The International Maritime zone and Its System of Authority (A Descriptive Analytical Study)

المنطقة البحرية الدولية ونظام السلطة (دراسة وصفية تحليلية)

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Abstract: What is proposed by the international zone of the law of the sea in terms of interactions between countries, because of the important vital resources that make it an area of utmost importance.

The international law of the sea has given great importance to it in research and consultation through international conferences aimed at classifying this region and giving it the appropriate legal nature and preventing it from being the subject of international disputes and competition.

Therefore, making it a common heritage for humanity was a noble goal, making its management and investment activities a goal that makes common exploitation a clear basis in it, and not controlling and possessing it from the major countries and making it part of their common international system.

Which makes this nature to reach results drawn from the study according to an approved analytical approach, including the international authority to supervise the management and regulation of the investment of this region and the control and exploitation of its wealth. And the adoption of the system of exploration and parallel investment, and the adoption of a system of contributions and compensation for countries and companies that extract and exploit the wealth of the region, independently and not subject to any state, and aims to preserve the nature of the common heritage of humanity, and supervise its management for this purpose in a way that benefits humanity.

This is what made us recommend the need to develop the authority system itself, develop the institution, and establish another executive body for it to achieve the purpose of its establishment.

Keywords: The International Maritime Area The System of Authority

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Introduction

The seas are considered one of the vital areas that countries are interested in because of their important role in the economic and security fields, especially from them. This is due to the international study. The area is one of the most important marine areas of international political and economic importance.

The region, which is considered one of the marine areas of vital importance for economic, political and even military considerations.

This area is considered one of the marine areas that contain riches represented in mineral resources, underground wealth, as well as fish and other areas in the oceans, because it constitutes a vast area, which makes it a rich area if we take it into account that this percentage is subject to increase. Where scientific and technical developments. There may have been a notable allusion to this by Malta's delegate to the United Nations in 1967, according to a UN document, which included Saudi Arabia. Where the electronic submarines travel, making them easier to detect by foreign control devices.

Therefore, the special legal status of this region and making it an international business or making it a space for international discussion poses problems about

What is the legal system of international law for the sea area? Is the international authority considered the ideal body for exploitation and proliferation in order to exploit it and benefit from it in order to reach the purpose of its nature?

In order to answer the questions, we will deal with this article in two main points:

First: the legal nature of the region.

Second: the international government of the region (the International Seabed Authority)

In the present study, we followed an analytical and descriptive approach to reach scientific results based on the analysis of the legal system of the area, the authority, its tasks and its role, the mechanisms of its action, and its acceptance within the international community in light of the political conflicts and the growing greed of the great powers.

Firstly: The legal nature of the area

To determine the legal nature of the region, we will deal with the legal and jurisprudential discussion about the definition of this nature, and what international law has settled on in this regard, in order to understand the intended meaning of the specific legal nature of the region and the impact of this definition in the international law of states and international organizations[1].

1- The international area of the seas in international jurisprudence

The jurisprudential debate has arisen about the legal nature of the common heritage area between those who consider it a common wealth that must be invested and exploited for the benefit of humanity, and those who consider it permissible money to which what applies to permissible money applies. Which has no owner, which makes it possible to exploit and benefit from it available to everyone, and from it this nature can be summarized as follows:

1-1- The region is a common wealth

Supporters of this view believe that such areas are a common wealth, and therefore they can be invested and exploited for the benefit of all owners, that is, all countries, and therefore it is not permissible to acquire parts of them for the benefit of a particular country, or impose control over them, or claim individual ownership of some parts of the region, as established by the General Convention on the Law of the Sea. This is because the imposition of a nation's national sovereignty over parts of the sea floor must be accompanied by actual possession of those parts, which is difficult to achieve in practice - as is required in land areas.

