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# The Legal Regime Governing the Seas and Oceans

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## ABSTRACT

The legal nature governing the platform and sub-platform is one of the important challenges of governments and international institutions. In 1982, the General Assembly of the United Nations drafted a comprehensive convention in this regard, which is now in force in all the member countries of this organization. The bed and sub-bed of the seas and oceans include two areas of the continental shelf and beyond the continental shelf, the former under the jurisdiction of the coastal government and the latter subject to an international regime. The outer limit of the continental shelf in open waters continues up to 350 miles, and the exploration and exploitation of natural resources, including mineral resources, inanimate resources, and stationary and living organisms, is the monopoly of the coastal governments. The resources beyond the continental shelf are considered the common heritage of mankind, and any exploration activity and exploitation of its resources is done with the permission and supervision of an institution called "International Deep-Sea Authority", whose members are elected by the member states of the 1982 Convention on the Law of the Sea.

## **1. Introduction**

Since about half a century ago, governments and world assemblies have become sensitive to the natural resources of the bed and sub-bed of the seas and oceans and have tried to formulate a suitable legal regime in this regard. In 1967, the delegation of Malta to the United Nations proposed that the issue of the legal nature of the bed and sub-bed of the seas and oceans located beyond the national jurisdiction of the states and the extraction of its resources for "peaceful and for the benefit of the human community" in the order The work of the general assembly of this organization should be placed (Bigzadeh, 2016: 11). This plan was welcomed by the majority of the members of the assembly and it was decided that a special committee will examine the various aspects of this proposal. In the report that this committee gave to the assembly. The complexity of the issues raised and the relevance of the issues of the sea bed recommended the United Nations General Assembly hold a conference to revise the law of the sea system. The only issue that was removed from the order of the Third Conference on the Law of the Sea due to the pressure of the former Soviet Union and the United States of America was the issue of military use of the seabed and subbed. With the efforts of these two superpowers, in the framework of the Geneva Committee on Disarmament, a convention was prepared to denuclearize the seabed, which was approved by the United Nations General Assembly and signed by a large number of governments on February 11, 1971. (Khodadadi, 2018: 51) (The government of Iran joined this convention on September 7, 1971).

According to this convention, the member states undertake to refrain from placing and installing any type of nuclear weapons with highly destructive weapons in the territory of the minister of the seas beyond the sea of the territory, the outermost of which is twelve nautical miles. Also, in this part of the territory and The sea bed, the governments of the parties to the convention will refrain from deploying devices and tools that launch this type of weapon and storing it. There is no doubt that in the current situation, the prohibition foreseen in the convention due to the non-use of the sea bed by the minister of the sea bed to deploy this type of weapon is worthless. It is practical (Rahmani, 2019: 48).

By issuing a resolution in 1970, the United Nations General Assembly postponed the holding of the Conference on the Law of the Sea to 1973 and asked the Seabed Committee to prepare a comprehensive plan to prepare the work of the conference.

The first meeting of the conference was held in Caracas, the capital of Venezuela, with the participation of representatives of more than 150 governments and several liberation movements, including the Palestine Liberation Movement. The theory of the importance and complexity of the issues that were included in the agenda of the conference, the negotiations continued in the next sessions of the conference and finally, after 90 weeks of negotiations, the 11th session of the conference on April 30, 1982 approved the Single Convention on the Law of the Sea, which was adopted on December 10 In 1982, it was signed by the governments of Iran in Montego Bay, Jamaica (Yoshirfumi, 2018: 127).

This convention consists of 320 articles and 9 appendices. According to the latest statistics published by the United Nations, 159 governments have signed the convention and 32 governments have ratified it. The convention will enter into force one year after the ratification by at least 60 governments and will replace the four conventions of 1958. However, the unilateral actions of the governments and the conclusion of a series of bilateral and multilateral treaties have shaken the 1958 system, and in most cases, the provisions of the 1982 Convention have gradually come to govern the relations between the states (Pedrozo, 2017: 163).

