

# **Study of the environment and cultural, natural, historical and moral heritage of Iran in the common human rights foundation**

*By: the Supporters of Clean Nature Institute*

## **Abstract**

1. This report has been compiled by the Supporters of Clean Nature Institute by the observation, library study and based on data analysis. The report tries to study the challenges and threats against the Iranian environment and the cultural and natural heritage which result in gaps appearing between these two and the foundation of human right (as one of the most important concerns of the Institute) with a new approach. The first declaration of human rights which was issued by Cyrus the Great of the Achaemenid Dynasty, is a clear evidence of the bright history of human rights in Iran. And in the modern world Iran was one of the forerunners in ratifying reputable international documents such as International Convention on Civil and Political Rights, the Ramsar Convention on Wetlands, the Cultural and Historical Heritage Convention, and also ratification of useful and constructive national laws with a limited implementation capacity. But these cases have prevented major problems such as the Red Tide phenomenon in the Persian Gulf, illegal constructions in near historical sites such as Ferdosi's Tomb in Tous, Naghshe Jahan Square in Isfahan, the destructive effects of sandstorms from Iraq and executive shortfalls and vacuums within domestic and international regulations. All of us in one form or other regardless of race, religion or nationality in different countries have our fates tied to each other. Therefore the challenges that are being faced do not have geographic boundaries, and the world is responsible in this regard. Indifference, silence and any form of political preferences of the international community instead of solving the problem, is a human rights violation. It seems the establishment of a nongovernmental organizations supreme council, establishment of regional friendship committee and the ratification of international treaties and emphasis on the role of institutions and mass media, education and information dissemination, constructive solutions in this regard to establish a union between the environment and cultural heritage within a common human rights foundation.

**Keywords:** Environment, cultural heritage, human rights, laws and regulations, nongovernmental organizations.

## **Institute introduction:**

2. The Supporters of Clean Environment Institute is a nongovernmental, non-political and non profit institute with the slogan of the protection of the environment, continuation of life for future generation and with an emphasis on the rightful principle of sustainable development. Following the receipt of official permit from the Environmental Organization of Iran on 8 September 2002 under registration No. 32/14468 the Institute was registered at the Companies and Non-commercial Institutes Registration Bureau. While participating in the education course on How Consultative Status is Acquired from the UN, the Institute has been pursuing objectives that include efforts to improve the health, hygiene and rights of citizens, organization of environmental projects with an emphasis on the principle of sustainable development. And by participating in conferences and holding education workshops, and application of new information dissemination methods with regards to environmental crises and also the conducting of fundamental and practical

researches on human rights, the environment, natural and cultural and moral heritage to reach common cross sectional constructive methods and for the protection of the rights of future generations the Institute has worked hard by filing complaints, realisation and defence of the rights of NGOs in courts. (1<sup>st</sup> Annex)

**Methodology:**

3. A number of methods have been pursued in the compilation of this report. Some of the data has been conducted by eye-witness method with echo-tourism, and a number of national heritage sites such as the Persian Gulf, Lake Urumieh, Cyrus the Great's Tomb, Ferdosi's Tomb, Naghshe Jahan Square of Isfahan, and interviews with knowledgeable individuals, and by library study, a monitoring media for domestic and international laws has been conformed, and then the issue has been reviewed by way of analysis of data.

**Legal backgrounds and infrastructure:**

4. Cyrus the Great's Human Rights Declaration stresses on racial and religious tolerance, abolition of slavery, prohibition on the destruction of temples and buildings, and the teachings of Zoroaster regarding the protection of the four elements of earth, wind, fire and water. The first laws ratified by the Iranian legislative parliament also deals with the new generation of human rights which is the law on the protection of national heritage ratified in November 1930.

5. The existence of constructive laws such as the Iran joining the Convention on the Protection of Cultural and Natural Environment (ratified by the Iranian Senate in 1975), the Prevention of Illegal Drilling legislation (18 May 1979) and also articles 558 through 569 of the Islamic Penal Code which guarantees legal action for the aforementioned actions alongside things such as trafficking of goods, violation of historical and religious mounds, hills and buildings, that are all nationally ratified and foreseen are pleasing. Although according to article 727 of the same code, these crimes are forgivable and thus unless there is private plaintiff these crimes cannot be brought before justice. It must be said that article 83 of the Constitution and article 26 of the Iranian Civil Code also insist on the protection of moral heritage and underground water (see 2<sup>nd</sup> Annex).

