Journal of Law, Policy and Globalization
ISSN 2224-3240 (Paper) ISSN 2224-3259 (Online)
Vol.66, 2017

Globalization Impact on the States Sovereignty and the Development of International law On Petroleum Contracts

SAEID RABIEI MAJD
PhD Candidate of International Law
School of law, Xiamen University, 311, Nanguang5,
Xiamen University, Xiamen, Fujian, 361005, China.
* E-mail of the corresponding author: s.rabiei.majd@gmail.com

Abstract

We are seeing a major improvement in political, economic and legal arena concepts that this shift in attitude is an element developer in global trade. One of the achievements of this development is the emergence of new sovereignty states. We can examine this results: 1- Correction in international petroleum law, 2- standards governing petroleum contracts, 3- transnational law. Analysis shows, international development law and sustainable development and also its impact on petroleum contracts. Based on this hypothesis, these rules do not require the agreement with the parties in contracts between investors and host governments as standard contractual terms.

Keywords: Globalization, Petroleum contracts, States Sovereignty, Environmental rights.

1. Introduction

One of the main reasons of unlike kinds of petroleum contracts is ancient controversy of governments as owners of petroleum resources and international petroleum countries in this area as investors for obtaining highest interests of petroleum. Developing countries that have petroleum resources require investment and technology using unlike kinds of petroleum contracts considering their most governance for their need. Of course such these countries were not always successful because of international companies that have investment and technology, do not prefer to transfer their technology easily, and they prefer to share with production and extracted resources with countries that have petroleum resources. In this controversy for governance of petroleum resources in these decades and converting from one-polarity to two-polarity and also becoming more strength in rules and international laws after the second world war, this has more benefits for foreign investors and weakening the concept of old sovereignty of states and transferring this concept to new governance. (scholte,2000,pp42).Connecting with the world is a fact with different aspects that includes trade, policy, law, martial points and such other things like environment. This changing process of sovereignty of governments for petroleum resources that is influenced of modern explanation of sovereignty of governments has become to generation of modern explanations in law and petroleum contracts. New governance explanation has emerged by influence of three factors: 1- International rules and weakening of national and strict sovereignty of governments. Most of the governments have accepted these limitations by optional acceptance of contracts and conventions.2- Emerged limitations by worldwide obligatory rules or worldwide traditions for governments.3- Worldwide organizations that basis of their power is from decisions of governments and universal rules and directly or indirectly generating limitations and criteria for governments.(Kissinger,2001,first chapter).One of the other new effective explanations that have emerged into international law and has changed petroleum contracts is recognition of international companies as international law dependents. In relationships between a government and individual people from another government, there is no equality and these people have to obey governmental particular rules except these governments agree with each other by some particular circumstances. By considering this, only contracting with a private party has no result of losing governance of government. Many jurists in oil-productive countries believe that in accordance to "sovereignty of the state's participle," the rule that governs to international contracts, especially when one party is a government, it is local and obeying inner rules and bonds of governments will be explained based on public international law rules. However, jurist of petroleum companies and some universal referees by ignorance s sovereignty of states participle in universal are a emphasis that international aspect of these contracts necessitates looking at these contracts as non-local and out of the party rules, and necessarily they should be fine as contracts that obey rules that are out of inner legal system or public international law.(Islami,2014,p50). On the other hand, verdicts that are related to referee has caused emerging thought and a similar procedure by the time that can strengthen the traditional governance weakening process. Although effects of these verdicts are not strong as other factors but mentioned factors

totally caused emerging a special theory in petroleum law labeled: " Lex Petrolea" Hypothesis of the article is that future of petroleum contracts is likely to obeying international rules strictly. Even without settlement of parties and mentioning of these rules in petroleum contracts as an obligatory standard they should be considered. Research Questions: Can we depend on petroleum resources based on this theory that petroleum contracts obey inner law and strict sovereignty of governments on petroleum resources and paying less attention to international law in making these contracts? What are mutual influences of new explanation of sovereignty of governments based on international standards on petroleum contracts?

2. Concept of new Sovereignty of States

Jean BODIN, French thinker explained sovereignty into three concepts: allied with power, superlative power and un-divisible although this governance had limitations. Except people's private right (like a seminal limitation for governance) law and concordats that government has made to people or other governments had no disadvantageous result in governing (in general explanation) and obvious limitations for governance by a governor. (SPITZ, 1998, pp.79-82).

Explanation of sovereignty by old point of view is: government is the most powerful element in the society, and it can govern and no other power can stop its national decisions. Explanation of unlimited power and decisions of government has changed by influence of different factors and circumstances but today other main factors of governing have emerged.

One of the new concepts is "connecting with the world." Connecting with the world concept is a process that has influenced by neo liberalism and so we can see its instructions like production patterns changing, asset market's expansion, private part expansion, weakening rule of government, strengthening the rule of international and local parties instead of national parties, important rule of elements of democracy, human rights and multi-nation company's expansion. (ARNAUD, 1998, pp.28-29)

"Connecting with the world" concept influence more on economic and political aspects. Governments face with many limitations in economic part and do not make a decision in whole economic matters, and other new factors have emerged that they are more effective than national governments like multi-nation companies, international companies and international economic companies.

Emerging multi-nation companies more and more, their access to more diverse and more resources, better technology and complex networks of production and delivery, all of these factors has caused that their rule in an international market become more than the past. With this view petroleum industry has influenced of these factors more. Multi-nation companies and international companies advanced in a way that will influence on governance of countries by their policies. Especially effect of multi-nation companies in direct-foreign investment (FDI) is obvious.

Becoming a thought worldwide means thinking internationally and this happened in such a speedy process that caused multi-nation companies to be legal and this process needs no explanation. (Armanh,1995,p34).

As previous Secretary-General of the United Nations proclaimed: "it is necessary to consider unity and sovereignty of governments, but time of imperious governance has ended" so considering governance as imperious, un-divisible and having no limitation is unsuitable with international law.

Expansion of multi-nation companies will change the current legal system in both majority and minority aspects because they obey international law and are connected with neo liberalism. Separation of powers system in public law will make this process easily. By accepting these economic and political parties it is impossible to consider the separation of powers system as a traditional explanation, and we should ponder an exhaustive explanation because of practicality of these parties and in view of such an independency in economic law for them. (DELMAS, 2007, p.139)

"Connecting with the world" concept has influenced seminal law (that is connected with economic law) according to some changes. We can name such these laws as freedom of exchange and freedom of industrial and commercial right. Importance of multi-nation companies in global economics is a factor for limiting power of governments. (SENARCLENS, 2001, pp.25-26)

Global development of an investment system under control of worldwide neo liberalism has increased mutual dependency of countries to each other and has decreased importance of national borders by speed of production, transference, investment and international consumption.

