

REVIEW ARTICLE

To solve legal-environmental challenges in national law of Iran and other countries sustainable development fulfilment necessity

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The occurred changes in the earth are the most important historical transformations. It is a major opinion that the earth is not going to respond the human beings needs anymore, and we should think about the solutions. During the last decades, several meetings and seminars have been performed in this concern. But, unfortunately, none of the objectives have been achieved. The reason is that there is not any operative protection for the international laws and regulations. Hence, the countries and nations' authorities should include their accepted obligations within the international meetings in their domestic regulations, which contain a larger operative protection comparing the international ones. Iran is a country which contains special natural and environmental characteristics and is one of the first countries who play an important role in creating international environmental law. So, investigating this country domestic laws in comparison with the international environmental laws transformations will reflex its governors' viewpoints and strategies and the interaction between the internal and international law in this content. The existing research has been designed based on the results of the field studies which have been fulfilled in 20 provinces of Iran regarding the legal-environmental challenges resulted from the rules and regulation governing the forests, pastures and natural environment and their affected laws, and also, studies the ordinary and program laws of Iran applying the proving, comparative and critical methods. The studies show that, there are a large variety of ordinary law subjects which are not coordinated with international documents. Although, the international coordinated rules are centralized in government organizations which does not attract people participation and will not lead our society to a sustainable development. Therefore, it is necessary to inform people the values of natural resources and their interaction, while revising, improving and integrating the rules in this due to represent them in a unique complex.

Keywords: Legal challenges; sustainable development; environment; jungle; rules contradiction; ownership

Preface

Global experiences show that achieving sustainable development is the world people utilized aiming, and the main leading object to this goal is the existence environment. Natural resources are the basement of natural environment. Regarding the importance of these subjects, developing countries try to maintain their natural resources and environment by legislating suitable laws and regulations. Iran is trying to organize developing plans based on the principles of sustainable development, too.

Based on the above items and to evaluate the functions of Iranian internal laws in order to achieve the optimum goals compatible with the international laws, we assessed the rules governed our natural environment, emphasizing on forests.

The presented essay is the result of a research which recognizes the rules relating sustainable development by affirmative methods to discover the contradiction between them critically and evaluate Iranian planned and ordinary laws and regulations reconcilability with the international laws and documents regarding natural environment comparatively to find out the ways achieving the laws assuring accessibility to sustainable development.

The goals and literature

Maintenance of natural resources and environment has been concerned by global society for more than five decades. Since the Stockholm declaration on the human existence environment conference, a new branch has been opened in international law. The sustainable development concept has been presented in Rio declaration on environment and development. The

2030 agenda for constant development has been agreed by the authorities and the representatives of the world nations in 2015. Also, during these years, a lot of non-obligatory international documents concerning natural environment and forests have been agreed and approved.

Iranian law makers have noticed the forests and pastures for more than a century and the ratified laws have been assessed from several viewpoints. But, the existing research tries to investigate the rules and laws affecting the natural environment, forests, pastures and sustainable development and find out their contradictions and interactions to access and represent the ways of achieving sustainable development.

Definitions and concepts

It is impossible to define all words and concepts of this essay due to the variety of them extracting from several science branches, but, it is necessary to note that all the idioms have been applied based on their legal meanings. As the "environment" and "sustainable development" concepts are the main pillars of this research, we will define them.

"Sustainable Development" has been defined in "Earth Conference" at 1992 as:

"To make satisfied the needs of existing generation without compromising with the next generations on their needs."

Environment, from geographical viewpoint is divided to: Domestic, Regional and International environment, and from the applicability aspect is divided to: Natural, Human Made and Social Environment. Although, from theoretical view, we try to segregate the environment to several sections (homogeneous), but practically it is impossible to separate several environments from each other. (Dabiri 2012)

Form conceptual aspect, the environment may be seen as: common and specific. Common environment means: "The human beings existence environment, or a part of the world which based on present science level, is human existence continuation place." But its specific meaning is called to: "A part of the functions directly affected on the life and survival of live organisms such as: water, weather, soil and live creatures. (Mousavi 2007)"

In some documents, "non-settled law" has defined as the environment. In Stockholm Declaration preface has been stated: "Human is the creature and creator of his environment, The environment which has given him physical survival and opportunity for moral, ethical, social and spiritual growth." (Mousavi 2007)

"Environment Law is a complex of conventional and contract based laws and regulations which their subject is maintenance of the environment and preventing its pollution." If this concept is concluded of each country's internal rules and regulations, it is called "Domestic Environment Law" and if is concluded international regulations, it will be called "International Environment Law".

