

# The Law of Treaties and National Security of Islamic Republic of Iran

S. M. Tavakoli Sani, M. Sabbet Moghadam, Y. Khorram Farhadi, Iraj Rezayi Nejad

**Abstract**—The concept of national security in Iran is a permanently effective factor in acceptance or rejection of many international obligations. These obligations had been defined according to the type of legislation of Iran in many aspects. Therefore, there are several treaties at international level which requires Iran's security to come in contact with obligations in these treaties in a way that an obstacle to join to them and their passage in parliament. This issue is a typical category which every country pays attention to be accepted in treaties or to include their national security in that treaties and also they can see the related treaties from this perspective, but this issue that 'what is the concept of Iran's national security', and 'To what extent it is changed in recent years, especially after Islamic Revolution' are important issues that can be criticized. Thus, this study is trying to assess signed treaties from the perspective of Iran's national security according of the true meaning of treaty and to investigate how the international treaties may be in conflict with Iran's national security.

**Keywords**—Treaties, national security, Iran, Islamic Revolution.

## I. INTRODUCTION

HUMAN history always shows human concerns about security and maintenance of interests in the past in a way that it always tries to think about security concept and short-term and long-term interests of tribe, town and even the country when it is going to lose a privilege and to accept some obligations and in this way it would be able to prevent from other parties of that treaty or agreement to dominate on it permanently [1]. An example of these treaties was drawn up in the past, is 'pearl (Morvarid) treaty' in which two cities, Babel and Lagash, obligated to cooperate with each other to reclaim criminals and not to attack to each other. This treaty obviously shows that in the past, countries or their governments drawn up some treaties in regard to security concept and their necessary needs, too, because they would be obligated to follow related requires after following the affairs of treaties [2].

Therefore in contemporary world we confront with a same situation and it is the concept of countries' national security which provides a base for joining to treaties, their passage and be accepted as a member in them and also we can say that this security makes a necessity for countries to draw up some

treaties.

Now in this area that 'what conditions should be in treaties' and 'what category of international law resources is related to treaty', there is not much international challenge in the world because international court explicitly recognize treaties as its main international law resources in its constitution [3]. Likewise, in Vienna treaty some principals and conditions of drawing up a treaty are mentioned very exactly in the title of 'treaty law' and its rules are completely explained. Moreover, there is an important issue here which is the concept of countries' national security which is variant based on occurrence of some revolutions in countries, global evolutions like soviet collapse, important affairs like globalization, environmental threats and even according to the type of legislating system, which is manifested in countries like Iran in recent decades [2]. Thus, in this article we try to recognize the whole concept of Iran's national security from legal perspective and in this way some political, military, and legal treaties in Iran are studied which this country accept or reject them in regard to its national security concept.

## II. REVIEW OF PREVIOUS TREATIES

This should be noted that at Qajar Dynasty and/or Governments prior to Pahlavi and even at first and second Pahlavi period, practically there were no multi-dimensional and/or international and special treaties between Iran and other countries and most agreements and treaties were imposed and compulsory because of Iran's political weakness and this caused Iran to grant some privileges to other countries, but after some time they would be annulled due to some reasons like constitution nationalize and issuance of sentences by some authorities at that time. But among them, some treaties influenced on Iran's national security and it challenges national interests of Iran, for example Agreement 1919 at Qajar dynasty between Iran and England [4].

One of the reasons of drawing up these treaties and injuring national security of Iran is a lack of a strong legislating system in a way that treaties resist to it and prevent from its execution. Although, at the time of second Pahlavi, the situation of national security concept promotion was improved because Iran tired to take part in various treaties very actively and sometimes it was host of meetings about foundation of nations' organization like 'Tehran Conference' or 'Convention of International ponds In Ramsar' or 'Declaration of Human Rights In Tehran in 1968' [5], [6].

Iran to act as a main member of Islamic conference and as its founder in 1969 which started its work in Robert of

Seyede Mansour Tavakoli Sani is with the Department of Law, Islamic Azad University Chaloos Branch, Iran (phone: 00989356843861; e-mail: Mansourtavakoly@gmail.com).