The rapid development of technology and decolonization are among the factors that have played a major role in creating these developments. The first factor has caused mankind to use the oceans and seas more than before to reach economic and military goals and as a result, raise new and complex issues that the technological system necessary for the full use of the oceans balances the traditional system is broken in such a way that the developing countries consider the principle of freedom of the seas responsible for the existing disturbances and take measures to compensate

They adopted the resulting inequalities (Wallasi, 2018: 102).

The bed and sub-bed of the seas include two areas, each of which is subject to a specific legal regime: the continental shelf, which is adjacent to the coast and under the jurisdiction of the coastal government, and the area beyond the continental shelf, which is subject to an international regime. They will be explained in the following topics.

The first speech: continental plateau

The geographical concept of the continental plateau: the seabed goes towards the sea with a very gentle slope and usually ends at a depth of 200 meters and with a steep and abyss-like slope. Geologists call this area the continental plateau. In some areas and in general, in cases where the sea coast is mountainous, the slope of the sea bed slopes steeply at a short distance from the coast, while in areas where the coast has no low and high elevations, the edge of the slope is at a great distance. It is located from the coast, after passing the outer limit of the continental plateau or edge, the seabed reaches a steep slope, which is called the continental slope. In some parts of the world, the end of the slope is covered with deep-sea sediments, and geologically it is a separate area. It forms and geologists call it a fore-continent. The set of continental plateau - continental slope and pre-continent forms the natural sequence of the land under water and is the basis of the claim of the coastal governments to these areas (Nami, 2010: 128).

#### **A- The claim of the coastal states to the continental shelf**

In recent years, following the advancement of technology that made it possible to access the mineral resources of the neighbouring seas, the coastal states claimed the exclusive use of these resources. The basis of these new claims is the announcement of the President of the United States of America dated September 28, 1945. which is known as the declaration of American President Truman at the time. In this announcement, it is stated that "because the protection and reasonable use of natural resources is necessary and urgent, the United States government considers the natural resources of the seabed and subseabed in the continental shelf located in the open sea adjacent to the coast of the United States to be within the jurisdiction and supervision of that government." Among the economic and political reasons included in this declaration, the US government's claim also has a geophysical basis, because the US president notes that "the continental shelf can be considered as the continuation of the land territory of the coastal state and naturally" related or dependent on that state, and in addition to the resources It is a sequence of reservoirs or deposits found on land (Witt, 2017: 237).

After the issuance of this declaration, several governments that have rich continental plateaus, including Mexico and the countries of the Persian Gulf, have reserved the right to exploit the resources of the continental plateau under unilateral declarations and with internal laws - the Iranian government also, according to the Law on Exploration and Exploitation of The resources of the continental shelf of Iran approved on 28 June 1334 declares that the "regions" as well as the natural resources of the sea floor and sub-floor up to the limits of the continental shelf of the coasts of Iran and the coasts of the islands of Iran in the Persian Gulf and the Sea of Oman belong to the government of Iran.

"The government can create the necessary issues for exploration and exploitation of natural resources on the continental shelf and take any measures necessary for the security of the aforementioned institutions (Nik Nafs, 2019: 16).

The actions of the governments in this field caused the claim of the United States of America to be gradually accepted by everyone and the regulations included in it were approved as an international custom. The 1958 Geneva Convention on the Continental Shelf did not limit itself to the development of the aforementioned regulations and the rules included a new one in this convention and thus clarified the legal nature of the continental shelf through the development of international law in this field.

The recent Convention on the Rights of the Feet, in turn, resolved the last ambiguities related to the legal definition of the continental shelf with the development of regulations (Iodge, 2015: 238). According to Article 77 of the 1982 Convention on the Seas, the rights of the coastal state on the

continental shelf are to explore and exploit its natural resources. The natural resources of the continental shelf include: "Mineral resources and other inanimate resources of the sea bed and sub-bed, as well as living organisms of the type of fixed organisms and "Sedentary" means creatures that are motionless on the seabed while fishing or are unable to move without constant contact with the seabed. (Nordquist, 2015: 119). Regarding the nature of the rights of the coastal state over such resources, the convention does not provide any theory because long ago and before the emergence of the continental shelf theory, the exploitation of living creatures such as pearl shells, corals and all kinds of crustaceans, including sea crabs, was the monopoly of the coastal state. fixed catch) (Kek Din, 2019: 31).