Applicable concepts to accomplish sustainable development

The thinkers who are concerned with sustainable development believe that: "Sustainable development is a pattern for economic, structural and social evolutions which modifies present economic and social advantages without endangering the future potential advantages." In other words, sustainable development will be resulted from making balance between all environmental elements development in general concept.

Hence, the environment elements will be defined in integrative categories. One of the most famous classifications of environment is as below:

1. Natural Environment,
2. Artificial or Man-Made Environment,
3. Social Environment.

One of the most important ways of sustainable development fulfilment is creating "The International Environmental Law". This scientific course is centralized on the interaction of natural environment and artificial environment as the two pillars of sustainable development. Investigating the results of this interaction will decline the characteristics of the third pillar, i.e., "social environment." (Dabiri 2012).

As you see, actually, humankind and humanity goals are the main factors of accomplishment and protection of sustainable development. The humanity targets and constitutions can be categorized as:

1. Nominative or Institutional Constitutions, which are organized in legal or individual persons as: governments, organizations or individual characters.
2. Thematic Targets, which are characterized as: economic, cultural and political factors.

Hence, to accomplish sustainable development, as Vandana Shiva, the famous Indian ecologist states: "It is better to centralize on definite targets of sustainable development, the goals which are clear and certain, not the ones have been lost amongst a lot of definitions." And it would be rather, as Curley and Christy state: "We are not able to determine scientifically and economically the level of endurance, but we recognize the non-sustainable development. So, we should try to lead our policies and strategies towards avoiding it."

Studies show that forests and pastures, which are more effective than other factors, are the main pillars of sustainable development. So, because of the importance of natural environment, jungles and pastures role in sustainable development, we are going to investigate the rules and regulations which are directly reflect the interaction between natural and artificial environments.

The status of natural resources ownership in Iran and the world

"Ownership is a determining factor in aiming and policy making, so, it is an absolute right. Based on the article no.30 of Iran Civil Law, this right allows the owner to operate any possession in his properties and apply it in any manner he likes, except the legal exceptions and limitations" (Safaei 2014) But, the forests are not certainly private, because the governments used to make policies, plans and operation on them.

Based on the article no.45 of Islamic Republic of Iran Constitution Law, the jungles and pastures are held by the government, and based on the articles no.24 and 25 and the laws with specific subjects as: "Nationalize the forests and pastures law" and "Maintenance and exploitation of forests an pastures law", the forests and pastures have been determined as public properties and the government is not allowed to possess them.

A lot of international documents such as: "Final Document of Rio Conference" in paragraph 193, and "The 2030 Agenda" in article no.18, have emphasized on the importance of national sovereignty and ownership on natural resources all over the country. "European Confederation of Forests Owners" (CEPF) has defined 60% of forest regions of Europe belong to private section.

Iran laws and international documents show that the ownership is respected by everyone which is defined internationally as public and private ownership. So, the people and authorities' belief is playing an essential role in maintenance of them, not ownership. Also, the main reason to make public the ownership of natural resources has been their importance and values for human environment. Nationalizing natural resources and forests is the best ownership situation in the countries owning utilized governments.

The forests and sustainable development in international environmental law and global agendas

"Although in the years before 1970, some regulations and rules have been created to maintain some kinds of fauna and flora creatures, but, the foundation of international existence environment law, upon its contemporary meaning, is the Stockholm declaration in 1972 which has based on soft law" (Pourhashemi 2012) Actually, the fundamental principles and concepts are the environment law evolution motor (Robinson, Kurukulassuriya, Lal, 2012).

