

New actors of international law, reality or dream? (The role of non-state international organizations at international level)

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Abstract: One of the most important issues of international law is the international law actors. In international law, international organizations and governments are mentioned as active actors of international law and beside the active actors there are non-state organizations and people, freedom movements as passive actors. With the beginning of third millennium and the changes at international system and the importance of non-state organizations is added. Today, non-state organizations beside the intergovernmental organizations have unavoidable role in various international issues. It can be said that today, non-state international organizations including Red Cross, international amnesty and human rights watch have important role in formulation of international rules as war and peace rules and formation of international penalty and the supervision on good intention of the rules. It is believed that today, based on the role of non-state organizations, we can consider these actors at international system as active actors of international law. Finally, Iran as an applied example is investigated.

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1. The role of active actors in formation, execution and supervision of international rules

The role of countries at international level

According to classic theory, international law is dominating the relations of the countries with each other and international community identifies the countries as international community member and the only object of international law.

The formation of state and non-state international organizations and the development of their activities at international community weakened such theory and proved the unreality of classic doctrine with the change of people location at international law (Ziayi Bigdeli, 2005, 96).

The countries as the most complete political organization and legal institution are the main member of international relations and the only strong institution of the international community forming international relations and play an important role in creating international order.

The countries in formation of international rules are the main factors of international relations as if we view the existing resources of international law, we can trace the countries in its formation including international treaties and their variety and their obligating power based on the general extension of international treaties, the main principles of law, one-directional application of the countries with special conditions, etc.

In addition to the role of international rules, the countries are the main executors of these rules and

if the rules are not executed well by the countries, how we can refer to the legal personality of the countries and their international validity. Based on the consulting view of justice international court regarding the damage to the principles of UN (relating upon international law means having international personality and another one the qualification of having these rights and fulfilling the duties via international statement against the lack of observing these rights, the direct punishment as international law is added to the positive cases. Thus, public international order is arising from the fulfillment of defined obligations of the countries. Indeed, the countries are active in international order and guarantying it as conscious form) (Ziayi Bigdeli, 2008, 18), the countries of their relations with other members of international community with special guarantee including avoiding tension, retaliation or legally, referring to international legal courts and providing international responsibility and compensation of the damages.

The role of international state organizations at international level

State international organizations: They are international entities equal to the constituent countries can play an important role in execution of international rules by constitution formulated by founder countries with permanent principles, financial and human resources.

One of the main indicators of formation of these international organizations is concluding a contract between the founder countries to do a

common goal at international level. Considering the rules of statute, the countries can manifest their collaboration framework in international organization. Thus, the document of establishment of international organizations including the goals of the organization, the principles of behavioral rules of international organization, its limitations and the conditions by which can start and continue their activity (Bikzade, 2010, 120).

The state international organizations based on geography scope and their qualification activity are divided into various classifications but the important thing for them and international organization is benefiting the major part, the qualifications are including: 1- The authority of establishment of diplomatic relations, 2- The option of conclusion of international treaties, 3- The claim in international courts.

The role of passive actors at international level

The passive actors of international law

Based on the changes after first world wide war, the international relations were complete and at international arena, we observed some new personalities creating more stability in this regard. Some institutions as international non-state organizations developing the organized collaborations of people in solving international problems and changed the condition of world community actors as considerably for completion.

The new formations with international rank could be the actors of international stage as freedom movement groups. The difference of these institutions and formations from other intergovernmental organizations is their failure in determining international rules. It is believed that intergovernmental organizations are only organizations creating international rules and other international members as people, freedom movements and non-state international organizations are executers of the rules. Thus, they are considered passive actors (regarding the formation of international rules).

People

A balanced theory is accepted regarding the position of people at international level by which people are international law actors. As in the past, international law was based on the agreement between the countries and Georges Scelle considered people the main actors of international law and believed that people with legal entities and international law as regulating the relations between people.

The contemporary international law supports people rights considered as human rights and know a

person justified for the rights making the countries obligated without explicit or implicit satisfaction.

International law not only considers the people destiny, but also the society of people by relying on the right of people in determining their destiny. This principle is included at the beginning of charter and article 2, 1 with the content that one of the goals of the organization (developing the friendly relations between the nations based on respecting the equality of the nations and their rights in determining destinies, etc). This principle is repeated in article 55 of the chart. In the definition (the right of the nations to determine their destiny), the declaration about (giving independence to the colonial countries and nations) approved by general assembly in 1960 stated :(all nations can determine their destiny and by this right can determine their political condition freely and follow their economical, social and cultural development freely). This sentence is repeated in article 1 of international covenant of economical, social and cultural law and in international covenant on civil and political law. These documents in 1966 by all in general assembly.

Non-state international organizations

According to resolution 288 of social and economical council dated February 27, 1950(any international organization that is not created as the result of conclusion of the contracts between the governments, it is non-state international organization).

Non-state international organizations are divided into two groups:

- Non-state non-profit international organizations
- Profit non-state international organization

Among non-profit, non-state international organizations we can mention the following organizations:

- Red cross international committee
- World organization of supporting intellectual property
- International amnesty
- Trading international organization

But profit, non-state international organizations (multi-national companies) doing wide trading activities in the world.

National freedom movements

As freedom movements defend their rights in favor of them, they should have a good legal position in international system. Here, UN has special position for freedom movements. Now, freedom movement can enjoy the following rights:

- The possibility to attend in various principles of UN as observing member

- The possibility to attend the conferences to formulate international law as observing member
- Benefiting the UN support to observe freedom movements rights in their countries
- Benefiting the war guarantee rights in armed conflicts
- The possibility to be a member in regional international organizations

The governments with special condition

Some of the entities with no complete state legal entities can be the actor of international law as supported countries, supervising land, the countries with special condition as Vatican (Sarir Moqadas)

Non-state international organizations

The role of non-state international organizations in formation, execution and supervising the execution of international rules

According to the authorities of Iran international law: In the current community, the new issue in the current international life is the preparation of human being in all the fields, and common benefits and it is called unity. Unity now is the basis of the third item of human rights including the right on development, environment right, , peace right, the right of common human being legacy and right on communication. Despite two first and second items of human rights, civil, political and economical and social and cultural rights are individual rights and the third item is the collective and common rights (Beikzade, 1995, 15).

