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Review

The study of the progression of soft law human rights to hard-law human rights and statutory law

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Abstract

Despite the significant advances made so far in the area of human rights, there are still some very serious challenges to some of the issues and examples of these rights, both in the first and second generations and in the third generation, most of which are these problems. Third generation is seen. Because in the first and second generation of human rights, the principle of the right is definitive, but there is a debate about the scope of the right and the way in which the right applies. But in the third generation of human rights, there are ambiguities in how they are applied, due to these ambiguities, the existence of these rules in the context of soft law and soft law, for this reason, these human rights instruments are the means to be implemented and It does not require states that violate it to comply. This paper examines the methods and tools that have already been developed to legitimize and enforce human rights law.

Keywords: Human rights; soft law; the right to development; the right to protection; humanitarian assistance

INTRODUCTION

In general, one of the features of international law is that "international law in various fields, including the subject of legitimacy, is ambiguous" (1) Abbasi Sarmadi, Mehdi, Historical Rights, and the Use of Zuz in International Law, Journal of Legal Justice, 2003, p. 54). Therefore, in order to legitimize the establishment of any institution supporting human rights, the adoption of relevant legal provisions is necessary. The fact is that over the past few decades, the international human rights system has been dramatically developing in the area of standardization and the rule of law, which illustrates the promotion of soft components in human rights to legitimacy. This process began with the establishment of the United Nations (1946) and the issuance of the Universal Declaration of Human Rights in 1948, and gradually accelerated to the extent of the international community at the beginning of the 21st century in the realm of human rights and fundamental freedoms. In fact, the Universal Declaration of Human Rights has been the foundation stone and inspiration for various international instruments whose main purpose is to protect the human dignity of human beings and to provide them with the potential for their material and spiritual growth. Such progress is considered necessary and necessary and should not be neglected, but alone and in itself, a society free from oppression and injustice. The international community, in addition to standardization and rule of law, is in dire need of guaranteeing the implementation and observance of human rights standards. The global human rights organizations have evolved largely around the United Nations, as some are based on the United Nations Charter and are among the United Nations subsidiary organs, while others, although based on their origins, Other international treaties have been based but in some way dependent on the United Nations. In this regard, the significant impact of the United Nations and its related human rights organs on the promotion of legitimate components to legitimize them is fully apparent.

It has been shown in international law that, in principle, governments have not been willing to accept human rights obligations and international humanitarian law, and all agreements made in this regard have been

based on their consent and will, because Contrary to conventional human rights treaties, human rights treaties have a supportive character. Of course, this is only one aspect of the acceptance of international treaties, and the other side of the coin is the human rights acceptance that has been affected by events such as the internal and external pressures of international human rights organizations, in line with global public opinion. Climate change, etc., undermine the will of governments and force governments to accept these agreements. These acceptances are a primary and very important factor in developing concepts that are mature and turning them into international practices, and as a result inspiration for the adoption of binding international and domestic human rights instruments to protect human dignity, which in the system Current international law The process is rapidly increasing, as the United Nations Secretary-General expressed in his remarks at the Vienna Human Rights Conference on June 14, 1993, that human rights are a permanent syntax (World Conference on Human Rights, 1993).

The process of enforcing soft law in international human rights

The process of enforcing the soft law of human rights can be done in different ways, one of the most well-known methods is the gradual development of international law through international organizations or organs within international organizations, and truth is the task of developing and gradually developing international law.

In the international human rights system, two main methods have been addressed: Promoting soft law and the protection of human rights. These two methods of observance of human rights and its implementation are so comprehensive that they contain all the methods, behaviors and policies that exist for the observance of human rights. In other words, any type of plan, performance and policy is about respecting and implementing human rights, or a program to promote human rights, or a program to promote it. (Saber Niavarani, Master's thesis on the role of the Commissioner Supreme Council of the United Nations in advancing human rights, University of Tehran, 1393.)

Legitimacy theory

One way to understand why governments may feel that they can and should obey human rights is to identify and understand governments as legitimizing human rights. The theory of legitimacy expresses the simple consequence of the fact that, in a world without external coercion, the adherence to "to any degree that exists" is guaranteed by the inner compulsion which is in the psychology of sovereignty.

Allen Buchanan, Human Rights Legitimacy and the use of Force, Hardcover, 13 January 2010, p. 255.