A part of these principles and concepts which are in direct relation with forests and natural resources have been limited, such as: "Access and Benefit Sharing Principal of Natural Resources" which has been included in Rio Declaration, the Arhus Convention, the concept of "Common Heritage and Common Concern of Humankind", the concept of "Public Humankind Benefits" in existence environment which contains global dimensions. Actually, one of the reasons of transforming "absolute governance" to "good governance" has been utilized statesmanship.

"The Maintenance Principle", "the Informing Principle" which relates to "Territory Wisely Use Principle", the Principle of Polluter Payment obliged the countries to pay penalties in case of infecting or polluting the environment, and Cooperation Principal which is an obligatory and "ERGA OMNES" principle, has been based on to foundations in global system:

- Pollution and beyond borders environment demolition,
- International government's obligations.

The place of forests in international documents

The global society, by recognizing the environmental law, has been confirmed the ownership right and logically and responsibly utilizing the territory resources to all countries, while accepting forests as one of the development pillars and legalizing forests maintenance and exploitation.

Although, in primary meetings like SITIS Convention in 1973, special subjects like the endangered flora and fauna species trade prohibition has been negotiated, but, the range of discussions and approvals have been expanded more, till the year 2015 which the accomplishment of sustainable development has been announced as a necessity for the world's transformation in the 2030 agenda.

The most important international documents concerning sustainable development in the earth are: "The 21 Prescription", the treaties on existence variety and climate changes and the principles of forests maintenance as the items of Rio conference in 1992 and 2030 agenda.

Some of the other important international documents in this due are:

IUCN: Have been held in order to protect the nature integration and variety in order to guaranty the wise and justly using of natural resources.

NFFC: One of "FAO" commissions has been organized to arrange and operate the regional forestry strategies.

CONVENTION ON WETLAND: Emphasized on maintenance and wisely utilization of forestry ecosystems till the level which is included in the article no.1 of the convention due to wetland definition.

UNDP: Has been founded to protect human environment and guarantee the human rights to possess a safe environment.

CWH: Aimed to settle effective trends to collective and continuous support of cultural and natural heritage containing global outstanding and exceptional values and obliged all members to support, protect and transfer the forestry to next generations in Article 4.

CITES: Aimed to support endangered wild fauna and flora kinds by establishing and executing necessary controls on trading such species. One of the ratifications of "Congress Bali " has been determined to keep and manage 10% of forestry lands of the world as the preserved regions based in the approved regulations.

CMS: Has been ratified in 1983 to protect and utilized managing migratory wild species which are generally dependent to particular habitat, especially forestry lands.

TFAP: This non-obligatory program has been prepared and ratified by FAO to create a national and international action frame work to manage, protect and revitalization of tropical timbers.

The conventions: UNFCC, CBD, UNCCD and Kyoto Protocol 1997 have been posed in Rio Conference on 1992 and were finalized after then, has discussed about raising sustained management and cooperation to protect and increase the hothouse gas reduction reservoirs such as forests, ecosystem biological diversity protection, and jungle related issues in addition with desertification problem.

In Rio Conference, the Principals on the Conservation of the Forests, Rio 1992, a non-obligatory but validate agenda has been ratified. Forests Principals has been determined certain and specified limitations and asked the governments to administrate

constantly their jungles, resources and forestry lands regarding ecosystem necessities.

Following the chapter 11 of 21st Rio Agenda, a comprehensive action plan has presented to organize creating sustainable balance between ecologic and economic applications of the forests besides Rio forest principals. Also, the sustainable development commission has been established in order to facilitate operating Rio conference obligations.

Arhus Convention, which based on Mr. Kofi Annan, the previous United Nations Secretary General's speech, "has founded an ambitious activity in environmental democracy area supported by the United Nations", stated that: "Several sections should enter legally in action to guarantee exact accomplishment of the targets concerning participated democracy, rights and justice in environmental issues."

The agenda of the United Nations millennium states that, by forests recognition and their sustainable management, we are able to play an important role in exterminating poverty and achieving development international agreed targets.

