



SUSTAINABLE DEVELOPMENT IN THE LEGAL NORMS OF HUMAN RIGHTS

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Article history:	Abstract:
Received: 8 th January 2024 Accepted: 26 th February 2024	Given the great development that the law draws in general and the emergence of new concepts such as sustainable development, which were not noted in the law, sustainable development has a great relationship with human rights in terms of economic, industrial wealth, scientific development and natural resources and how to invest them without affecting the future of future generations equally, and given the importance of the right to development and ambiguity of the right to the legal status of the right and its great role in human rights, Therefore, this study focused on research on the right to development in society and how it develops, in addition to searching for laws and decisions issued on the right to sustainable development under the law, as well as showing the role of organizations and institutions or not on activating the right to sustainable development

Keywords: sustainable development, human rights, role of organizations and institutions.

INTRODUCTION

Human rights protection institutions are widespread in most countries of the world, where it is normal for governments to establish institutions specialized in the protection of human rights at the federal and sub-federal levels. These institutions differ in law and constitution according to their positions in countries, the goal of these institutions is to develop and strengthen the political system to protect rights, these institutions provide many services to society by providing consultations and providing services to government institutions or coordinating with governments and other institutions as well as international organizations. Human rights institutions are part of state institutions and their function is to protect citizens and foreigners from violations..

The use of the right to development for its important purpose in the right to destiny must be used to use resources to develop and maintain the sustainability of life, that individuals have the right to participate and benefit from the development process with a social, political and economic dimension because of their important role in participating in that process ([1]).

International organizations have played an important role in that right because of its importance as well as globalization, which is part of modern phenomena, sustainable development is the main relationship between the environment, the economy and society, where sustainable development works to raise the level of economic human being, where its importance lies in the fight against poverty to preserve human dignity, so there must be a good authority and a fair and equitable law to develop and develop the living economy, raise the cultural and civil level, and develop the political side of society, and therefore governments for their people must From its cooperation with the international community and various organizations concerned with the rights of its peoples before decision-makers ([2]).

To achieve and sustain development, the creation of a legislative and political framework for self-development through the economy and society and the preservation of the values of religions and international and non-international organizations to preserve the right to development and defeat those who are against the right, that favourable conditions are one of the most important necessities of governments to involve peoples in achieving that development.

Human rights under United Nations resolutions, legal foundations and international conferences are for human development and then the Declaration on the Right to Development and the Vienna Programme of the International Conference on Human Rights held in Vienna, as well as the International Decade on Civil and Political Rights, as well as the International Covenant on Economic, Social and Cultural Rights. The human being is a fundamental pillar of that right and for the sake of social progress through human development.

The significance of the study

One of the important roles of human rights is to determine the legal status of the right to sustainable development, which is of great importance in obliging countries to activate, develop and work to find a mechanism for monitoring that development to benefit people and economic wealth.

This study focuses on sustainable development, and the importance of the right to sustainable development as a legitimate human right within the law, and for the enjoyment of the human being to the extent that he can benefit and against leaving the right to future generations and their receipt of a refreshing economy with non-threatening and natural wealth without problems in addition to researching the actual mechanisms that ensure their preservation, and considering the economic dimension of the subject of the study, with a presentation of the great role of international organizations within this aspect

The objectives of the study

In this study, several topics were addressed, including , Sustainable development and its importance in the light of the rules of human rights law. Identify the dimensions of sustainable development. Addressing the participation of international organizations and institutions in achieving sustainable development. How to activate the right to sustainable development

Research Question

The right to sustainable development in law is a recognized right, but there is legal ambiguity for this right, and a statement of how the extent states are committed to it, with the absence of a mechanism for activating, regulating and .developing it

:In this research, we will try to ask many questions and answer them, including

- What is the concept of the right to sustainable development in the existence of the legal norms of human rights?
- What legal texts contain the right to sustainable development?
- When and how were human rights proclaimed and what is the role of organizations?
- What is the role of States and international and non-international organizations in the process of sustainable development ?

