard to the change relationship between environmental and human rights from perspective of humanitarianism which in that considered welfare for individual to perspective of environment-orientated which based on all people have demandable rights and should be noted that international environmental treaties on the subject of the intrinsic value of environmental damage.

5- With regard to increasing importance of environmental protection and basic attention to the subject of environmental rights in the legal community of the world, this right should be considered and adopted as a universal commitment in a global legally binding instrument.

6- Exploitation from criminal right and in this regard, the thirteenth principle of the Rio Declaration should be cornerstone of our country's laws.

7- Environmental degradation is caused by social inequality and improper use of nature and is one of the violations of human rights. From this perspective, an environmental issue is result the lack of socio-economic justice. If the distribution of divine prices was proper among human, Will be minimal financial and economic incentives for the using of elements of the ecosystem which is excess in tolerance of the environment and mismanagement development and sustainable development will be realized.

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