LEGAL ASPECTS OF INTERNATIONAL TERRITORIES IN THE SUBMARINE AREA

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Abstract

United Nations Convention on the Law of the Sea held in Montego Bay in 1982, in Part XI, has established a radically distinct legal regime on soil and subsoil bottoms seas and oceans, beyond the limits of national jurisdiction of coastal States, different rules for other parts of the sea, including sea water above the free zone.

The entry into force of the Convention of 1982 on November 16, 1994, was possible only after the adoption on 28 July 1994 in New York, of the Agreement on Implementation of Part XI of the Convention of 1982, which amends the legal regime of submarine territories beyond the limits of national jurisdiction established by the 1982 Convention.

Keywords: *Law of the Sea, the international submarine territories, international authority, company, room for settlement of disputes relating to underwater territories.*

1. Introduction:

The issue of the legal regime of seabed generated an extensive analysis of the doctrine and raised complex issues in international practice of the states, especially after the sharp development of exploration technologies to great depths which allowed the identification of mineral resources including polymetallic nodules.

Polymetallic nodules are rock formations, mainly of iron and manganese hydroxide, arranged in concentric layers around a nucleus. This nucleus is converted often microscopic mineral crystallization process magnesifere through.

The composition of polymetallic nodules from 42 elements, but economically significant nodules, industrial capitalized, are rich in manganese, iron, nickel, cobalt and copper.

Research has allowed the identification of more than 150 worldwide operating fields and the rate of multiplication of nodes is high operating current pace.

Currently, it is estimated that around 15% of the seabed is covered with polymetallic nodules, the most important deposits being at depths ranging between 4000-6000 meters.

In the scientific research carried out in the Pacific Ocean there have been identified the most promising concentrations of polymetallic nodules in its limits focusing richest clusters of ferro-manganese concretions from what have been identified to date. Here indeed the first pioneers investors have defined perimeters in the exploitation and subsequent transition to commercial scale operation.

Other areas that contain these minerals are considered to be: Blake Plateau in Georgia (USA), Southern Province Red Clay Bermuda area of San Diego Garcia and Madagascar in the Indian Ocean sea area south and southwest coasts adjacent South Africa, the Galapagos in law and Equatorial Peruvian shores.[1]

2. Shaping the legal status of the International Zone underwater territories

For a long time in doctrine and practice it was tried as international legal status of these underwater areas to be based on classical thesis: "res nullius", according to which these areas are considered to belong to the first discoverer, it will benefit from exclusive access and unlimited resources available in the area; "Res communis omnium" according to which the submarine territories beyond the jurisdiction of coastal States - seabed water column above them, and for the basement, follows the legal regime of the high seas.[2]

The Declaration on 1 November ISSUED 1967 in the United Nations General Assembly, Ambassador Arvid Pardo, Permanent Representative of Malta to the United Nations, stressed the underwater exploration and exploitation Need for territories beyond the limits of national Jurisdiction in the interest of humanity.[3]

On December 18, 1967 was adopted United Nations General Assembly Resolution no. 2340 (XXII) on the importance of protecting soil and subsoil beneath the high seas beyond the limits of national jurisdiction of shares that may become detrimental to humanity.

United Nations General Assembly adopted on 15 December 1969 the Moratorium Resolution no. 2574 (XXIV) which proclaims to establish an international regime for underwater territories beyond the national

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[1] Marian Ilie, *Law of the Sea – Maritime delimitation* (Bucharest: Universul Juridic Publishing House, 2011), 210 – 211.

[2] Dumitru Mazilu, *Public International Law*, Fifth Edition, Vol. 1 (Bucharest : Lumina Lex Publishing House, 2010) 564.

[3] Dumitru Mazilu, *Law of the Sea– Concepts and institutions established by the Convention Montego-Bay* (Bucharest : Lumina Lex Publishing House, 2002), 167.

jurisdiction of states that "Member and natural or legal persons are obliged to refrain from all mining activities in the territories resources submarines, including related basement "and that" no claim to a part of this area and its resources will not be recognized "

On 17 December 1970 the United Nations General Assembly adopted Resolution no. 2749 (XXV), which was adopted the "Declaration of Principles that govern submarine territories, including subsoil beyond the limit for the national jurisdiction", according to which "submarine territories, including related basement located beyond the limits of national jurisdiction and its resources constitute the common heritage of humanity."