The Plan of the Study

The plan followed in this research is based on the policy of the Iraqi legislator in the study of sustainable development in the legal rules of human rights. For that, we divided this research into two sections, the first dealt with the concept of sustainable development

The first topic

The concept of sustainable development

Every human being can contribute, participate and activate to achieve and maintain the development of his economy and culture in addition to his policy for the development of society ([3]), that development is a long-term process characterized by permanent is dealt with by individuals to radically change the backwardness of society and its poverty to be transformed into a new economic, social, cultural, scientific and civilized society, in which the individual enjoys the quality of life to Better life than before ([4]).

Sustainable development is the provision and development of all the needs of society without affecting and harming the future of future generations as well as providing all their ([5]). Through conferences and summits held by countries to develop sustainable development in addressing issues that were not of interest to traditional public law and the fact that the term development is modern, decision-makers put some legislation and decisions that promote and achieve that desired development that provides prosperity for peoples and social justice and maintains and develop the economy and provide the needs of individuals as well as the prosperity of peoples where the first section was divided into two requirements was the first requirement to study the emergence and development of the concept of sustainable development The second requirement It specializes in the dimensions of sustainable development and its fields.

The first requirement: the emergence and definition of sustainable development

In the past, the man was looking for fertile land to live with dignity and away from poverty and take care of his animals until man reached the stage of awareness and maturity, so he began looking for the elements of the environment through which he could secure his livelihood ([6]). Man is the basis of life and can make a fundamental change in the environment, nature and the development of science, as well as the great development in technology, starting from cutting trees, then switching from land to factories and factories and then using various chemicals from pesticides and fertilizers to make it more fertile, many links led to disruption in the ecosystem of life, including the human association with wild animals and forests, and then reflected on his life ([7]).

The term and concept of development appeared in the sixties of the last century and is usually a process with limits in the goals and also known as the escalating and continuous process with a long-term strategy that can develop all or some of the needs of the individual through the contribution of society to it. The process of transformation from cases of underdevelopment to cases of progress and prosperity is known as economic development, as this leads to fundamental and radical changes in the economic system of the individual ([8]).

The concept of sustainable development was formulated through the development of the economy and securing a standard of living worthy of the individual at the present and the future and securing the future of the lives of future generations and the development of society and its ability through the development of a comprehensive vision of development by some researchers, most notably (Ainiassi Hach, and Maurice Storgen) where the development of the

above concept began by activating and developing economic resources, by presenting the formulation of a concept of development related to the human environment through the establishment of a symposium in Stockholm to research and discuss issues Concerned with the environment and economy per capita in 1972 ([9]).

In 1987, the conditions and concept of sustainable development were developed through the World Commission on Development and the Environment formed in 1983 and is considered the first specific definition of development, where the mission of the Committee was to develop and take into account the development of all natural resources in order to provide the needs of society and the development of its economy Impact on human giving and without affecting the future of future generations and also the need to marry the economy, man and the environment < /B30>([10]) The definition of (Brundtland) which confirms the necessity of reducing the consumption of economic growth rates, which is part of the definitions of scientific institutions and researchers at that time, where this definition is of great importance and advantages because of its focus on the qualitative, future and ethical aspect of the human being and was named after Mrs. (Regrow Brundtland) who chaired the committee and the report was known by his name ([11]). In 1995, the World Summit for Social Development, held in Denmark, specifically in Copenhagen, came to focus on everything that can achieve social justice as well as ensure the distribution of wealth through equity in the treatment of individuals and society.

Second Requirement: Dimensions and Areas of Sustainable Development

The environment, economy, and society, are dimensions of sustainable development and these dimensions relate to the well-being of the individual whenever they are integrated, as it requires compatibility between the economy, society and the environment, where the individual's access to a better life is the responsibility of sustainable development by improving the quality of life and linking development and the environment to comprehensively improve the sectors of the economy, society, industry, politics, administration and agriculture, in addition to improving social capabilities and keeping pace with the development of the individual and society, and this is the purpose of sustainable development.[12]. This requires the integration of three main areas, where the requirement was divided into several branches, the first branch was research in the field of economic growth and justice, the second branch considers the field of conservation of natural and environmental resources, and the last branch will be on the human dimension and social development.