2.1 Establishment of HMS

Towards achieving a higher level of efficiency and competitiveness in manufacturing operations, the European Community (EC), European Free Trade Association (EFTA), Australia, Canada, Japan, and the United States (US) founded an international collaborative research programme called Intelligent Manufacturing Systems (IMS) in 1993. This programme consists of six major projects, wherein the fifth one is entitled " Holonic Manufacturing Systems: system components of autonomous modules and their distributed control". It is important to emphasise that HMS does not represent a new technology, as it is merely a conceptual modelling approach to connect and make use of existing technologies with human interfaces (McFarlane 1995). HMS became one of the first fully endorsed IMS projects in 1997, and so the International HMS Consortium was formed and dedicated to replicate in manufacturing the strengths that holonic systems provide to living organisms and societies. These holonic strengths encompass stability in the face of disturbances, adaptability and flexibility in the face of change, and efficient use of available resources. Succinctly, autonomy and cooperation are known as the prime attributes of HMS (Valckenaers *et al.* 1997; Bongaerts 1998).

3. "Sovereignty of Governments" Principle Aspect of International Law about Petroleum Contracts

Sovereignty of governments" principle about petroleum contracts is important because first it will explain the governor rules on contract and second governor standards on petroleum contract.

Most parties in petroleum contacts are:

1- Governments as petroleum owners of the party.

2- Foreign investors and technologists that are main parts of these contracts.

3- International organizations that have effective influence on contracts directly or indirectly like WTO.

4. Arbitrators, arbitration systems and conflict resolution in courts.

5. Individual and Indigenous peoples.

It is important to know that Individual and Indigenous peoples are influenced by results of petroleum contracts, especially in time of environmental accidents when a petroleum project is in process and nowadays these persons have rights that are consequent of human rights and environment rights.

4. Effective Factors on Sovereignty of States By Legal Aspect

4.1 Determination of contract nationality by governed rule (petroleum contracts and sovereignty of state's principle

Relating of issues and legal principles like sovereignty of state's principle, international investment law, international economic law, international public law, commercial contracts law, political science and connecting with the world principle caused emerging a complicated legal collection that we can call it "LexPetrolea" These factors have caused emerging a legal regularity and new standards in petroleum law and contracts.

Petroleum law discussed about two concepts, first balancing between benefits of governments and petroleum companies about their petroleum relationships and second balancing inner relationships of a government in petroleum area. (Nwouse, 1996, vol8,429).

The first thing that should be clear in sovereignty of state's discussion in petroleum area is governing rule on petroleum contracts. This discussion has emerged because of a different thought that petroleum contracts nationality is consequent on inner legal system or international law. In resolution 1803 of United Nations General Assembly, permanent governance and ownership of governments on natural resources are accepted.

Perhaps in the past because of obvious sovereignty of governments on contracts and petroleum resources the first theory was accepted but nowadays because of changing of traditional sovereignty of state's theory in international area this theory is not valid for the past. About of determination of contract's nationality by the governing rule, there are three theories:

1. Following of contracts by inner law theory

Most proponents of this theory are developing and oil-producer countries, and they believe that based on sovereignty of state's principle, governing rule of international petroleum contracts is followed by local or inner rule.

About contract nationality by aspect of governing rule, in Rome's convention clause 3 has mentioned rule of autonomy is governing rule of contract. This principle is applied in petroleum contracts, and it means that it can be applied both in governing of a national rule of host country and governing of other legal principles. (Amani, 2010, p181).

In Tegzakoverdict, it has mentioned selection of national rule as governing rule of the contract is because of mutual agreement of the parties, not for preference of a rule. (I.L.R.355 (1977)

Considering traditional governance changes, another theory has emerged now. It explains that mutual agreement of the parties can be applied for host government and foreign investor countries in one way. It means in preferring governing rule of contract; parties can choice rule of third party as governing rule as in famous Aminoil verdict, rule of France was chosen by parties as governing rule of petroleum contract. (I.L.R.518 (1982).

2. Following of contracts by international law theory

In accordance of Schwarzenberger's theory, main factor for determination of governing rule of contract is parties' settlement, and it should be considered that petroleum-owner governance can select whether a national rule of another country or international law as governing rule. (Schwarzenberger,1952,vol5,315).

Some jurists believe that basis of petroleum contracts are the same as international publish law and this is because of making of these contracts is based on international treaties by authorities. As well as other reasons are: government guarantee for not applying rules and decisions that change the governing rule of the contract, accepting jurisdiction of non-national court, in other words, means an international arbitration for solving conflicts that may arise between two parties of petroleum parties and accepting another rule except rule of the host country that this may be referenced to international public law or legal concepts or foreign country's government.(Leboulanger 1985:210).

Not considering inner rules is the other reason of internationality of these contracts.(Islami2014,p10). Another category is based on parties of the contract and their benefits with foreign countries that are as investors and host countries.

The first group: They believe that petroleum contracts are samples of private contracts and so trade, and civil laws are governed on these contracts.

The second group: They believe petroleum contracts are samples of administrative contracts, and so public trade law rules are governed on these contracts. This belief has arisen because of considering benefits of the host country and inner petroleum companies.

The third group: They believe petroleum contracts are samples of private and quasi-public contracts. The first time that this theory was propounded, was in Aramco arbitration in 1945. The arbitrator for determining legal essence of arbitration concession tried to find a connection of these contracts to private and administrative contracts. Government of Saudi Arabia believed that petroleum privilege is like as public service's privilege, although this theory was not accepted by the arbitrators. (Vasani, &Vielleville, 2008, 10).

3. Following of contracts by independent law theory

Accordance to affect of new governance on petroleum contracts and international nature of these factors, they prevent enforcement of some inner rules of the governments. This means that accordance to traditional sovereignty of states theory; forcing of decisions for selection of considered rules of the governments is not accepted. Furthermore, considering that petroleum contracts are between host government and foreign investor (and not between two governments that follow international law because it has an international concept) (Amani, 2010,p182) so petroleum contracts will be considered as a legal commitment in this level and this is according to existence of new law concept as LexPetrolea petroleum law.

Dr. Shiravi explains petroleum law or transnational petroleum law as: "a collection of rules that govern petroleum activities that follow of international treaties, international conventions, national oil rules, petroleum contracts, common legal concepts in petroleum cases, international petroleum organization's rules, written precedents, un-written precedents, standard petroleum contracts, public conditions and juridical verdicts and arbitration. This collection is un-written law, and it is independence from other rules and is followed by its rules. (Shiravi, 2014, p78).