The common heritage of mankind is a newly emerging idea. The principle of joint ownership in international law is one of the principles endorsed by jurisprudence, but it has had difficulty in legal acceptance and codification in its rules. So since recognition of the principle of freedom of the high seas in international law, this ancient Roman principle has become the basis of the principle of common wealth and has not found a way into international law. Except after the conclusion of the United Nations Convention on the Law of the Sea, even though the Geneva Convention of 1958 on the high seas avoided giving a legal description of the high seas themselves, which later settled on saying, its freedom within the limits of the meanings derived from the inalienable right of each country to trade, and its inalienable right to communicate across These seas. The high seas are open to all nations, and no country may claim to subject any part of it to its sovereignty, and the freedom of the high seas enjoys the conditions contained in the articles of this agreement and in accordance with other provisions of international law, but the stability of the legal nature of high seas in international law is final and based on The principle of the freedom of the high seas, from which the description or principle of the common heritage of the region was derived, and this is what makes the joint ownership of the region an idea in line with the beginning of the freedom of the high seas[2]

1-2- The area is permissible wealth

Proponents of this view see the region as permitted wealth (res nellius), but in a different sense in private law. Therefore, it is not permissible to acquire it by laying hands on it, while giving all countries the opportunity to invest in it. That is, (the region and its resources are a common heritage of humanity).

What is meant by the area is the seabed, the oceans and the subsoil thereof beyond the limits of national jurisdiction. As for the first legal person who thought about the idea of humanity or humanity, he was the Dutch jurist Grotius, who considered in his book on the free sea that nature may give man some things that are sufficient for everyone and he must use them. All, and therefore no one has the right to own such things, including the air and the high seas. [3]

2- The legal nature of the area under the United Nations Convention on the Law of the Sea 1982

2-1- The legal boundaries of the area

The agreement devoted Part XI to talk about the region and its resources as a common heritage of mankind. As for what is meant by the region, it has been defined as "meaning the seabed and oceans and the subsoil thereof beyond the limits of national jurisdiction."

The area called in French "La Zone" translates as a new marine space approved by the Third United Nations Conference on the Law of the Sea in 1982 for the first time, and the new aspect of the law of the sea subject to the law of the sea. The idea of the common heritage of mankind. So what is its meaning? Where is its location according to other marine extensions, and what are the bases for drawing its external borders?

International Zone: It is the bottom of the high seas. The Law of the Sea Convention of 19892 defines an investment regime for the international region, whereby the international authority, which includes all member states of the convention, regulates the investment of this region, monitors and exploits its wealth, and adopts the exploration and exploration system. Parallel investment, and the system of contributions and compensation is adopted for countries and companies that extract and exploit the wealth of the region, and this is an embodiment of the idea of common heritage or ownership available to the region. [4]

The 1982 Convention, in the eleventh part, presented the articles from 133 to 191 of the legal system of the area and its location, and the delimitation of its external borders, and the general conduct of states in it.... This part of the convention clarified that the area is a space or a marine extension located on the high seas, subject to the principle of humanity common heritage. Thus, it consists of the sea and ocean bed and its subsoil beyond the limits of national jurisdiction, and is subject to the sovereignty of none. In order to determine its location more, one should ask what the high seas within which this area is located are. It means according to the text of article 86 of the 1982 Convention) [5] all parts of the sea that are not located within the pure economic area, the territorial sea, the internal waters of a given state, or the archipelagic waters of an archipelagic state.

If we want to give an accurate description of the location of the area, we would say it is an area that exists outside the borders of the continental shelf and the borders of the pure economic area, and is not affected by border delimiting agreements which are concluded between countries with opposite or adjacent coasts. It has a distinct legal system; all its resources are a common heritage of humanity; it is not subject to a jurisdiction state or any natural or legal person; no sovereignty is exercised over it by any state, and no part of it is subject to ownership. Activities are conducted in it by means of a specialized international organization established by the 1982 Convention for this purpose.