Dr. Yousof Khorram Farhadi, Dr. Iraj Rezayi Nejad, and Dr. Mansour Sabbet Moghadam are with the Department of Law, Islamic Azad University Chaloos Branch, Iran.

morocco, so in this way Iran's national security practically was guaranteed about treaty law in compare with other periods. As a result, by occurrence of Islamic Revolution of Iran in 1979, it is obvious that Iran's national security concept is more emphasized by focus on Islam and Islamic commandments that will be explained in following sections [7].

### III. METHODOLOGY

This research was done based on the analytical and descriptive methods, and all the information were collected by using the library sources and Internet information.

### IV. DISCUSSION

Ideological base of the Islam and charismatic leaders in society were the most important power foundation for Republic of Iran's national security concept in first and second decade. These factors creates an obstacle to accept many convention and international treaties like convention of 1979 about elimination of discrimination against women which was dominant in a beginning of Revolution [8]. But from third decade to now, Iran promotes its relations with other countries and in combining national security with international treaty law, follows these principals in all treaties [8]:

1. Negation of any sovereignty and oppression in foreign relations,
2. Strengthening the principals of stableness, security, independence and territorial integrity of Iran,
3. Rhythmical, stable and comprehensive economic and social help to country,
4. Promotion of Islamic Republic of Iran's position in Region and in the world,
5. Introduction of Islamic Revolution's culture and spread of Persian language,
6. Maintenance of rights and prestige of Iran's people and all Muslims in the world

Now that we recognize effective concepts on Iran's national security, we will study some of the important treaties more exactly by mentioning some cases which were or even are in contradiction to Iran's national security.

#### *A. Recognition of National Security's Concept*

Recognition of national security's concept and its meanings and also its threats requires the study of various reasons and seems very difficult because it is different in various countries and even in various periods [9]. Thus, the writer believes that in explaining and interpreting of national security in third-world countries, the internal dimension is emphasized due to political- economic situation which is dominant on them, as a result internal threats are considered as priorities and this creates a different definition in compare with developed countries in which national security is seen at international levels and in a multi- dimensional way [10].

Therefore in addition to "national security" expression, some other words like national interests, vital interests,

principal values of a government or nation at political, economic and social aspects are used whose understanding seems important. It should not be forgotten that policy of countries has an efficient effect on the definition of national security because, prior to the second world war, the most important issue about national security in countries was military security and according to this, countries regulate their policy based in this security [10]. At that time, relations between countries was fundamentally evaluated by hypotheses of scientists which was so-called 'realism'; in this framework it was believed that international relations are, at the first place, the scene of challenges to power and this challenge is fundamentally dependent on organizational sulk in spite of political internal challenges [8].

The belief of realists is based in three hypotheses:

1. Governments play the main role in international relations.
2. The power of sulk is the most efficient tool in international relations.
3. The most important issues in international policy is military security and economic and political issues are at second grade of importance in security evaluations of countries.

Also realists believe that it is impossible to describe the security of one country on the basis of other countries' intentions and purposes; because prediction of other's intentions and purposes is very difficult, so the only way to preserve security is to balance power and to strengthen military forces and also achieve to a correct comprehension and understanding about internal national security's concepts in any country because without balance, any country is tempted to attack to other weak countries, provides a situation for power abuse and for encroachment [10]. It should be noted that in traditional perception, that its manifestation is mental realistic school, international policy is a challenge for power like other policies, but it is not similar to legitimate authority internal policy; in fact it is applied by organizational violence and creates the concept for national security by this type of violence. Even in the past and in the middle of Cold War, gradually aspects of national security were added and in the other words some variations are seen in the concept of military national security in a way that Berjinski believes in multi-dimensional position in the nature of national security and say that [10]: "I believe in limited meaning in national security, it means that it is not *only* military security. Although military power is one of the important dimensions in historical competition between American and Soviet, I believe that national security includes more considerations like political authority, economic power, technological innovation, ideological life and etc." [7]. It is not possible to achieve to national security and it will be failed unless we pay attention to these considerations.

Now in regard to these descriptions, we can define national security on the basis of legal concept and in regard to effects of politics (based on concept of national security in third-world countries like Iran).