As we see in a verdict of Aramco case: "petroleum oil concession contracts are considered as the settlement rule between two parties". Jessup believes that in determination of governing rule, we should consider a transnational law that includes both international public law and international private law and also other branches of the law.

[17] Professor B. Goldman and Professor C.M.Schmitthoff are the great proponents of following of contracts by independent law theory and other words traditional conventional contracts. Professor B. Goldman believes that this legal system is suitable for international economic relationships.(Bishop 2005:665)

We can see effects of this theory in the verdict of an Aramco petroleum arbitration case that considers trade convention and petroleum relationships as an acceptable convention. The source of this convention in international trade rules that is a kind of international common convention. (Goldman, 1987, 114).

Reason of trying to convert these contracts into international and denationalization form is governing rule of the contracts. If the national rule governs the contract based on traditional thought about governance of the governments, host country has legal right of main changing of the contract and because of this, foreign investors try to select another rule for petroleum contracts as governing rule, and totally we can consider foreign investors as proponents of new governance theory.

On the other hand, proponents of non-national rule theory emphasize international conventions. One of these conventions is “worldwide custom & practice in oil business" because the mentioned convention is considered as one of the international trade petroleum conventions. (I.L.R, 1958.117)

There are some different factors that caused modern regularity be formed under title of petroleum law or transnational petroleum law, and this process has caused new standards and conventions be formed in petroleum law and contracts.

Two points should be considered about modern petroleum standards; first, these international petroleum standards have formed because of position changing of traditional governance of the governments meaning limiting of rule position of governments. Second, modern international petroleum rules and standards consist of a collection of rules that have formed by accumulation of international law, rules, concepts and conventions with national law system and caused new regularity be emerged in international law and international petroleum law.

It is necessary to mention that in this new legal regularity, position of some concepts is important and even governments, and foreign investors do not talk about these concepts, these concepts are observable for parties. In other words, they are future of party's settlement, and they are governing of international contracts. These rules are followed by making international public regularity under Imperative rules and international conventions.

It seems that we can define Emerging Petroleum International Law;

Petroleum International Law is:

International Petroleum Law is a collection of rules and regulations, which originated from different legal systems, domestic law and State sovereignty over their natural resources from the past and integrate them with modern rules and principles of international law, Which contains the rules and norms of the modern state sovereignty, international development rights, human rights and environmental standards, and also it is based on the treaties, conventions, practices and international arbitrations that have been integrated with technical issues and industrial, financial and administrative technologies. That has been created a new multi-faceted system of international law, which governing all petroleum activities, which based on this system, not only the governments, but the multinational corporations and transnational also have duties, obligations, requirements and responsibilities based on the common and different legal systems, shared and social responsibility in maintaining this system.

This responsibility of maintaining required a proactive approach in this new legal system that can be coordinated with leading challenges across the life cycle of oil resources for future of human generations with resorting and promotion of eco-technologies and human development, As well as identify and respect for individual rights and human, cultural and environmental values, indigenous peoples and human generations.

4.2 Standardizing international obligations governing petroleum contracts

These principles are not in the form of option and become international obligatory rules that obeying them is considered as part of a regularity of a new international system in after-old sovereignty of governments.

Restricting factors of sovereignty of governments are:

4.2.1 Self-restriction by governments:

Governments limit their governance by legislation of special inner and international rules. Because of obtaining political and economic benefits governments legislate such these rules. These restricting rules can be legislated

because of joining the convention or bilateral or multilateral treaties. Effect of joining the convention is observable in inner courts because foreign legal persons (international and multi-nation companies) maybe have a right to action against host government based on these rules and conventions.

4.2.2 Restricting by international rules and obligations:

Some compulsory rules or international conventions and acts cause governments to act in a similar international treatment and finally result of this is the limitation of governance of government. One example of this is obligatory for using minimum treatment standards to foreign investors by governments or removing limits of free trade and decreasing tax and limits to trading with international and multi-nation companies.

4.2.3 Restricting by other countries

These countries cause restriction in governance of countries by applying difficult rules or some special relationships or unilateral sanctions or inner violence like sanctions against a country because of terrorism, or limiting rules in insurance, banking and commercial relationships or foreign exchange of money and preventing of membership in international groups. Such these restricting rules cause withdrawal of governments. For example, these changes can cause to emerge some modern forms of petroleum contracts that in these contracts, governments do wide concession like sharing of current oil capacity by international petroleum companies or after extraction of oil and gas like modern contracts if Iraq's government.

4.2.4 Restricting by international organizations and arbitration verdicts

when arbitrators reach a verdict against the beneficiary, it will open a new international procedure for next arbitrations, and so governments should obey these rules and procedures.

In some cases when international, bilateral or multilateral, regional treaties or especial regional arbitrations are emerged, it causes a new political, economic and legal formation and special procedure to foreign investors.

ISDS and TTIP conventions can be mentioned that is being formed between European Union and USA.

5. Legal and International Factors Causing New Obligatory Standards in Petroleum Contracts

5.1 Settlement systems of investing and arbitration verdict's conflicts and effect of these on petroleum contracts

According to Doak Bishop's theory, verdicts of petroleum conflicts have generated for common law source in petroleum industry and its related branches therefore publishing of arbitration verdicts makes a similar process and the mainstream for next arbitration verdicts, and this procedure caused petroleum issues , clear legal rules and finally petroleum laws (LexPetrolea) are emerged.(Bishop,1998,p1). According to Ahmed Alghashiri's theory, because of important and wide changes that have happened in industry, production and business of oil, nature of petroleum contracts has changed completely during of the time and concessionary contracts system, depending on governments and domestic rules has changed by the international contracts system hence petroleum contracts should be based on participation of the parties and their bilateral benefits. In addition to that, lawful credit of petroleum contracts should be obtained from a transnational legal system that is independent of domestic governments, and this system will cause emerging of petroleum lawful procedures and rules by referring to legal public principles in practical procedures.(El Kosheri, 1975, p.337). It can be said that petroleum law has gained special stability by new sovereignty of state's theory and considering effects of international public law principles, customary International law principles, arbitration verdicts and connecting with the world. One of the arbitration centers who has influenced on arbitration procedures is ICSID. One of the other new arbitration centers of international investment relationship of governments is ISDS that uses customary International law technics as resources of conflict settlement.

In some international trade treaties, ISDS rules have been considered, and North American Free Trade Agreement and Trans-Pacific Partnership are two of them.