Therefore, the area is distinguished by its location from the rest of the maritime extensions, because it is recognized that no country can claim or exercise sovereignty

or sovereign rights over any of its parts or its resources, and no such claim or exercise of sovereignty or sovereign rights over it is recognized. It is, in this regard, similar to the high seas.[6]

In order to be able to define the dimensions of the common heritage area, it may be possible to refer to the text of Article 86, which defines what is meant by the high seas, by excluding the economic area, the territorial sea, the internal waters, and the archipelagic waters of the archipelagic states, otherwise it is the high seas area.

It may also be possible to refer to the concept of Article 76, which defines the continental shelf area as the bottom and subsoil of the submerged spaces that extend beyond the territorial sea and up to the external part of the continental edge, or to a distance of 200 miles from the baselines from which the breadth of the territorial sea is measured if the outer part of the continental edge does not extend to that distance.

If the continental edge exceeds 200 miles, its outer part can be determined through controls specified in the fourth paragraph of Article 76. In any case, the line of the outer borders of the continental shelf must not be farther than 350 nautical miles from the baselines, or not to be farther than 100 miles when the depth reaches 2,500 miles[7]:

The principles and rules for drawing the boundaries of the outer area were translated for the first time in the proposals of the Legal Sub-Committee during the Third Conference of the Law of the Sea on this issue, and then codified by the 1982 Convention. It stipulates, according to opinions and texts, that the outer seabed limit be the outer limit of the continental shelf specified within the isobaric line 500-meters, and in areas where the isobaric line is 500 meters located at a distance of less than 200 nautical miles measured from the baselines from which the territorial sea of the coastal state is measured, and for areas where there is no continental shelf, the outer boundary of the bottom of the sea is a line in which every point lies at a distance not exceeding 200 nautical miles from the nearest point on the aforementioned base lines. The outer boundary of the seabed is the lower outer part of the continental edge that adheres to the abyssal plains, or when that edge is at a distance of less than (200) nautical miles from the coast, not exceeding that distance.

Thus, the Committee's proposals and the 1982 Convention’s provisions contributed to the clarification of the principles and rules by which the boundaries of the outer lines of the area can be determined. Among the most important of these rules those that say that the beginning of those boundaries is located at the beginning of the sea and ocean floors that lie outside the borders of the pure economic area and the continental shelf. Therefore they are linked by defining the extent of the jurisdiction of the coastal state that reaches the outer limit of the continental shelf and the pure economic area, and defining those borders on maps or lists of geographical coordinates. And if the area falls between opposite or adjacent countries, its borders are determined according to conventions between those countries, and then notifying the international authority about the borders of the sea and ocean beds under its jurisdiction.[8]

2-2- Determining the nature of the area with the common heritage of humanity

The notion of the common heritage of humanity appeared for the first time by Arvid Pardo, head of the delegation of Malta to the United Nations General Assembly in 1967, when he called in a speech before the Assembly for the necessity of preparing a "declaration and treaty related to the use of the seas and oceans beyond the limits of the current territorial jurisdiction for peace purposes and the exploitation of its resources for the benefit of all humanity." He proposed three points in this regard:

1- The consideration of the sea and ocean beds beyond the limits of national jurisdiction as a common heritage of humanity[9].

2- The exclusion of any national (sovereignty) claims on the part of countries in those areas.

3- The establishment of an international body for this purpose.

Those ideas were later formulated, as the General Assembly of the United Nations issued a declaration of principles within the Resolution number 2749 (D-25) of December 17, 1970, wherein the first item of which included: The sea and the ocean beds and their subsoil and what is beneath them outside the boundaries of The national jurisdiction, as well as the resources of this area, are a common heritage of humanity." The importance of the area has, certainly, imposed itself on the United Nations Conference, and it drafted the Articles 136 and 137 out of the 1982 Convention in this regard, defining, definitively, the location of the area, by making it part of the high seas.[10]

What is noticeable concerning the legal system of the area is that it is entirely based on a purely economic idea, given that no rights have been translated into the resources of the area, whatever their geographical location, and that those resources are considered inalienable for all mankind, on whose behalf an international organization undertakes the work.