The effect of this unity is observed in creations of the organizations consisting of people or the groups of various citizens of other countries being active in the land of some governments. These organizations are non-state organizations. Now, there are 100 types of non-state international organizations in various economical, social, cultural, legal, political, administrative, scientific, technical, sport, tourism, and intellectual fields.

Non-state international organizations are the ones with international public benefit without any profit are created based on the internal rights of the countries by people or groups and have active presence in more than one country.

Regarding the legal entities of international law, non-state international organizations have different views.

Some of the law makers due to the formation of these organizations based on the internal rules of the countries consider without the international entity and some others know it with international entity.

Based on the consultative theory of justice international court in 1949 in damages to UN stated:

(Legal entities not because of the representatives of the governments in an organization but for some of the performances are given at international level).

According to this theory we can say that some of the non-state international organizations due to effective employments in international relations and the effective effects of this relation have some characteristics in consultative theory of justice international court (e.g. Red Cross international organization) with legal international entity. It can be said that the participation of non-state international organizations on international rules change due to their non-political characteristics and less consideration to political issues, it is possible to have the countries encountered with political problems in formulation of international rules, they can deal with this issue better. The relation of state international organizations with non-state international organizations show the increasing need of the state organizations to this relation as the consultative role of non-state international organizations for state international organizations means its international recognition and creates international validity for the organization. This validity causes the reliability and dependency of international community to non-state international organizations and it develops the activity of the organizations.

Information, intellectual, economical resources of non-state international organizations benefited them of special specialization that they claim the powers dedicating to the government's authority and claimed legibility beyond the governments as they know themselves as the direct representatives of people (Symbler, 168, 1999).

The influence of non-state international organizations in formation of international rules

Non-state international organizations by two ways can be effective in formation of international rules, first directly with ratification or formulation of second international rules as indirectly and collaboration with inter-governmental organizations. The participation of non-state organizations is direct in formation of international rules when they themselves present legal texts. Indeed, they play the role of state and governmental international organizations. As ratification of resolutions or formation of common rules. For example, the effect of Red Cross committee in formation of international rules regarding the armed conflict rights as this international non-state organization signed the draft of 10 international conventions regarding the improvement of wounded militants, the behavior with war prisoners, the improvement of the condition of wounded, patients

and drowned individuals of marine armed force and supporting civilians during war and now they are in force in international field. In addition, international Red Cross committee has important role in formation of legal rules on non-international armed conflicts. Since 1863, the international committee of helping the wounded militants raised the issue of helping the non-international armed conflicts wounded people. Civilian war of Spain in 1872 showed the interference of the committee in non-international armed conflicts. This trend was continued in the committee and did its missions in Balkan conflicts during the riot of three states: Bosnia, Herzegovina and Bulgaria without considering conflict.

Red Cross committee held various international conferences about civil wars including Washington (1921), Geneva (1921), London (1938) conferences (Ramezani Qavam Abadi, 2010, 19-28). Red Cross committee in 1937 invited the national population of Red Cross to participate in the commission of experts for review and development of conventions of 1929. The works of experts' commission 1937 was a basis for Red Cross international committee and this reference applied it as providing the draft to initial conference 1946. Indeed, the first draft of Geneva conventions was about non-international armed conflicts presented by international committee of Red Cross.

Red Cross international committee actively participated beside the governments in formation of non-international armed conflicts in diplomatic conferences about humanitarian international rights. Indeed, the first effective step in regulation of non-international armed conflicts at international level was four conventions of Geneva 1949. Since then, the mentioned committee continued its activities in regulating about non-international armed conflicts to 1977.

The indirect effect of non-state organizations in formation of international rules is considered in two cases. Sometimes non-state organizations have the role of counselor and have such influence in the form of collaboration with intergovernmental organizations. The best legal basis in indirect influence of non-state international organizations in consultation with article 71 of UN charter. This article mentioned that (social and economical council can take the required measurements for consultation with non-state organizations working in internal affairs in council qualification. These measurements can go to international organizations to national organizations after consultation with UN member).

The consultation with non-state organizations via conclusion of special agreements between the

organizations and economical and social organizations is done. These agreements are similar to the agreements concluded among the specialized UN institutions with UN organization. We can refer to the consultation agreements concluded between non-state organizations and Europe council and specialized institutions of UN as UNESCO.

These consultations are done as sending the observers of non-state organizations to inter-governmental organizations in the framework of concluded agreements. Deployment of these observers is of great importance specially when they give their comments can affect the rules they want to approve indirectly.

Non-state international organizations are good information source for inter-governmental organizations and governments and are active as collaborator with inter-governmental organizations. In Europe, there are many inter-governmental organizations participating in agriculture, fishing, industry and production with developing countries and African countries (Beikzade, 215,1995).

The role of non-state international organizations in supervision on international rules

The active actors of international law (inter-governmental organizations and countries) support international rules and they play the role of players of the rules. The countries benefit from political motivations in executing the international rules. Sometimes, they don't do the legal rules correctly and justify the lack of execution. The people in organized framework in the role of non-state international organizations watch the execution of legal rules and the performance of guilty governments. The non-state international organizations besides state international organizations and countries play the role of observer and are considered as rival in the field.

As they play the role as equally beside the state international organizations and countries, they obtain the permission of their activities from state international organizations and governments. The evident example is the execution of humanitarian international rules by Red Cross committee in accordance with the permission of Geneva conventions 1949 and additional protocols 1977 including:

- Negotiation with war prisoners without the presence of observer.
- Helping civilians in occupied countries.
- The proposal of participation to facilitate the healthy and secure regions.