**Existing situation:**

6. Just as the right of mankind to healthy environment and cultural, natural and moral heritage, solidarity rights are the Third Generation of Human Rights which are rarely addressed. The advocacy of access to healthy environment that include plants and forests, sea and land creatures, and campaign against air, land and sea pollutants, and also inert environment such as mountains, seas, wetlands, caves, and other manmade and natural structures. Today and tomorrow's generation wants a community where the living and inert nature is protected under the umbrella of human rights principles. It is here that an unbreakable bond appears between cultural and natural heritage and the environment. The UNESCO Constitution's preamble states "...the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern". This article stresses on these aspects of human rights and reviews examples of challenges of the past four years such as the Red Tide of the Persian Gulf, coastal pollution of the Caspian Sea, destruction of wetlands, and destruction of the Lavizan Forest, destruction of cultural and natural monuments.

### **a) The Red Tide Crisis in the Persian Gulf**

7. The Persian Gulf has been under the attack of algal bloom, an event in which marine or fresh water algae accumulate rapidly in the water, called the Red Tide. This is a 30 million year phenomenon and throughout history mentions have been made in a tablet belonging to Darius the Great's time in the Suez Canal, and later during the Islamic period geographical books have mentioned this bad smelling phenomenon. An unprecedented attack of this natural phenomenon in 2008 resulted in the death of fish in these waters over an area of 2 kilometres of the coast. As well as the fish, coral reefs of Kish Island, crustaceans and dolphins have been affected too. Even turtles and whales have not escaped this lethal phenomenon. In a Persian Gulf countries conference that was held February this year, the conclusion was reached to confront this phenomenon by controlling the sewage emissions into the sea and also the spraying of clay particles into the sea.

8. As the only member of the Persian Gulf Cooperation Council who has ratified the Convention on Oil Preparedness, Response and Co-operation (1990), Iran can play a key role in this regard. The Seas Laws of the Islamic Republic of Iran in the Persian Gulf and the Sea of Oman deems the pollution of the marine environment for the passage of foreign floating vessels contrary to the laws of the country and deems it pursuable by the civil and criminal codes. Within the Seas and Bordering Rivers Protection from Oil Pollution Law, which was ratified by the Iranian Parliament also prison sentences and cash fines have been foreseen for polluters which can be useful and preventive measures. (See 3<sup>rd</sup> Annex.

### **b) Pollution of the Caspian Sea Coast**

9. The coastal ecosystems of the planet are diverse in living habitats. Unfortunately the coastline of the Caspian Sea 50% of which belonged to Iran at one time is faced with a huge volume of industrial urban and rural waste. The post-Soviet countries that had a 50% of share of the Caspian Sea current claims to the Caspian exceed even the original 50%. By emitting chemical and industrial pollutants these countries cause serious damage to animal and plant life of the coastline. By joining the Convention on the Prevention of Pollution of the Seas by waste emissions and the Convention Civil Responsibility for Oil Pollution, Iran has taken useful measures by using a legal vessel to confront pollutants. The application of domestic laws such as the Protection and Development of Aquatic Resources of the Islamic Republic of Iran will also further help eliminate this crisis. (See 4<sup>th</sup> Annex)

### **c) Environmental crises in wetlands and the effects on the migrating wildlife species**

10. In view of membership in the Ramsar Conference (1971), Iran can play a very important role in the protection of wetlands, places where migrating wildlife such as gulls, wild swans, cranes, carp fish, turtles, planktons, birds of prey such as falcons. Unfortunately because of lack of necessary redress, unique wetlands such as Shadgan, Anzali, Miankaleh and Hamun are seriously threatened by human and industrial pollution, such as the pouring of factory wastage and or oil pollutions. The drying up of the most beautiful sweetwater lake in the world, Lake Parishan which is in Fars Province host to species of wildlife, is due to fires, 277 illegal water wells, water suction pumps, were all stated on 11 July 2009 in official Iranian news agencies. The announcement of the drying up of Bakhtegan wetlands a few days after this was another sad news. All these environmental crises take place while the prevention of

environmental disasters and the loss of wildlife can take place by preventing human and industrial waste from entering these wetlands, by applying cautious methods.