TTIP convention is one of the source for conflict settlement that is forming between USA and European Union, and it is true to be said that it is one of the newest political, economic and legal settlements in the last years, and it has influenced on a relationship with foreign investors and governments. One of the points we can see about this settlement is that multi-nation companies can action against governments instead of European Union, and this is in a situation that governments legislate new rules that cause multi-nation companies does not have wanted interests or be decreased and in this case, these companies can claim fine from government, and even they can force governments for obeying their policies and managing their policies. (Williams, 2015). Basically international and multi-nation companies have a good financial power, and in some cases their budgets are more times much than budget of developing countries and by entering into policy, legal and economic system of these

countries can change the way of legislation in these countries toward benefit of international and multi-nation countries.

Empowering international companies in form of TTIP will cause decreasing legal limits of big trades, and this finally will cause weakening safety rules of foods, environmental rules, banking rules and sovereignty of governments. According to critic's beliefs, this procedure of TTIP is a kind of allowance to "attacking to Europe and USA by multi-nation companies". TTIP convention and supporting of investment as private parties can be the main factor for losing political and governmental power by powerful international and multi-nation companies for countries with least-developed legal system that are involved with economic problems and developing countries. (Otte,2016)

Because they can influence on economics, politics and even way of legislation in these countries and change the procedure of governance and democracy in these countries.

5.2 The common heritage of mankind principle

One of the factors that have influenced on strict sovereignty of governments and emerging international petroleum law system are the common heritage of mankind principle in seas.

Governance on natural resources as a an international law principle, has mentioned many times in resolutions of United Nations General Assembly and other organizations of United Nations, especially in paragraph 1 and 2 of The charter of countries' economic rights and duties. This principle has specified in the mentioned documents by: "Permanent governance of countries on all underground resources and economic activities" Charter of the United Nations (1945) ". (Charter of the United Nations. (1945). articles 10, 11, 13, 14).

International law has recognized governance right of governments for natural resources in continental shelf.

In 1970, a resolution was ratified by United Nations General Assemblylabled:"Declaration of principles governing the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction." According to this resolution Sea-bed and ocean floor and subsoil thereof are out of national authority, and its resources are the common heritage of mankind. No government or individual can own these areas, and no country can govern in any part of these areas.

All activities regarding the exploration and exploitation of the resources of the area and other related activities shall be governed by the international regime to be established (United Nations General Assembly (1970). (Resolution 2749, article 4)

Before enactment of these resolution governments (especially developed, capitalist and technical governments) believed that these areas own to no government and parties which start extraction sooner, will be ahead to others but after enactment of this resolution governance of developed countries was limited.

The important point in history of enactment of common heritage of mankind principle is that by enactment of 2754 resolutions of United Nations General Assembly, governments and legal and natural persons are not allowed to do any activity for extraction of sea-bed and ocean floor resources. Furthermore, no claim for ownership of these resources will be accepted. In this resolution extraction of sea-bed and ocean floor resources by multi-nation companies that are dependent to powerful governments is prohibited expressly.(Sharif, 2008,p150).

It is important to mention that in the mentioned resolution, countries wanted to prevent abusing the law by unity of developed countries with powerful multi-nation companies that directly or indirectly are dependent to these countries so their governance to sea-bed and ocean floor resources will be limited. Furthermore, it seems that in case of any simultaneous activity by multi-nation companies and countries that are against the content of resolution, it will have international simultaneous responsibility both for the country and the company.

5.3 Human rights and environment rights

According to new governance explanation, position of governance has changed from strict decision forms of governments for all, and in a unilateral way and this means that governing authority should consider right of the parties who are governed because of governing. Governance is not defined by the only decision by government and people and parties which are governed participate in making decision. By this opinion not only, governing is a way of preservation of authority of a governor, but also it is a way of preservation of rights of citizens. (Manent, 2002, p263)

The effect of extraction, transportation and consumption of oil and gas in the environment and necessity of preservation of environment is another problem that is international, and no country can solve it solely and different treaties in this area show attention of international society for preventing of environment destruction.

(Shiravi, 2014, p83). One reason of these changes in governance and emerging modern international standards is human rights and environment principle. Having a proper environment right as an independent human right in modern collection of human rights for having a right and good environment labeled "solidarity rights" has recognized officially by proponents of human rights.

Some changes in environment right showed these changes are toward human right, and these changes are paid attention to common law like citizen's right for participating in environmental decisions or restitution of environment destruction. Because of that in Gabcikovo-Magyars case of International Court of Justice, Judge Vira Manteri proclaimed: preservation of environment is one important part of contemporary doctrine because such this preservation is necessary element of achievement to other rights like health and right to life. (CIJ, 1996, p, 23).

Accordance to reporting of human development in 2000, environment destruction is considered as a kind of infringement, it will result in poverty and underdevelopment of environment, and these elements have caused human rights violations. (Human Development Report, 2000)

Environment right as a branch of international public law has influenced on sovereignty of governments by accepting conventions and rules and on the other hand, emerging environment right as an independent human right in new laws has become more important. By this opinion commission of WCED under a report labeled "our common future," it was said that human development depended on attention to human rights. (World Commission on Environmental & Development, 1987, p 25-33)

Having a suitable environment as an independent human right can be seen in case of (Bernurdominage & the lubicon lake bond Canada). In the mentioned case, complainants claimed that selling oil and gas of their lands causes privation of using suitable environmental methods and managing their future. One of the important elements in petroleum discussion is environmental accident and damage to local people.

In a complaint against France in 1995 because of nuclear experiments of 1995 and 1996, it was referred to an explanatory notion that was explained in 1994 based on clause 27 of the civil and political covenant that life-style of local groups that consists of traditional activities like fishing, and hunting are part of civilizing manifestations because civilizing manifestations in some of their forms consisted of a special lifestyle that can be emerged by natural resources.

European court of human rights has recognized supporting of house or family life preservation right according to clause 8 European convention in case of (Ostra Lopez ,v Spain 1994 zoEhrr 277)and being aware of the environmental accidents according to clause 8 in case of (Guerra V Italy 1988/ehrr357). In case of Gulf of Mexico in 2010 because of disregarding safety and environmental standards and happening of the environmental accidents in one side and influencing on life of local people and human damages on the other side, BP Company paid much indemnification. This happening caused legislation of fresh severe environmental rules by USA for seaward petroleum activities on 14 April 2016 labeled "Sets modern seaward Oil Safety Rules" so USA is looking for a new severe standard labeled "culture of safety". (Volcovici, Reuters, 2016)

Reason of these changes in internal rules of the country is the effect of international on internal law and sovereignty of states that caused the decision of legislation of strict rules by a government in its inner rules.

In IEA Shared Goals in part 3 it has mentioned that production and consumption of energy should be done by considering environment, and decisions should be made in a way that Has a minimum of negative effect on the environment and in case of polluting the environment by one person, according to "The Polluter Pays Principle" he or she should recompense. (Shiravi, 2014, p533).