Although some developed countries argued that the Declaration of Principles is not mandatory and that it does not create a temporary system for these territories, most states have argued that recognizing and formulating the principle - the common heritage of humanity - by adopting Resolution 1970 is a presumption ,, juris de jure " that such a rule and principle is part of positive international law, and combat thus, these texts have a tendency worth a mere recommendation.[4]

Negotiations on the legal regime applicable area and international mechanisms have to be established for the exploration and exploitation of its proved increasingly difficult, and actually a confrontation between two orientations conceptual world or between the Group of 77 and states highly developed capitalist.

Third UN Conference on the Law of the Sea, has developed works between 1973 - 1982, during the 11th Session through negotiation committees and groups.

The conference succeeded, after complex negotiations, sustained and prolonged harmonize a new law of the sea, enshrined in one Convention - United Nations Convention on the Law of the Sea.

The text of the Convention was adopted on 30 April 1982 and was opened for signature on 10 December 1982 in Montego Bay, Jamaica.

The Convention entered into force on 16 November 1994. Entry into force of the Convention, however, was possible only after the adoption on 28 June 1994 in New York Agreement on Implementation of Part XI of the 1982 Convention which brings substantial changes legal regime of submarine territories beyond the limits of national jurisdiction (set of Convention of 1982).

Romania signed the Convention on 10 December 1982, and by Law no. 110 of 10 October 1996 has ratified and acceded to the 1994 Agreement on implementation of Part XI of the 1982 Convention.

3. Legal Regime of the initial provisions of the Convention Areas 1982

The Zone initial regime was established by the provisions included in Part XI of the Convention.

In pursuit of the business in the area, the Member shall comply with the provisions of the Convention and principles of the Charter of the United Nations and other rules of international law, showing concern for the maintenance of peace and security, promote international cooperation and mutual understanding.[5]

The principles underlying the definition of the legal status of the area can be grouped into 3 categories:[6]

The fundamental principle that defines the legal status of the area - the area and its resources are the common heritage of humanity

- General principles and specific principles

General principles legally binding on the entire area of the area and its resources, and on all States and other entities involved in activities in this area are:

a) The principle of national non-closeness

b) The principle of inalienable resources Zone

c) The principle of using Zone in the legitimate interest of all Member

d) The principle of using exclusively peaceful purposes Area

e) The principle of effective participation of developing States in the work done in the area.

The specific principles whose application is only on certain specific issues of the area or its resources are:

a) The principle of respecting the legal status of the area;

b) The principle of liability for damage Zone

c) The principle of respect for the rights and legitimate interests of coastal States

d) The principle of protection of the environment and to human life and activity in the area correlation with other activities in the marine environment.

3.1.1 Common heritage of humanity in the area

The 1982 Convention sets out a series of articles and essential elements of legal contents.

Thus, art. 136 provides concise and unequivocally that "the area and its resources are the common heritage of humanity". This concept is developed in art. 137 para. 2 of the Convention which states that "all rights belong to all humanity Resource Area" and in art. 140 para. 1, which states that "the activities of the area will be carried out in the interest of all humanity".

The concept of common heritage of humanity has produced two significant changes in international law: on the one hand exclude the idea of freedom of the sea-bed mining, and on the other hand resulted in

[4] Dumitru Mazilu, *International Public Law*, Fifth Edition (Bucharest : Lumina Lex Publishing House, 2010), 565.
[5] Art. 138 of the 1982 Convention on Law of the Sea.
[6] Laura Magdalena Trocan, *The legal regime of submarine territories* (Bucharest: "CH Beck" Publishing House, 2008), 89 – 90.

the internationalization of these spaces and the institutionalization and internationalization system established for mineral resources exploitation of underwater territories.[7]

3.1.2. The principle of national non-closeness

Convention of 1982 enshrine this principle in art. 137 para. One saying that no state or person or entity is not entitled to claim or exercise sovereignty or sovereign rights over any part of the zone and its resources or to acquire a part of it. The Convention also reiterates that any such claim, no exercise sovereign rights and no approximation act will not be recognized.