Traditional scholars express the legitimacy of human rights through the use of concepts of judgment, politics, and liberal ethics. Regarding the historical origins of legitimacy, there has been little debate on the subject. For some, a rule of law, as opposed to those whose audience is, is legitimate when that rule is created in accordance with a proper process. For others, legitimacy in the international system is rooted in the harmony observed with a natural-law norm. Others also argue that legitimate rules are the rules that provide the best mechanism for expressing international social life. Each of these views on the root of authority and the power of legitimacy reflects the primary and fundamental right of a lawyer who is a lawyer or natural law. The debates about other features of the legitimacy of its "political and normative roots" have the same certainty as human rights debates and debates.

Human Rights and Self-Validity

Human rights treaties, of course, are essentially different from conventional international treaties. The root of the differences is that, contrary to conventional conventions, human rights treaties do not represent the "exchange of interests" between the member states. The fictional and legendary format of international culture allows the sovereigns to uphold human rights without advocating their rational and rational power. In this cultural anarchy, the myth can find the color of the legitimacy so that it can create the psychological and internal obligations and obligations in the sovereignty. Symbolic power can be granted in many ways to international laws and institutions. Rules must be validated through formalities. Institutions may be validated through architecture, transferring power (such as renowned leaders) or other cultural attention. In other words, laws and legal institutions can be validated for their history, their historical sources and their cultural roots (David Kennedy, Critical Theory, Structuralism and Contemporary Legal, New England School of Law Review, Boston, Massachusetts, 1985-1986).

The mystery of ideological pollution offers another example of human rights accreditation. Liberal ideology makes political choice as natural or legitimate, scholarly, and indisputable.

How Human Rights Grow and Learn

The thinkers of such areas as philosophy, ethics, law and politics in the West have always been thinking of compiling a comprehensive list of human rights and freedoms. The realization of this wish was not far from expected due to the history of different intellectual

systems in that country, especially natural right. The process of transforming the rights and freedoms from natural rights to the theoretical rights is the result of a confluence of purely theological-philosophical thoughts on legal-political ideas. One of the signs of this transformation is the "generic" adjective for the rights and freedoms. With this evolution, governments are obliged to regulate and enforce rights and freedoms through the formulation of laws and regulations, as well as their enforcement by punishing offenders and offenders (Motamednejad, 2001).

Obstacles to human rights in international law

A. National Security

The notion of national security can be considered as the most important concept by which governments restrict the exercise of rights and freedoms; in particular, the right to freedom of expression and press freedom are subject to the greatest limitation by resorting to this concept. To the extent that several of the principles of the Johannesburg Summit 2001 have been devoted to this issue (Khayeghi and Kiomars, 2001). But in addition to extending the use of this concept, its definition is difficult to deal with.

B. "Ethical" restrictions on the ratification and implementation of human rights law

There is a wide-ranging connection between human rights and ethical doctrines and norms, although the extent of the relationship between law and ethics with each other and the exact nature of the legal or ethical rules of human rights in controversy is very controversial (Dorkin and Ronald, 2002). There is a view that human rights are a moral issue. As Babenberg, in his theory, refers to a law called "moral rights," which refers to cases where their existence is recognized before or independently of any valid institutional principle. These rights, regardless of their identification by the state, belong to the individual or individuals and are independent of legal or non-legal institutional rules. The description of human rights as moral rights implies that the norms constituting human rights are ethical and therefore human rights can only exist if moral norms are to some extent recognized (Martin, 1993).

The values inspired by the beliefs, traditions, and habits of the community play a direct role in the narrow or rational interpretation of the scope and examples of freedoms. Also, the sensitivities of the citizens of each country that may have originated from historical events are a decisive element in the moral constraints on the exercise of rights and freedoms. For example, the rise of fascism and racist ideas in the first half of the 20th century in Europe has given it special attention to human rights conventions and human rights, as well as the ongoing judicial process in the European Court of Human Rights. Clayton, Rand Tomilson, H. The Law of Human Rights, Oxford University Press, 2000, p. 314

The Role of Globalization in the Growth and Promotion of New International Law and Human Rights

Since the early nineties of the twentieth century, rights, like many other sciences, have recognized globalization. Previously, rights were faced with the phenomenon of internationalization, a phenomenon that deals with interactions between two or more governments, regardless of their geographic location, but the new evolution, the globalization of rights, is far more commonplace and more legal jurisdictions (Qari and Seyyed, 2003).