The world countries heads attended in the final Rio+20 agenda, titled: "Our Desired Future", stated that the governments are not able to achieve sustainable development independently, and they motivated the global civil society to participate operating the main conference subject for sustainable development.

In the 2030 Agenda for Sustainable Development, a comprehensive, extensive, transforming and humanized aggregation of targets have been agreed. The attendants have obliged to try cohesively and reasonably to accomplish sustainable development in economic, social and environmental dimensions, while they are trying to reach to non-achieved targets of the millennium. Also, they should guarantee permanent protection of the earth and its natural resources.

The conference attendants have settled and announced their sixteenth target to perform: promoting law governance in national and international levels, guarantee the public access to information, supporting fundamental liberations extending local regulations and global agreements.

The international forest protection related organizations

The heads of the governments, governmental and public organizations and thousands of scientists, professional and enthusiast partials of nature and the existence environment who recognize the importance of the environment and natural resources protection and caused and played roles in establishing a lot of global sessions, realizing the necessity of ratified items executive guarantee, have suggested the international constitutions to coordinate and persuade operating the global decision and plans and act harmonically. Up to now, several global constitutions have been created concerning environment, natural resources and forests conservation such as:

The world Bank (WB), Food and Agricultural Organization for the United Nations (FAO), International Union for Conservation of Nature (IUCN), World Forestry Center (FCI), A Global Agricultural Research Partnership (CGIAR), Center for International Forest Research (CUFOR), Confederation of European Forest Owners (CEPF), Community of Forestry International (CFI), European Land Owners' Organization (ELO), European Tropical Forest Research Network (ETFRN), Global Environmental Facility (CFC), Critical Ecosystem Partnership Fund (CEPF), Global Forest Coalition (GFC), World Wide Fund for Nature (WWF) and etc. The mentioned constitutions try to coordinate the owners, governments and beneficiaries by participating in policy makings and executing the plans.

Achievements of global documents investigation

Investigating the international principals, concepts and documents, indicates that the global society has forwarded a responsible approach to the environment. Incidental perception of the environment has been replaced by comprehensiveness and performing integrated management on the natural environment. But, based on the scientists and authorities of global society, comprehensive management is not enough to conserve the earth. They believe that we will achieve ideal results when we create a utilized social environment and human beings participation in planning, performing and supporting the plans based on exact perception of comprehensive management aims.

Forests and sustainable development in Iranian national laws

"Natural resources consideration has started from (1824). The first forest related statute has been ratified in (1924). The administration of the northern forestry of Iran has been operates from (1889)." (Shamekhi 2010). After the white revolution, and affected by Stockholm Session, protective and supportive aspects have been empowered. Iran settlement in development career, increasing population, and inherence of some activities with the environment and natural resources, necessitated particular regulations to be ratified in several areas. Following constitution of several particular laws, some contradictions have been appeared amongst them. The event of Iran Islamic Revolution and the obligation of adapting the laws with Islamic commandments in a variety of subjects, caused much more contradictions and more intensive environmental legal challenges. In following parts, we will investigate Iran national laws which affected the forests and sustainable development.

The country's program laws

One of the specifications of such laws is having a time limit, and the second is allocating ordinary laws to a particular subject. Many people believe that program law is restricted to governmental activities, and investigating the public and revolutionary courts' injunctions confirms this viewpoint. The role of these laws in the country's management will be caused to be considered in the environment legal challenges.

Before revolution program laws

Program laws legislation have been established in Iran since more than 70 years ago, and has passed two time periods: before and post revolution. Before revolution program laws were mainly constructive laws and their time periods were 7 years. The first constructive development program has been started since (1949). During the third development program law of Iran, the forests and pastry have become nationalized. At that time, the activities has gone beyond education, promotion and preparing the infrastructure and replaced with arm twisting by the forests and pastry safeguards. The fourth program law legislation suggested the natural resources to be protected and have been exploited responsibly and wisely, and highly

endeavors to be performed to let next generations utilizing the reservoirs.