5.4 International Energy Law and petroleum contracts

Energy resources system is series of rules and laws that are governed to activities of these recourses and their relationships.(Redgwel,2001, p. 13)

We can see new governance principle in energy law and in clause 18 of the charter, domestic governance of countries on domestic resources is accepted, and appliance of domestic governance is dependent on its adjustment to international rules and is declared appliance of domestic governance should not prevent accessing energetic resources and extraction and development of them according to trade rules.(Paragraph 2 of Article 18). (Paragraph 2 of Article 18 Energy Charter Treaty).

For explanation of samples of governance in the energy charter, it has declared that all countries have the right of making decision about area of extraction and energetic resource's development, extraction optimization, taxes, ways of payment and legislation of environmental preservation and safety rules and selection of type of activity

sharing. (Paragraph 3 of Article 18). (Paragraph 3 of Article 18 Energy Charter Treaty)

As it was mentioned before, one of the main factors of connecting to the world and changing from traditional position to "new governance concept" is recognition of multi-nation companies with foreign investors. In order to that in treaty of the energy charter it has mentioned that applying of national governance right should be with supporting of foreign investor and free trade gradually considering rules of International trade organization. (Paragraph 4& Article 18 Articles 1, 10, 13). (Paragraph 4 of Article 18 and Articles 1, 10, 13 Energy Charter Treaty).

Activities like exploration, extraction, production, storage, transportation, trade and consumption are under the energy recourses system. Petroleum extraction has results like mine discharging and polluting that have effect on consumer's right.

Paying attention to consumer's rights is important when inner, local and international rules and laws were passing so should be considered at all levels from exploration to production and even offering in energy markets. Maybe at first glance position of natural persons in petroleum contracts is not clear and based on some jurist's opinion activities of these persons in the international area is not under international law but by changes that have done about governance right of governments in international area and by effort of countries and international organizations like World Trade Organization for stabilization of special laws by editing or reforming of rules in some areas like foreign investment, intellectual property, tax competition, finance, participation, rights and duties of foreign investment companies, environment and governmental contracts of energy, especially petroleum contracts, they have done useful activities.(Ameri, ,2010,p164).

One of these activities is 1998 treaties of the energy charter. One of the main goals of this charter is deletion and decreasing of interference and supervision of governments in free energy affairs that origin of these interferences and supervisions of governments is from traditional position of governance. Achievement of these goals is mentioned in article 5 of clause 1 of the treaty. Totally energy law emphasizes on support of foreign investment in energy area considering non-discrimination principle, national treatment and most-favored nation, free trade of energy support based on rules of international energy organization, decreasing of negative environmental effects of exploration, transportation and consumption of energy and sustainable development.

5.5 .New law for foreign investors and multi-nation companies

Now in treaties and settlements of foreign investor's different rules like non-discrimination principle, national treatment and most-favored nation are completely mentioned and also in most of the bilateral or multilateral treaties and different contracts of investment. Different legal supports of direct foreign investment under international rules are applied in more than 2750 Bits but today the approach of support of foreign investors improved, and many national and governmental limitations are removed and series of advanced supporting rules of foreign investment and multi-nation companies are emerged.

It can be said that WTO is one of the main agreement organizations for new form of foreign investment support. Treaty of energy charter, free trade agreements and NAFTA consists of different parts of supporting foreign investment. Two of the other developing programs of supporting of foreign investment that is forming are TTIP and ISID, and these can have a useful effect on future of investment contracts, especially energy contracts. Most of these supporting foreign investment rules cover supporting rules like Fair and Equitable Treatment, Full Protection and Security and Free Transfer of Means. (Concept Paper, 2015).

5.6 Status and relationship between International sustainable development law with International Petroleum contracts

International Development law is a collection of rules, principles and rules of the transnational nature encompasses of cross-border activities related to the development. (Wang, 2006:1).

Another definition, International Development law is a branch of international law; it is related regulation of international dimensions of national development and the development of common resources of the international community (the common heritage of humanity).(Sucharitkul, 1991:3).

The modern view of International Development Rights, It is considered developing a combination of economic, social, cultural, political and environmental. (Bradlow, 2004:194).

Since the International Development Rights has linked with international economics of developing countries. As a result of the development of national legislation related with dimensions of development rights related to aspects of social and political development of all countries. Hence the economics develops aspects of a country cannot consider in separated from the political, social, cultural and environmental.

In modern approach to the international development law, the government is not only developing player, because other players are including state actors and non-state, they can also be a direct function of international development law.

In other words, international development laws, including are not only governments and development organizations (intergovernmental international organizations), but also it includes non-state actors, to individual or legal persons, civil-society organizations and non-governmental organizations.(De Waart, 2006:1).

Hence According to modern view of International Development law, in addition to governments are part of the international development law, also it included multinational corporations, and transnational corporations have cooperation with governments in economic and investment various fields, including are oil and gas fields. As a result, they must follow the rules. According to the traditional view of international development law, foreign investor must act in accordance with the laws of the host country, although perhaps it is at variance with the international law.

In the light of globalization and changing the Status and the concept of sovereignty of states, along with the reduction of state control over the economy, strengthening the role of non-state actors, including transnational companies and foreign investors, and we can see to improve the Status of human rights and the environment laws in economic evaluation.

We will realize of closely related to the concept the new sovereignty states with international development law, international law and international petroleum law and International investment agreements.

According to the Report of the World Commission on Environment and Development (WCED) defined:

Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two key concepts. (Our Common Future, 1986:27).

Petroleum contracts in accordance with the Report of the World Commission on Environment and Development (WCED), it could be argued:

Petroleum contracts must be adjusted based on operational and legal principles;

First: Not damage to the environment;

Second: It must not to be motivation to measures of Non-technical and unconventional by partner countries because more and faster operation and greater profit in common oil fields.

Because primarily it will be due to destruction and damage oil field, this destruction will reduce the life of the oil field for operation in the future, it do is pressure drop of oil field. Finally, they will be deprived of prospective benefits and long-term all prospective generations the human due to incorrect competition between states.

According to definition of presented by Association of International Law, Sustainable development is the right of all human beings to adequate living standards based on active participation, real and freely in the development process and the equitable distribution of its benefits. (ILA, 2002: 211).