**d) Factors that threaten the moral heritage**

11. Cultural heritage (such as the play arts, social customs such as the Norooz Festival (Iranian New Year festival), Mehregan Festival, Yalda Night, Chaharshanbehsoori, traditional Iranian handicrafts) has been neglected over the last few years. The existence of some restrictions on one hand, and changes in the appearance of national festivals such as Chaharshanbehsoori, which has lost its traditional historical cultural sense and turned into a night of massive noise pollution with excessively huge firecrackers exploding, is evidence to this claim. Government's indifference to the Mehregan customs, Sadeh Festival has resulted in the youths of the country into turning to foreign customs such as Valentine's Day or Halloween are instances that will ultimately result in the loss of our cultural identity and moral heritage. On the other hand some renowned Iranian intellectuals such as Molana and Roudaki have been given non-Iranian birth certificates. This is while the universal Declaration on Cultural Diversity ratified in 2006, and the guarding of heritage in all its forms and its growth and maturity has brought about the basis for dialogue among civilizations and insists on an approach towards the future generation. And by referring to the point that cultural rights are part of the whole of the human rights framework, domestic and international cooperation of governments and nongovernmental organizations deem to have better influence in moving forward with common ideals.

**e) Dust storm originated in Iraq, July 2009**

12. In July 2009, the Iranian capital came to a standstill for almost a week due to dust storm that originated from Iraq. As well as deeply effecting the governmental and private sector, this dust storm saw many people in the capital hospitalised and a number of others died. All this was as a direct result of Iran's neighbours neglecting international obligation towards the environment. The foundation of the notion of international obligation towards the protection of the environment is the main violation of this duty. Principle 21 of the Stockholm Declaration (1972) states that: "States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction." Therefore if Iraq has foreseen the situation and taken measures such as spraying tar in critical regions, and also if the Iranian government had taken necessary measures against this phenomenon, we would not have had this problem today.

**f) The destruction of Lavizan Forest**

13. According to the Protection and Expansion of Green Environment in Iran legislation, the municipalities of towns and cities are responsible for the protection of urban green environments that include woods parks, gardens, and trees on sides of streets. But unfortunately in the winter of 2005 over 8000 trees were felled in Tehran's Lavizan Forest by the municipality for the construction of an expressway, which resulted in the first complaint being filed by environmental and sustainable development NGOs against the municipality in the history of Iran. (See 5<sup>th</sup> Annex)

**g) Other cultural, natural and historical heritage challenges**

14. These challenges include:

- The loss of a major part of the historical Balaghi Pass, and also the possible destruction of national and world Pasargad Monument and the Tomb of Cyrus the Great, the Achaemenid Dynasty king who issued the first Universal Declaration of Human Rights 25 centuries ago, all due to the construction of Seyvand Dam.
- An attack of lichens and toxic gases on the ruins of Takht-eh-Jamshid (Persepolis) and the gradual destruction of the columns of this historical monument.
- Improper care of the Shireh Sangi (Stone Lion), a monument from the Madd Dynasty in Hamadan.
- The threat against the Nagshejahan Square in Isfahan due to the invasion of the area in which Jahan Nama Tower and Chargagh are due to metro underground route.
- The destructive effects of railway tracks laying work in the vicinity of the historical Naghshe Rostam Monument.
- The gradual erosion of the historical Shoosh Hills.
- The sad fate of Shahreray's Gabri Fort, which has turned into an iron warehouse, and the terrible conditions of Fort Iraj (Dejeh Varna) in Varamin.
- Gradual drying up of Lake Urumieh.
- The destruction of the 3000 year old Khark Tablet due to the neglect of relevant authorities.
- Violation of the Mount Damavand natural environment by construction of an asphalt road on its foothills.