A: The Impact of Human Rights Impact on the Globalization of the Rights

The emergence of the concept of international human rights after World War II posed a human being as a legitimate actor against the government in international equations, but not necessarily since 1948 or before; but since the individual as a person, the possibility of claiming the right to the government. Thus, the human person became the first non-state actor in the field of international law.

B. The Role of International Organizations, Multinational Enterprises and Civil Society in the Globalization of Human Rights

International organizations, multinational corporations and, more recently, the global civil society (especially in the field of environmental standardization) are among the actors in creating a worldwide legal framework. The government has transferred some of its former competencies to these institutions and, by virtue of its activities and membership, has also acquired new competencies in these institutions, such as, for example, by relying on humanitarian interventions, In other national affairs. In addition, the government seems to be willing to withdraw any part of its competence that it has shared with other governments in the form of international commitments. Obviously, the possible plan of international responsibility does not change the legal nature of the matter.

The role of globalization in the rule of international law and human rights

If globalization is defined as a process of finding legal values, the main role of establishing a legal rule is to bring these values into the realm of rights. Therefore, the regulator has the purpose and function of transforming values into legal categories or concepts, since values are acting on existing legal resources. Legalization is a prerequisite for the commitment of values, thus the value of legal legitimacy and the ability to execute, and can be implemented with the requirement that it is incorporated into modern law in the modern society. Therefore, globalization has established a new basis for rights that is universal values (Zamboni and Mauro, 2007).

H: The role of Hud's government in the process of legitimization and rulemaking in international human rights

Governments through international treaties have a significant role to play in the development and consolidation of international human rights standards. In fact, in some parts of international human rights standards, in particular with respect to the norms of the so-called second and third generation human rights, namely economic, social and cultural rights, and collective rights, the achievements of agreements between countries are in the formulation of these standards.

E) The role of civil society in the rule of international law and human rights

Civil society is one of the potential rivals of the state in establishing a legal framework and analyzing its scope of competence in determining the competence of the state. The meaning of civil society is the interface between society and government and the provider of individual supervision over the state. Since the early 1990s, the government is required to make meaningful contributions to citizens' decision-making. Further, democratic participation in the form of elected democracy is not enough, but rather meaningful partnership that ensures the presence of vulnerable minorities and groups, especially women, and their interests (ECOWAS, 2001).

C. The role of economic institutions in the rule of international law and human rights

The globalization of the economy is an increase in the interconnectedness of global economies, which arise from the growth of flow of goods and services beyond borders, international capital flows and the rapid development of technology; the evolution is evident in six fold: 1. The emergence of global financial markets; 2. Transnational Technology and its achievement to the surplus border; 3. Organize production in the global arena; 4. Increase bargaining between multinational institutions and governments in the global arena; 5. The rise of cultural waves in the world and the emergence of a common global identity; 6. The emergence of geographic space Virtualization and the emergence of a common global identity (Saei, 2006).

Q: The relationship between modern international law and globalization on each other.

In the law, exclusive of the state-national framework, the legal rule of the state was recognized by the state and for the state, and governments paid independent and equal rights in the field of law. The internationalization of rights in many areas and the growth of international trade has reduced the scope of government competencies. The national economy was privatized, and alternative government institutions, with superficial public power, decided independently in their field of activity; organizations engaged in international trade established their own independent rules, not from the will of a government, but rather from The cooperation of several governments with each other (non-governmental and non-governmental); civil society has entered a relationship between the citizen and the state and has made meaningful contributions through redefining the rule of law and creating a government in the process of establishing the rule.

9. Soft Law

A. Content of soft law

Contemporary history shows that, principally in the field of international relations, governments have by no means tended to accept international legal obligations except on the basis of their agreement and will, and the effects of this approach are still evident with the continuing importance of treaties in international law. But in the world, events occur regardless of the will of governments, such as climatic changes and the deterioration of the ozone layer, and there are identities beyond the existence of governments, such as international human rights organizations that influence the will of governments in the circle. .

B: Definition of soft law

Soft law means a set of rules or codes of conduct that, in spite of the lack of legal definition of the law, is effectively enforced. Soft law derives from the needs and priorities of the contemporary world. Together with the general desire to reduce the role of governments in all areas and to restrict the government to the exercise of sovereignty, soft law also reflects the acceptance of the reduction of the role of the state as a sole activist in the field of law. The main characteristic of soft law is the lack of a description of the legal requirement, based on sociological analysis of the rights to be justified. In this approach, the main factor in complying with legal regulations is not merely the existence of a state-sponsored guarantee, but the most important factor in the acceptability and breadth of the implementation of legal

rules, efficiency, compliance with the requirements and requirements of the audience, and, in summary, the specialty of the provisions of the rules.