A collection of principals, beliefs, needs and dominant ideologies in society and the amount of potential and actual power in any country that tries to exactly evaluate its enterprises at international and even internal level in regard to given conditions and previous experiences so that it will be able to maintain and guarantee its people's and nation's interests [2].

This national security is dependent on treaties and various agreements which are accepted by countries or are imposed on them. In regard to the aforementioned issues it should not be forgotten that countries do not have absolute governorship at internal level, and their authorities are very limited and although on the basis of legislations and documents of international law like Vienna convention of treaty law, the principle of treaties' relativity is recognized, nowadays legislations are improve and by entering or passing in to some countries, they will have imperative and binding aspect; up to now, their manifestation is observable in any international regulations such as charter of United Nations' Organization in the modern world, this issues by spreading provides some exceptions about active role of national security at macro and past level prevents from a serious and active interaction of this security in the area of treaty law. As a result this issue affects on some countries' national security like Iran and provides a situation for accepting this [2].

#### *B. The Place of National Security in Treaties' Law*

##### 1. Elimination of Discrimination against Women (Convention, 1979)

In 1979, the "commission of women's place" begins a draft for "elimination of discrimination against women convention". Global conference of woman, which was drawn up in 1975, encourages this commission. This conference passed plan of action in the name of convention of eliminating discrimination against women with effective methods for its execution. In any way, this commission follows regulation of convention and present. The draft to general assembly of United Nations' Organization in 1977: This general assembly appoints an especial workgroup to final regulate this draft and finally in December 1979 this plan was passed by general assembly of organization [11].

After this passage, reacting of countries, specially Islamic countries, to these effective issues on Islam even with some discrepancy in joining, were very supervising because fifty to Islamic countries which were members of Nation's organization, Afghanistan signed this and twenty-nine governments passed in and joined to it.

Islamic countries welcome this convention that have various and hidden long-term purposes in order to deviate these countries from their Islamic culture and regulation-many of Islamic countries try to exploit the right of provision in joining to this convention or its passage by imposing a predicated right of provision in convention of discrimination elimination with the aim of preserve their legal right in the framework of Vienna convention's provisions in 1969 about

treaties, so that they determine some provisions which are understand their internal Islamic law but on the basis of 'woman convention' these determinations and rights of provisions should not be contradicted to the provisions of this convention [11].

The dominant spirit on this convention is quality of men and women in all aspects and elimination of all gender-based limitations. The motto of this convention's regulators is equality of men and women and eradication of any discrimination and change.

So-called stereotype roles of women: Iran views the provisions of this convention from the viewpoint of religion and religious and ethical instructions very specially and in regard to its national security, so that it does not ignore the effects and consequence of this absolute equality which are defined as eradication of veil as a limiting factor for women and elimination of motherhood role in pregnancy period and nursing and also training and looking after children and negation of spousal duties of women to their husbands [11]. In sum, from Iran, the family which is formed on the basis of this convention's purposes and recommendations is very different from the family which is formed based on Koran's purposes. The conventional family has not solidity, intimacy and cooperation and also their children are depressed, without joy and mirth; their mother's emotion and milk are not their spiritual and physical food, however in Quran solidity, intimacy and cooperation are dominant, children are living with joy and mirth and their mother's emotion and milk provide their spiritual and physical food. In conventional family women are bewildered, men are descended from their manliness position and are sick in putrefied sink of feminism and this worn sick can not be a shelter for his wife and children, so he can not give them hope and confidence because neither of them (man/ woman) are not at right place, their duties will be confused on the basis of equality and are integrated to each other: In a way that children society are the most Vulnerable sections [12].

In any way, we can say that differences between men and women are proportional and based on their nature and greatness some commandments are determined for them and this situations is not a breach or discrimination against them. By the viewpoint of religious instructions, these affairs limit women in some areas in order to create an idea society without any dissatisfaction and abnormality, however women play significant roles in other social positions, they cooperate with men in holy war, they are responsible in fundamental and key positions in governing Islamic governorship, they do their duties very efficiently. This issue is Iran's objection to reject to join this convention because it is believed that this convention keeps wait religious commendations and also it questions some legal and responsibility- based differences between men and women, the issue which is in contraction to Iran's constitution and its long-term national security because any issue which is in contraction to Iran's constitution, explicitly and implicitly influences on its national security concept.

