

Government international responsibility in the event dust

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Abstract

Dust crisis can be seen a potential threat to national and environmental security in the Middle East. Some of these tensions are economic turmoil and occupation of Iraq in ۱۹۹۰'s and some incidence of conflicts and political conflicts remained from the past and existence the hydro politic differences between region's countries. Due to the main origin of dust that is focuses on severe wind erosion and the spread of desertification in countries such as Iraq and Saudi Arabia, damage from it have followed to health damage, economic and development for the countries involved, in analyzing the regional role of each actors in the field of dust, three categories of power, knowledge and interests are tied to each other. Iran, Iraq, Saudi Arabia, Yemen, Jordan, Turkey, Syria, Kuwait and North Africa are following the subject of dust with different sensitivities and vulnerabilities. But it should be acknowledged that this is not the top priority for the government. The present study in this manner noted by descriptive – analytical method that the diplomacy of Islamic Republic of Iran in this part needs to comprehensive and fresh movement for encouraging the countries in the region to multilateral cooperation to operational contrast with dust critics is by using persuasive discourse that in the meantime, favorable advantage of the institutions, the environment provisions of international law, in the form of international

conventions and protocols, the international responsibility will be along to the continuation of necessary negotiations.

Key words: dust, regional cooperation, environmental diplomacy, government international responsibility.

Introduction

In the final decades of the twentieth century human was from this fact that many of the environmental concerns facing him, such as population growth, wasteful use of resources, destruction of wildlife habitats, extinction of plant and animal species and types of pollution, have an internal communication with each other, and its effects is at risk in a way of unprecedented in the earth as a human habitat. Destruction of the ozone layer, global warming, air, increasing greenhouse gases, climate change, exacerbating the frequency of dust and intensity of natural hazards, acid rain, desertification, coastal pollution, the extinction of plant and animal species, loss of protected areas and national parks, deforestation, and hazardous and particular waste, air pollution in industrial areas and major cities and many others are some examples of environmental global effect. So, it is increasing human concerns in terms of environment in the national, regional and global dimensions of industrial development and use of renewable and non-renewable limited resources of Biosphere. The main purpose of this study is the international responsibility to deal with dust, and promote the development of systems for measuring, monitoring and early warning a transnational phenomenon of dust origin. One of the most important ecological crises in the arid and semi-arid is destructive phenomenon of desertification and wind erosion that dust storms and moving dusts is one of its consequences. In recent years, dust storms in the Middle East and especially in the deserts of Saudi Arabia and Iraq have many deleterious

effects to Iran that its range is drawn to the major cities. The extent of the damage this phenomenon is not limited to the threat of agricultural land and industrial areas, but also it has become clearly by disrupt the ordinary lives of citizens to a serious threat to environmental and has been followed public reaction.

1. International responsibility

International responsibility is similar to a legal international entity that is including: Require compensation for material or moral damage on citizens of international law that should be result in act or refrain from illegal acting and contrary to international law be one of the subjects or citizens of international law. To achieve the international responsibility of a state, international violation should have been attribute capabilities to its state as well (Ziayi Bigdeli, ۲۰۰۷). International responsibility is as a legal entity to compensate for damage caused by the act or omission of the other members of the international community that has been entered to other members. Environment also is one of the main common heritages of man, always are subjected to risk threatened and damages that its effects hazard benefits of all members of international society, necessity of paying attention to environment in contrast to threat of this risks and increasing to international cohesion and importance of environmental maintenance for international society survival caused to maintenance and support of environment including some commitments that the effects of its reversal speed to the other states and consequently it is accounted into international crime (Amini, ۱۹۹۹). International responsibility law has a traditional form in origin and it hasn't any succeed about primary rules of responsibility in a conference for codification of international laws that held in 1930 in Hague. International commission begins his

work about international responsibility through six reporters in ۱۹۴۹. So, commission received more than ۳۰ reports. Commission compromised a secondary commitment in ۷th May 1962.

In fifteenth session of commission in ۱۹۶۳, secondary commitment report was considered about state responsibility. All the present members in commission session were agreed to total result of report that should have given the main preference about international definition of state. In 1995, UN General Assembly passed a resolution to put pressure on the Commission to develop international responsibility of the State, as well as projects that have been pending for a long time.