The fifth program law legislator has reasoned the mentioned law legislation as: "Iran is located at a stage of economic development which is able to apply fairly other countries experiences before appearance of complicated environmental problems, and thus, avoiding other countries mistakes. So, Iran environment conservation program has based on preventive principal, not only treatment." (Iran Islamic Parliament Research Center 2013).

During the final years of the fifth constructive program, the Islamic Revolution has conquered and the Iranian government has been changed and the country confronted the lack of program law during the years 1978 till 1990.

Iran's after revolution program laws

After revolution, the constructive development program laws has been renamed to "The Economic, Social and Cultural Development of Islamic Republic of Iran Law."

The first after revolution five year program laws have been legislated for the years 1990 to 1995. The law main target due to natural resources has been: "Protection, revitalization, logical utilization, development and enrichment of revitalized resources and making balance between several ecosystems to create their relations with the existence environment"

The second developing program has obliged the government to take appropriate actions in order to protection, revitalization, development and wisely exploitation of natural resources. Also, it has banned natural resource lands transaction, but has not determined any assignment due to changing the application of such lands, and only mentioned that the transactions should not be leaded to application changing. Based on some opinions, this was a permission to change the lands applications.

The article no.104 of the third development program, stated that utilization of the country's natural resources should be based on their potential possibilities, and for the first time, in this article, receiving penalty from the units who does not take any action to decrease the environment pollution has been ratified and the people were recognized as responsible to protect the environment.

In the fourth development program, the government has been obliged to raise the biologic variety indicator of the country to the world standard levels and lead the country's conditions in this due to a suitable situation and to recognize and define the natural resources and environment economic values.

The article 64 of the fourth program, coordinated with the millennium development program and other international conventions, has obliged the government to take action towards promoting the people knowledge to access sustainable development resulting environment protection, emphasizing effective and prioritized groups of the society. One of the most outstanding points of this law is to obligate the government to operate programs based on land preparation and regional balance in article 72.

The fifth development program, by an innovation in article 140, has regarded the comprehensive management, the item which has been emphasized in 2030 Agenda on 2015.

The sixth development program law, in article 26, has concerned regional balance, rural development, empowering susceptible layers of the society, and obligated the government to prepare national and provincial preparation program document during the first year of the program. Also, the article 27, emphasizes on maximum integration of the constructional activities and plans in comprehensive programs framework, based on the people needs and actual participation. In article 38, described the necessary actions to protect the environment, too. Thus, we can state that the sixth program is coordinated with the 2030 Agenda targets to a major extent.

The achievements of the country's program laws investigation

Investigations shows that the coverage range of the program laws commands are much vaster than the other laws. These laws have affected common and particular ordinary laws. As the government is obliged to make legislated periodic program laws in short term, its determination to operate the international obligations will appear more in such laws. Also, the program laws have had positive approach to the natural resources and environment.

Sustainable development in iran constitution

The Islamic Republic of Iran Constitution which has been ratified in (1980) has discussed directly the sustainable development in the principal no.45, 48 and 50. In 50th principal has prioritized the environment protection to the country's other economic persistence pillars. This principal, in addition with the preface and the third principal of the constitution are in the same extent as green economy accomplishment which the global society has discussed about it in Rio 2012 conference.

The above targets are included in 2030 agenda for sustainable development. It shows that Iran has posed the problems in 40 years ago which the global society has discussed them in 2012 and 2015.

The sustainable development accomplishment laws in iran ordinary laws

Several concerning laws have talked directly about sustainable development. Some of them are towards it and some other, against it.

The environment protection and modification law, in articles 6 and 8, have tended directly to sustainable development. The article 6 regarded sustainable development concept and information transformation. The pollution prevention law, in 26 articles, discussed about sustainable development and in article 29, emphasized on operating public participation principal, which is included in Aarhus European convention. In the year (1968), The Hunting Law, has directly tended the sustainable development. Especially in the article 6, operating educational programs to motivate the sense of sympathy on animals and environment protection in people and clarifying their minds in this regard has been announced the environment organization main duty. Also, the articles 675 to 696 of the Islamic Punishment Law, has been legislated towards the natural resources and environment protection and support, and in the article 690 has obliged the judges to command the environment destructives to reconstruct the situation to its previous natural position.