Sometimes execution of international rules by inter-governmental organizations is the responsibility of non-state organizations. The evident example is resolution 666 dated 1990 of Security Council of UN.

The Security Council in this resolution gave the priority to non-state organizations including Red Cross international committee to execute humanitarian measurements as the exceptions to the punishments against Iraq after the attack of Kuwait. The main principles of UN in the resolutions issued in recent years asked non-state organizations beside inter-governmental organizations to approve them. The resolution 43/31 on March 20, 1989, 45/100 on January 29, 1991 of general assembly about the humanitarian helps to the victims of natural events, emergency conditions and resolution 794 on December 3, 1992 of Security Council about Somali.

Non-state organizations play their role as rivals and supervisors beside the state international organizations and countries. In case of the extreme activities of the governments to international rules, these activities are revealed and concentrate the international public opinion against them. Regarding the humanitarian fields, these organizations are against the governments and reveal the human rights violation as their serious rival in international communities as human rights council (previous human rights commission) or some reports (Still, Translated by Taqa, 2006, 55). Some of the law makers believe that non-state international organizations affect state factors policies. It means that these organizations play an important role as international supportive networks in changing the government policies via lobby in the measurements of special governments regarding human rights.

Non-state international organizations provide violation cases by various record methods of these images and then by them raise these problems for public opinion. By interview with the asylums, local authorities and medical staffs provide the interviews as reports giving the vital information as abstract to the state international organizations and countries. These organizations collect information from internal groups with the catastrophes. The publications of the information cause the gathering of internal group.

It can be said that to fulfill the rival role with non-state international organizations beside other actors and sometimes the activity of non-state international organizations was considerable and sometimes due to various limitations had some problems. For example, we can refer to two special cases of genocide.

First east Timor independence in 1975 and Rwanda

Non-state international organizations and east Timor

Regarding the independency movement of east Timor, there was a considerable difference

between the government conscious and its success in genocide in 1975 (The date of the first voting for east Timor independency) and the number of non-state international organizations for observing and report was little and in 1999 as non-state international organizations created small supervision network (in East Timor) and global one in this place.

On December 14, 1975 after the declaration of eastern part of small colony of Timor, Indonesian forces interfered to avoid more attracts between rival political forces and occupied the Island. Then, more than 200 thousands of East Timor residents were killed by professional and Indonesian quasi militants. Despite the presence of non-state organizations of Timor Island, some of them had required communication structure to supervise violation cases. International amnesty was present in Indonesia but its concentration was more on affecting Indonesia government via UN and USA with the aim of freedom of political prisoners.

Although Security Council of UN condemned the actions of Indonesia in 1975, 1976, the weak and inexact cover of the condition in America was surprising. In the years after the entrance of Indonesia, USA media imaged the condition only as “civilian war” between the initial groups to control the Island and Indonesia as the supervisor of the school. Since 1977, the media rarely mentioned about the humanitarian violation in that location and Indonesia successfully avoided the entrance of the observers of UN to east Timor.

Thus, due to the limited presence of non-state organizations and UN observers, the international community was not informed of the human rights violation after the attack of Indonesia. In the next decade, non-state human rights organizations formed a global network to publish the information effectively. This increased the consideration of media and the increase of their presence in east Timor.

Then, Indonesia army with voting for independency to east Timor was disagree. Some plans were applied to complete the elections for the benefit of integration of east Timor in Indonesia or don't hold voting. In the previous days before holding independency elections on August 30, 1999, actors of Indonesia by supporting Indonesian authorities threatened the residents of East Timor and after the elections; Indonesian quasi militants and other quasi militants entered East Timor. Thus, ten thousands of eastern people left their houses and most of the houses were destroyed with other infrastructures.

In 1999, despite 1975 UN reacted to these events and on September 20, a peace force with the commandship of Austria was deployed. Despite the

physical costs including humane, etc the condition was different after the attack of 1975 regarding the human rights violation. Indeed, the media play important role in this case because their presence in 1999 in east Timor was more emphasized than 1975.

We don't view the media as playing this role better than non-state organizations; we consider them as an institution that is with non-state organizations interacting with them. First, the presence and improvement of coordination of international organizations in east Timor was since the end of 1970 as the media had direct outputs to publish the collected information by non-state organizations and motivated the international community in involving in east Timor in 1999. However this is true. Some aspects of this issue are important as 1) The presence of a strong NGO network could have the eyes of the international state organizations to know what is happening. 2) Indonesian quasi militants in 1999 despite 1975 by Jakarta authorities found that their behavior is changed.

Rwanda, 1994

To identify the limitation of a supervising system of human rights about Rwanda is good. While Indonesia events observed the efficiency of human rights supervision. Rwanda events showed that supervision is limited.

In 1994, Rwanda government in Arusha agreement, the agreement to share power between Hutu and Tutsi and the Burundi president plane was shot and fell and both them were killed. After this event, extremist Hutu planned an organized genocide against moderate Tutsi and Hutu and after killing 10 Belgian peace supporters by Hutu, Belgium took out the people and UN ignored the completion of UNAMIR force to help Rwanda to execute Arusha agreements in the place and finished the work of the force. Hutu by having the less presence of peace forces massacred 800 Tutsi people within 100 days. The information of non-state human right organizations showed the certainty of genocide but western governments didn't do adequate measurements to avoid or respond it.

As some actions were done in Rwanda, it was late to control mascara. Non-state human rights organizations are informed of their challenges in avoiding human rights violation and they know there are some factors avoiding their care attempts (Still, Translated by Taqa, 2006, 58).

Non-state international organizations and international legal courts

Recent changes of international law showed the increase of international legal courts and extension of new scopes of the new actors affecting the

international relations. The mentioned changes proved this claim that international law is inclined to legalization. Here it created new and non-state norms. It can be said that the activity of these organizations in international and regional proceeding in direct or indirect intervention.