2. The origin of dust

Based on the analysis made, the reason of regional dust phenomenon is mainly due to regional trends with foreign origin, severe wind erosion in areas outside caused arising particles less than mm 0.2 to the air that is due to the flow direction to the south-western of Iran. These areas are strongly influenced by the flow of dust. Due to drastic changes of pressure in the deserts of Saudi Arabia and according to studies carried out, we should search the main cause of this phenomenon in the world's largest sand desert of the Arabian quarter that are located in Saudi Arabia, Yemen and the United Arabic Emirates. The desert is completely devoid of vegetation and in recent years because of drought in a row, its little vegetation is gone. The most important practical means is to address the crisis of dust, consultations and multilateral cooperation with countries such as Saudi Arabia and Iraq to carried preventive activities in order to prevent the rise of fine sand particles and formation of dust by Iran (Abdi nejad, ۲۰۱۰). In general, sustainable management of pasture and desert ecosystems and the factors influencing land

degradation control, correction and recovery activities associated with increased vegetation cover and improve economic and political conditions in the countries of origin of the dust are the most important macro strategies to control the dust crisis. In an overall view, overcome the dust crisis can be divided into two parts, crisis management and prevention management. Obviously, now, priority is with projects and treatment measures and or crisis management which cover index operations, such as mulching, wind break construction and arboriculture. The projects according to the regional origin of dust have transnational aspects and require political will and technical cooperation in this sector between the agencies involved in the countries of the region.

3- Dusts and environmental security

Dust crisis can be seen as a threat to national and the environment security. Many researchers in the international system believe that it has been lost traditional and military security features and have a civilian's dimension. Since discourse has changed such as power, interests and goals, the government and the war, so the concept of security has changed. Security in this case is a broad category that has raised itself as a set of opportunities and threats. In the meantime, environmental crises including emerging issues have become one of the major issues of international security and it has changed the policy down to good policy. The crisis becomes the subject of international politics when tie to other challenges of political, military and competitiveness of countries to provide their national goals. Therefore, environmental hazards should be added to the national security. These risks involved a wide range collection of communities and the degree of its involvement is high, therefore, it sought a range of measures. In principle, there are two main approaches to environmental security; One interpretation of the security environment is that environmental degradation and lack of resources has a negative

impact on the security of a country and environmental problems such as desertification, acid rain, destruction of forests and sand storms can lead to economic stagnation, social unrest and political instability, this effect can followed conflict and even violence in the country or neighboring countries to risk the security of a country by synergies with other regional challenges. The second interpretation of environmental security is more related to personal security threatened by environmental changes. Analysts, who choose the latter approach, assume that is the area of national security is considered as a broad general way that involved welfare, physical, and social, economic. In other words, it is the quality of the human environment that must be supported and protected (Motaghi Nejad, ۲۰۰۳).

The effects of such changes creates short-term and long-term threats to human security, some believe, since factors such as desertification and climate fluctuations and climate events (such as floods, droughts and dust) of human life and other factors that threatening life on Earth should be seen as an immediate security threat (Ginkel, ۲۰۰۴). It can be said the processes that become due to excessive exploitation of natural resources or climate change, are connected fundamentally broader processes of political, economic, social and political part of the interwoven economy.

۴ - Dusts and international law

International environmental law is one of the latest trends in international law, which has been growing developments in recent decades. This branch of international law pay to the environmental issues related to water, air, soil, plant and animal species and total ecosystems and is trying to provide a correct understand of necessity of protection and support by drawing a legal system of all

of them (Symber, ۲۰۰۴). Understanding of legal requirements and the common responsibility of governments help to improve the environmental situation in the region, to deal with the crisis and the correct approach in the field of foreign policy. Traditionally, the complex relationships in question between the governments is obtained as a result of the conclusion of the document, one is binding documents to create legal official obligations and the other is acceptance of a non-binding legal document that embodies the political will of governments arising in the form of declarations, resolutions, joint statement and the final document of the conference that this non-binding document known as soft law and play a role in the process of development of international environmental law, the progress and development of a number of principles as fundamental principles of its rules. Some of these principles can be considered and used by the introduction of the dusts:

- A) The right to a safe and healthy environment;
- B) The principle of state responsibility (common but differentiated responsibilities);
- C) The government's commitment to awareness and cooperation during emergency environmental events.

According to the theory of State responsibility, each international illegal act that does a government cause to international responsibility. The theory imposed a duty to a government that breaches an international commitment to compensate the loss sustained by the government to the other government.

Article ۲۱ of the Declaration of the Stockholm Conference which released in ۱۹۷۲ as the first global document highlighting environmental issues states that governments have a responsibility to take care to activities under their scope not

cause to damage on the environment in other countries or regions are outside its territory. International environmental law in this regard, the government wants to take appropriate action in the civil rights enforceable laws impose international commitments in the framework of support (Goundlink, ۲۰۰۲).