According to definition Convention for Cooperation in the Protection and Sustainable Development of The Marine and Coastal Environment of the Northeast Pacific2002 (Article 3, paragraph 1, and A) ;

Sustainable development, means the process of progressive change in the quality of life of human beings, which places it as the centre and primordial subject of development, by economic growth with social equity and the transformation of methods of production and consumption patterns, and, which is sustained in the ecological balance and vital support of the region. This process implies respect for regional, national and local ethnic and cultural diversity, and the full participation of people in peaceful coexistence and in harmony with nature, without prejudice to and ensuring the quality of life of future generations;

Based on the above it can be argued that investing in petroleum contracts and petroleum operations must have attention to environmental issues and anticipate the requirements of prevention of environmental pollution, also governments can want to foreign investment companies to acts of accordance with this Article.

That cause is growth and development of local and community quality of life and full participation of people in their of peaceful coexistence, those through training local forces in the petroleum region and transfer of knowledge and technology. These factors ultimately will improve the quality of life of future generations of mankind.

We can express about the concept and scope of sustainable development of international petroleum law;

1. Existence a close relationship between policy objectives for economic development, social development, environmental protection and concept of the modern sovereignty governments with discuss of globalization.

2. Pay attention to the environmental conserve and protect of any development measure in petroleum resources it is an inalienable right;

3. Government and international petroleum Investment Company had common responsibility in against the present and next generations. As a result, more attention is needed to create long-term policy objectives by governments and international companies;

Sustainable development such as triangle that has three sides at the same time pay attention to the economy, human rights and the environment.

Indeed, three poles of stability in the context of sustainable development include people (social dimension), Earth (environmental dimension) and profits (economic dimension).(Nuttall,2003: 2).

According to, the realization of sustainable development in international petroleum law, and petroleum contracts will be based on following items;

- Economic development states;
- Attention to environmental protection standards and systems;
- Respect for human rights and indigenous peoples and communities and their residence;
- Respect for common heritage of mankind;
- Perform scientific and technical operation of oil and gas resources accurate without degradation them.

like in Declaration New Delhi, India, (2 to 6 April 2002), also in the second paragraph of first article requires governments to manage natural resources under the jurisdiction of the territorial or domestic in a wisely and sustainable manner, With regard to development of nations, and by special attention to the rights of indigenous people, and conservation and sustainable use of natural resources and protection of the environment, including ecosystems. In continue, it states that governments should consider the whishes and needs of future generations. All related factors (including governments, related industries, and other components of civil society) are required to prevent the wasteful use of natural resources.

6. The Rule of Principles Sustainable Development on Petroleum Contracts, Countries and International Transnational Companies in the Field of Oil and Gas Includes

6.1 Employing local forces and train them in oil fields that are causing economic growth regional oil

According to Principle 5 of the Declaration of Rio, require all the States and all people to cooperate with each other to eliminate exclusions it is known as a Binding condition for sustainable development Furthermore, principle 9 of the Declaration of Rio asked for Sustainable development or modification and improves understanding or exchange of scientific information and accurate knowledge of technology and development (Consistent with each other) and develops and informs it.(kiss.A and Shelton,D, 1991).

International Petroleum Investment companies can help to develop sustainable development with Construction of roads, schools, health clinics and respect for the traditions and lifestyle of indigenous people.

6.2 Performance of obligations under international law, which consist of, commitment to cooperation, extensive range of partnerships, from supplies of resources and technology and holding training courses to exchange information and advice and assistance during environmental emergencies.

6.3 International investment Petroleum Company should represent to host state all damaging environmental effects inform at all stages of exploration and description's oilfield based what will happen on future operations, Because according to article 206 of the Convention On The Law of the Sea, Whenever governments have logic reason, which states that the activities that are planned under their jurisdiction or supervision, cause pollution of the marine environment or cause fundamental or damaging changes, we should evaluate potential effects of these activities on the environment to the extent that is possible and reports about the results of these assessments are sent to members.(MAKNON, R.1997).

Principle to avoid the environmental, both ecologically and economically are considered as a "Golden Rule," because it is often impossible to compensate for damage to the environment. This irreparable damage is consisting of: Extinction of plant and animal species, soil erosion or even discharge of enduring contaminant's materials into the sea, which cause irreversible condition. Even if the damage is recoverable, the cost of

restoration is expensive.

In other areas of 1992 Framework Convention on Climate Change in paragraph 1 of Article 3 of stated that: members must consider the climate system for the benefit of current and future generations of human.

6.4 Based on the principle of the obligation compensation by environmental pollutants, all companies and governments at all stages of the petroleum activities, including exploration, production and sale, they have been responsible for polluting the environment.

The principle, during the scheme of civil liability of people in international treaties on nuclear and oil accidents has civil responsibility, against activities that lead to environmental degradation and entered into international environmental law.

The principle of obligation to pay compensation by polluter of the environment

According to on this principle, Decontamination costs must be paid by the polluter. This principle in one hand recognizes others right to a healthy environment and on the other hand, is considered as a reactionary measure to prevent environmental degradation. The obligation to pay compensation on the behalf of paid compensation for damages for polluting the environment was first proposed by organization for economic cooperation and development. Today, the principle has been cited in treaties and other international important documents and precedent and has become the universal norm.

However, before that, it was cited in the decision of the International Court. Accordingly, the Court of Arbitration ASMLTR, recognize Canada responsible for environmental pollution of America and announce that, the country should pay compensation for damage to the environment of America. It should be noted that in the latter case, Canada's responsibility, is a responsibility of the risk that is due to activities that are not prohibited in international law and not liability arising from errors, which is the result of a breach of an international binding obligation. However, today this kind of responsibility has become a rule of international customary.

6.5 According to the principle of common but differentiated responsibilities that stated in the Stockholm Declaration it has been mentioned, all governments in the world are jointly responsible to prevent environmental degradation and support and preserve it. Despite this, and despite the sovereign equality of States, Country's responsibilities must be consistent with features and capabilities of them and be equal to the role that they have in destroying the environment.

For example, countries that are in the category of developed nations, and also they have more advanced technology. They compared to with developing countries or Third-World countries should have more responsibility. Because developed countries have to require moving forward access to enriched resources of fuel, energy and minerals. Those resources are in developing countries further and cheaper usually.

Therefore, developed countries find a way into the developing countries by large and powerful multinational corporations through investment contracts.

One type of agreements is instance Build-Operate-Transfer (BOT) or upstream agreement.

If developed countries and multinational companies using in operation of top standard technology and indeed, this acts are causing maximum environmental protection and minimum environmental destruction and damage.

If multinational companies or developed countries have superior technology, used of old technology and has more been polluting intentionally, it means that they are involved in environmental destruction directly. And they should be taking over more responsible for environmental destruction as well as compensation

Article 7 of the Rio Declaration is fully described:

Countries must work together in a spirit of universal partnership to conserve protect and "restore ecosystem integrity and health of the planet. Countries, with a looking to varying share in universal environmental degradation have common but different responsibility. The responsibility of developed countries takes the responsibility in the international pursuit of sustainable development, Due to the pressures of their communities on environmental globalization and technology and their resources.