It is known that the application of this system faces many difficulties despite the entry of the 1982 Convention into legal force, due to the idea of making the area's resources a common heritage for mankind. Countries that possess the necessary technology to exploit those resources have not responded to it, and therefore the application of that idea remains, as noted by "Patrick Daillier." and Alain Pellet", theoretical and, as they put it, on paper only.

Among the other rules is the rule that the convention specifies so that no country may exercise sovereign rights over it for the purposes of exploration and exploitation of its mineral resources, and the rule that makes the water column above it part of the high seas, and, thus, shall be open to all states, be they coastal or non-coastal, to exercise on it the freedom of navigation, the freedom of over flight, the freedom of laying submerged cables and pipelines, the freedom of building artificial islands and other installations permitted under international law, the freedom of fishing, and the freedom of scientific research, etc

There is a rule that makes the resources of the area a common heritage for humanity, which various studies, documents and legal theories are now adopting on the basis of what was stated in the 1982 convention. This rule, which has merged into a new world order, does not seem to us isolated from the idea of designating the external borders of the marine extensions, nor is it isolated from the amount of economic wealth that the seas embrace at the present time, whether at their bottom or in their waters.

Whatever it is, the convention takes into account, in defining the boundaries of normal marine extensions, the fact that they be based on predetermined distances in the 1982 Convention - that they start from the baselines of each country, and must be clarified on maps by the parties concerned based on mutual consent or international court rulings. It also takes into account, during the process, the principles of international border law, among which the principle of steadiness and stability of borders, as well as the inadmissibility of transgression against them. These are principles embodied today in international custom and international acts, especially the 1982 United Nations Convention on the Law of the Seas.[11]

The United Nations Convention has singled out the eleventh part of it for the "area", which is the term that denotes the expression of the sea and ocean beds beyond the limits of territorial jurisdiction. It came for the first time with a kind of positive regulation of the wealth existing in the seas and oceans, in a way that guarantees their exploitation for the benefit of the human race as a whole, as a common heritage of humanity, without allowing states with great economic and advanced technical capabilities to unilaterally plunder those wealth.

Article 138[12] of the Convention stipulates, in the context of its statement of the principles governing the sea and ocean beds and its subsoil beyond the limits of national jurisdiction, that "the general conduct of States with regard to this area shall be in agreement with the principles listed in the United Nations Charter and other rules of international law in order to maintain peace, security and advancement of international cooperation and mutual understanding." It is clear that the behavior that achieves this goal is behavior that is not tainted by the use or threat of force, which was explicitly clarified in the convention afterwards in Article 141, which stipulates that "the area shall be open to be used exclusively for peaceful purposes by all states, whether coastal or non-coastal. In any case, the idea of the common heritage of humanity has settled as a legal principle by virtue of the legal system of the sea and ocean beds and what is beneath them beyond the borders of national jurisdiction. That was by stipulating it in Article 136 [13] of the recent Convention of the Sea Law, which decided that the area and its resources are a common heritage of mankind.

The adoption of the principle also leads to the fact that the international area of the seabed cannot be - by any means - a subject for the seizure of states or natural or legal persons, and no state can claim or exercise sovereignty or sovereign rights over any part of the area or its resources, just as no one of these persons can claim to exercise or possess rights over this area or its resources that are inconsistent with the provisions of the International Regulation of the Seas or with its purposes as stated in

the General Convention. No claim or practice of the sort will be recognized; this area must be explored and its resources must be exploited for the benefit of all humanity. All rights to these resources are inalienable to all mankind, and these activities are to be practiced by all countries regardless of their geographical location, whether coastal or non-coastal.

One of the consequences of adopting the principle of the common heritage of humanity is the fair and just distribution of the benefits derived from the discovery of the area and the exploitation of its resources. This was confirmed by Article 130 of the Convention in its second paragraph in its report: "The authority prepares to share the financial and other economic benefits derived from the area an equitable sharing through any appropriate mechanism"[14] in accordance with the provisions of the convention.