3.1.3. The principle of inalienable resources of the Zone

The 1982 Convention states in art. 137 par. 2 that all resource rights belong to the Area of the entire community to act on behalf of the Authority. These resources are inalienable.

This character inalienability apply to all mineral resources solid, liquid or gas that can be found on the seabed or the subsoil thereof, including polymetallic nodules.[8]

3.1.4. Principle areas using legitimate interests of all states

Activities will be carried out in the interest of all humanity, be it the riparian countries or countries with no coastline and especially considering the interests and needs of developing States regardless of their geographical situation, whether it's peoples who have not attained full independence or autonomy regime recognized by the United Nations. For this purpose, the Authority will ensure equitable sharing, on a nondiscriminatory basis, the financial benefits and other economic benefits derived from activities in the Area, through an appropriate mechanism.[9]

3.1.5. The principle of using exclusively peaceful purposes Area

The area is open to use exclusively peaceful purposes, returning absolute obligation of all States, coastal or landlocked.[10]

On this point the emphasis emphasize the exclusively peaceful nature of the Activities of States in area, unlike the provisions applicable to other actions in the high seas waters.

The consecration of this principle has been prepared by a series of measures agreed by the international community before deployment of the 3rd UN Conference on the Law of the Sea.[11]

Marine scientific research in the area will also perform exclusively peaceful purposes and in the interest of all humanity (Art. 143 para. 1 of the 1982 Convention).

3.1.6. The principle of effective participation of developing States in activities in the Area

In the process of developing the system of exploitation of the common heritage argued thesis setting up preferential rights in favor of developing countries. In art. 140 para. 1 of the 1982 Convention states that "activities in the area will be carried out (...) and taking into account in particular the interests and needs of developing States (...)". Pursuant to Article 148 "effective participation of developing States in activities in the Area is encouraged (...)", taking due account of the special needs and interests of these states. ".

3.1.7. The principle of respect for the legal regime Zone

According to art. 139 para. 1 of the 1982 Convention, States Parties are obliged to ensure that activities in the Area, either by themselves or by public enterprises or by natural or legal persons possessing their nationality or effectively controlled by they or their citizens to comply with the provisions of Part XI.

Under the provisions of art. 153 paragraph 4 of the Convention, the Authority shall exercise the necessary control activities undertaken in the area to ensure that the relevant provisions of Part XI and the corresponding Annexes, as well as rules, regulations and procedures of the Authority and work plans approved.

3.1.8. The principle of liability for damage in the Zone

In art. 139 para. 2 stipulates the principle of liability for damage caused as a result of non-compliance related to activity in the area.

As for responsibility for how respected the legal regime of the area, identify two different situations: Liability for breach of an international obligation in accordance with art. 139 of the 1982 Convention and the nature of civil liability of the contractor for damage caused by unlawful acts committed by him in carrying out operations, as shown in art. 22 of Annex III to the Convention of 1982 and of art. 229 of the 1982 Convention.[12]

[7] Ibidem art. 93.
[8] Art. 133 letter A Convention of 1982.
[9] Ibidem art. 140.
[10] Ibidem art. 141.
[11] As the 1963 Treaty prohibiting nuclear experiments in the atmosphere, in outer space and under water and the Treaty of 1971 to prohibit the installation or placement on the soil and subsoil seas and oceans to the limit of 12 nautical miles from the shore of nuclear weapons and other weapons of mass destruction.
[12] Laura Magdalena Trocan, *op. cit*., p.114.

3.1.9. The principle of respect for the rights and interests of coastal States

In accordance with Art. 142 para. 1 of the 1982 Convention in case of resource deposits areas that extend beyond its limits "activities in the area will be held duly taking into account the rights and legitimate interests of coastal states under whose jurisdiction such deposits lie.