Section I: Economic Growth and Equity

The colonial powers extended their control over the natural and economic resources of society to the countries subject to them, which made those peoples demand the recovery of their legal rights and work to preserve their national resources, as these peoples began to develop their countries through the economic investment of its resources, until the concept of conditions emerged in two stages of sustainable development, the first of which is the restoration and preservation of their sovereignty of the countries of the legal and national peoples over the natural resources of the countries and then work to invest those resources as a second stage, through the projects of the program United Nations Development The concept of Arab countries has spread ([13]).

It is required in the constitutions of countries to refer to economic growth because there is prejudice to the possibility of achieving the welfare of individuals, using various methods of natural resources properly, and eradicating poverty, noting that some constitutions of Arab countries are almost completely absent for some rights, including social and economic, and refers to the right to a decent living as well as the provision of housing that is decent for the individual and society, enabling health, providing and developing education and rights, in addition to providing social security for the community ([14]). Developing countries that are characterized by industry should bear a special responsibility for sustainable development for cleaner use of technology without affecting poor countries and the need for equitable use and distribution of resources.

Section II: Conservation of Natural and Environmental Resources

The conservation of resources is one of the most important issues in the world because of its attachment to human rights, well-being and ensuring .The standard of living and economic that befits him, and this is what needs to provide a database of environmental materials and conditions and the knowledge of the administration and the international community in order to achieve and address matters related to them, for the purpose of preserving the human environment and the possibility of developing and sobriety performance in countries, organizations and institutions with competence in this regard, The process of preparing documents and environmental evidence has been initiated by scientific bodies, such as the Environmental Conservation Agency and the National Environmental Quality Defense Service and also There is a Canadian Environment Organization, one of the most important factors in the development of human society, for providing increasing opportunities to improve the living conditions of peoples and nations while polluting the environment, and this is what led to the defense of the rights of the human environment by representatives of environmental protection represented by the frameworks of a healthy, sound and parallel environment as stipulated by the Conference on the Human Environment in 1972 by the United States for the purpose of preserving the environment by peoples. Preserving the natural composition of the human surroundings in which he lives does not mean reaching an ideal environment for the community to live in, so the community is guided to maintain

Surroundings. Some of the world's constitutions provide for the protection of human rights, especially the environment, such as the Spanish Constitution in Article 54 of 1978, which stipulated that the human being enjoys a suitable environment capable of development, as stipulated in the Constitution of Peru in Article 123 of 1979, which stipulated

the right to live to preserve nature and the countryside in an appropriate and sound environment. The Iraqi Constitution also had an important role in the field of human rights, as in Article 33 \ First, which stipulates that everyone has the right to live in a sound environment, and also stated in Article II that countries must ensure the protection of the environment and the preservation and protection of biodiversity ([15]).

Section III: Human Dimension and Social Development

To organize society, it must be developed and procedures related to society and the economy must be developed, and international and local efforts must be concerted to preserve and raise the social level of individuals, which leads to the balance of society and its cohesion with each other and the use of natural resources for the sustainability of life in the best possible and sound manner ([16]). Sustainable development means achieving the goal set for population growth, and governments must provide services to ensure a decent life for their people, achieve societal justice and not put pressure on the resources of the population, this requires the development of natural resources, the advancement of rural reality, the improvement of social welfare and the correct investment of capital, all of which is concerned with the human dimension of sustainable development ([17]).

The relationship between nature and humans is about social development, which is concerned with improving pluralism, access, the well-being of society, the development of cultures, and respect for decision-makers while enabling individuals to determine their own ([18]). The right to development was not limited to the environmental aspect, but reached the right to education, economy, housing and safety, as well as children's right to health and social care and to preserve them from exploitation and violence as well as equality, so the individual and society must participate in the exploitation and development of development because individuals are the main beneficiaries of it, with the need for countries to create favourable conditions for the development of peoples and individuals ([19]).

