

Sanctions and Challenges of the Incompatibility of Developing Countries (Case of Iran) with the Standards Set by the Environmental Conventions, Including the Convention on Climate Change; Infringement of the Right to a Healthy Environment, the Energy Crisis and the Problem of Technology Transfer from the Point of View of International Law



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• Introduction

Extensive imposition of international sanctions against countries, including developing countries, could lead to irreparable losses in various areas, especially in the environmental and climate fields, and if the international community does not cooperate, the country banned will experience a reduction in environmental protection indicators regarding access to financial and scientific support, insofar as citizens' right to access to the healthy environment is threatened. However, today, given the importance of foreign investment and its financing in the environmental economy, economists and governments, all agree on the vital importance of foreign investment in the areas of environmental protection, and, in their view, environmental investment which is beneficial for the environment is considered an important factor in creating broad economic development based on the principles of sustainable development in all countries. In addition, the issue prompts scientists and policymakers to step in with greater unity and coherence in tackling climate change and the global warming crisis.

In the meantime, the political challenges between governments may hamper conditions for such investments or create multiple barriers for investors in the new technology sector; our question in such circumstances is that: "What is going to be done for the nations and the environment of their land? How can an effective mechanism and strategy for the outbreak of the

political crisis be thought of?"

- **Sanctions, a dangerous political threat to the environment and climate;**

We are of the opinion that one of the most dangerous political threats to the environment and climate is the issue of sanctions. The imposition of international sanctions against a country, especially developing countries and the Third World can have multiple effects on the three areas of environment, energy, and technology transfer, so that its devastating dimensions continue to go beyond boundaries. In the following, we will highlight these points and then examine them; first of all, the CHEECO Institute emphasizes on 3 important issues:

- In the environmental field, given the need for cooperation, coordination, and shared responsibility of the international community, the sanctioned country is confronted with the degradation of environmental protection indicators and access to financial as well as scientific assistance and support.
- The right of citizens of the sanctioned country to access a healthy environment is subject to serious threats.
- We can mention the most important impacts of energy sanctions on foreign investment and international constraints on energy exports, which, on the one hand, violate the economic rights of societies and, on the other hand, increase the pollution caused by worn out industries. This has caused the transfer of new technologies to be a problem and obstacle with a huge impact on the climate.

Sanction is one of the means of pressure that is used to change the behavior of governments, but what is certain is that during the last decade, this tool has taken on a unilateral and unbridled nature, while its potential and destructive effects for the international community have not been taken into account. With regard to the prohibition of military force in the United Nations Charter (Carter, 1987-P12), the use of sanctions increased, either in the form of a United Nations Charter or unilaterally after the end of the Cold War, especially by the United States of America, so that new concerning dimensions in the field of the environment were raised for the international community; dimensions that in some cases could have far more devastating consequences than military actions.

Environmental protection, on the other hand, is a challenge that almost all developed, developing, and less developed countries are faced with. The environmental problems of countries in terms of nature are such that their resolution requires the active participation and cooperation of international law enforcement actors; In fact, isolating or imposing sanctions on a country, especially in cases such as restrictions on the import of environmentally-friendly technologies, is a factor that in the first stage leads to increased pollution and climate change problems, and in the next, the violation of the right of the citizens to access the healthy environment. In this regard, violations of international environmental commitments regarding financial, technical, and scientific assistance to the sanctioned country and the country's failure to boost its standards and environmental quality should be considered as a global threat.

- Limited access to new technologies

Technology transfer can be defined as the transfer of technological intellectual property, such as skills, knowledge, equipment, and methods of manufacturing from the place produced or developed to another, through conventional or non-conventional methods. Improving the quality of the environment in countries

requires attention to technologies that have less environmental risks. However, imposing sanctions on a country can limit access of a country to such technologies. Meanwhile, the issue of the environment and the fight against climate change in all areas require a variety of infrastructures, one of which is the transfer of environmentally friendly technologies.

The transfer of environmental technologies has been mentioned as the commitment of developed countries to developing and less developed countries in several international instruments, in particular the Rio Declaration, Agenda 21, and the Convention on Climate Change. But the imposition of unilateral sanctions by some governments is a major obstacle to the realization of this principle. It is natural that a sanctioned country cannot succeed in promoting the quality of the environment, growth, development, and technology. Although the commitments contained in the environmental documents do not have the same substance, and some of them, such as the Rio Declaration and Agenda 21, do not have the binding character of environmental conventions, they nevertheless state the principles that can guide the governments and the international community, leading to mandatory rules in subsequent documents and treaties. In the meantime, the Biodiversity Convention emphasizes that technology transfer to developing countries should be conducted with fair and favorable conditions, including the preferential conditions agreed upon by the two sides in identifying potential intellectual property rights (Clause 2 of Article 16), similar to the situation in the Kyoto Protocol and the Montreal Protocol.