The direct intervention is when the organization is the violation victim of one of the organized rights. The indirect intervention of statute or internal code of some of international courts provided such intervention. The victim can benefit the support of the consultation of these organizations and fulfill in the form of court friends in their participation. The identification of claimants for non-state organizations is depending upon the statute or the rules of legal procedure of international courts.

Non-state international organizations as court friends can participate international legal procedures and their presence not as claimant as "friend" is used and give additional information for the court. We should separate the third intervention in procedure of friends intervention court because the third party is personal not as claimant or working for the behalf of any person. It can participate for a special or general benefit in the legal procedure. The non-state organizations in the role of court friends participate not only in legal procedure but also to search decision making for the case.

These organizations give the information for the definite subject required by the court and in the form of written or oral reports show their comments about contradictory subject. The important point is such that court friend procedure doesn't include the validity of closed affair as it is not considered the claimant organization.

Now, the information of non-state actors is a good source for legal organs as penal court for Yugoslavia and human rights Europe.

The role of international amnesty as the court friend in soaring is considerable because human rights Europe by accepting the comments of this institution was sure about using the applied terms by this institution. Thus, using this procedure and using the information of the organizations in various fields play an important role in guiding the judges and formation of international legal procedure.

Also, justice international court in its consultative comments repeatedly used the comments of non-state international organizations. The court in south western issue directly didn't reject the request of international human rights league in accordance with paragraph 2 article 66 of the statute. This organization on March 7, 1950 required the use of the condition of court friend to present written and oral reports.

The European and American mechanisms of human rights are developed and the intervention of non-state organizations is considered. Despite 1000 non-state active organizations in human rights in the world, some of them give their information to regional courts and this makes court friend employment exclusive.

Now, European court of human rights, African commission of human rights and people, Africa court and European court can directly refer for complaint to these organizations as in cases being the direct victim of human rights violation (ann, Karin, op,pp, 162-164). The comparison of regional legal courts with other legal courts as international justice court or legal branches as trading world organization resolution show the development of court friends trend for regional human rights courts. It is because the classic international legal courts are considered only for the governments.

Human rights European court is an interesting example in which non-state organizations as Rom legal European center in various cases of their participation are applied via court friend institution. Valid non-state organizations can give valid information for the court and European court of human rights in their vote in soaring are referred to the comments by amnesty international.

In American human rights court, non-state organizations can not claim for procedure. These organizations can not ask for consultative vote despite the lack of explication of human rights American convention and internal procedure of statute to court friend institution.

a. The office expert presented a statement for consultative vote to all the governments with claiming right in the court.

b. In addition, the office expert should state directly to any government with claimant right in the court with an international organization with the qualification of giving required information and the court is prepared to receive written statements about the time the chairman determines or hear their statements in the open meeting.

These organizations can present the written comments as court friends. Finally, we can say that non-state organizations participation regarding the execution of international norms of human rights in international proceeding is increased. Non-state organizations are successful to affect international legal procedure. But the participation of these organizations in legal proceeding is not adequate to change their condition and this participation can be considered as a small step to identify international

rights but it is not adequate (Ramezani Qavam Abadi, 2008: 153-172).

2. The role of Red Cross international committee in formation of international penal court

General assembly of UN in accordance with resolution 47/33 on November 25, 1992 asked international law commission of UN to provide international penal statute. The mentioned commission presented its plan on September 1994 to general assembly. In 1995, the assembly decides that by creating an initial committee to establish the court investigates the commission plan. The Red Cross international committee with other actors of court founders attempted to create an effective reference and emphasized on the main point of defining war crimes, applying court qualifications and having an independent prosecutor. Indeed, Red Cross international committee of the initial works followed the definite goals along Geneva four conventions 1949 and additional protocol. It was one of the most important positions of Red Cross international committee to war crimes. This committee on February 14, 1997 presented a document regarding the establishment of international penal court. The recommendations of Red Cross international committee were good, because these recommendations were useful in formulating the statute of international penal court and the recommendations of the mentioned committee entered the court statute (Ramezani Qavam Abadi, 2010, 96-99).

The variety of the activities of non-state international organizations

The activity and performance of non-state international organizations in all economical, social, cultural, etc fields and at international level are observed. If we want to consider the activity of non-state international organizations in a general view, it seems that the most important scopes in which the non-state international organizations are active are human rights, friendly human rights, sustainable development and environment. We attempted to investigate some of the activities.

The performance of non-state organizations regarding human rights

The oldest non-state international organization is anti-slavery association created in 1839. It is the first active non-state organization in human rights. After the Second World War, there were many non-state international organizations of human rights. We can refer to international amnesty, human rights international federation, international commission of law makers and children support association.

We can refer to the role of non-state organizations regarding human rights, improving knowledge about human rights, the attempt for law making and its application in various countries and supervising role on

execution of contracts and agreements, the formation of political groups (Symbler, 1999, 174-175).

The limitations of non-state international organizations of human rights

These organizations due to their specific characteristics, helping people had state limitations, respecting human rights in the countries depend upon its political development of the countries and democracy development. Although legal government can not avoid all forms of human rights violation, this is possible that violation cases are revealed and are compensated. In this trend, human rights non-state international organizations can not be impartial as they don't accept the existing condition in the countries about human rights violation. They want to modify the governments and some rules should be observed that are accepted in obligating documents. Most of the governments rejected of accepting these responsibilities and can not compensate it (Beikzade, 2000, 31-32).

The performance of non-state international organizations in human rights

The international human rights is the set of some rules limiting the benefit of violence in international and non-international armed conflicts (Seyed Fatemi, Seyed Mohammad Qari, 2010, 433).

The major activity of non-state human rights organizations beside state international organizations and people is helping humanitarian aids. The humanitarian aid is consist of providing food, cloth, residency, drug and medical care to the needy or financial support to the organizations doing such actions.