Now, in regard to aforementioned explanations, disadvantages of joining to this convention (on the basis of Iran's national security concept) are defined as follow:

1. Repetitive objection of treaty's parties to right of provision in Iran,
2. Impossibility of the use of provision right in a way that it is not in contraction because it is desired that all provisions with equality dominant spirit in all aspects will be executed,
3. The next step after joining to convention is to explain all provisions and answer to the countries' objections provided that provision rights are explained which is impossible (sometimes it is in spite religious jurisprudence and Quran verse).
4. Codification of periodical national report, which should be presented based on following issues by Iran immediately in the first year:
  - i. Change of principal and general regulation of system.
  - ii. Change of regulations and rules and regulations.
  - iii. Practical change in women's position in all centers is related to determine committees and we should prove that some enterprises are done in elimination.
5. Adaptation this report to other reports of specialized agents of United Nation's organization in Iran and Region and also their preference to national report of Iran,
6. Evaluation dependences of correspondent and his/her answers to contradicted issues to convention and question principal position of Iran, which has fundamental contraction,
7. Presence of repetitive declaration which show objection of member states to provision rights by neglecting international obligations and in execution of convention that provides a situation to return provision rights and declaration obligations, and also in execution of convention which causes returning provision right and is an indication of retreat and weakness of government

Finally, Iran accepts not to join and commit to the convention to protect its national authority. Which is very effective on national security concept because this joining includes some obligations and they cause these obligations will be used as a indirect leverage against Iran. Anyway, it is no doubt that this convention is created on the basis of supreme purpose which is elimination of oppression and unjust discrimination against women and is composed of effective regulations about Various provisions but it is unlikely that all nation discussions in this convention are useful in the framework of legal systems and current Various definitions, and it is possible that there are some oppositions against it on the basis of national security's concept and maybe there are some obstacles against membership in this convention.

## 2.Sea Law (Convention 1982)

The historical ambition of global community was finally achieved in 1982.As a result the convention of sea law was formed more complete more than past and many of its

weaknesses were reformed. But Iran finally avoid to pass it because it believed that foreign war ships should have limited traffic in Persian Gulf because of national security and also it emphasized that the military permanent presence of foreigners in Persian Gulf is not necessary and should be organized because this presence requires traffic in Hormoz strait. On the other hand because Hormoz strait connects free waters of India Ocean and Oman Sea to exclusive economic region of Persian Gulf, the importance of this region (Hormoz strait) and consequences of sea can include the definition of convention about international isthmuses in regard to convention 1982 and so will be subjected to its legal system[13].

On the basis of provision 16 in convention 1958, the system of isthmuses is subjected to harmless traffic with a difference that this traffic will not be suspended by littoral government and the elimination of this suspension is possible by free navigation principal in free waters.

This commendation is approved about Korfor strait and is considered as a balance among legal opinions. But in article 37 of convention 1982, transit system is accepted for Straits. Again in this situation, spread of navigation in isthmuses is dependent on access to free sea and free navigation, as soviet representative expressed in Karakas conference: "acceptance of harmless traffic in international isthmuses probably can jeopardize international trade specially against specific countries and generally against global community because the right of access to free waters in fact is invaluable without free traffic in isthmuses"[13].

Thus, these issues cause Iran feels an insecure situation about its national security and presence of foreign boats and the right of transit traffic in strait and also cause it to feel a jeopardized national security about defensive and political areas to the level that it always tries to provide an obstacle against dominance and permanent traffic of war and military foreign ships in the region by presenting one-dimensional and tow-dimensional declarations with Oman (Oman, like Iran, is not member of 1982) [14].