The second topic: the legal basis for sustainable development as human Sustainable development: Is another form of stability because of its ability to continue and communicate, progress means providing all the needs of society without prejudice to the future of the next generation, and focusing on the sustainability of society socially, economically and environmentally, so that it is another image of the well-being of future generations ([20]). International law urges the development of all societies, which we derive from the texts received, and despite development strategies, it is considered a starting point for international organizations concerned with development issues, and it is considered the main pillar of the United Nations in formulating a sustainable development strategy. Sustainable development is another form of stability because of its ability to continue and communicate, progress means providing all the needs of society without prejudice to the future of the next generation, and focusing on the sustainability of society socially, economically and environmentally so that it is another image of the well-being of future generations ([20]). International law urges the development of all societies, which we derive from the texts received, and despite development strategies, it is considered a starting point for international organizations concerned with development issues, and it is considered the main pillar of the United Nations in formulating a sustainable development strategy. The text of Article 31 of December 12, 1974, of the Charter of Economic Rights and Duties, stipulates that States must participate in supporting the world economy The cooperation of these countries among themselves achieves the prosperity of society, in Chapter IX / Article 56 of the Charter of the United Nations stipulates that all members undertake to be alone or jointly in their duties to cooperate with the Commission to achieve the purposes stipulated in Article 55 ([21]). In the Philadelphia Special Declaration, a special text was received that includes the right to sustainable development, at the General Conference of the Organization, which was signed on 5/10/1944, where it emphasized the instructions and objectives of the International Labor Organization, which stipulates (the right of all human beings, regardless of sex, creed or gender, to pursue their material well-being and spiritual progress under conditions of freedom, dignity, economic independence and equal opportunities), so the Secretary-General recommended to the Economic and Social Council the dimensions of the right to sustainable development. and the extent to which they relate to human rights at the time recognized by the Commission on Human \ Rights In the end, he stressed the duty of members to prepare the necessary things for the right to development, which was followed by an important decision in 1981 by the Commission on Human Rights to establish a governmental team entrusted with the tasks of studying the content of the right to development and ensuring the security of some rights, such as the economic and cultural rights of individuals, where the right to development was adopted on 4/12/1986, which was repeated by the General Assembly by a majority of (146) countries, and it was emphasized that the right to development is an inalienable human right. And the right of nations to equal opportunities and individuals who make up nations alike ([22]), which will be addressed in this section in the first requirement to the sources of the right to sustainable development and its legal nature, as well as in the second requirement to the Declaration of the Right to Development.

First requirement: Sources and legal nature of the right to sustainable development

The goal of the rights of modern international law is to search for the welfare of achieving society and through them are the achievement of fundamental freedoms and rights of society, in terms of strengthening human rights preserving well-being and dignity and working to eradicate poverty with the need for good governance and thus achieve social, cultural, economic, political and civil rights of teeth, and the decision-maker and businessmen with competence to pay attention to individuals and peoples ([23]). Because of the importance of the right to human rights, it is necessary to look at rights with a large quantitative accumulation of generations of human rights communities, where there are three rights, namely economic and cultural rights, civil and political rights, in addition to solidarity rights, which some authors

called for, and they represent human rights in new generations, such as the right to development, the right to the environment, the right to assistance and peace ([24]). Improving the housing and health situation, the nutritional status and the need to develop the economic situation, when the welfare of the economy of society is the pillar of true democracy, that economically and culturally developed countries witness democracy before other countries, that development is the basis of human rights and democracy, as there is no democracy at this time without the human being in a good standard of living, so the relationship between development and human rights is interdependent with each other, that development advances society and achieves social justice. Because of the importance of the right to human rights, it is necessary to look at rights with a large quantitative accumulation of generations of human rights communities, where there are three rights, namely economic and cultural rights, civil and political rights, in addition to solidarity rights, which some authors called for, and they represent human rights in new generations, such as the right to development, the right to the environment, the right to assistance and peace ([24]). Improving the housing and health situation, the nutritional status and the need to develop the economic situation, when the welfare of the economy of society is the pillar of true democracy, that economically and culturally developed countries witness democracy before other countries, that development is the basis of human rights and democracy, as there is no democracy at this time without the human being in a good standard of living, so the relationship between development and human rights is interdependent with each other, that development advances society and achieves social justice.