The rights of the coastal state in the continental shelf are legally exclusive, which means that if the coastal state does not intend to explore or exploit the continental shelf, no other government has the right to engage in such activities without the express consent of the coastal state, and in addition, the rights of the coastal state "relate to real possession" There is no formal or circular announcement" (Gorina, 2019: 174).

According to Article 78 of the recent Convention on the Law of the Sea, the rights of the coastal state have no effect on the infectious status of the waters above the continental shelf. In general, the exploration and exploitation of the continental shelf should not lead to unwarranted interference in shipping affairs. The only exception to the provisions of Article 80 of this convention is the right to establish security zones around the facilities that the coastal government establishes to explore and extract the resources of the continental shelf. These boundaries may extend to a distance of 500 meters around these facilities, and the ships of other countries are obliged to respect the said boundaries and refuse to travel inside them (Abdollahian, 2018: 53).

In the field of cable laying and piping on the continental shelf, Article 78 of the Convention on the Law of the Sea stipulates that the coastal state cannot prevent the exercise of this freedom. However, to carry out the activities of exploration and extraction from the resources of the continental shelf and to prevent pollution caused by the point of separation of oil pipes, this government can take reasonable and necessary measures and determine the route of cables and pipes (Nami, 2010: 91).

### **B - Determining the limits of continental plateaus**

Article 6- The UN Convention on the Continental Shelf stipulates that today it belongs to each of the states and is determined by the horizon between them, and in case of disagreement, it is the equilateral line or the bisector (line) of the equilateral line, each point of which is relative to the closest points of the original lines of the two sides, from which the width of the territorial waters of each state is determined, should be at the same distance (Valasi, 2018: 68).

The border will be the continental shelf unless due to special circumstances, another border is fair. Although the convention does not mention any definition of specific situations, based on the preliminary work of the 1958 Geneva conference and the writings of the speakers of this convention, it can be said that the existence of islands along the coastline or the location of a sea mine is among these cases (Abdollahian, 2018: 62).

Objections to the 1958 Convention and the fair line rule (see forms on pages 44, 45, 47).

Appealing to the fair line in some cases leads to the unfair division of the continental plateau. In general, this rule is in favour of the state whose coasts are considered (State A) and to the disadvantage of the state that has a concave coast (State B) because in this case the straight lines that are drawn from the two ends of the concave coast towards the sea meet each other near the coast. cut off and the area of the continental plateau that will belong to the said government will be very small, in the case of the convex coast, these lines will gradually move away from each other and will never intersect each other (Knauss, 2018: 319).

The decision of the International Court of Justice: In examining the lawsuit related to the delimitation of the continental shelf of the North Sea, the International Court of Justice specifies the application and legal value of Article 6 of the Convention on the Continental Shelf, the description of the space in the North Sea of the coasts of the German government, unlike the Netherlands and to some extent Denmark It is Muzafar that is why the definition of the limits of the continental plateau is based on the fair line in the language of the German government. During the negotiations

related to the delimitation of the border, the two governments of Denmark and the Netherlands, which had ratified the convention, claimed that the rules of Article 6 of the convention are an international custom, and for that reason, it is mandatory for all governments, even those such as Germany, to follow it. have not joined the convention. It is mandatory (Sadiqi, 1401: 26).

In its judgment dated February 20, 1968, the International Court of Justice rejected the claims of Denmark and the Netherlands and stated the general conditions of custom, i.e. continuity, regarding the fair line. The generality and especially the belief of the states that this rule is mandatory (OPINIO JURIS) are not collective and this rule is a part of contractual rights and is only mandatory for the states that have ratified the Convention on the Continental Shelf (Witt, 2017: 199).

To help resolve the dispute, the court recommends that the division of the continental shelf be done fairly and does not lead to injustice. be established (Lodge, 2015: 130).