C: Elements of soft law recognition

1. Behavioral rules. The first element and component of the realization of soft law is the existence of rules of conduct, and it is the criteria that require certain behavior from a certain group as a target group. Of course, since science is essentially a code of conduct, soft law does not differentiate it from hard rights. But this element distinguishes soft law from mere descriptive criteria or predicate statements.

Senden, Linda, (2005), Soft Law and its Implications for Institutional Balance in the EC, Utrecht Law Review, Volume 1, pp. 78-99.

2. Absence of inherent imperative. As all definitions of soft law have been mentioned, soft law is not obligatory; therefore, its terms do not form an integral part of the legal concept, but will only be valid and effective in practice. Conversely, in hard law, which has been interpreted as "firm law", the legal requirement is directly based on the form and procedure used to approve the rules; this direct effect of the law is on two Vertical and horizontal types are divided:

3. Elective selection of soft law templates. Soft law is one of the most effective and recognized instruments in the contemporary world, which achieves the goals through the use of non-binding mechanisms. This format is either in the form of documents issued by an institution or institution for execution by others (such as the European Commission's recommendations addressed to them by the governments of the Union and intended to be implemented), or In a non-documentary manner and on the part of the parties to the relationship, it is in the interest of their will and intention to use the template. In fact, agents choose to deliberately and deliberately use non-binding tools (Senden, Op. Cit., P. 113). Accordingly, if a legal document is not inadvertently executed in the form of a legal document or if the agreement does not have one of the inherent elements, then it is not binding, then the law can not be enforced.

Schelkle, Waltraud, (2008), "EU Fiscal Governance: Hard Law in the Shadow of Soft Law?", Columbia Journal of European Law, Vol. 13, pp. 705-731.

There is a soft power and practical effect

Joseph Nye, in the book "Soft Power for Success in Global Politics," divided power into two types of hard and soft, saying that soft power is a power that is not required to exert pressure and conquer power. From his point of view, soft power is formed in such a way that the power holder has, for various reasons, such a credibility and influence that the decisions they make do not require pressure or even huge expenses. With regard to soft law, soft power means the specialty of their rules and their effectiveness; that is, the effectiveness of the rules of soft law occurs if it is provided by the institution or by experts and solely on the basis of specialized technical and technical analysis.

Remaining external nature

The soft law rights are created only when the document in question has the function and nature of the external nature; the intention of the developers, the impact and application of the rules of the document are broadly based on the relationships of individuals and institutions outside the organization. Therefore, a document designed solely for the organization of the internal affairs of an organization is not an example of a soft law, since in these circumstances neither the intention of the persons was to implement widespread rules nor not necessarily the subject matter of the document, the broad applicability and generalization of the same examples will have.

Footer, Mary, (2008), The Role of 'Soft' Laws in the Reconciling of the Antinomies of the WTO Law ', Society of International Economic Law, Working Paper No. 54/08

T: Soft law and similar concepts

Recommendations

Recommendations are the most important and oldest examples of soft law rights. Although these documents are also used to explain general principles and rules such as the "Broad Economic Policy Guidelines" document or the general employment policy of the European Union, as well as for the consideration and consideration of detailed and minor issues such as "The International Chamber of Commerce Guidelines for International Investment", "The OECD Guidelines for Corporate Governance of State Owned Enterprises") Or the "OECD Guidelines for Multi" national enterprises). But it seems that most of the recommendations are used to explain the details and details of specific topics. The prevalence of the use of the recommendations has led some writers, along with the guidelines, to consider the recommendations as the most important examples of soft law documents, which can be verified by the wide use of these documents.

Proposed documents

The other softwares used in soft law are "Recommendations". Like other examples of soft law, as well as its name, these documents merely refer to non-binding rules, suggest the institution that enforces them

to achieve the desired goals, or better enforce the rights of the hard law. This soft law format also has many examples, such as the proposed document of the Council for the Organization for Economic Co-operation and Development on some principles of transboundary pollution (OECD Council Recommendation C (74) 224 on Some (Principles Concerning Trans frontier Pollution), " The International Labor Organization's proposed Recommendation Concerning the Improvement of Standards in Merchant Ships, or the Recommendation on Economic Crime, approved by the Council of Europe.