These organizations attempt to help the needy, patients, wounded people, refugees, obligatory migrants, natural events victims and victims of ruthless actions of other people without considering the state limitations as barriers. Because the governments are obliged to accept humanitarian helps. This attitude with international changes regarding humanitarian helps as life right is included in human rights international documents are fundamental human rights and we should add health right. It seems that intervention in a government means humanitarian helps with legal entity (Beikzade, pamphlet, Shahid Beheshti University).

The first human rights international convention in Paris in 1987 titled humanitarian help and the right of this help for all the governments of world community in an international document as the right of victims on humanitarian helps and the obligation of the governments in such helps are recognized. A resolution in 1990 was ratified in general assembly and the governments with the problems of natural events and such conditions were encountered. By the coordination of other governments, inter-governmental

and non-state organizations and it is asked that by the collaboration of other governments, inter-governmental and non-state organizations created immediate ways to distribute drug or food aids.

In addition to the approvment of general assembly, security council of UN after the second war of Persian Gulf (the attack of Iraq by Kuwait) by ratification of the resolution in 1991 condemned the civilian riot of Iraq by the authorities of the country emphasized on this fact that Iraq administration should have immediate access to humanitarian international organizations to all the people requiring help in all Iraq and give the required facilities for free action. As:

The ratification of security council in accordance with article 25 of chart is enforced for all members of UN. Regarding the ratifications of general assembly, there are some different views. Some of the law makers considered it as not enforced and know it as a recommendation and it is important. According to item 7 of article 2 of UN charter, it is based on the lack of intervention in domestic affairs of the countries.

Some others by separating the state and non-state international organizations predicted the middle solution. Thus, first group in accordance with item 7, article 2 without humanitarian intervention right. While such prohibition is not considered for non-state international organizations.

One of the humanitarian non-state international organizations is international committee of Red Cross and Red Crescent and humanitarian non-state organizations (Beikzade, 2000, 31-32).

The performance of non-state international organizations regarding sustainable development (environment)

Western law makers divided human rights inspired by conventions to first item or freedom rights, second item or equality right, third item or equality item. Despite two other items, achieving the third issue of human rights besides reference of the governments required the attempts of all people, governments, public and private units and whole international community. The right of healthy environment is one of the important examples of this issue showing the collective participation of all national and international actors and their obligation.

The term environment is the location in which including human being and making the human being in this definition is the first thing attracting the attention of every person.

Historically, there are different views to environment classified into three groups.

1. Serious human center approach: It is immediate benefit of natural resources. In this approach, the view of human being to environment is only for economical needs and it seems that healthy environment right is one of the examples of human

rights item or unity rights and it is one of the examples of human-centered approach.

2. Human centered approach: Despite serious human centered approach, in this approach human being is considered as a part of environment that should be supported as all life forms without considering the benefit for human being. In this method, human being is beside other creatures.

3. Environmental justice: Environmental justice emphasizes on three aspects of justice between human being in dividing the benefit of environment, the justice between current and future generations of human being between all the forms (human being and other types), thus, environment approach is respecting environment only for environment itself not for the benefit for human being (Ramezani Qavam Abadi, 2009, 54).

20 years after the ratification of human rights universal declaration, resolution 2398 on December 3, 1968 of UN general assembly, formation of global convention regarding environment of human being was predicted.

After initial works and considerable experts of UN conference in environment on 5 to 16 June, 1972 was held in Stockholm. The evident characteristic of this conference is universal support of it. The participation of 6000 people including the representatives of 113 governments were the representatives of all international great organizations and 700 observers of 400 non-state organizations and 1500 journalists in this conference turned it to the greatest international event. The position of Stockholm declaration in environment rights and in development field is like the value of human rights universal declaration in human rights field and fundamental rights (Eftekhar Jahromi, 2009, 10). According to the first principle of this declaration, human being should have fundamental rights to have freedom, equality and good life conditions in the environment giving the permission of dignified life. Human being is responsible to improve environment for current and future generations (Amir Arjmand, 2008, 54).

The benefit of having healthy environment and development and their fulfillment requires sustainable development, it is one of the human being dignity completing human rights for current generation and its fulfillment for future generations.

The benefit of having healthy environment with the attempt of 40 years of non-state organizations, international organizations and scientific community as recognized at international, regional and national level.

By identification of the right of environment at international level we observe this right in internal rules of the countries in constitution and internal rules. The governments to do this right should consider four components.

The participation right of the citizens in taking environmental decisions

The right to access to environmental information

The right to environmental education

The right for environmental claim

Sustainable development is the development fulfilling our current needs without making the ability of future generations in fulfilling their needs limited. Thus, in sustainable development, two characteristics are considered.

a. Fulfilling the fundamental needs of human being namely poor people and nations

b. Considering future generation rights in having environmental facilities based on the pressures of social organizations and technology condition on environment.

Sustainable development in international justice was mentioned “ The term sustainable development in the world is the necessity of the peace between economical development and environment protection” (Eftekhar Jahromi, 2009, 12-23).

To achieve sustainable development and under development, not only the governments have important role, but also citizens are active representatives in their development field. The manifestation of the organized participation of the citizens is non-state organizations in development field.

One of the non-state international organizations is “international actions against hunger and international council of environment council of environment rights”. The active non-state organizations in development field has major problem and it is the lack of a strong political administration from the governments in development and it reduces the productivity of non-state organizations in development scope.

In universal report about development in 1991, it was stated that the increase of military budgets, the inefficiency of state companies, the great number of the plans showing a political gesture that a reality, brain drain and capital, extensive improvement destroy the required resources in development scope. The governments by providing a space to release energy of people and required facilities for social and economical development as the first priority and they should develop the goals and use all human capacities. Non-state organizations in development should support such an issue. It seems that only in such a condition, there is the possibility to change (Beikzadeh, 2000, 118-120).

The function of non-state international organizations at international level

The international function of international non-state organizations

UN as the most important global organization at international level is with extensive activity. As previous national community of non-state international

organizations is one of the consultative organs in the framework of their qualification.