In the contracts that were concluded between the parties after the Court's decision and based on it, special attention was paid to these rules and as a result, a part of the continental shelf of the North Sea, which would have belonged to Denmark and the Netherlands if Article 6 was applied, was handed over to Germany (Court in its 1982 decision). He again resorts to this rule regarding the delimitation of the continental plateau of Tunisia and Libya (Yoshiofumi, 2018: 77).

Delimitation of the continental plateau in the Persian Gulf: The presence of small islands and rocky outcrops throughout the Persian Gulf, especially in its southern parts, has made it difficult to delimit the borders of the governments of this region. If there are islands in the vicinity of the coast, the coastal government can use the straight lines that connect the farthest points of these islands from the coast to determine their line of origin. Regarding the source, for example, the government of Kuwait considers the origin of its territorial sea to be the straight lines that connect the most advanced parts of the Bubiyan Islands - Filke and Awhe. This practice has faced the opposition of the Saudi government and one of the reasons for not concluding the demarcation agreement between Kuwait on the one hand and Saudi Arabia on the other hand (Nick Nafs, 2019: 82). Iran and Kuwait announced their agreement in principle to divide the continental shelf in 1968, but until now the negotiations have been suspended due to the lack of agreement on how to determine the starting line. Regarding the delimitation of the continental plateau of Iran and Bahrain, on the contrary, this procedure was accepted by the parties. In the agreement dated 3/27/1350, which was signed between these two governments, a fair line is used, all of its points are equidistant from the lowest tide line of the Iranian islands of Nakhilo and Jibrin and the Bahraini island of Muharraq. In other words, both governments have connected the most advanced points of the islands by drawing straight lines of origin, and these lines are the basis and drawing of fair risk. In delimiting the continental plateau of Iran and Qatar, on the contrary, a completely different procedure has been adopted and it has been completely ignored except in Irkish Lawan and Hendrabi which are located near the coast of Iran - Iran and Qatar agreement dated 6/29/1348 to separate the common continental plateau of the two the country uses a fair line that is drawn on a coast-to-coast basis without considering islands. The existence of special conditions in the area opposite the coasts of Iran and Saudi Arabia required the parties to resort to a special solution regarding the area opposite Khark Island. At the beginning of the negotiations, the Iranian government opposed drawing a fair line based on coast to coast and announced that the extraordinary importance of this island from an economic and human point of view requires that the lowest low tide line in front of the Arabian coast be used in drawing the origin of Iran's territorial sea (Pournouri, 2015: 121).

And the fair line should be drawn based on this tidal line and the Arabian coast. The existence of a significant underground oil building (reservoir) in the target areas was the main reason or the pressure on the parties. After long negotiations, the parties agreed that the border line should be drawn in such a way that the discussed reserves are equally divided between the two governments (Habib Nouri, 2018: 213).

The existence of islands such as Abu Musa, small and large, which are located outside the coastal areas, raise more issues and problems in the field of border delimitation. According to the accepted standards of international law and Article 121 of the recent Convention on the Law of the Sea, islands, like land, regardless of their size or population, have a continental shelf and an exclusive economic zone (Rahmani, 2019: 41).

Only the stone slabs that do not have the necessary facilities to accept residents will benefit from these facilities. It is for this reason that a long time ago, fierce competition between the governments started to exercise the sovereignty of the small island, the most obvious example of which is the recent war between England and Argentina regarding the Falkland Islands or Malosinas. In the Persian Gulf, there is still a dispute between Iran and the UAE. The United Arab Emirates has remained unresolved regarding the above-mentioned islands and has prevented the delimitation of the common continental plateau between the two countries (Churchill, 1397: 151).

### **C- Provisions of the 1982 Convention on Determining the Limits of the Continental Shelf**

The objections to the rule of the fair line caused the issue of a general revision of the regulations related to delimiting the boundaries of the continental shelf between two governments that are adjacent or opposite each other to be included in the work agenda of the 3rd Conference on the Law of the Sea. The theory of the importance of continental shelf resources as well as the exclusive economic zone of the governments showed great sensitivity towards this issue. Partly because the negotiations about this issue were prolonged. And the regulations included in the convention oversee the delimitation of continental plateaus and exclusive economic zones (Zra'i, 1401: 66).