In order to avoid any infringement of such rights and interests, establish a system of consultation with the State concerned, including the procedure prior notice. Moreover, where activities in the Area may result in the exploitation of resources that are still in limiting national jurisdiction of a coastal State is required prior consent of it.[13]

Bringing harm the interests of coastal states and the violation of the Convention of 1982, which also have obligations for the contractors carrying out activities in the area, punished by those responsible, including related causes, such as damage or threat of pollution of the marine environment, as result of such activities.[14]

3.1.10. The principle of protection of the environment and human life and activities in the area correlated with other activities undertaken in the marine environment

Marine Environment Protection Zone is an obligation for both Zone users and for system administration charge of Institutional Area.

Duties consist users adopt the most effective measures to prevent and reduce polluting factors, and the Authority (the mechanism that manages the area and its resources) consist in adopting rules, regulations and procedures appropriate to prevent, reduce and control pollution of the marine environment, including coastline, including the face and other risks that threaten the marine environment, paying particular attention to the need to protect against the harmful effects of certain activities such as drilling, dredging, excavation, waste disposal construction and operation or maintenance of installations, pipelines and other devices used for these activities.[15]

Similar obligations incumbent on the same subjects and in terms of marine flora and fauna.

Protection of human life and it is an important issue of the legal regime of the area. In this way users are required to adopt the most effective measures to ensure the protection of human life and the Authority is required to adopt rules, regulations and procedures in addition to the regulations of international law.[16]

Activities in the area must be consistent with the other activities undertaken in the marine environment, which is why the 1982 Convention stipulates in art. 147. Two conditions that must be fulfilled facilities used for activities in the area. Among other conditions, noted that facilities for activities in the area will comply with certain rules, will be surrounded by "security zones" will be used exclusively for peaceful purposes and does not have the status of islands.

Convention of 1982 in art. 147. Three retained to address any compatibility issues, using reasonable criteria states that other activities undertaken in the marine environment will be carried out taking into account reasonably activities in the area.

It should be noted that in terms of objects of archaeological or historical nature found in this protected maritime sector, the 1982 Convention requires that they be stored or disposed of in the interest of all humanity, taking into account in particular the preferential rights of the State or country of State of origin or cultural origin or the State of historical or archaeological origin.[17]

3.2. The institutional structure Area

The institutional structure exploration and exploitation Area consists of[18]:

1. A specialized international organization - the International Authority Territories Submarine

2. An operational body of authority - Enterprise

3. A specific mechanism for settling disputes - Room for regulating differences on teirtoriile submarine, which is included in the structure of the International Tribunal for the Law of Sea

3.2.1. International Submarine Authority Territories

Authority appears to represent the organization through which Member - Party organizes and controls activities in the Area for administering and managing their resources, according to the provisions of Part XI of the 1982 Convention and the Agreement in 1994.

From the Convention of 1982 and the Agreement of 1994 on the following features of Authority[19]:

- is a specialized intergovernmental organization with universal
- uses jurisdiction over an internationalized space and on operators Zone
- has international legal personality;
- is based on the principle of sovereign equality of Member States
- has tripartite structure

[13] Art. 142 paragraph 2 of the Convention, 1982.

[14] See par. 3 of art. 142 of the Convention of 1982, which refers to the relevant provisions of Part XII of the Convention of 1982 and especially art. 235, which covers "expresis verbis" to a liability of international law of the Member.

[15] Art. 145, letter A of the Convention 1982.

[16] Ibidem art. 146.

[17] Ibidem art. 149.

[18] Raluca Miga – Besteliu, *Public international Law*, Vol. I, 3rd Edition (Bucharest: C.H. Beck, 2014), 227.

[19] Laura Magdalena Trocan, *op.cit.*, 133.

- National And its property as persons acting in here, in each State enjoy the privileges and immunities necessary for the performance of functions.

Authority has the responsibilities: to ensure that activities in the area, to promote the harmonious development of the world economy; adopt regulations needed to conduct business in the area, its exploitation, protection and preservation of the marine environment.[20]

Activities in the area will be conducted either by the company or by States Parties or natural or legal persons having the nationality of a State Party, but in combination with the Authority. (Art. 153 para. 2 of the Convention of 1982).