Green documents

Green Papers is a special form of soft law that is most commonly used in the European Union and by the European Commission. Since the early 1980s, the use of these documents has begun, but since 1993, the use of these documents has grown dramatically. From the content point of view, these documents begin with general statements about the status quo and the legal structure of the subject matter, then the challenges and practical problems associated with it are explained, and further solutions and solutions are proposed to resolve the problem. To be The provisions of the green paper are in fact the formulation of headings for further discussion. Accordingly, the European Commission publishes "White Papers" or "Communications". To date, Green Papers have been published on various social and economic issues such as market regulation, competition law, intellectual property rights, transport and agriculture, such as the Green Ppere on European Social Policy, or the GreebPapere on Community Energy Policy, as well as for detailed and detailed topics such as the Green Papers on Vertical Restraints (Green Papers on Vertical Restraints) in EC Competition Policy) or the "Green Paper on a Common Approach to Satellite Communication in Europe" (Green Paper on Common Approach in the Filed of Satellite Communications in the European Co munity

White documents

White papers are other common examples of soft law rights in the European Union, which, like the green paper, are only published by the European Commission, but less commonplace with them. The first and most well-known example of these documents is the White Paper on the Completion of the Internal Market, published in 1985. White Papers The European Commission's proposals are on specific topics that explain how the goals and perspectives are realized.

Road Map

Action Plans are documents widely used by the Commission and the Council of Europe. Other titles, such as Action Plans and General Programs, are also used for these documents. The first example of the Roadmap was developed in 1961 under the title "Roadmap for Abolition of Restrictions on Freedom of Establishment", and in the following years, other examples, such as the Road Map for Removal The Barriers to Trade of Goods ", the" Community Action Plan for the Improvement of the Efficiency of Electricity Use " The Action Program for the forestry sector and the "Community Roadmap for the European Heritage Site" have also been drafted in line with the studies. The road map since the mid 80's grew. The road map is more detailed and more detailed than the green and white documents, and its development is not necessarily followed by these documents. Also, since the basics and legal documentation of the roadmap are more specific in the EU Treaty, and in several articles such as Articles 71, 95, 151, 3, 175 and 308, the formalities of these documents are more than white and green documents. . At the same time, in most cases, a road map is in place to pave the way for future actions and the adoption of hard labor standards.

Free interaction mode

The most prominent example of non-documentary soft law in the EU is the "Open Method of Coordination." In this mechanism, instead of introducing mandatory rules, only actions or principles are introduced as standard or appropriate behaviors that accelerate the realization of the fundamental objectives of the European Union (Dawson and Mark, 2009).

Honorary agreements

The Gentleman’s Agreement is one of the most significant examples of non-documentary soft law. Some writers have stated in the definition of these agreements:
"An unwritten agreement that, despite the lack of legal requirements, its implementation is guaranteed on the basis of criteria such as good faith and respect for the parties."

Non-binding human rights instruments

Human rights, in addition to the internationally binding (legitimate) instruments, have a large number of non-binding documents. Perhaps the most important of these groups can be declarations. Significant threats to human rights instruments were initially documented in a non-binding form and were subsequently formulated as declarations, and subsequently led to the compilation of a binding document.

Global Human Rights

The most important of these documents is the Universal Declaration of Human Rights, which is the most important and most important international human rights document. The Universal Declaration of Human Rights, regardless of its centrality, is considered non-binding as a declaration of existence.

According to international organizations

But in discussing non-binding human rights instruments, one can not ignore the role and nature of important documents such as the Resolutions of International Organizations, since these documents are quantitatively and They play an important role in terms of their impact on the development and transformation of international human rights.

10. The role of international organizations in the development and formulation of human rights international human rights law

One of the main factors in the development of human rights is international organizations. These organizations, nowadays regarded as one of the main actors of international law, have been able to play a major role in the development of human rights through their activities and the establishment of international law and the conclusion of human rights treaties and conventions. . In this regard, international and regional organizations have a special place because they have been able to play a major role in the development of international human rights in the formulation of international and regional conventions and the establishment of new human rights and humanitarian standards.

One of the goals of the United Nations is to promote, promote and uphold human rights and fundamental freedoms. The institutions of this global organization, each in their area of competence, must seek to achieve this goal. Within the framework of the United Nations, the General Assembly, the Economic and Social Council and the Human Rights Council, they play a more prominent role in promoting, developing and protecting human rights in comparison with other pillars and sub-sectors.