All of this is stipulated by the universal declarations and this is related to sustainable development, where the study of sustainable development is divided and this is what is stipulated in the International Covenants on Political, Civil, Social and Economic Rights and also in international documents in various international countries, including Arab countries, where the study is divided as follows: -

Sustainable Development and Civil and Political Rights

Political and civil rights where he stressed the rights of peoples to determine the fate of their future and the policy of their countries, where they have the freedom to dispose of their wealth, resources and culture, which is stated in the first article \ first paragraph of the Covenant that peoples have the right to self-determination, and have the freedom to achieve the development of their economy, and have the right to determine their political status, as well as their cultural and social development. Article 1/ paragraph 2 states that all peoples pursue their objectives and may freely dispose of their natural resources on condition without affecting international economic cooperation based on mutual benefit, as well as preventing the deprivation of the people of their livelihood ([25]).

Sustainable: Development and Economic and Social Rights

Economic, social and cultural rights, Article 1 \ first paragraph of Part I of the Covenant, which provides for all peoples the right to self-determination without external interference, and therefore they are free to determine their cultural, political and social development and the freedom to choose their political status, as well as Article 1 \ second paragraph, which provides that all peoples, in pursuit of their own goals, shall dispose freely of their wealth and natural resources, without prejudice to any obligations arising from the requirements of international economic cooperation. Based on the principle of mutual benefit and the law, in no case shall a people be deprived of their means of subsistence ([26]).

Sustainable: Development and Economic and Social Rights

Economic, social and cultural rights, Article 1 \ first paragraph of Part I of the Covenant, which provides for all peoples the right to self-determination without external interference, and therefore they are free to determine their cultural, political and social development and the freedom to choose their political status, as well as Article 1 \ second paragraph, which provides that all peoples, in pursuit of their own goals, shall dispose freely of their wealth and natural resources, without prejudice to any obligations arising from the requirements of international economic cooperation. Based on the principle of mutual benefit and the law, no people shall in any case be deprived of their means of subsistence ([1]).

Sustainable: development and the right to self-determination

The General Assembly adopted resolution 1803 (/ / XVII) of 14 December 1962 under the title Permanent sovereignty over natural resources, and resolution 1314 (XIII) of 16 December 1958 A report was recorded on the establishment of the Permanent Sovereignty Committee over Natural Resources as one of the fundamentals of the right to self-determination, in addition to its decision to oblige the right to take into account the rights and duties of States established by law, with the need to decide to encourage international cooperation in various fields, including wealth and economic development of those developing countries, while also recalling its resolution No. 1515 (XV) of 15 December/ 1960, which the Assembly recommended (respect for the absolute right of States to dispose of their natural wealth and resources, with what it deems necessary to encourage international cooperation for the economic development of developing countries) as well as the provisions of Article V (The free and beneficial exercise of the sovereignty of peoples and nations over their natural wealth and resources must be encouraged with mutual respect among States on the basis of absolute equality) [2].

Second requirement: Declaration on the Right to Development

The resolution of the General Assembly of the United Nations in 41/128, adopted on the Declaration on the Right to Development on 4 December 1986, which states that the process of economic, political and social development contributes to the well-being of society on the basis of their participation in political activity and in the equitable distribution of human rights for the benefits resulting from them, and also stated that the provisions of the Covenant on Social and Economic Rights and the covenant recalling also the right to exercise full and complete sovereignty over

resources and wealth, subject to the relevant provisions of the two Covenants on Human Rights, The existence of a coherent and coherent link between all human rights on the one hand and fundamental freedoms on the other, The promotion of human rights does not justify fundamental freedoms and must be respected, and considering that international peace and security are essential elements of the right to development, and one of the inalienable things is the right to development as a human right, and that equal opportunities in development is the right of the community who make up the nations ([3]).