Before San Francisco conference regarding the non-state organizations and institutions, there was no organized classification. As general assembly of UN by ratification of resolution 4 in 1946 asked economical and social council to determine an expert committee to classify non-state organizations as some regulations for giving consultative position to non-state organization. The criteria of this committee for non-state organizations of consultative are as following:

1- The organization should be related to the issues in social and economical council qualification and its sub-principles.

2- The goals of the organization should rely on the goals of UN charter.

3- The organization should be obliged to support the activity of UN and according to the goals of nature and its qualifications, the information about the UN activities is increased.

Four main institutions are predicted to coordinate service giving to non-state international organizations in UN.

General information office of UN

The committee of non-state organizations of social and economical council

Communication office of non-state organizations

Communication service of non-state organizations

Social and economical council of UN with investigating the issue, the consultative relations with a non-state organization based on the nature and field of the activities and the aids of the organization to the council or organizations, these organizations are classified into three groups.

The organizations with general consultative position

The organizations with specific consultative position

Roster group

The organizations with general consultative position: The organizations their activities are in line with the economical and social council activities and showed that they can have some aids to achieve the goals of UN. This organization has the right to participate in council meetings and related organs and if there are some suggestions about including an article in the draft, they can present via non-state organizations committee. Some of the organizations are:

The international union of women- rights equality, responsibility equality.

Women international council

International federation of Red Crescent and Red Cross Inter-Parliamentary Union

The organizations with specific consultative position:

It is the organization with limited responsibilities and qualifications and can be active in the issues related to the duties of economical and social council duties.

These organizations can attend in open meetings of the council and present their oral and written statements about the related issues in their qualifications and one of the organizations is:

Amnesty international

International council of environment rights

International federation of human rights

Roster group: The organizations with no consultative position with socio-economical council but the UN council with consultation with non-state organizations of the council believe that the mentioned organizations can be useful aids for organs of UN. Non-state international organizations in Roster group list including international association of the teachers of international union of fighting against cancer (Mosazade, 2010, 65-75).

The important achievements of UN in human rights

NO	Date	Subject
1	June, 26, 1945	Assigning UN charter and international justice court statute in San Francisco
2	June 21, 1946	The establishment of human rights commission and women position commission by socio-economic council
3	December 9, 1948	The ratification of convention of genocide punishment by general assembly (entering the enforcement stage in1951)
4	December 10, 1948	Ratification of universal declaration of human rights in general assembly
5	August 10, 1949	Diplomatic conference to conclude international conventions of supporting war victims, ratification of four Geneva conventions about eh improvement of the conditions of wounded and armed force patients in land and sea, behaving with prisoners of war and supporting civilians during war (enforced in 1950).
6	November 20, 1959	Ratification of children rights declaration by generally assembly
7	December 21, 1965	Ratification of international convention of eliminating all forms of racism by general assembly (entering into force in 1969). This convention predicted the establishment of the committee of eliminating racism.
8	December 16, 1966	Ratification of international covenant on Economic, Social and Cultural Rights (entering into force on January 3, 1976) and international convention of civil and political rights with optional protocol by general assembly (entering into force on March 23, 1976) and this covenant stated the establishment of human rights committee (See May 28, 1985).

NO	Date	Subject
9	June 9, 1967	The ratification of resolution (42) 1235 by social economic council and permitting human rights commission and sub-commission of preventing discrimination and supporting the minorities investigating the information of serious violation of human rights and fundamental freedom.
10	November 7, 1967	Ratification of the declaration of eliminating discrimination against women by general assembly
11	May 13, 1968	Ratification of declaration of Tehran by human rights international conference
12	November 26, 1968	The ratification of the convention of not using the time rule for war crimes against humanity by general assembly (entering into force in 1970)
13	December 11, 1969	Ratification of social development by generally assembly
14	November 30, 1973	Ratification of international convention of punishment of racism crimes by general assembly (entering into force in 1976)
15	December 9, 1975	The ratification of the declaration of supporting all people against torture and other behaviors and degrading punishments by general assembly.
16	March 23, 1976	By entrance of international covenant on civil and political rights, international covenant of social, economical and cultural covenant, 10 years after them for governments sign to enforcement (see December 16, 1966), human rights international bill is coming true.
17	December 18, 1979	The ratification of the convention of eliminating all forms of discrimination against women by general assembly (entering into force in 1981). This convention stated the establishment of committee against discrimination against women.
18	November 25, 1981	The ratification of the declaration of eliminating all forms of intolerance and discrimination based on religion and belief by general assembly.

No.	Date	Subject
19	December 10, 1984	The ratification of the convention against torture and other behaviors and ruthless punishments and degrading by general assembly (entering into force in 1981). This convention stated the establishment of the committee against torture.
20	May 28, 1985	The establishment of economical, social and culture rights supervising the execution of international covenant on economical, social and cultural by socio-economical council.
21	December 4, 1986	Ratification of declaration of development right by general assembly.
22	December 9, 1988	The ratification of the support of all people under arrest and women by general assembly.
23	May 24, 1989	Ratification of the principles of effective prevention and researches about automotive capital punishments and condemnations by social and economical council.
24	November 20, 1989	The ratification of children rights by general assembly (entering into force in 1990). This convention stated the establishment of children rights committee.
25	December 18, 1990	The ratification of international convention of supporting the rights of all immigrant workers and their family members by general assembly.
26	December 18, 1992	The ratification of the declaration of people rights of national or ethnical, religious and language minorities by general assembly.
27	May 25, 1993	Ratification of resolution 1993(827) and international penal court to prosecute violation of international human rights in Yugoslavia since 1991 by security council determined in Netherland Hague.
28	June 25, 1993	The ratification of declaration of Vienna by universal conference of human rights.
29	December 20, 1993	The ratification of resolution 141/48 by general assembly to create high united commissar position for human rights.
30	December 21, 1993	The declaration of (1994-2004) of local people by generally assembly.
NO.	Date	Subject
31	February 14, 1994	Declaration of the third (1993-2003) fighting against racism and race discrimination by generally assembly.
32	April 5, 1994	Appointing Mr. José Ayala Lasso José Ayala from Ecuador as the first high commissioner of UN for human rights.
33	November 8, 1994	The ratification of resolution 1994(995) and establishment of international legal court for prosecute massacre and other serious crimes against humanitarian international rights in Rwanda in 1994 by Security Council located in Arusha, Tanzania.
34	December 23, 1994	Declaration (1995-2004) of UN for teaching human rights by generally assembly.
35	January 26, 1996	Declaration (1997-2006) of UN to eliminate poverty by general assembly.
36	September 12, 1997	Appointing Mrs. Mary Robinson from Ireland as the second high commissioner of UN for human rights.
37	June 17, 1998	The ratification of Rom statute for international penal court and establishment of the court located on Hague, by diplomatic conference consisting of Plenipotentiaries.
38	November 19, 1998	Declaration (2001-2010) peace culture for children in the world by general assembly.
39	March 22, 2001	Declaration (2001-2010) of eliminating colonialism by general assembly.
40	August 31 to September 7, 2001	Women's Human Rights Approach to the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance
41	September 12, 2002	Appointing Sergio Vieira de Mello from Brazil United Nations High Commissioner for human rights.