The idea of a common heritage also raises the question of whether this principle, that governs the legal system for the sea and ocean beds area beyond the borders of national jurisdiction and which is known as the international seabed area, can be interpreted to mean that the provisions of the convention governing this issue are considered - spontaneously - binding for all countries, even those which are not affiliated to it, on the basis that the regulation they contain is considered a unified and objective legal regulation that concerns the entire international community.

Despite the existence of a relative rule on the effect of the treaties, international custom has recognized the extension of the legal effect of treaties to a state and not another, if this treaty regulates objective matters of concern to the international community. But since the sea and ocean bed area and the resources of this area and its exploitation for the benefit of all mankind are considered among the substantive issues of concern to international community as a whole, the principle that prevails in this regulation, which is the common heritage of humanity, is elevated to the rank of jus cogens in international law, which are the rules that relate to the international public order, that are not to be violated or modified except by a rule of the same degree, and therefore it will not be acceptable for any country that has not signed the convention to deviate from the provisions and principles it contained in this regard.

Part eleven of the convention – the 1982 Law of the Sea Convention - and Articles 133 to 191 included the general principles governing the area, and particularly the second section (Articles 136-142), which stressed a number of the general principles that represent the general legal framework of the legal system for exploiting the wealth of the area.

It can be said, in general, that the most important principles that represent the general legal framework for the exploitation of the area's wealth are:

1- The area includes sea and ocean beds beyond the limits of national jurisdiction.

2- The area and its resources are a common heritage of humanity.

3- Impermissibility of national sovereignty over the area and of seizing parts of it.

4- Impermissibility to use the area except for peaceful purposes.

5- Exploiting the area's resources must not prejudice the coastal states' rights and authorities over the resources located in areas within their jurisdiction.

6- Linking between the exploitation of the area's resources and international economic development in general.

7- Exploiting the area's wealth should not prejudice the traditional freedoms established on the high seas[15].

The implication defined by the convention for an area was clear as being the common heritage, as it can be seen by reviewing the previous texts as a non-aqueous area that includes the bottom and what is beneath the bottom of the area directly following the outer limit of the continental edge as determined for the different countries as stated above.

As for the overlap between the high seas area and the common heritage area, it is only in the water column from the surface of the common heritage area to the surface of the water, as this area is considered one of the high seas, and another water column is added to it from the surface of the continental edge to the end of the economic area in case of a continental edge's increase of 200 miles.

This is why one of the evaluating jurists would like to name the area of common heritage, the soil and the bottom. "By the first he means the bottom of the sea, that is, "the soil that directly comes below the sea water, i.e., the ground base of the sea." By the second, he means "under the bottom," that is, "the layers of the earth that lie below the surface of the ground base of the sea, i.e., what follows the bottom directly from soil."

The importance of the common heritage area is due to the minerals it contains. Some of them will be referred to below as an example:

Manganese: there are 359 million tons of it and is sufficient for the world for 400,000 years, while the reserves on land suffice for one hundred years only.

Copper and nickel: the existing quantity suffices for the world for 200,000 years, while what is available on land is only enough for the world for forty years, and the same applies to aluminum and cobalt, with a difference in quantities.

That area is also important in terms of agriculture. Seaweed, known as kelp, was cultivated near California coasts despite the development of that agriculture, as the annual harvest increased to 160,000 tons. Oyster farming technology also led to an increase in production from 60,000 pounds per acre to 322,000 pounds per acre. The US Department of Health has allocated 10 million acres of sea for the cultivation of shell fish, in addition to the production of protein from algae and the production of pearls, and other sources of wealth[16].

The legal nature of the sea ocean beds has aroused the minds of jurists since ancient times, and as a result, the idea of the common heritage of humanity emerged. Among those who called for this idea was the U.S. President "Lyndon Johnson".