According to this principle and above-mentioned the contents, it is illuminated that the advanced countries must help developing countries in two aspects: Financing and technology transfer necessary for achieving sustainable development. This principle which is originated from equity and fairness principles in international law, is based on the what principle of the fairness verdict, that developed countries, which have the largest role in the pollution and environmental degradation, and enjoy more facilities and capabilities than developing countries, should have more responsibility for protecting it. Accordingly, and also developing countries in Proportion to their less role in

environmental destruction of earth, have less responsibility and needs and conditions of these communities must also be considered.

6.6 Another interpretation of the principle of sovereignty over natural resources based on a new definition of state sovereignty is Due to the spread globalization and the changing status of government, so it has changed the concept of sovereignty over natural resources. Accordingly the exercise of sovereignty over natural resources, governments should not cause damage to areas within the Competency and capacity of the states. Also the exercise of this competence not causes damage to the environment and the governments of other countries.

Sovereignty and exclusive jurisdiction of the state over its territory mean that only they can expand Policies and rights to natural resources and environment of their land. Scope of sovereignty over natural resources is consisting of:

1-The land within the borders of the underlying soil

2- Domestic water such as lakes, rivers and streams

3- Space above the territory, internal waters and territorial sea as far as the legal system of the upper atmosphere begins. Furthermore, states have more limited rule of law, include adjacent areas, close to the territorial sea, bed and under the bed and Exclusive – economic area. Apart from the above case, there are areas that are not dominated by any country; these areas are sometimes interpreted as a global commons, are included the high seas and the seabed and sub-seabed, outer space and Antarctica. (Sands, P, 1995, VI)

6.7 Attention to the principle of Intergenerational Equity by the host country, investor countries and transnational companies in all stages of the exploration and operation petroleum, on the basis:

6.7.1. Each generation must protect the diversity of cultural and natural resources (protection of the right choices).

6.7.2. Each generation is to protect the quality of Planet Earth (protection of quality).

6.7.3. Each generation must preserve the right of equal access, to resources for its members, such a right to provide members of the next generation (the right of protection). (Weiss, E, 1989, p38).

Governments and international oil companies must not do destructive and harmful actions for enjoy of petroleum resources. Especially in common oil and gas fields there is kind of competition to Maximum operation of these resources. In case of non-conventional and non-standard measures by governments and international oil companies, this action will cause destruction of technical and reduce life of the oil fields. (RABIEI MAJD.S& B.JAVADI, P 2015, p5).

As a result of destructive actions will reduce the quality of life planet Earth, the environment and the possible loss of long-term use of petroleum resources for future generations. The countries and international oil companies in the oil fields are responsible to against human generations Because of operation and protection and maintenance of them. In operation and development of oil fields should be reasonable taking within the territory of a country or between two or more countries in the common fields. These measures should not cause damage to oil fields and the surrounding environment or deep underground waters, the seas and the environment. Indigenous people's rights and interests of future generations should not be exposed to threats and vulnerabilities. Governments and international oil companies should avoid harmful actions and accepting positive measures to protect the environment to the extent that do not lead to damage to environment.

According to the Brundtland, Commission defined paragraph 12:

As for non-renewable resources, like fossil fuels and minerals, their use reduces the stock available for future generations. However, this does not mean that such resources should not be used. In general, the rate of depletion should take into account the criticality of that resource, the availability of technology's tor minimizing depletion, and the likelihood of substitutes being available. Thus land should not be degraded beyond reasonable recovery. With minerals and fossil fuels, the rate of depletion and the emphasis on recycling and economy of use should be calibrated to ensure that the resource does not run out before acceptable substitutes are available. Sustainable development requires that the rate of depletion of non-renewable resources should foreclose as few future options as possible.(Our Common Future, 1986:27).

5. Conclusion

According to changes in traditional position of governments in the international area (that important reason of this is changes of international formation and regularity as a result of connecting to the world principle) and also

emerging of modern economic powers that invest in unlike countries in form of companies and legal persons; it is impossible to only pay attention to inner and local forms in petroleum contracts because by emerging modern sovereignty of government's principle and entering foreign investors into governance areas of governments by different ways and as well effect of international law principles(that now are obvious parts of the international system) not only governments but also foreign investors as dependents of international law should obey those and without agreement with these principles, practically these international legal principles are governing international contracts and treaties. Nowadays, governments should obey rules of international treaties, human rights principles, environmental law principles and many international principles that are imperative, and it would be irreparable for governments that obey traditional opinions about strict sovereignty of governments in the international area especially petroleum contracts because studying arbitration verdicts and procedures and effect of these on changes of international cases will prove it. Following changes in sovereignty of governments because of connecting to the world and emerging new standards by international organizations like WTO, we can see international convocations, and countries have the tendency to develop these standards, for example, effects of new governance for making new standards of European movement and USA about making TTIP agreement. These factors have caused to a new branch in law be emerged called petroleum law or international petroleum law because before of these international changes, traditional jurists refused the position of Lex Petrolea and International petroleum law according to inner rules and principles but today this opinion is archaic because if governments make international contracts by this opinion, will have the problem in case of referring to arbitration, and they are not able to success when there are lawyers and jurists of international investment companies because these lawyers and jurists will use new international legal principles.