Now it practically seems that transit traffic from external parts of territorial sea of Hormoz strait is possible and Iran's government does not object to it, objecting to "continuous presence of foreign military forces in Persian Gulf" with a different perspective to past which does not fundamentally include transit traffic but requires it. Meanwhile Iran repetitively emphasized that it intends to affect on global. Economic in international crisis by obstructing Hormoz strait to protect its national security; also in this way Iran is able to increase oil price "infinitely" even to \$ 250 per barrel, because 30 percent of global consuming oil is supplied by this Isthmus [14]. Whether or not this convention includes some general obligations for all countries (even countries that are not member state), the issue which is emphasized by Iran in Article 41 in this convention, according to these littoral governments can determine sea flood ways to traffic in this isthmus. The lines of sea traffic separation are determined by some factors like navigation security and reduction of wastes

from ship accidents on the basis of international sea organization and by littoral states; also in Hormoz strait a plan of separated traffic in tow routes of coming and going and intervening region between them are determined; in this way entrance of ships from northern strait (close to Iran) and their exit from south (in neighborhood of Oman) take place very regularly [14].

Of course presence of some Islands like Gheshm in Hormoz strait which is located at internal limit of Iran's territorial sea causes not to impose transit traffic at some parts of this strait in regard to paragraph one, article 38 and on the basis of provision 5 in amending rule of littoral waters limitation and Iran's supervising region, because in some cases that isthmus is composed of an Island of a country with same border and its main land (i.e. middle of the Island and main land) and in regard to that there is a more easier way, the right of transit traffic will not be imposed, so a foundation is provided practically to promote Iran's national security [2], [14]. Finally we should say that although Iran refuses to pass convention 1982 of sea law in regard to its national security by the use of provisions in this convention and its application in its sea law, and also by determining borders and regions similar to conventions regions; in this way Iran will be able to protect its rights to exploit some regions like continental plateau and exclusive, economic region and on the other hand it can emphasized on its request that ships should not have a transit traffic and war ships should not remain in this exclusive, economic region of Persian Gulf so that security of its Islands, oil exports and gas exports are guaranteed and foreign forces do not influence on them.

### *C. The Place of National Security in Military and Political Treaties*

It should not be forgotten that national security in any country and in relation to various treaties, can be different on the bases of practical areas of that treaties so that national security is considered as a preventive factor or as an active factor for joining to treaties; because the amount of these treaties is very comprehensive at international level and on the other hand because of changing state in national security's concept in developing countries like Iran. In this section we try to explain two types of treaties which are accepted by Iran in political and military areas (of course in different periods of time that first discussion is related to first decade of revolution and second discussion is on the basis of Iran's national security concept in third decade of revolution so that the whole concept of Iran's national security will be recognized in a pragmatic and transient way). In this way we are able to study and criticize the whole framework of Iran's national security concept in compare to international treaties.

#### 1. Islamic Conference

This organization includes institutional charter and purposes which is recorded according to provision 102, charter of Nation's Organization 10 1974, then it started its work and determined some purposes; the most important

purposes of this organization are as follows which are according to Iran's national security concept (at Mohamamad Reza Pahlavi era) and even at the first decade of Islamic Revolution when Iran declared its renewed practice in this organization after a relatively short-term interruption [7]:

1. Promotion of Islamic correlation among member states.
2. Supporting cooperation among member states in economic, social, cultural, scientific and other fundamental areas and consultation among member states in international organizations.
3. Try to eliminate racial discrimination and ending colonization in all its forms.
4. Consideration of necessary arrangements to support justice-based peace and international security.
5. Harmonizing arrangements to protect from holy places, their freedom and also to support Palestinian's defense and help them to take back [their] rights and free their country.
6. Supporting the fighting of all Islamic States to protect greatness, independence and their national rights.
7. Providing a condition to promote cooperation and understanding among Islamic and other countries.

Also decision-making in organization is done based on majority voting but practically decisions of this organization are made in formal meetings and on the bases of majority.