#### **Suggested solutions**

15. If obstacles such as legal vacuums, governments' fear of increased capacities of NGOs, developing regimes' sensitivities towards these institutions, and problems resulted from the coming together of NGOs slogans, the following solutions over a span of 4 years can be constructive:

1. The formation of an international council made up of nongovernmental organizations and regional committees under the Human Rights Council, for the purpose of constructive cooperation among the members and acceptance of the right of NGOs to seek justice at international courts.
2. The preparation of the necessary basis for the allocation of specific annual budgets for education and expansion of the Third Generation of Human Rights.
3. The drafting of development programmes for the protection of the environment, and cultural, historical and moral heritage.
4. Application of new technical, financial and administrative methods with the utilisation of the learnt materials of pioneering countries.
5. Face to face, no holds barred information dissemination and fundamental education of the environment and cultural heritage in the mass media.
6. Sponsoring movies and TV programmes with a focus on the Third Generation of Human Rights.
7. The addition of education courses on the aforementioned subjects within the curricula of schools and universities.
8. Expansion of scientific and arts studies and research methods with a protection of the environment and cultural heritage under threat incentives.

9. Valuing and appreciation of nongovernmental organizations and calling upon them to present resolving views and participation in practical decision makings.
10. Giving some of non-ruling responsibilities of governmental organizations in this regard to the private sector.
11. the creation of necessary basis for holding periodic workshops in rural and urban communities with the participation of NGOs and education of the concepts of the environment and cultural heritage to various social groups, teenagers and youths in particular.
12. The starting of a university curricula on cultural and moral heritage to prepare the experts forces.
13. Paying of further attention to the rights of tourists and visitors through precise information dissemination with regards tour locations.
14. More extensive cooperation with countries that are experienced in the protection of threatened cultural heritage sites, and efforts to educate experts.
15. Reviewing of existing laws and regulations through benefiting the ideas of relevant experts and jurists.

### **Conclusion**

16. The environment is deemed as a part of the natural heritage and mankind as a leaser of God's property has a key role in the protection and guarding of this heritage. Mankind cannot survive without air, water and whatever grows from the earth. On the other hand the safeguarding of beliefs, traditions and customs which have derived from moral heritage, and is also the respect of the monuments and mementos of our forbearers, and the appreciation of the accomplishments of past generations of mankind and universal respect of members of the world body. The aforementioned are borrowed from the contents of the Universal Declaration of Human Rights. This is why we have reviewed the cultural and the natural heritage, and the environment within a common basis. We hope that by the application of the recommended solutions to achieve this objective.

17. It is proper to thank the esteemed Human Rights Council, the Organization for Defending Victims of Violence, the esteemed director and members of the Supporters of Clean Nature Institute.

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## **Annex**

1 – Some activities of the Supporters of Clean Nature Institute:

- Participation in the Caspian Environmental Programmes
- Cooperation in the prevention of construction in the north of Tehran (Koohsar Park) programme – 2002
- Participation in the protection of the Sahand and Seylan mountainous region project – 2003
- Participation in tree planting projects since the founding of the Institute to the present.
- Implementer of various Tehran Province environmental programmes (separation of waste from origin – fight against natural pollutants etc.)
- Implementer of the Water Festival with the cooperation of the Energy Ministry – 2006
- Implementer of Project 22 in 22 Tehran schools (environmental education in Tehran schools) with the cooperation of the Tehran City Council's Environmental Committee from 2006 to-date.
- Implementer of the public health education project for unions – from Institute's start of activity to-date.
- Holding of public sports and the environment education workshop – Yazd 2004
- Holding of various education workshops at the Healthy City Headquarters – 2003-2004
- Holding of environmental rights workshop with the support of the Iranian Civil Society Organizations Resource Centre – 2005
- Participation in information dissemination projects of the Nationwide Network of Environmental Organizations of Iran – 2001-present
- Participation in international conferences (International Caspian Sea Conference, Nature Diversity International Conference – 2005, International Conference on Human Rights and the Environment – 2009)
- Defence of the complaint case file of environmental organizations against Tehran Municipality with regards to the destruction of Lavizan Forest – 2005