(A) The role of the United Nations General Assembly in the gradual development and formulation of international and human rights

One of the tasks assigned by the United Nations Charter to the United Nations General Assembly is "to encourage the gradual development and formulation of international and human rights." In order to provide the groundwork for this, the Forum "will make studies and recommendations". In the early years of the United Nations, the General Assembly of the General Assembly delegated this responsibility preferably to the International Law Commission composed of independent legal experts. Nonetheless, the growing sensitivity of governments to the political dimensions of the process of gradual development and the formulation of new issues of international law and human rights led the Assembly to gradually give more weight to political parties composed of representatives of states.

(B) The role of the International Law Commission in the gradual development and formulation of international and human rights

The purpose of the formation of the International Law Commission is to encourage the progressive development and development of international law. The Commission's statute states that the concept of gradual development is the development of texts in areas where international law has not been addressed or the performance or functioning of governments in them has not yet been developed to the best. In practice, the distinction between gradual development and compilation is difficult and often the International Commission for International Law, while formulating international law and after identifying rules that are customary, strives to adapt them as much as possible to new conditions or, if necessary, Complete these rules.

(C) Human Rights Council and its predecessor in promoting and legitimizing human rights law

The activities of the United Nations Commission on Human Rights in order to legitimize soft law with legitimacy can be divided into three periods. From 1947 to 1966, the Commission set up human rights standards in the form of conventions such as civil and political rights as well as cultural, social and economic rights. In the second period from 1967, the Commission paid a review of human rights abuses in the world. To do this, the commission has been working to create thematic reports and working groups. In the third period of 1990, the Commission began providing advisory and technical advice to countries around the world on human rights issues, as well as emphasizing the promotion of cultural, social and economic rights, as well as the right to develop and enjoy basic standards. In general, if we want to summarize the actions of the Commission throughout its life, we should mention the following.

In addition to carrying out the duties of the Human Rights Commission, the Human Rights Council also examines the human rights situation in all its fields in all countries. The Human Rights Council can also recommend measures to other UN bodies. Recommendations that can help the institutions to make decisions and implement them

(D) The role of the United Nations High Commissioner for Human Rights in the gradual development and formulation of international and human rights

The United Nations Human Rights Program works to promote and protect the human rights of all people everywhere. This activity is carried out by the various institutions and agencies of the human rights of the organization, and includes the various institutions and mechanisms addressed in this book, all of which have the

common purpose of promoting and protecting human rights, agreed upon by the International Civil Code Cultural, economic, political and social rights, which were announced more than 60 years ago in the Universal Declaration of Human Rights.

(E) The role of the International Court of Justice in the development of human rights

The International Court of Justice, as the main pillar of the judiciary, is one of the effective instruments for guaranteeing human rights. Given the jurisdiction of the International Court of Justice, human rights have been the subject of a number of lawsuits filed by this international judicial body and have so far played an indelible role in the development of human rights internationally. According to Articles 36 and 38 of the Statute, the Tribunal may interpret treaties, including human rights treaties. The Tribunal, in both cases (Article 34 of the Statute) and in Advisory Opinions (Article 96 of the Statute), can have a constructive effect on the advancement of human rights.

The Third Generation of Human Rights

A) The historical course of the human rights of the third generation

The third generation of human rights emerged in the late 20th century, and there were no binding documents for it, and the relevant documents did not go beyond the scope of the resolution and the declaration, but developed and industrialized countries so busy that the slogan of their electoral candidates It is no longer true to the rights of the first and second generations and goes beyond it, and in some of these countries, even parties are grouped according to the rights of the third generation, and the slogans are about the right to a healthy environment and the right to sustainable development. The right to development, the right to peace, the right to a peaceful environment, the right to communications, the common heritage of humanity (including land, sea and air), human rights and humanitarian rights (regardless of political objectives), the right to determine the fate, the rights of indigenous peoples and ... are among the rights of the third generation. For the first time, Karl Vassak, who has been chairman of the International Institute for Human Rights in Strasbourg for the first time, explained the principles of human rights in the proposed proposal to the UNESCO Magazine in 1977, and again in 1979 at the institute headed by him in his speech to The occasion for the start of the annual training period also paved the way for generations. He recognized the rights of the third generation as the third principle of the French Revolution, which was "brotherly". Rights not only to a single person but to a single person, and to achieve it solely the will of the state is not enough, and the cooperation of the international community, non-governmental organizations and People are also in need. For this reason, they also refer to "solidarity rights". The third issue of human rights is still not collected in any binding document. There is no legal burden on them, but it has been accepted by the international community and a lot of discussions and meetings have been held to explain these rights. These rights are based on solidarity and collective participation, and it relies on what must be done about them globally, and no country can alone raise these rights.