Residual management law, by promoting comprehensive mentality, has created the possibility of going towards sustainable

development. The article 37 of water juridical distribution law has targeted the natural environment as the guarantor of sustainable development safety and certainty. The articles no. 6 and 7 of The Roads and Railways Safety law, are towards operating logical and responsible utilizing principal. The flora protection law is also legislated towards protection and prevention principals on supporting herbaceous species.

The forests and pastry exploitation and protection law, has been aimed protection as the main condition of exploiting. The article no.55 of this law, in order to natural resources conservation, has prioritized occupation removal to sending the subject to judge. This law prefers evidences proving of nationalizing the lands to individual claims. In other words, it confirms nationalizing as a principal. The urban green yards protection and maintenance legal essay has aimed cities sustainable development and has created fairly useful guarantees to protect greenbelts.

The supporting and maintaining country's natural resources and forest reservoirs has based on protecting flora species and is reliable to be vastly applied in protecting herbaceous reservoirs, environment and sustainable development accomplishment. The farmlands and gardens utilization protection law, by prohibition of operating any change in their present application to maintain production potentialities, is highly competent to go towards sustainable development.

The "Higher Council for civilization and architecture establishment law" has been legislated to prepare a better environment. The determined criterion and standards of industries settlement has been classified the industries in some groups to create standards for their location distance to help the same targets.

The governmental and supervision parts of the Oil Ministry of Iran duties and authorities law, has directly, and the other parts of this ministry, indirectly, concerned sustainable development.

The increasing utilization of the agriculture and natural resources sections law centralized on sustainable development and green economy settlement, while in article no.12, emphasizes on penalty payment principal by the polluters.

The land preparation criterion rules have based on the sustainable development foundation on the land preparations principles and have objectivized the green economy system settlement.

The changing the name of "Prosperity and Habitant Ministry" to the "Habitant and Urbanization Ministry" and its duties determination in the year (1975), emphasizing on the land preparation in article 1 and 3, has prepared the basis of the environment and natural resources protection to achieve the above goals.

The prohibition of selling the inhabitant application lands for habitant construction to the cooperatives and other legal and individual persons' law has shown the legislator's willpower to keep existing applications.

The clean climate law, has been ratified to moderate the pollution, in articles 21, 22 and 23 has been regarded the green coverage and the environment.

Legal contradictions in Iranian ordinary laws disruptive to sustainable development

Some articles in laws with special subjects are in the contrary with the others. This problem will confront the sustainable development accomplishment with some difficulties. For example, the article 17 of "The Roads and Railway Safety Law" has aggressed the legal authorities of The Forests, Pastry and Aquifers Organization, and the article 18 has interfered the duties of "Agriculture" and "Roads and Transport" Ministries.

The lands revitalization and delegation circumstances ratification in Islamic Republic of Iran has extrapolated solely the people satisfaction for the lands delegation based on their present application without regarding the potentiality and the reasons of this action which is in the contrary with the land preparation principals.

The land properties located in legal and municipalities' limitations determination law has accepted the action plans based on the individuals demand which is not usually coincided with the land preparation principals.

The maintaining present application of agricultural lands and gardens law has allowed the application changes based on individuals decisions. But, if we do not define and clarify the necessary criterion and the mentioned items were regarded as examples in the law text, the sustainable development will certainly be endangered.

The new towns reconstruction law has allowed making operative the individuals presented plans without making them to regard the land preparation principals.

The cities, towns and villages limitations definition and determination law, has allowed reconstruction planning in the environs without necessarily defining a new limitation for them. Actually, this law is a permission to offense the natural resources domains.

Following the ratification of article no.45 of the removing competitive production obstacles and arising the country's financial system in (2016), the national and governmental lands which have been delegated to establish industrial, agricultural and touristic towns and also the special economic zones and delegable governmental projects, regarding the environment regulations, have been excepted from the nota ben no.2 of article no.9 of increasing the agricultural and natural resources productivity law. In other words, the nota ben no.2 of this law has been cancelled impliedly and to destroy the natural resources and environment has been allowed. Also, the determined operative protection in the article no.52 which is solely the lands changing application observer, will let the legal tricks to be performed.