References

1. Amani, Masoud. ,2010 . Laws of International Oil Contracts, University of Emam Sadegh, First Edition, p181, 182.
2. Armanh, Mattel. 1995 , "Globalization and analysis, two sides of the same coin", a monthly cultural development, Volume 4, Issue 17, p. 34.
3. Ameri, Faisal. 2010 , "International Energy rights with specific reference to government contracts and some economic consequences", Journal of Law, (twelve years), p. 164.
4. Ahmed Sadek, El Kosheri. 1975 , » Le régime juridique créé par les accords de participation dans le domaine pétrolier «, Hague Academy of International Law, pp. 337.
5. ARNAUD, A. J., 1998 , » Entre modernité et mondialisation «, Paris, pp.28-29.
6. Bishop, R.D., 1997. International Arbitration Of Petroleum Disputes. The Development of a Lex Petrolea. Dundee: University of Dundee, Centre for Energy, Petroleum & Mineral Law & Policy, p. 665.
7. Bishop, R.D., Crawford, J. and Reisman, W.M., 2005. Foreign investment disputes: cases, materials, and commentary. Kluwer Law International, p 665.
8. Bishop, R.D., 1997. International Arbitration Of Petroleum Disputes. The Development of a Lex Petrolea. Dundee: University of Dundee, Centre for Energy, Petroleum & Mineral Law & Policy, Y.B.COMM.ARB N XXIII ,p1131.
9. Bradlow, D., 2004. Development Decision Making and the Content of International Development Law.Vol. 27.
10. Manent, P., 2002. Les problèmes actuels de la démocratie. Commentaire, (2),p.263.
11. Delmas-Marty, M., 2007. *La refondation des pouvoirs* .Seuil.p.139.
12. De Waart, 2006:1.
13. Goldman, B., 1987. The applicable law: general principles of law—the lex mercatoria. In Contemporary problems in international arbitration (pp. 113-125). Springer Netherlands, p114.
14. Kiss, A.C., Shelton, D. and Shelton, D., 1991. International environmental law (Vol. 27). New York: Transnational Publishers.
15. Maknon, R. et al., 1997, research and sustainable development, journal rahiaft.
16. Lopez,ostra v. spain .ECHR(1994), series A , no 303c
17. Van den Eynde, J., 1986. Les Contrats entre Etats et Entreprises Etrangeres. By Philippe Leboulanger. Paris: Economica. 1985.,p 210.
18. Ikenna, N.E., 1996. International Petroleum Law: Has It Emerged as a Distinct Legal Discipline. Afr. J. Int'l & Comp. L., 8, p.429.
19. Nuttall, W.J., 2004. Nuclear renaissance: technologies and policies for the future of nuclear power. CRC

Press.
20. Islami, Massoud. 2014 ,LEX PETROLEA critique of theories and LEX MERCATOREA In Petroleum rights and international agreements ", Journal of International Law, No. 50, p. 10.
21. Kissinger, H., 2002. Does America need a foreign policy?: Toward a diplomacy for the 21st century. Simon and Schuster.
22. Shiravi, A., 2014. Oil and Gas Rights. Tehran: Mizan Publication.,,pp 78,83,533.
23. Sharif, Mohammad. 2008 . "Common heritage of mankind and describes it as a jus cogens." Journal of Public Law, No. 1, p. 154.
24. Scholte, J.A., 2000. What is' global'about Globalization?. Macmillan,pp 41-62.
25. Spitz, J.F., 1998. Bodin et la souveraineté. Presses Universitaires de France-PUF.pp.79-82.
26. De Senarclens, P., 2001. La mondialisation et les droits de l'homme: une perspective politique, pp.25-26.
27. Schwarzenberger, G., 1952. 15 The Protection of British Property Abroad. Current Legal Problems, 5(1), pp.295-323,5(1),p 315
28. Sucharitkul, S., 2010. The Nature and Sources of International Development Law. International Sustainable Development Law-Volume I, p.46., Vol.1.
29. Sands, P., 1995. Principles of International Environmental Law I: Frameworks. Standards and Implementation, 488, pp.256-57.vol. I.
30. Saeid Rabiei Majd & Pouria B. Javadi . 2015,Review of the Role and Effects of Universal Sanctions on Preservation Production of Oil and Gas Filds , The 1st National Conference on Oil and Gas Fields Development (OGFD), Sharif University of Technology.
31. Wang, G., 2006. International Development Law in the Globalized World. James Cook UL Rev., 13, p.187, Vo.10.
32. de Waart, P.J., 2010. PARTICIPANTS AND THEIR ROLE IN THE DEVELOPMENT OF INTERNATIONAL DEVELOPMENT LAW. SOCIAL AND ECONOMIC DEVELOPMENT–Volume VIII, p.64.Vol.1.
33. Brown Weiss, E., 1989. In fairness to future generations: international law. Common Patrimony, and Intergenerational Equity", United Nations University, Tokyo.
34. Vasani, B.S. and Vielleville, D.E., 2008. Sovereignty over natural resources versus rights under investment contracts: Which one prevails?. Oil, Gas & Energy Law Journal (OGEL),5(2), p10.

Treaty

1. Energy Charter Treaty. (1997). Lisbon,17 Decembber. articles 1& 18.
2. Charter of the United Nations. (1945). articles 10,11,13,14.
3. United Nations General Assembly (1970). Resolution 2749.
4. Our Common Future: Report of the World Commission on Environment and Development, Chapter 2: Towards Sustainable Development, 1986,From A/42/427.
5. ILA, New Delhi Declaration of Principles of International Law Relating to Sustainable Development, International Environmental Agreements: Politics, Law and Economics, 2 April 2002.
6. The 2002 Convention for Cooperation in the Protection and Sustainable Development of The Marine And Coastal Environment Of The Northeast Pacific, Antigua, Guatemala,18 February 2002.

Case List

1. Case 14967/89 ,Guerra & others v.ltaly , 1998-1 ECHR , judgment of 19 february 1998.
2. ICJ Reports of Judgment, advisory opininins and orders, vol 1, paragragh 29.
3. Human rights, environment and development, with special emphasis on corporate accountability, human development report 2000 background paper.htm.
4. The World Commission on Environmental & Development, in environmental protection & sustainable development legal principles & recommendations, M.NNijhoff Publi .Dorderecht, June 1987,p 25-23.
5. Guerra & others v.ltaly (116/1996/735/932), 19 .feb. 1998, quoted in p. elefheriadis. The future of environmental rights in the European union, in alston , p.(ed.). The EU & uuman rights, Oxford University, oress, 1999, p. 529-549.
6. The unclear tests case (new zealand v. France), I.C.J Report 1995 ,Judge Weeramantry dissenting opinion.
7. Catherinne Redgwell,(2001), 'International Regulation of Energy Activities' in Martha M. Roggenkamp, Anita Ronne, Catherinne Redgwell, Inigo Del Guaya, Energy Law in Europe. National, EU and

International Law and Institute, Oxford University Press.
8. Saudi Arabia v. Aramco, Award, 23 August 1958, 27, ILR117.
9. Texas,I.L.R.355(1977).
10. Aminoil,I.L.R.518(1982).

Online resources
1. Lee Williams , What is TTIP? And six reasons why the answer should scare you, http://www.independent.co.uk.
2. Max Otte, TTIP: "Völlige Entmachtung der Politik". Heute,
3. Valerie Volcovici, Reuters, US Sets New Offshore Oil Safety Rules, http://www.rigzone.com/news/oil_gas/a/144016/US_Sets_New_Offshore_Oil_Safety_Rules
4. www.un.org/secretary general/Joc.
Concept Paper: Investment in TTIP and beyond – the path for reform, http://trade.ec.europa.eu/doclib /docs/2015 /may/tradoc_153408
5 .http://www.heute.de/oekonom-otte-warnt-vor-freihandelsabkommen-ttip-voellige-entmachtung-der-politik-42985214.html