These purposes caused Iran to continue its membership in this organization in regard to its national security after Revolution because some exact and explicit concept of Iran's constitution after Revolution were in accordance with organization's purposes and on the other hand Iran tried to come out from loneliness and excommunication at global level and specially at regional level and cooperate with its neighbors and other Islamic countries at various diplomatic and consular levels in economic, political and cultural areas so that indirect satisfaction of its requirements will be possible. So among this, Iran always tries to exploit positive potentials of this organization such as Islamic Development Bank which is one of the dependent entities to this organization collectively we can say that although membership in non-committed movement caused the most interests and benefits for Iran after Revolution, Iran's diplomatic activities have been more significant in compare to other regional and international treaties in Islamic Conference. Peak point of this activities refers to Iran's presidency in this organization which is considered as a very important period in political foreign history of our country[2].

In this period, Iran tried to promote its national security's quality at global level in regard to the concept of national security in a way that some positive consequences were predicted for Iran's future; at that time Iran tried to execute anti-tensional and anti-misunderstanding policy with other regional and global countries[1]. Cooperative and confident atmosphere, created in this period of time, provides a situation for other achievements like increasing oil price. Maturation of an idea, so-called "discussion of civilizations", which was a diplomatic prestige, trying to play a role in crisis of Bosni,

Kozovo and Afghanistan and also trying to create a correlation to defend against Israel, are other achievements of this period of time. Iran's presidency in Islamic conference was important because this happened in spite of special thinking of Iran about international affairs. Presidency of Mr. Khatami in this conference affects significantly on member states at 8<sup>th</sup> meeting of this conference in regard to his innovative thoughts at internal and international levels[1], [2].

In sum, on the basis of different concept of Iran's national security prior to Revolution and after that and also the way of using this organization in the framework of a treaty and a meta-regional organization, it is perceived that Iran has been able to exploit this organization very efficiently prior to Revolution or after that for its political maneuvers and reduction of negative promotion against it and its best example prior to Revolution is Shah's enterprises as a unique saver and effective, military power in the region in order to prove Iran's effective role that continued after Revolution with some differences; at that time Iran tried to come out from loneliness and then to exploit benefits of organization like Islamic Development Fund by loaning and increasing the level of its national security in order to access to periodical presidency of this organization and even other organizations like non-committed movement.

## 2. Shanghai Agreement

After the first and second decades of Revolution, Iran was able to gradually come out from loneliness and balance its anti-tensional policies; Iran was looking for its national security in great interactions and games with commercial and political partners such that in framework of those organizations promoted its national security at military and security levels and on the other hand provide foundations of cooperation against narcotic drugs which hand unfavorable effects on society at regional and international levels by which, like past, it would be protected against terroristic and narcotic actions, it would pay less costs to these actions, so security will be fundamental in the country; on the other hand at that time Iran was able to decrease war promotions of America and Israel against it by this method. This resulted in Iran's membership in shanghai agreement as a supervisor. On the other hand this organization is composed of some purposes which are in accordance with the concept of Iran's national security; the most important purposes and duties of shanghai cooperation organization, in regard to provisions, are as follows [15]:

- Strengthening reciprocal confidence, friendship and neighborhood among member states.
- Strengthening regular cooperation to develop and promote peace, security and stabilization in the Region and promoting an innovative rational political and economic international order in accordance with democracy, justice and rationality.
- Joint fighting against terrorism, separation and extravagance in all their forms, fighting against narcotic

drugs, arms transit, and other extra-national criminal activities and also unauthorized immigration.

- Supporting regional efficient cooperation in areas like politics, trade and economics, defense, execution of regulations, environmental protection, culture, science and art, and other interested areas.
- Facilitating comprehensive and balanced economic advancement, social and cultural development in Region by joint enterprising on the basis of equal cooperation in order achieve to stable growth of life indices developing life condition of member state's people.
- Harmonizing methods for correlation in global economic.
- Improving the condition of human rights and fundamental freedoms in accordance with international obligations of member states and their national regulations.
- Supporting and developing relations with other governments and international organizations.
- Cooperation for preventing international tensions and peacefully solving them.