Referring to clauses 3 and 7 of Article 4 of the 1992 Climate Change Convention, which relates to commitments, the grounds for technology transfer in developing countries with the assistance of developed countries have been considered. This is in line with the objectives of the Convention, which in fact requires industrialized and developed countries to plan and invest

in reducing greenhouse gas emissions, including carbon dioxide, in accordance with the Treaty. This is while the obligations of the Convention have not been fulfilled for various reasons, and in fact the environment of the countries is a victim of the political interests of the governments. Such policies could have irreparable losses in various fields, especially regarding environmental and climatic issues with which the banned countries will face in the absence of joint cooperation and responsibility of the international community to provide access to financial and scientific support leading to degradation of indicators of environmental protection.

- **International environmental commitments by developed countries**

Today, developed countries have accepted commitments under the well-known principle of "common but different responsibilities" in providing financial, scientific, and technical assistance. These commitments are mainly associated with developing and less developed countries, so that they can improve their environmental conditions through the use of these aids. The seventh principle of the Rio Declaration stipulates that "different governments share common but differentiated responsibilities." And has specifically emphasized that the developed countries, taking into account the pressures on the global environment, and also considering the technologies and financial resources they have, have a responsibility in relation to international efforts to achieve sustainable development. However, with sanctions without regard to the environmental requirements, countries have limited access to financial, technical, scientific, educational, and information assistance or similar issues, which, will in turn, represent a serious threat to the environment worldwide.

- **The right to development and environmental degradation**

The right to development is a subset of international economic law, and development, in turn, can mean

reducing the level and quality of the environment and even its destruction. For this reason, the United Nations 1972 Conference Declaration on the Human Environment has emphasized in its principle 8 that economic and social development is essential to ensure the living and working environment desirable for humans and to create conditions for improving the quality of life. Principle 4 of the Rio Declaration also states that protecting the environment must be an integral part of the development process in order to achieve sustainable development. The basis for the right to development can be summarized in international solidarity which takes into account the mutual need of nations in the field of the environment. Principle 27 of the Stockholm Declaration also requires cooperation from countries to achieve sustainable development. These principles, along with the provisions of Principle 7 of the Rio Declaration and Principle 24 of the Stockholm Declaration, also illustrate the principle of international cooperation in protecting the environment; in fact, imposing unilateral or institutional sanctions can violate contractual, customary, binding and non-binding obligations in the field of the environment. Some of these obligations have been emphasized by repetition in non-binding and country-specific documents as customary binding commitments, such as the principle of environmental cooperation, the prohibition of harm to the environment, and the prohibition of destructive use of the land.

- **The final words and request of the CHEECO Institute from the international community**

Iran is one of the developing countries in urgent need of financial resources and investments in the field of new technologies to deal with environmental crises, including the climate change crisis. Unilateral US sanctions have caused the Iranian nation to be deprived of access to the world market of clean and modern goods.

This issue not only contradicts the global effort to confront climate change, but also violates the right of

Iranian citizens to a healthy environment. However, according to the provisions cited in the same report, the obligation to transfer new technologies, to observe and guarantee the right to a healthy environment, the shared but different responsibility in protection of environment, the principle of cooperation and assistance to sustainable development, the prohibition of harm to others, and the prohibition of the harmful use of land have been clearly stated in many binding and non-binding environmental agreements, and indicate the fact that the countries imposing sanctions have easily violated their commitment. Following the US withdrawal from the nuclear deal between Iran and the 5 + 1 governments, as well as the resumption of US sanctions against Iran, at the very first days, 53 foreign companies, including French and German companies, stopped the continuation of activity in Iran due to the fear of US sanctions or the conditions went so that they themselves could no longer operate.

In this context, it is imperative that the international community confront American unilateralism, including in the field of environment and climate change, and take substantive measures for this challenge; otherwise, global efforts to deal with crises such as climate change will face serious barriers and problems.

The CHEECO Institute, as an ecological organization, does not hold any political commentary in this regard, and only has the duty to warn its concern about the emerging crisis of the international community; that the environment and crises such as Climate Change are increasingly linked to the decisions of world politicians, and unfortunately, the environmental interests of nations seem to have been ignored by the governments of the world.

Therefore, the Institute calls on the international community, international organizations, and environmental organizations to protect the Earth's environment, which is the common home of all human beings, in the context of the crisis and the conflicts

arising from the political approvals of governments that are never ending.

Training, empowerment, raising awareness and general sensitivity to climate change and its adaptation strategies are the core expertise of the working group of the institute, and as a result, there is frequent communication and interaction with Iranian citizens; therefore, as an active institute in a developing country, we warn that the aforementioned problems have caused the effectiveness of the activities of environmental experts in various areas of low impact; in fact, because of the difficulties caused by international sanctions, there is little interest in cooperating in these areas, and consequently, the efficiency of the efforts of NGOs has fallen to a low level.

Therefore, the Institute calls on Member States, international organizations active in the field of climate and environment, and other observer groups at the Polish summit to ensure that in the current circumstances, the environment and climate of Iran and the region, as well as the right of Iranian citizens to enjoy health environment are taken into account, and thus provide an essential solution to address such political challenges in Iran and other developing countries that have similar conditions.

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