Investigating the laws with special subjects have been legislated for certain regional targets, we will find out that in spite of ratifying such laws to protect the natural resources, environment and other useful and effective elements, they will disturb operating programs to accomplish sustainable development and in some cases, may be misused by the profiteers.

The sustainable development opposition laws in Iran ordinary laws

In spite of the existence of laws expurgation committee in Iran legislation process, in some cases we can see visible contradictions amongst the laws which can affect sustainable development. For example:

The forests, pastry and mines governing laws have evident contradictions. The article no.9 of "eliminating the production and industrial investment obstacles law" ratified in (2009) by The Association of Regime Prudence, which has operated some modifications in mines law, ratified in (1999), and also the mines modification law ratified in (2012) has made a lot of changes

in the law ratified in (1999). These laws have expanded the mines section governance in public and natural resources. To operate the activities based on the mentioned laws will have a lot of ruining effects on the country's natural resources and environment.

As it has been talked about the mines in the laws and regulations relating natural resources and environment, to avoid any contradiction, we should legislate any new law in this due coincided to them or cancel them clearly. But the reality has not followed this principal.

In the articles no.31 of "forests and pastry protection and exploitation law", allocating area to non- agricultural mining and industrial companies is subject to the agriculture and natural resources ministry agreement. The nota ben no.2 of the same article, has announced the confirmed land area, included in the approved plan and regarding the comprehensive exploitation plan of the territory, as the criterion for land allocation.

The article no.2 of the legal bill for modification of the lands allocation and revitalization in Iran, ratified by the Revolutionary Council, has strictly banned allocation of forests lands, natural woodlands, public pastry in the village limits, public transplants, the forestry parks and in planting process forests.

The board of ministers has ratified the government strategies due to northern parts of Iran forests. In the article no.3, it has prohibited issuance of any permission conducting the forests areas decrease.

Increasing the agricultural and natural resources productivity law, has obliged the government to respect paying penalty and counting in economic calculations the damages have been occurred in the forests and natural resources areas and superstructures resulted from the mines discovery and exploiting.

The article no.3 of environmental protection and modification law, has left the issuance of any discovery and exploitation permission in the regions where are protected on the titles such as: national park, national natural heritage, wildlife shelter and protected region, to confirmation of the "environment higher council".

The law's rulebook, has banned any action caused destroying the herbage and changing the ecosystem, and in the article no.9, has prohibited the issuance or extension of any discovery and exploiting permission for the mines in national parks and natural heritage.

The environmental regulations of mining activities, by presenting a definition for the sensitive centers, has expanded the including domination of legal bans for mining activities to forestry areas and treed pastry. In the article 6, it obliged the owner of exploitation permission to renew and reconstruct the discovery or exploitation area at the end of permission period. The above rules, which are running and obligatory yet, have talked directly about the mines and referred any action in this due to the environment and natural resources organizations agreement.

In spite of the above laws and regulations existence, in (1999) the Mines Law in the article 26 has reposed the supervision of the extraction, accumulation and exploitation areas of mineral material and exhausting the superfluties to the Ministry of Mines and Metals as the public property till the end of the mines life. So, it counts any action out of the permission conditions as occupying the public properties. But this law has not determined the situation of leased or desolated mines which has yet contained mineral material. Also, it does not say anything regarding the natural resources protection and exploitation. While the Industries, Mines and Commerce Ministry does not have any legal eligibility due to natural resources.

By ratifying "the productions and industrial investment obstacles elimination law", some duties have been determined for the environment organization in nota ben no.4 of the article no.7. Also, some modifications have been performed by the article no.9 on the articles no. 19, 24 and 26, and the same has been done due to the modification of mines law in (2012), but the contradictions between the current laws and regulations governing the natural sources and environment have been intensified.

While the existing contradictions between the laws and regulations remained, performing process will confront some difficulties, and consequently, we will be led more far from sustainable development.