1. Affirmation that the right to development is a human right

The Declaration included in the first article that human rights are part of the right to development in addition to the right to full sovereignty of natural resources as well as wealth, paragraph 1 clarified that the right to development is one of the human rights that acts inalienable depending on its text, where every human being and all peoples have the right to contribute and participate in achieving development in various economic, social, cultural and political fields and the development of the realization of all human rights as well as fundamental freedoms, as for paragraph 2 which provided for the human being the right to determine his future and destiny in complete freedom, which includes, subject to the relevant provisions of the International Covenants on Human Rights, the exercise of its inalienable right to exercise full sovereignty over) all its natural wealth and resources..

2. The human being is the subject of development and responsible for it

Continuous and sustainable development proceeds according to society, where they are its tools, achievement and goal, but by meeting the needs of society, and through wisdom and knowledge, society must be able to properly exploit its natural resources in a way that guarantees the human right to live in luxury without affecting the resources of future generations, as well as increasing their economic resource and organizing their lives properly ([4]). Article 2, which consisted of three paragraphs when declaring the right to development, where paragraph (1) stipulates (that the human being is the main subject of development, and should be the active participant in the right to development and the beneficiary of it(as for paragraph (2) of the same article, which stipulates that Absher all bear the responsibility for the development, individually or collectively, taking into account respect for the full human rights, in addition to the duties of society, where the social, political and economic system appropriate for development should be strengthened and protected, as for paragraph (3), which emphasizes the role of states in setting development policy, positively returns to human dignity and well-being and ensures the participation of society in development. As for paragraph (3), it emphasizes the duties of States in formulating development policies that can positively ensure development and human well-being.

3. State responsibility for the realization of the right to development

Governments should adopt different policies commensurate with society in various economic and social fields, with the policy of technological and scientific research, as well as the advancement of the education path, as there are three paragraphs in Article (3) of the Declaration where the role of the state emphasizes the activation and realization of the right, paragraph (1) states that the state bears the responsibility of preparing international and national matters for the realization of the right to development. Paragraph (2) stipulates that development work requires full respect for the principles of international law relating to relations and cooperation among States based on the Charter of the United Nations, paragraph (3) stipulates that States must cooperate to develop and remove obstacles that are in the way of development, and States must cooperate and establish a strong economic system based on equality in interdependence, sovereignty and cooperation, as well as the promotion and observance of human rights ([5]).

RESULTS

1. The subject of development is from the human being and to him, as the countries of the world have devoted their efforts to activating the right to sustainable development, so international conferences and seminars were held to defend human rights and for the sustainability of the right to development.
2. At present, the environment, development and economy play a major role in achieving the development of society and meeting human needs, so the state works to develop economic wealth, support society and cooperate with other countries to advance societies by developing the international economy without affecting the environment.
3. The absence of legal legislation on damage to the environment through factories and hospitals and society's neglect of the environmental aspect leads to the achievement of sustainable development.
4. Achieving social justice through poverty eradication to achieve sustainable development of society and achieving development through attention to housing, education and health development leads to achieving social justice.

RECOMMENDATION

1. Developing countries must support poor countries to achieve the elements of a decent life to achieve sustainable development as the main pillar of human rights, as well as support international peace and environmental preservation.
2. Activating the international role in supporting the economy and paying attention to the green economy as well as industry and trade, as well as activating financial control over state institutions.
3. Preparing studies and finding appropriate solutions to the problem of growing population, in addition to developing an international policy to solve the problem, providing education, health development and supporting agriculture to achieve sustainable development as a human right.
4. Establishing a global council from many countries of the world to find solutions after preparing studies to coordinate international programs for all societies.
5. Activating and legislating laws that are in the interest of society to achieve social justice and human development

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