

International responsibility of states for damages caused by space debris and the dispute resolution mechanism thereof

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Abstract

Launching the Sputnik 1 satellite by the former Soviet Union is the dawn of outer space activities of the states. Although there were just a few state, capable of launching satellite and outer space activities but gradually more states got involved in such activities. In company with plethoric benefits of outer space activities of states for human kind, the misusing of this area has been caused outer space and earth environment pollution. Space debris is a good example of such pollutions which not only is a huge threat to the orbiting satellites but also may cause bad effects on earth environment. While drafting main international space law treaties, there were no proper attention to the environmental aspects of outer space activities and no body mentioned the important issue of control and prevention of producing space debris. International entities, committee on the peaceful uses of outer space in particular, has made some efforts but the outcome was not gratifying. Responsibility of states for damage is one of the subjects which has been clarified in space law treaties. One of the most complicated subjects of space law treaties, is the concept of space debris and responsibility of states for damages cause by such debris; which in absence of a proper definition for debris in the treaties, states responsibility proof is very reconдите. Consequently dispute resolution mechanisms have lost their efficiency and amending the present obligations or codifying new rules in this area, is mandatory.

Keywords

Environment, outer space, responsibility of states, space debris, space law treaties.

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Legal pluralism in Christian theology and its influences on initiation of formation of modern law

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Abstract

Monism on the basis of validity of essentials in Devine legal system which means it is just God who can be the foundation and origin of the indispensable legal code of practice, protect the Devine legal system from realism or practical rationality and also from predicates which is rooted in humanism metaphysics rationality and generally from adversary foundations and origins. On this understanding, intrinsic rationality, state's determination and custom have not role, but origin of law. Accepting several basis as the meaning of legal pluralism, is the origin of imperativeness of legal basis. There is a change from monism to pluralism in Christian thought and it seems such change, has been established a basis for passing from Devine legal system to modern law loading to the development of natural theory in metaphysics of legal positivism from the source of legal role to foundations and origins of legal basis.

Keywords

canon law, legal pluralism, legal positivism, modern law, natural law.

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Legal dispute about environmental issues between Argentina and Uruguay (2010); clarifying some aspects and matters

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Abstract

After trying some legal and political choices in order to settle the disputes with Uruguay about the treaty of 1975 Uruguay River statute, Argentina proceed against Uruguay before the ICJ. The allegations based on the procedural and substantial matters violations, set forth in the statute, and violation against some international environmental law principals which all of them related to potential risks arising from launching two paper mill located near the border river. After the time that the ICJ recognized its jurisdiction and initiating the trial and considering the petition, defenses and the evidences, finally, on 20th of March 2010, issued its second environmental judgment after the case of 1977, the dispute between Hungary and Slovakia. The court has mentioned many important matters of customary rules of international environmental law and some of its subjects such as prevention principals, environmental assessment and prevention of harmful activities. In this judgment, the court did not properly adjudge Uruguay's violations of substantive obligation and adjudge Uruguay just for violations of procedural rules.

Keywords

burden of proof, jurisdiction of ICJ, principles of international environmental law, procedural obligations, substantial obligations.

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Conflict between espionage and freedom of information from the perspective of human rights

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Abstract

Espionage is one of the most important challenges in human rights field and such importance shows itself more egregiously when intelligence agencies commit spying under the aegis of human rights or circumvent human rights under the cover of fighting against espionage. A legal study on this subject may clarify vague points and solve the existing conflicts in a way which neither individuals' fundamental rights nor national security of states is breached. Since a solid cornerstone, its serious supervisory mechanism and its enforcement, human rights obligations, travers more quickly and more purposeful than any other areas of law and a huge part of such traversing has been caused by restricting states' sovereignty and establishing observing organs which observe activities of states and their institutions and organs.

Keywords

espionage, freedom, guideline, human rights, peace, security.

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Demarcating the competence of administrative justice court by the supreme council of the cultural revolution

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Abstract

Pursuant the act of annulling the scholarship of some students by ministry of sciences, researches and technology, those students proceed against the ministry before the administrative court of justice. Albeit the court accepted the memorials, but the other way round, the court refused to adjudicate the case according to the act 630, ratified on 1387 S. H. by the high Council of Cultural Revolution. It was a wrong and unprecedented action by the court which it will result in a corrupted consequence that will waste the right of people and even may cause controversies over the court and its organization. Pursuant to the fear of the probable wasting the right of individuals in future and harms of the negation of the self-desired competence of Administrative Justice Court, I am going to study the respectable refusal of the court from a judicature. I won't challenge the nature of the act of the ministry because it's lie with the court to scrutinize such act on the basis of rules and regulations.

Keywords

Administrative Justice Court, Supreme Council of the Cultural Revolution, position, competence realm.

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Third party intervention in the International court of justice trials under article 62 of its statute

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Abstract

Third party intervention is one of the related subjects to the legal procedures of international and national tribunals. The intention of such procedure is to protect the rights of a country which is not party to the proceeding but there is a possibility of legal interests' affection during the trial. Although under article 59 of the statute of ICJ, the verdict of the court is not mandatory for the third party but this not mean that the verdict does not burden legal effects to the non-parties of the lawsuit. Article 62 of the statute is a provision to protect the legal interest of third party. The findings by the court during the proceeding may effect legal situation of t third countries and article 62 notices this point. This contribution will analyzes article 62 from perspective of the court's legal practice. The court believes that there are just two factor which make third party intervention possible: presence of an interest of a legal nature and possibility of impacting on the trial. The practice has proof that the court may apply its jurisdiction independently, without any specific consent of the parties to the proceeding.

Keywords

third state, incidental jurisdiction, intervention, interest of a legal nature.

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The United Nations Human Rights Council and the situation of human rights in Saudi Arabia

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Abstract

Pursuant to the establishment of the United Nations Human Rights Council, human rights situation in Saudi Arabia has been considered and evaluated in many cases. First we are going to study on the universal periodic review and then we will examine the periodic review outcome reports of Saudi Arabia in the years 2009 and 2013. In these reports we will read recommendation of other countries and the replies presented by the state. After that we will proceed to study on the reports of special rapporteurs. Such reports incorporate many human rights cases like: false arrests, freedom of religion, violence against women, refugees' rights, forced disappearance, human rights activists' situations, torture and other inhuman or degrading treatments and freedom of expression and thought.

Keywords

human rights, human rights council, Saudi Arabia, special rapporteurs, United Nations, universal periodic review.

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Violating Human Rights and separatism: critical approach to theory remedial secession in international law

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Abstract

The right to self-determination is one of the fundamental and most crucial principals of international law. Such cruciality is emerged from violating territorial integrity of countries. There will be no controversy over territorial integrity while colonies apply their right to self- determination; but recently after separation of Abkhazia and Ossetia from Georgia, Kosovo from Serbia, initiating the separation process by Kurds and Catalonians in Iraq and Spain, a controversy has arisen over territorial integrity denial in situations of serious human rights breach. Theory of remedial secession not only states such questions but also believe in supremacy of human rights over territorial integrity in humans rights breach situations. Studying on this theory constructions, indicates that there are some conflict between this theory and principal of interpretation of treaties under articles 31 and 32 of 1969 Vienna treaty. At the same time such theory goes beyond the existing rules and principals of responsibility of states and has criminal nature unlike the principals of responsibility of states which have remedial nature.

Keywords

breach of human rights, international responsibility, law of treaty interpretation, remedial secession, right on self-determination, territorial sovereignty.

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