42	September 8, 2003	Declaration (2003-2012) of literacy of UN, by UNESCO. (Mosavifar, 2003, 63-67)
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The regional function of non-state international organizations

Europe and non-state organization council

The collaboration between non-state organizations and Europe council since 1951 was started in the committee for the ministries of Europe council. In this committee, the importance of non-state organizations in promoting Europe council activities was referred. The rules of council relations and non-state organizations were ratified in 1954 and revised in 1960.

Now, consultative position regulation was ratified on October 16, 1972 by council ministries and it is ruling the relations of this council and non-state organizations. According to this code, there is only one non-state organization for consultation of the council. The consultative position can be granted to international non-state organizations specifically showing a non-state organization in their qualification scope and by its activities in a definite section can participate in a organized union with member governments and Europe council to achieve a common aim.

Non-state organizations with consultative position in Europe council should oblige that they apply their maximum attempt to achieve the goals of council and inform the council the secretary of council of their activities considered by the council and give him the required comments and documents in their qualification scope.

Non-state organizations lose their consultative position in the council. When it is proved there is no benefit in fulfillment of the goals of council giving and losing consultative position in the council, when it is proved there is no benefit and role in fulfillment of the council goals or when they ignore their obligations, the giver and rejecting position of consultative position in Europe council is secretary of council unless there is a disagreement from the ministries council or council consultative assembly.

At the beginning of 80s, 244 non-state organizations had consultative position in Europe council.

Non-state organizations participated in the activities of Europe council namely in social, economical, information, environment, culture and human rights fields.

The development of non-state organization activities in Europe council caused that on April 24, 1986 of Strasburg convention was concluded about legal entities of non-state organizations in accordance with council.

Europe Union and non-state organizations

From the end of 70s, the relations between European communities commission (then EU) and non-state organizations are established. The economical community of Europe since 1976 used non-state organizations in its development plans. Europe economical community besides exaction of common plans with non-state organizations gave the immediate food aids with the help of non-state European Union countries in its general assembly being held in Brussels. They determine their representatives in common committee of EU and non-state organizations and in Europe commission. This committee gives 600 non-state organizations to interact with each other and negotiate with Europe parliament and commission.

Non-state organizations and Iran

The condition of non-state international organizations activities in Iran

Any non-state international organization registered with non-profit and non-political goals or humanitarians in a foreign country and request for obtaining an official permission of activity in Iran, in case of having the following conditions can obtain license from the coordinating committee of non-state international organization consisting of ministries, foreign ministry and information.

- a. The mentioned institution with definite statute and responsibility is registered in a foreign country with central office.
- b. A definite plan with acceptable budget.
- c. With no organic dependency upon the governments.
- d. With clear auditing system.

The international non-state organizations with their collaboration or state international institutions execute their plans after ratification in the committee. The institutions are obliged to state the list of their staffs from local and foreign each year to the committee.

These organizations based on their non-profit nature were excepted of paying direct taxes and in case of importing the given goods, the virtual items being imported along the execution of approved plans, after proving the committee from paying the custom rights profit and other tolls are exempted.

Some of the active non-state international organizations in Iran are including:

1- Islamic human rights commission

Islamic human rights commission in winter 1994 was established as a national institution with unlimited legal entities.

The mentioned commissions in accordance with its statute are based on Islamic human rights theoretically

and this doesn't avoid the activities regarding international human rights.

According to the statute, the commission center in Tehran and its branches can be in any region of the world and country.

The goals of commission are including as:

- Determining, education and developing human rights from Islam view
- Supervising the observing of Islamic human rights by real or legal entities
- The presentation of a good solution for taking position against human rights violation namely to the Muslims in all the countries.
- The survey of human rights violation items reaching this commission by various ways.
- The collaboration with national and international organizations of human rights namely the survey of the issues of Islamic Republic of Iran.
- The survey of the condition of Islamic Republic of Iran to the international covenants and conventions regarding human rights of Islamic human rights committee as consisting of four committees as following:

1- Scientific committee

The predicted duties for scientific committee consisting of 8 clergy men and lecturers regarding Islamic rights issues and international law basics as:

- The determination of similarities and differences of human rights in Islam and international human rights rules.
- Determining human rights basics in Islam and providing scientific journal
- Teaching human rights rules
- Responding scientific questions to human rights

1- The committee of internal care

This committee with 10 members and legal authorities familiar with human rights issues has the following duties:

- The planning and formulation of supervision solutions to promote people rights in Islamic Republic of Iran.
- The survey of complaints and reports regarding the quality of observing human rights in Islamic Republic of Iran and detecting the nature of the issue with documents and following them with the collaboration of the secretarial and stating the result to high commission council.