The first international document that attributed some rights to humanity was the convention concluded on January 27, 1967, concerning the general principles endorsed by the United Nations General Assembly that govern the activity of the states in the exploring and using space.

Article 1 of that convention stipulates that "the exploration and use of the outer sphere of space, including the moon and other celestial bodies, can be undertaken to achieve the benefit and interests of all countries, whatever their degree of economic or scientific development, because they are cases of activity for all humanity."

As for Article 5 of the convention, it is stipulated that "the States Parties to the Convention consider astronauts as envoys of humanity in the outer sphere of space."

The next step was the Jamaican Convention on the Law of the Sea concluded in 1982, which stipulated that the area is outside the maritime borders of countries, and is represented in the seabed and what is beneath the seabed.

Secondly: the international government of the area (the international authority)

The convention decided to establish an international authority for the seabed. The authority has a number of bodies, including the Assembly, the Council and the Secretariat, in addition to the institution, which is the body through which the authority performs various functions. It realizes the desired goals in managing the area and its resources and realizing the goal of making it a common heritage for humanity [17].

1- the institution

The institution is the authority body that directly carries out activities in the area by implementing the basic conditions for prospection, exploration and exploitation specified in Annex III of the convention, which has the same legal force for all provisions of the convention.

1-1- definition of the institution

This annex clarifies the role of the institution in the works of exploration (Article 1 and 2), exploration and exploitation (Article 3), technology transfer work (Article 5), and the work plan approval system (Article 6).

As for Article 8 of the annex, it is based on a clarification of the sector reservation system, whereby a total distance is determined for it in terms of breadth and estimated commercial value. This total area becomes as a reserved sector as soon as the work plan for the unreserved sector is approved and the contract is signed.

Participation takes place between the institution and other countries to take care in these joint projects in providing the opportunity for developing party countries in effective participation.

Article 10 of the 3rd Annex gives preference and priority among the applicants to the operator who has an approved work plan for exploration related to this project. This preference and priority is not given to others. Then, due to the process considerations, granting the operator preference was a must. However, this preference or priority may be withdrawn if the performance of the operator at the moment of work is not satisfactory.

As for joint arrangements between the institution and others in the form of joint projects, they are specified in Article 11 of the 3rd Annex (9), wherein financial

motivations may be reported, and such contracts may be protected against suspension or termination.

1-2 Foundation Principles

It is noted that the institution, when negotiating a contract for a specific project, must take into account several principles, the most important of which are:

- Ensuring the optimal amount of revenue for the Authority from the proceeds of commercial production.
- Attracting investments and technology to explore and exploit the area.
- Ensuring equality in financial treatments and financial obligations.
- Providing motivations on a unified and non-discriminatory basis, and working to activate technology transfer and training the workers affiliated with the Authority and developing countries.
- Enabling the institution to effectively extract minerals from the seabed.
- Guaranteeing that the motivations in the joint projects will not lead to the provision of financial aids to the contractors who give them an artificial competitive advantage with regard to the users of minerals from land sources.

It is noted that when applying for the approval of a work plan in the form of act for exploration and exploitation, a fee of five hundred thousand US dollars is paid for each application.

The contractor also pays a fixed annual fee of one million dollars from the date of entry into force of the contract, and from the beginning of commercial production the contractor shall pay either a production fee or a fixed annual fee, whichever is greater. The manner paying the fee was determined by the Clauses 5 and 6 of Article 13 of Annex 3 of the Convention.[18]

These fees are considered part of the Authority's revenues, in addition to the estimated contributions paid by the Authority members, the funds funded by the institution, the funds borrowed, the donations, the payments to the Compensation Fund, and the exports made by the Economic Planning Committee[19].

2- the rights and duties of states and their relationship to authority

Article 137 states that no country has the right to claim or exercise sovereignty or sovereign rights over any part of the area or its resources, and no country or natural or legal person has the right to seize or own any part of the area. If a country takes any of the previous measures, what it claims or exercises of this kind of sovereignty or sovereign rights - and such appropriation will not be recognized.