The place of interacting laws in iran national law

The interacting laws should legislate and ratify operating rules. They are included in ratified laws, but do not have enough comprehensive view and operative protection. For the same reason, the rules and regulations concerning the other organizations' legal rights, which are restrictor of the owner organization, will be reacted with negligence or ambition by the compiler to let it pass ratification filter to make the owner to be able to accomplish its sectional targets.

Environmental penalties and punishments in Iran laws

Investigating the rules and regulations will show us that criminal performances are not proportional with the crime subjects, and punishments do not accord to the crime destroying effects. In some other cases, the related regulations are composed in a manner to let the environment to be destroyed by a low cost and allow the infringers to occupy the environmental areas.

Also, the regulations are very tight and inflexible due to changing punishment level and amount. For the mentioned and several other reasons, the existing punishments are not efficient enough to guarantee the environment protection. So, it is necessary to revise the regulations fundamentally to avoid and decrease criminal behavior.

Iran ordinary laws discussion results

Legislation approach in Iran, in the first half of previous century, has been a socio-economic development system settlement. After then, especially in the decade of Stockholm session, it was achieving a developed land based on the sustainable development and land preparation principals. But, in current three decades, the laws has been ratified or modified on demand. While the legal principals and the country prudence obliged us to follow the principal no. 50 of our constitution law which orders to protect the environment and is coordinated with the international law.

Conclusion

The sustainable development concept is based on all sciences aggregation. Consequently, the world countries leaders and agents in The United Nations at 2015 assembly believe that sustainable development is a means of global transformation. So, they determine to transform the world to accomplish sustainable development.

It is accepted that accomplishment of sustainable development will be possible by achieving a sustainable earth. Therefore, we should recognize firstly the elements of sustaining the earth and try and plan to keep and protect them to accomplish sustainable development.

The designs, plans and activities of human beings on the earth surface and lithosphere will affect directly on sustainable development. But, the earth's resources which contain commercial and uncommercial values, include much more important role in this due. The climate and many other resources have been affected by the forests and pastry. So, forests and pastry related aims, plans, strategies and programs are very important in achieving a safe environment. Therefore, any incoordination between the mentioned factors and the sustainable development targets will cause high environmental challenges. Regarding the fact that none of the countries has the possibility to achieve sustainable development solely, so, the global world should determine and operate joint strategies and plans.

Investigating Iran laws and regulations shows that the legislating dominant approach is protecting natural resources, the environment and sustainable development accomplishment. This subject has been manifested very well in the principal no.50 of our constitution which about 40 years has passed of its ratification. Also, it is included in several laws with special subjects and program laws. But, there are some contradictions in some special regulations which can be misused by profiteers who can endanger sustainable development resorting to some of the articles.

Based on the mentioned items, we can conclude that the lack of comprehensive look in legislating the laws with special subjects, will cause difficulties in achieving the appropriate targets and sustainable development. Also, as the program laws do not include all individual and legal persons' affairs, so it will not accomplish sustainable development. While the punishments are not appropriate with the criminal subjects and reasons, the regulations and laws will not include enough prevention power and efficiency. Therefore, to achieve maximum profit, profiteers will occupy the natural resources and destroy the environment by changing the land applications.

Thus, substantial changes in the regulations and laws relating the environment and natural resources are vital and necessary.

Suggestions

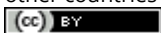
1. The governments should be obliged to:
 - Educate and inform people about the environment values and the reasonable solutions for logical and responsible utilization of forests and natural resources.
 - Provide institutional structures to organize the people participation in the natural resources and environment protection.
 - Sustain the lands and natural resources exploitation system by determining and conducting appropriate sustainable strategies due to land ownership.
 - Legislation the land's balanced progress system based on the existing potentialities and restrictions.
 - Create supervision and monitoring system structure according to the determined targets, expanded duties area and operating level.
2. The forests, natural resources, environment and sustainable development relevant regulations should be aggregated, revised and modified in order to organize the activities around the land preparation pivot and operating accurate supervision and observation on them.
3. The environmental fines and punishments should be revised and adjusted.

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