1- The committee of foreign follow up

This committee with 7 members familiar with human rights international issues is formed. This committee is responsible to investigate the quality of human rights actions in various countries in the world.

2- Women committee

The above committee with 8 members of Islamic human rights authorities and women individual and

social rights of women to investigate women problems with the collaboration of scientific committees and follow up.

The Islamic human rights commission in addition to periodical reports to all people each year provided a report on evaluation of the condition of human rights in Islamic Republic of Iran and presented with the recommendations to improve the affairs to President as responsible for execution of constitution to Islamic Republic parliament and present the evaluation report of human rights annually to international institutions including UN and Islamic conference organization (Mosavifar, 2003, 30-32).

1- Humanitarian rights national committee

The necessity of humanitarian rules observing the problems of international and non-international armed conflicts to limit the conflict parties in using the war methods lead into the formation of humanitarian rights national committees in most of the countries in the world including Iran.

The license of formation of humanitarian rights national committee on February 1, 1998 from ministry board of Islamic Republic of Iran was issued during which Red Crescent was a qualified reference for the head of committee chairman.

The committee code was provided by legal office of Red Crescent and was held on September 11, 1999.

This committee was a non-profit institution with independent legal entity with the aim of promotion for executing humanitarian rights at national level and participation and observing humanitarian rights at international level.

The principles of the committee are including:

- Chairman
- Secretaries
- Council
- Secretariat

The duties of the committee are including the following:

- 1- The decision making about the execution of humanitarian rules at national level and in the frame work of current rules
- 2- The supervision on observing humanitarian rights at national level
- 3- Educating and promotion of humanitarian concepts among armed forces, people at various academic levels.
- 4- Presenting the recommendation of approving the rules to observe humanitarian rights and the recommendation of joining of Islamic Republic of Iran to international contracts.
- 5- Presenting consultative comments regarding the determination of humanitarian rules
- 6- Following up supporting affairs of all people including international humanitarian rights including the following:

- a. Following the affairs of entrance, residency and deport of the refugees
- b. Following the affairs of foreign prisoners in Iran and prisoners and Iranian prisoners in the abroad
- c. Following the affairs of war wounded people namely the victims of mass destruction weapons
 - 1- Explanation and promotion of the comments of Islamic Republic of Iran for humanitarian rights to present to national and international institutions with coordination of foreign ministry.
 - 2- The collaboration with regional and international organizations to promote humanitarian rights with the collaboration of foreign ministry.
 - 3- Following humanitarian rules violation cases at international level and presenting the report to international communities.
 - 4- The collaboration and exchanging scientific and research information with local and international courts about humanitarian rights.

3. Conclusion

From the view of classic international rights of the countries and intergovernmental organizations are the only active actors of international field. But it seems that beside the important law makers, there are other actors their nature is different from previous policy makers but their aim is close and similar to governmental international organizations and countries. Based on consultative comments of international court in compensating the damages to UN “ following international law doesn’t depend upon the structure and nature of legal entity and depends upon the employments and the influence of their performance at international level”.

Thus, by reviewing the non-state international organizations without state nature or contaminated with political motivations, with higher goal as supporting international environment security and they entered the international field and for regulating international relations dealt with the international rules, supervising the correct execution of the rules. By reviewing the non-state international organization activities like international Red Cross committee, international membership organization, inter-parliamentary union, etc found that non-state international organization is a community of the people in accordance with internal law of the country, formed an institution with public interest regarding various economical, social, humanitarian, environment protection fields that can be at level with state international organizations and countries as collaborator and rival to form international rules ad directly as the role of Red Cross committee in forming four conventions of Geneva and the rights of non-international armed conflicts or indirectly as consultant in decision taking of other international institutions (intergovernmental organizations and countries). For

example, the attempts of international amnesty in encouraging convention 1984 against torture.

Thus, from international aspects, non-state international organizations affect political considerations of the countries and intergovernmental organizations and put on agenda some of the issues at national and international level. Thus, in decision making and creation of new rules, they participate and supervise the execution of these rules and resolution of the differences of them. For example, international amnesty regarding organized human rights violation in the country is occurred and international amnesty takes the attention of public opinion over the world about that country. It asks UN inputs to take position to that country and put pressure on the authorities of the country. We can refer to the performance of amnesty international in 90s about Sudan, Chad, southern Korea and etc.

Non-state international organizations construct various networks and deal with the data analysis and collection and oblige state international organizations and governments to achieve their goals.

From the view of UN, non-state international organization participates increasingly in the activities of the organization namely in humanitarian issues, human rights, environment and development and regarding the ratification of universal conventions (Universal conventions of cluster weapons in 2008) negotiate effectively with UN. We can say that authorities in the world in item 30 of millennium declaration stated that we are determined to dedicate more facilities to non-state organizations and civil community to help more in fulfillment of UN plans. Thus, we observe good preparation for more collaboration of these institutions with UN.

In terms of the participation of non-state international organizations in international legal courts, the mentioned organizations in the form of court friends entered the investigation and by presenting information and explaining the issues helped the clarification of the realities and achieving just vote to supervising court.

Locally: Non-state international organizations have unavoidable role in various aspects of development, supportive, service, empowerment and information fields. Thus, the governments should view them as powerful execution organs to fulfill social, economical and cultural development. Thus, presenting solutions for active role of the organizations in the internal arena. For example, presenting good models about the presence of these organizations with state principles and organizing their relations among government sovereign institutions and their interference in fundamental decision making as directly and presence in resolving the problems for non-state international organizations in the internal

courts of the governments can facilitate the international activities of the organizations and promoted the role of civil community at international level (it can be said that Iran is not an exception).

It seems that it is better beside intergovernmental organizations and countries use non-state international organizations as active actors and paved the way to manifest the effects of these institutions and encouraged the countries to interact as co-worker not rival with these institutions.

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