Articles 74 and 83 of the Convention stipulate that the exclusive economic zones and the continental shelf will be delimited by the agreement of the interested countries and based on the standards of general international law specified in Article 38 of the Statute of the International Court of Justice. These standards include general or special international conventions by which rules have been determined and the parties to the dispute have explicitly accepted those rules. International customs, which indicate the general practice of states and are accepted as legal rules, general legal principles recognized by civilized countries, judicial practice and the opinions of the most prominent international law authors of different countries, are secondary means for defining legal rules. Finally, if the parties to the dispute request justice and fairness, considering the importance of the decisions issued in this field by the International Court of Justice and other arbitral tribunals, it can be predicted that in the future, the judicial procedure will play a significant role in resolving disputes related to the delimitation of maritime areas. Will have. In this way, the fair line rule can be used by the parties like other techniques without being preferable to other techniques (Khodadadi, 1398: 146).

### **D- Determining the final or external limit of the continental plateau**

The meaning of the continental shelf in the Geneva Convention related to the continental shelf is: from the bottom of the sea bed in the underwater areas connected to the coast (or the coasts of the islands) outside the territorial sea up to a depth of 200 meters and beyond that to the point where the depth of the sea allows the exploitation of natural resources. (Article 1 of the Convention) thus, the 1958 Convention does not define the end of the continental shelf. This vague and flexible definition of the continental shelf did not cause a problem at the beginning because at that time the activity of governments in the sea bed and under the sea bed was practically limited to a depth of 200 meters. However, gradually due to the increasing progress of marine technology and the possibility of experimental exploitation by governments

The industrial revolution in Amaq caused the problem of determining the exact limits of the continental shelf of the states to be raised acutely in the framework of the 1967 Malta proposal, and the jurists interpreted and interpreted Article 1 of the Convention and reached completely different results due to the necessity of determining the final limit of the continental shelf. It was accurately accepted by everyone (Sadiqi, 1401: 86).

According to Article 76 of the Convention, the continental shelf does not end at the edge of the continental slope, but also includes the slope of the continental shelf itself. Governments will be obliged to determine the final limit of the slope and the beginning of the continental shelf by resorting to one of the complex but precise methods provided in this article. The expansion of the continental shelf, which in some cases will continue up to 350 miles from the coast and will practically include all the oil resources located under the seabed, caused the convention to predict (Article 82) that a part of the revenues from the exploitation of the resources located in Beyond 200

miles of the line (up to seven hundred), the origin to help third world countries should be provided to the international authority of Amaq. Developing countries that import resources extracted from their continental plateau are exempt from this rule.

(a type of international tax to adjust the economic inequalities between countries) thus, the fore-continent and deep oceans are outside the jurisdiction of governments and are subject to the international regime established by the Convention on the Law of the Seas (Bigzadeh, 2016: 92).

The second discourse: the legal regime of the deep international region (transcending the continental shelf)

#### A- The approach of the international community - beyond the continental shelf

The reason for the attention of the international community to the depths located outside the jurisdiction of governments is the existence of abundant resources in this region. These resources can be found in solution and clones at depths of 700 to 600 meters, there are large amounts of manganese lumps, these lumps include iron-may-cobalt and nickel. In the depths of the Indian Ocean, pure termite has been discovered, and in the deep and very hot areas of the Red Sea, seawater contains some metals such as zinc, lead, copper, silver and gold. For some time now, companies from industrially advanced countries have made investments in this field. Using different methods, including air pressure, large amounts of lumps have been "caught" (Ziai Bigdali, 2015: 47).

The head of the Maltese delegation to the United Nations in a very detailed speech that he made on November 1, 1967, to justify the proposal of the Maltese government in the First Commission of the General Assembly. He pointed out that the international regime of Amaq should be based on "new", "just" and "moral" principles, and the "common heritage of humanity" is the main one that has such characteristics. According to the representative of Malta, the condition for the continuation of the Amaq regime is that it is accepted by all countries, and as a result, it considers the interests of the advanced industrialized countries that have the technological facilities to exploit the resources of the sea bed and the demands of the third world countries in the direction of greater equality and justice. For the first group, the critical issue is the access and exploitation of deep resources, while for the developing countries, it is important to share in the revenues from the exploitation of these resources. The term "common heritage of humanity" answers the demands of these two groups of states, because in addition to the fact that the use of the region should be peaceful and by all states, according to Malta's proposal, the proceeds from the extraction should be balanced between taking into account their geographical situation, especially taking into account their interests. and to divide the needs of developing countries (Glowka, 2020: 182).