2-1 the rights and obligations of states

It is also noted that all rights in the area's resources are inalienable to all mankind on whose behalf the authority works. These resources cannot be given away. As for the minerals extracted from the area, it is not permissible to dispose of them except in accordance with the rules, regulations and procedures of the Authority.

Countries have an obligation to ensure that activities are conducted in accordance with the system, whether this activity is carried out by states, governmental institutions, or natural or legal persons holding the nationalities of

those countries, or over whom they or their nationals have effective control. The same obligation applies to international organizations concerning the activities they carry out in the area.

It is clear that the guarantee implies not only their commitment to the area's system, but also to oblige their nationals, whether natural or legal persons, to abide by the same system.

Article 139 also specified the regulations of the state's responsibility for the damages in the case of a violation committed by the state itself, one of its nationals, or by international organizations which those states contribute in their membership.

Activity in this area is carried out - according to the system - for the benefit of all humanity, regardless of the geographical location of the countries, whether coastal or not, with special consideration given to the interests and needs of the developing countries and peoples who have not achieved full independence or other conditions of autonomy recognized by the United Nations.

The convention included this matter and stipulated - the necessity of using the area exclusively for peaceful purposes, where it is open to be used exclusively for peaceful purposes by all countries, whether coastal or non-coastal, without discrimination and without violating the order of the area.

What was stated in Article 88 and the text of Article 141 must be respected, because it was an allocation to ensure the use of the high seas for peaceful purposes, and it is the same principle in the area of the sea and ocean beds. Therefore the peaceful use includes in this regard the entire area from the surface of the water to its bottom and the bottom of the soil and beneath the bottom of the layers of the earth.

As for the rights and legitimate interests of the coastal states, Article 142 decided in its first paragraph the necessary of considering the legitimate rights and interests of any coastal state concerning the deposits of mineral resources that extend beyond the borders of national jurisdiction[20].

What was meant by the borders of the national jurisdiction was not specified whether it meant the borders of the economic area or the borders of the continental shelf beyond two hundred miles.

To start with, we say that the text of Article 82 of the Convention applies to coastal states providing financial payments and in-kind contributions for the exploitation of the non-living resources of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the regional sea is measured.

The contributions are paid annually in respect of all production at a mining site after the first five years of production at that site. The average sum or contribution in the sixth year is 1% of the value or volume of the production from the mining site. This average is 1% for each coming year until the twelfth year, and it remains rising at 7% after that.

As for the developing countries that are suppliers of a mineral resource produced from their continental shelf, they shall be exempted from making these payments or contributions in exchange for that mineral resource. Payments or contributions are supplied through the Authority that distributes them to the party states on the basis of

equitable division criteria, taking into account the interests and needs of the developing countries, especially the least developed non-coastal countries. Accordingly, the meaning the national jurisdiction of the coastal state is determined by the continental shelf, which is more than200 miles, after implementing the recommendations of the Committee Experts of the Continental Shelf.

It is necessary to conduct consultations with the coastal state of prior dangers in order to avoid infringement on those rights and interests and in cases where activities in the area may lead to the exploitation of resources located within the national jurisdiction. This is subject to obtaining the approval of the coastal State concerned.

2-2- Some general directives in the context of the rights and duties of states in this region, including:

There are some general directives within the framework of the rights and duties of states in this area, among which:

- The participation of developing countries and coastal countries in the activities that are practiced in the area of the sea and ocean beds (common heritage).

-The special status of the archaeological and historical objects that are found in the area, where they are disposed of for the benefit of all humanity, with special consideration attributed to the preferential rights of the state or country of historical and archaeological origin.