But it should not be forgotten that shanghai cooperation agreement includes a institutional agreement-based evidence and it emphasized on various principals and issues in other articles of its institution that all of these affairs, if executed, will result in cooperation promotion among member states (Article 3). Also it will increase role-playing of this organization in long term and even it facilitates fighting against *NATO* so that the security of member states will be more guaranteed and provided by economic and military shanghai agreement. The feature in activation of this agreement, such as positive indices in this entity in compare to other entities, is that it benefits from rights of a legal person and specially can [15]:

- Act as a member in treaties.
- Benefit from a right of movable and immoveable properties possession and their deposal.
- Present in court as a party in claims.

Open a bank account and can transfer money; that these qualifications provide more role-playing and dynamics of shanghai organization at regional and global level and it practically correlates national security of member states to each other; also it provides a foundation to create stabilization and a kind of collective security in fighting against *NATO* and even European Union and Ocean that this issue will be very important and strategic in long term.

## V. CONCLUSION

Iran, like any other country, tries to recognize various treaties at global level, accept or reject some of them in regard to its special political and cultural insights in different periods of time; by studying some reasons of this acceptance or rejection, it is perceived that Iran's national security in decades after Islamic revolution goes to more co-thinking and wise manner and it is capable to guarantee its national security by joining to various treaties at regional and global levels (and even in tow- dimensional way), so the promotion of this

security will be possible in regard to realities and requirements. Therefore it seems that in Iran, like other countries, concepts of national security and its needs with strategic programs have priority over other things in most of the treaties; also Iran tries to join to various treaties on the basis of its national security that this issue is emphasized in constitution (For example principals 75 and 125 in constitution and even provision 9 in civil law) [3].

As a result we can not say that the concept of Iran's national security in framework of treaty law is exactly recognized in regard to some treaties drawn up after 1979 Islamic Revolution. But we come to this result that Iran creates a new concept of national security at regional level because of dominant ideologies in first level of regulations and management in Iran. Thus, in this research we study the concept of national security in temporary way in order to recognize reasons of acceptance or rejection of Iran and also it is possible that gradual route of changing national security's concept in Iran will be evaluated, but it seems that in this concept we will see more flexibility in future in joining to some treaties at various levels in regard to given requirements of Iran, even region and world.

#### ACKNOWLEDGMENT

The authors' gratitude goes to support of Islamic Azad Research grant.

#### REFERENCES

- [1] Roohollah, R., *Analytical framework to study foreign policy of Islamic Republic of Iran*, 2005, Tehran: Ney propagation.
- [2] Prifti, B., *The security and foreign policy of the Islamic republic of Iran: An offensive realism perspective*" in Department of Government and International Affairs, College of Arts and Sciences, 2010, University of South Florida: South Florida. p. 134.
- [3] *Constitution text of international court justice- Article 38*: Iran.
- [4] Ahmadi, H., *Nationality and nationalism in Iran*, 1391, Tehran: Ney propagation.
- [5] Karns, M.P. and M. Karns, *International Organizations: The Politics and Processes of Global Governance*, 2009: Lynne Rinner publisher.
- [6] Mosazade, R., *International organizations*, 2009, Tehran: Mizan propagation, fourteenth impression. 359.
- [7] Karns, M.P. and K.A. Mingst, *International Organizations: The Politics and Processes of Global Governance*, 2009: Lynne Rinner Publishers.
- [8] Martin and Creveld van, *The transformation of war*. Vol. 2. 1991, New York: The free Press.
- [9] Evan and Luard, *The Globalization of politics: The changed focus of Political Action in the modern world*. Macmillan, 1990: p. 50.
- [10] Alexander, K. and Shelton Dinah, *International Environment law*, 1997: Transnational Publishing. 541.
- [11] *Human rights : Discrimination against women, the convention and the committee fact sheet no .22 united nation*, 1995, geneva . gunuavary.
- [12] Beheshti, A., *Family in Quran*, 2009: Publications of Boostane Ketab, Evelenth impression.
- [13] Churchill, R. and V. Lowe, *International Law of sea*, 1999: Juris Publishing.
- [14] Hafezina, M.R., *Persian Gulf and Strategic role of Hormoz strait*, 2004, Tehran: Samt. 404-406.
- [15] Al-Qahtani, M., *The Shanghai Cooperation Organization and the Law of International Organizations*. *Chinese Journal of International Law*, 2006. 5(1): p. 129-147.