In 1970, the developing countries succeeded in issuing a resolution called "Declaration of Principles" by the United Nations General Assembly to emphasize the inadequacy of the existing regime, i.e. the freedom to exploit the resources of the seabed and the need to establish a new regime for the exploitation of the deep seas. Dhan, in this declaration, it is stated that the ministerial bed of the sea bed located outside the jurisdiction of the governments is the common heritage of humanity and no government can exercise sovereignty over this area. That common heritage is humanity, knowing that the Conference on the Law of the Sea has also considered itself bound to comply with it and has established the legal regime governing the international deep-sea region based on this resolution (Anderson, 2019: 134).

#### B - Competent agents for exploring and exploiting the sea bed

Regarding the determination of the agents responsible for exploring and exploiting the resources of the common heritage of humanity, two theories were presented at the beginning of the negotiations:

\* The theory of developing countries is based on the principle of the common heritage of humanity: these countries thought that all exploration and extraction operations should be entrusted to an international organization and the resulting income should be divided by this organization among developing countries (Yoshiofumi, 2018: 128).

\* On the other hand, advanced industrialized countries thought that exploration and extraction operations should be entrusted to governments or legal and natural persons subject to them through the issuance of a license by an international authority. In rejecting the proposal of the developing

countries, the industrialized countries noted that in the current situation, no organization at the international level has the necessary technological and financial ability to carry out exploitation operations (Valasi, 2018: 35-36).

Finally, the intermediate solution known as the "parallel or bipolar system" attracted the opinion of the majority. According to this system, the exploitable areas of the common heritage of humanity will be divided into two parts, which will be available to the international authority and governments and legal and natural persons respectively. To attract the opinion of developing countries, it is planned that 20 years after the start of the exploitation operation, a conference will be held to revise the exploitation regime (Article 115 of the Convention) and the exploiting agents will be obliged to, based on the anticipated conditions of the technology transfer the use of exploitation to the international authority so that this authority can acquire the necessary ability to carry out the operation as soon as possible (Article 144 of the Convention) (Gorina, 2019: 197).

#### 1- Amaq international authority

The Convention on the Law of the Sea initiates the establishment of an international organization called the "International Deep-Sea Authority" whose headquarters will be in the city of Kingston, the capital of Jamaica (Article 156). will be carried out internationally. According to the convention, activities related to the exploration and exploitation of seabed resources are carried out as follows (Article 5-153) (Norfquist, 2015: 193).

directly by the authority itself; or in partnership with the official and under his supervision by the member states of the convention or institutions and legal and natural persons subordinate to them or under their supervision with their nationals or a group of different states and institutions (Lodge, 2015: 139).

The most important pillars of authority are:

The assembly consisting of all member states of the convention is responsible for implementing the general policy of the authority and reviewing all the recommendations referred to this pillar by the council, and the assembly is responsible for dividing the revenues from the exploitation of the international zone between the governments and approving the authority's budget (Articles 159 and 160) (Nami, 1390: 50).

The council consists of 36 members who are elected by the assembly. The theory of the importance of the council's powers, especially in the field of granting exploitation licenses, the issue of how to determine the members of the council was one of the most controversial issues raised in the conference, and advanced industrial countries tried to have some kind of veto right in the council. . 36 council members are elected in the following order (Article 161) (Ibid.: 51).

4 members who are major importers or consumers of raw materials that will be extracted from the international region;

4 members are among the members who have made the most investments in resource exploitation matters.

4 members are among the major exporters of raw materials that will be extracted in the international region.

6 members of the developing members of the convention

1 member will be selected based on the principle of geographical division (Anderson, 2019: 155).