Scientific and research activities on the environment, human rights and citizen's rights:

- Approach to Human Rights Concepts in Iran (Iranian citizen's rights from the ancient times to today) Iran Daily – 8<sup>th</sup> year – No. 2322 - 2002
- The Tearing of the Soul at the Foot of the Pillars that Destroyed – Iran Daily – 7<sup>th</sup> year – No. 1764 – 2000
- Child in the Mirror of the Law – Iran Daily – 7<sup>th</sup> year – No. 1932 – 2001
- Women in the Iranian Constitution and International Conventions – Iran Daily – No. 2362 – 8<sup>th</sup> year – 2002
- Where is the Law Dodging Demand? – Iran Daily – 7<sup>th</sup> year – No. 1959 – 2001
- Popular Councils, the Status of People Participation – Andishe Hoghooghi Journal – 7<sup>th</sup> year – No. 1890 – 2001
- Examples of 2<sup>nd</sup> Degree Murder without Ghesas – Iran Daily – 7<sup>th</sup> year – No. 1946 – 2001
- Publication of Prosecution Procedure and Law's Position – Iran Daily – 8<sup>th</sup> year – No. 2059 – 2001
- Published articles in the Supporters of Clean Nature Institute's blog.
- The linking of environmental rights and cultural heritage
- Government's responsibility in the protection of the environment

- Individual's responsibility in the protection of the environment
- Legal solutions for facing the Persian Gulf Red Tide crisis
- The environment in Ferdosi's Shahnameh
- Cooperation methods for popular councils and NGOs
- Environmental education, today and tomorrow's generation's needs
- Review of the contents of the Convention on the Protection of Wildlife Migratory Animals
- The environment and presidential elections

2 – In accordance with article one of the law on Iran joining Convention on the Protection of Cultural and Natural Heritage (1975) of the Iranian Senate, cultural heritage, architectural sites, statues or drawings in buildings, ancient ruins, tablets, caves, single or collection of architectural buildings, unique from arts and science aspects of the world [...]

Also according to article 2 “cultural heritage, natural monuments that are made up of a physical and biological combination or a collective of this composite or land and natural geographical composites and areas that are clearly regional animals and plants habitats that are under threat, and also a natural area or areas that are clearly marked which scientifically, and conservation or natural beauty have unique global value. The cultural, historical and arts public and government institutions guidelines (2002), archaeological, botanical, mineralogical, property that show the history of science and technology, the lives of historical leaders, scientific and cultural, anthropological, indigenous arts, audio/video archives, and also study and arts properties that are over 100 years old are categorised at the top and are protected by the Cultural Heritage Organization, and all governmental institutions are obliged to cooperate and return the all properties to this Organization. While article 18 of the same guidelines the possibility of buying and selling of property by the buyer exists which in itself is deliberating. Furthermore, based on article 23 of the Protection of Cultural Heritage guidelines ratified by the National Security Council in 2002, the formation of a national committee to the repossession of historical and cultural property and artefacts that are outside the country, with a legal focus of the International Law Services Bureau of the Presidency – for the presentation of necessary indictments to relevant international legal authorities with regards to national and international laws with the aim of stopping of the sale of national Iranian artefacts – have been foreseen a practical example of which is the Achaemenid Soldier which was auctioned in London that sadly due to the failure of the National Heritage Organization's follow-up, nothing has come out of it, and with the existence of the guilty verdict against Iran in the preliminary stage, no appeals have been filed for the realisation of the rights if Iran on the excuse of its costliness. This is while according to the Perspective in Horizon document 1404, and article 114 of the 4<sup>th</sup> Development Programme, developmental support of cultural heritage must be stressed.

3 – See note of article 2 of the Protection of Seas and Borderline Rivers from Petroleum Materials.

4 – See articles 1, 3, 12 and 22 of the Protection and Exploitation of Islamic Republic of Iran's Marine Resources.

5 – See the Protection and Exploitation of Forests of the Islamic Republic of Iran.