The duty of governments to protect the environment through precautionary and preventive measures has been negative and positive sides; Negative way committed the government to avoid damage to the environment and on the positive side, the government is obliged to protect the environment. On the other hand, governments are obliged to pay attention and respect this principle in outside of their national jurisdiction and in areas such as Antarctica and the high seas and in relation to the environment of other countries (Symber, ۲۰۰۳). In this regard, based on the principle of solidarity, which constitutes one of the ethical principles of relations between states, however it is reflecting the independence of states, but also reflects its responsibility to ensure that their policies in various areas don't have interference in other states' interests. Thus, common but differentiated responsibility of governments focuses on the ability and the responsibility of governments and seeks to gather all nations to solve international problems (Kault, ۲۰۰۷). According to the government's commitment, they are obliged by environmental awareness and cooperation during emergency events to prevent damage to the environment by exchange information and consult with other countries, aware them from possible risks and cooperate with concerned countries during environmental events to prevent from its spread and reduce its impacts on environment (Symber, ۲۰۰۷).

International responsibility of governments

One of the key legal concepts of international relations which have set the government is the principle of state sovereignty that governments are free in the use of natural resources within its territory to the extent that the same rights that other governments should not interfere in this field. The state's sovereignty principle ensures independent right of natural resources, as well as non-conflict territories of others. So if an activity leads to environmental cross-border damage or risk of such damage, the State is questioned. From developments of international law in particular are apply when they are faced with serious problems and are not enough to resolve the dispute. In practice, taking responsibility arising from the internationally wrongful act is difficult in the environment, because the extent of damage is not significant. Rules of responsibility for liability arising from errors are not mentioned correctly in the international law level. In this regard, the doctrine of international law are distinguishing between ((credit)) Lack of international law and being ((effective)). Under traditional international law, governments are not responsible for such acts unless it is proven that activities within their ruler or failed and needs to special rules also include exactly effectiveness. Government responsibility is cross in the event of environmental damage. Today, analysts are trying to impose obligations on governments to form and executive doctrine of state responsibility to be applied before the infection. On the other hand, applying the theory of government responsibility for damages is caused to conflict growth, weak coordination and inability to avoid the loss that International law experts face with the form and administrative measures in mutual cooperation between the government and (avoiding conflict) with the issue of cross pollution on their feedback.

The International Law Commission knows necessary the following conditions to assume responsibility.

- A) Assign harmful actions to the government.
- B) The causal relationship between the act and the damage.
- C) Determine whether a violation of international law or the appropriate efforts have been made or not.

Conclusion

Dust crisis is determined new frontiers of communication and cooperation in the region. This vision of convergence is important not only because environmental security and sustainable development is threatened, But it is also important that will help us to recognize the challenges of environmental damage through which the societies of the region. More than anything else in this country, the injuries has disrupted normal life and has followed health damage, economic and development. Dimensions consideration and the cooperation of governments to overcome this crisis from the perspective of environmental diplomacy and international law, has this property that clear the maximum collaboration barriers and challenges to organizations. Part of the challenge focused on the differences and conflicts remained from the past and political rivalries that sometimes are serious conflict. Hence, dusts subject matter cannot be separated from these differences, especially in the field of Hydro-politic considered that it is necessary to pun on the table clearly and resolved.

Another important issues that the role and function of international organizations is still unclear as important actors in this regard. How can these organizations compel regional countries, to environmental partnerships as external actors and do the

environmental crisis needs political leadership outside the region or not? It seems necessity to solve the problem of dust storms requires that formal agreements among countries connected to the international conventions and institutions of the United Nations to the admission of legal responsibility to be stressed by accepting legal responsibility principle on the aspects of necessary issue.

References

- 1- Ziayi Bigdeli, Mohammad Reza (2005). International Treaties Rights, Tehran: Ganje Danesh.
- 2- Symber, Reza (2004), Human rights in the context of the environment, Monthly magazine about political-economic information, No 201-202.
- 3- Abdi Nejad, Gholam Abbas and Nateghi, Davoud (۱۳۸۰), Deserts and combating desertification in Iran, Tehran: Pounch publication.
- 4- Kalet, Philip (۱۳۸۷) the principles of fairness and flexibility in the regime of climate change, Abstract and practical issues, translated by Jafar Barmaki, from Climate change of environmental challenges book ۲۱th century, Tehran: Publications Institute of Strategic Research Center of the Expediency Council.
- 5- Gounlink, Lotar et al (۱۳۸۴), environmental laws, volume ۲, translated by Mohammad Hassan Habibi, Tehran University publication.
- 6- Ginkel, Hauns Fun (۱۳۸۶), Analytical looks at human security, translated by Ahmad Reza Tagha, environment research, first year, No ۱.

7- Motaghi Nejad, Mohammad Ali (۱۳۸۴), Environmental degradation and security, monthly views and analysis, the Office of Political and International Studies, No ۱۶۸.