#### 2- International broker

Article (170) The international broker is supposed to be established as an international commercial institution with the responsibility of exploration and extraction in the sea bed as well as the transportation and marketing of these resources with legal and financial independence to enter into contracts with governments and private companies. It requires the companies that start exploiting the resources to provide the workers with the financial facilities of their breakdown based on the conditions and forecast. The parties to the convention are obliged to settle their disputes by resorting to peaceful means (Part 15 of the Convention, Articles 279 et seq.). (Article 287) The court will consist of 21 judges who will be elected by the member states of the convention for 9 years (Nik Nafs, 2019: 67).

According to resolution number one of the annexe to the Convention on the Law of the Sea, a



commission known as the Preparatory Commission for the Establishment of the International Seabed Authority and the International Court of Law of the Sea (consisting of the signatory countries of the convention and the signatory countries of the final document) attends the commission meetings as observers. The establishment of the international broker and the court: the first meeting of the commission was held in 1983. Since then, the commission has been convened twice a year. The main condition for the application of the "bipolar system" is that the international broker has all the technical and financial facilities to start interest operations. The acquisition is simultaneous with the state and private companies. To provide such conditions, resolution number two of the annexe to the convention requires pioneer investors to provide their experience in the field of exploration and exploitation of the seabed to the broker (Sedgi, 1401: 125).

### 3Pioneer investors:

Based on Resolution No. 2 - France - India - Russia, Japan and with four international consortia belonging to eight Western industrialized states (Belgium - Canada - West Germany - Italy - Netherlands - Japan - England and the United States of America) and any developing state that They have been pioneers in conducting scientific research in the field of exploration and exploitation of seabed resources and have allocated thirty million US dollars to this cause. They can register themselves as pioneer investors of the preliminary commission as a condition of signing the convention (Rahmani), 2019: 47). From the moment of registration until the entry into force of the convention, each pioneer investor will have the exclusive right to explore the registered sea areas. After the necessary implementation of the convention, the proposals of the investors to obtain the exploitation license will have priority. (Churchill, 2017: 89).

All investors who are registered as pioneering investors by the preliminary commission undertake to perform the following actions.

Exploring the areas determined by the preliminary commission - training the people who are introduced by the preliminary commission to transfer the technology used in sea bed exploitation operations to the international broker (Zra'i, 1401: 38).

The responsibility of drafting the statutes of the court has been assigned to the preparatory commission.

### **Conclusion**

From about half a century ago, governments and international institutions tried to organize the legal regime governing the seas and oceans, and finally, in 1982, a comprehensive convention was drawn up in this regard, and today this convention is ratified and enforced by the legislative body of the member countries. The bed and sub-bed of the seas and oceans include two areas, the continental shelf and the transcontinental shelf, the former under the authority of the coastal state and the latter subject to the international regime. The rights of the coastal states in the continental shelf are exclusive and the exclusive right to exploit mineral resources, resources Inanimate and living creatures have a fixed and permanent residence in this area, and other countries do not have the right to operate in this area without the express consent of the coastal government. Also, the coastal governments have the right to create a security zone around the facilities that they have created to explore and extract the resources of the continental shelf, but they do not interfere unjustifiably in the shipping affairs of other countries in this area. The outer limit of the continental shelf continues up to 350 miles, but it is determined the boundaries of our single continental plateau between governments that are adjacent or opposite to each other are subject to special regulations and are mainly based on the fair line and taking into account the principle of justice and fairness.

The region beyond the plateau (depths) is considered the common heritage of humanity, and a "parallel or bipolar system" has been applied to exploit the benefits of this region. Based on this system, the exploitable areas in Amaq are divided into two parts and are placed at the disposal of the international authority and governments and legal and real persons respectively. Of course, governments and real and legal persons are obliged to transfer the used technology to Amaq international authority 20 years after the exploitation based on the conditions foreseen. so that this official can gain the necessary ability to perform operations as soon as possible. The resulting

income will be spent under the supervision of the international authority in matters approved by the UN General Assembly. To resolve disputes related to the aforementioned issues, the International Court of Law of the Sea was established and its statutes were compiled by the Conference on the Law of the Sea and annexed to the Convention.

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