As for the policies related to the activities in the area, which must be carried out in a manner that is based on the peaceful development of the global economy and the balanced growth of international trade, they are promoted and supported by international cooperation for the purpose of exhaustive development of all countries, especially developing countries, with the aim of:

- Developing the area's resources.
- Managing the area's resources in a regular, safe and rational manner. .
- Expanding opportunities for the participation in these activities, be it by means of the participation of developing countries and non-coastal countries, as mentioned above, or through the transfer and promotion of technology to developing countries in accordance with the concept of Article 144 [21].
- Authority sharing in revenue.
- Increasing the availability of minerals extracted from the area when needed in conjunction with minerals extracted from other sources to secure supplies for consumers of these minerals.
- Working on providing fair and stable prices in part to producers and fair to consumers, and promoting the long-term balance between supply and demand.
- Increasing opportunities for all countries, regardless of their social and economic systems or geographical location, to participate in the development of the area's resources and preventing monopolization of activities.
- Protecting developing countries from the prejudicial effects on their economy or on their export earnings resulting from the price decrease of a given mineral.[22]

Conclusion

In conclusion, it can be said that the idea of making the area a common heritage of mankind is a modern one that is in line with the legal nature of the high seas. However, the possibility of exploiting that region and its resources is not available to weak countries, given what is required to reach the seabed in terms of technology, modern means, and huge funds for exploitation. All these things keep weak countries far from benefiting from the wealth of that region. This is on the one hand. On the other hand, superpowers can access and benefit from it. In this fundamental difference, we find that the regulator for granting exploitation licenses, limiting resources, regulating exploitation, and achieving and preserving the outputs of the common heritage deals exclusively with major countries in this regard, which makes it, in the event of having to work with countries, in a position to Exploiting its potential to benefit from the wealth of the region, while humanity benefits much less than what the great powers achieve in terms of economic benefits.

The licensing system granted by the Authority remains based on the ability of countries to achieve the terms and objectives of the Authority and achieve the objectives of the institution. However, the findings are

- The region is a common heritage of humanity, which is a lofty principle that aims to achieve international balance, achieve humanitarian goals, and fight monopoly and control of the region.
- The authority system is a system that can be said to be an intergovernmental body concerned with organizing activity in the region
- That the main actors are the major powers and giant corporations, which makes the idea of a common legacy for the region. Resources are an attractive idea, but it is difficult to achieve due to the inability of the authority and the institution to take care of themselves and their resources from exploiting those resources while forcing them to grant licenses and deal with major countries that always aim to achieve profit and exploit the region. and their wealth for their economic interests.

That's why we recommend

- Reviewing the licensing system in a way that allows weak countries to participate in the exploitation and benefit from the region's resources

Work to establish an international bank for investment under the supervision of the institution in order to help countries exploit the region and eliminate competition and monopoly in that.

Work to publish data on resources and make them available to countries and companies, and establish an international data bank for that

- Reviewing the structures of the institution and the authority and making them branches and regional institutions

Encouraging and valuing the environmental control system that the Authority is keen on.

Margins:

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[7] Abdel Moneim Mohamed Dawood, **"International Law of the Sea and Arab Maritime Problems**," Knowledge Facility in Alexandria, 1999, p. 116
[8] Omar Saad Allah, ". op cit, p. 158, and see Luard.The control of the scabbed.1974 p 35
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[11] Omar Saad Allah, op cit, pg. 156
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[13] Article 136 of the United Nations Convention on the Law of the Sea,
[14] Article 130 of the United Nations Convention on the Law of the Sea,
[15] Abdul Karim Alwan, op cit, pp. 125-127
[16] Abdel Moneim Muhammad Dawood op cit:, pp. 117, 118
[17] United Nations Convention on the Law of the Sea,
[18] The International Convention on the Law of the Sea, Part Three A, for the Corporation,
[19] Abdel Moneim Muhammad Daoud, ". op cit, p. 124
[20] Abdel Moneim Muhammad Daoud op cit., pp. 119, 120
[21] Article 144 of the United Nations Convention on the Law of the Sea,
[22] Abdel Moneim Muhammad Dawood, op cit, pp. 122, 123