(B) Some examples and examples of third-generation human rights

The right to peace

The international community has come to the conclusion that the best way to maintain peace is through the use of the human rights mechanism in the realization of human rights and the maintenance of international peace and security, that is, the human right of "human right to peace" as a The third generation of human rights should be defined in order to safeguard the right not only to the peace and security of the community, but also to the full realization of all other human rights in the context of such peace and security.

Ramcharan, Betrand G., Human Rights and Human Security, http: // www. humansecurity-chs org / activities / outreach / ramcharan. pdf, pp. 1-8, at 3

It should be noted that, despite the many international instruments that recognize the "right to peace", this right has not reached the stage of legitimacy and legal commitment. Therefore, global efforts must be made in such a way that real and universal peace can be realized in practice so that the full enjoyment of human rights can be witnessed in the international community.

In order to legitimize this right, all governments must take steps to achieve its full and practical fulfillment. In the same vein, in order to achieve real and lasting peace worldwide, and especially in the context of the "human right to peace", the government must take the following basic measures: (a) as a fundamental commitment to all human rights and freedoms (B) resolve international disputes through peaceful means to prevent potential conflicts; (c) prevent any unilateral and unilateral use of threats; and Or to refrain from force; (d) act as soon as possible for general and general disarmament to resolve any threats to peace; (5) to strengthen and expand international cooperation among themselves, especially in the field of human rights and peace; (i) to promote the culture of peace through effective means such as human rights education, including the human right to peace , Promote and expand; (e) Use their resources for global sustainable development goals based on equity.

Finally, it should be stressed that respect for human rights and fundamental freedoms, as well as the maintenance of international peace and security, and as

a result of the actual crystallization of the "human right to peace, is not only the responsibility of governments, but also with governments, international organizations Governmental and non-governmental organizations and the entire international community should play a role in this regard. Only when human rights are fully realized in a secure, stable and lasting international environment that the entire international community plays an effective role in fully respecting human rights and fundamental freedoms and in bringing about lasting peace and security. To make Then such an international community could be hoped for, a society in which the interests of all will be safeguarded in the context of observance of human rights and the maintenance of peace and security.
2) The right to a healthy environment:
The "right to a healthy environment" can be interpreted not only as an entitlement to an ideal and ideal environment, but also as an entitlement to the environment that has been protected from any damage and damage.

"The right to a healthy environment" has been reflected in various interpretations in various international documents. Among these are the African Charter on Human and Peoples, the Universal Declaration of Nature and the Stockholm Declaration of the United Nations on the Human Environment. According to Article 1 of the Stockholm Declaration, "... the human environment, whether natural or artificial, is important for the welfare of man and for him to enjoy the fundamental right of man and the right to life." In line with this declaration, the Rio de Janeiro Declaration was approved, which emphasized global cooperation and the acceptance of the unity and integrity of the earth as the "home of man."

The right to the environment is thought to be the same as any other right guaranteed to individuals and groups. This reveals the formal aspects of this right, as well as the right to individual security. This, of course, implies the existence of effective measures. Therefore, recognizing the right to protect and improve the environment should have the right to refer to and appeal to competent institutions. (Habibi, Mohammad Hassan, 2003, Right to a Healthy Environment as Human Right, Journal of the Faculty of Law and Political Science, No. 60 p. 116.)

The right to humanitarian assistance

The right to humanitarian assistance has been defined to the right of all human groups to receive assistance from the international community, which is necessary in natural or abnormal events. The Geneva Conventions and its Additional Protocols set out the commitment of humanitarian assistance to governments and the international community. Explaining that governments are required to help their own people who have been harmed by natural disasters and accidents. In addition to the above, any international organization or organization, as well as other countries, are obligated to help those affected in case of such incidents. Some support for the right to humanitarian assistance is based on the moral principle of solidarity and the conviction of defenders that the international community should develop relevant international documents in this regard. Marks, S.P. (1981), Emerging Human Rights: A New Generation for the 1980s?, Rutgers Law Review, Vol. 33

The right to determine destiny

This right is the most important case of collective rights, and in the words of some, the most important result of individual liberty. The right of people to determine their destiny is basically a right that the people of Makkan have in their land to determine their political position and thus act in the framework of respect for the rights and legitimate interests of others to eliminate discrimination and territorial injustice. The prominent example of this right is the right of the people of the colonial territories to achieve independence and to escape from the colonial situation and the formation of a national government. Some advocates, relying on the importance of self-righteousness for a person, are also necessary for the necessity and importance of self-determination for a group or group on the welfare of its members, and hence the right of the group to determine its own destiny must be recognized.
Freeman, M. (2009), "Are There Collective Human Rights?", In P. Jones (ed.), Group Rights, USA: Ashgat Publishing Company.

From another perspective, the right to determine the fate of the same right to rule and rule is in place, and the "group" can own this right if it has six characteristics. These features include: 1. A Common Character and a Common Culture, 2. Acquireing Group Culture, 3. Mutual Recognition Mutual Recognition, 4. Member Identity, 5. Belonging to the Belonging Group, 6 -Greatness of Not Small Face to Face Group. Such a group has the right to govern itself. The International Court of Justice judgments in the cases of Namibia and the Western Sahara, as well as the denial of Bengal's separatistism by the General Assembly and the UN Security Council, indicate that the right to determine the fate of territories recognized by the United Nations as "colonies" " Knows.
Binder, G. (1993), The Kaplan Lecture on Human Rights: The Case for Self-Determination, 29 Stanford Journal of International Law.

The right to communications

The right to communication The Right to Communication has brought about progress in the field of communication. Today, the right to free communication and non-discrimination in access to information is one of the tools

of democracy. The International Commission on Communications, in its report, considers this right to be individual and collective. In that sense, it has transformed human life's communications and created collective and organizational benefits, and governments are required to recognize the right to communications and provide the means to reach the advanced society and create development. Defenders of the right to communication as a right to third-generation rights believe that this right has a positive legal basis and requires governments to claim claims from right holders.

Marks, S.P. (1981), Emerging Human Rights: A New Generation for the 1980s?, Rutgers Law Review, Vol. 33

CONCLUSION

The fact is that over the past few decades the international human rights system has been dramatically developing in terms of standardization and the rule of law. The primary role of creating a legal rule is to introduce values into the realm of rights. Therefore, the core institutions act with the goal and function of converting values into legal categories or inputs, or inputting values into existing resources. Since legalization is a prerequisite for the commitment of values, the value thus becomes legal legitimacy and feasibility, and can be implemented with the requirement that it is incorporated into the modern society in the modern society.

The principle of human rights law, as well as other international laws of executive power that can force individuals in different countries to enforce it. The legal principles of human rights and its resources, including international conventions, including the Hague and Geneva, and the Charter of the United Nations and its annexes, which are binding, also do not constitute a guarantee. Their enforceability in countries is often due to political coercion, not legal coercion, because the theory that governments are not allowed in international law is still of the requisite power. Therefore, the international community, beyond the mere standardization and the rule of law, is in dire need of guaranteeing the implementation and observance of human rights standards, and since law scholars have been confronted with a lack of legitimacy in one of the human rights concerns in some of its instances, From the third generation human rights considerations, it is imperative for the international community to legitimize those instances and components to establish institutions to support these components. This process illustrates the promotion of soft components in human rights. In order to achieve these goals, two main areas of concern are the promotion of soft law and the protection of soft human rights. These two methods of observance of human rights and its implementation are so comprehensive that they have all the methods, behaviors and policies that are in place for the observance of human rights. In other words, any type of plan, function, and policy is about respecting and implementing human rights, or a human rights program, or a program to promote it.

Finally, on the issue of human rights commitment, one or more specific factors are not sufficient in itself, but rather several factors involved. Some of the most important factors that have already been involved in legitimizing such acceptances are as follows: : The conclusion of international treaties and conventions between civilized and powerful countries, or between countries and international organizations, the issuance of binding resolutions by the Security Council to maintain peace and peace through humanitarian interventions that have increased in the post-Cold War period , Judgments, judiciary and international criminal tribunals, education and promotion of human rights through protection Governments, international specialized agencies and NGOs are from this category. Ultimately, all these populations agree that soft human rights can be matured (as demanding and enforceable) and that "adherence" is guaranteed, by internal coercion, by those who are addressed by these rules.

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