In the area any activity can take place only by permit, issued by the Authority, which supervises the exploitation of local resources according to the principles of a "healthy commercial basis".[21]

Authority is the principal organs of an Assembly which meets general functions corresponding to the type of duties vested in the normal legislative bodies of other international organizations, a restricted composition Council, with executive functions and a Secretariat whose status and functions differ from those of other international organizations.

Assembly consists of all members of the Authority and is considered the supreme organ of it. Assembly in collaboration with the Council establishes the general policy of the Authority.

For the implementation of the general policy of the Authority, the Assembly meets regulatory functions, functions of administrative, financial functions - economic and other functions of operational nature (regulated by art. 160 of the 1982 Convention).

The Council is the executive body of the Authority anticipates general policy and ensure achieving the goals set by the Assembly.

The 36 members of the Council are elected component based on the criteria established by the 1982 Convention, taking into account the principle of ensuring an equitable geographical distribution of seats in the Assembly Council of the investments and the catches made in the area of mineral resources, the status developed country or developing the rule that the representation of Member States landlocked and geographically disadvantaged to be approximately proportional to their representation in the Assembly.[22]

In order to achieve, in cooperation with the Assembly, the general policy of the authority, the Council meets regulatory functions, functions of administrative, financial and economic functions, functions of supervision and control and other functions of operational nature (governed by Article 162 of Convention 1982)

The bodies referred to function structure of the Board are: Planning Commission Economic, Legal and Technical Commission, established under the provisions of Article 163 paragraph 1 of the 1982 Convention.

The Authority shall comprise the organizational structure authorized to provide a permanent Secretariat and perform administrative tasks of this organization.

Secretariat shall comprise a Secretary General and the staff of the Authority needs. The Secretariat is headed by a Secretary General elected by the Assembly from among candidates proposed by the Council for a period of 4 years. He is the chief executive of the Authority and shall act in that capacity in all meetings of the Assembly, Council and its subsidiary bodies have.

1982 Convention entitling the Secretary General to conclude, with the approval of agreements, to ensure consultation and collaboration with other international intergovernmental organizations and NGOs.

3.2.2. Company

The **Company** International Authority is the entity that runs directly exploration activities, mining of minerals extracted from the area in accordance with the 1982 Convention and the Agreement of 1994 and the general policy established by the Assembly and Council directives Authority.[23]

The activities of the Enterprise consist of transport, processing and marketing of minerals extracted[24]

The activity of the company is managed by a Board of Directors and a CEO. The governing bodies of the company are aided by qualified personnel.

Director General of the enterprise is its general representative and chief administrator.

Featuring legal personality distinct from that of the Authority, Company may enter into contracts and other agreements with the State or international organization or you could sit and separate justice authority.

3.2.3. Dispute Resolution Chamber on submarines territories

It is composed of 11 judges elected by the International Tribunal for the Law of the Sea, among its members, for a period of 3 years.

The room has a double competence, both contentious and advisory.

The Chamber has jurisdiction to consider and resolve, mainly the following categories of disputes resulting from activities in the Area: disputes between States Parties concerning the interpretation or application of Part XI and Annexes which refers to it; disputes between a State Party and the Authority

[20] Raluca Miga – Besteliu, *op.cit*., 227.
[21] Ibidem, 228.
[22] Marian Ilie, *op. cit.*, 224.
[23] Art. 170, paragraphs 1 and 2 of the 1982 Convention.
[24] Art. 1 paragraph 1 of Annex IV of the 1982 Convention.

concerning the acts or omissions attributable to the Authority or of a State Party or acts contrary to the Convention Authority; differences of the parties to a contract; disputes between the Authority and an applicant for a refusal to contract or juridical problems arising out of the contract negotiations and any dispute for which the competent Chamber is expressly provided for by the 1982 Convention.[25] Regarding the competence of the Chamber by the provisions of Article 189 of the 1982 Convention, are set some limitations.

Chamber judgment is final and shall be binding only on the parties resolved the dispute and only, which must be suppressed from the date of its delivery.

The camera also has the power to give advisory opinions at the request of the Assembly or the Council on legal issues that may arise during the development of their activity.[26]

4. The current legal regime of the Zone, according to the 1994 Agreement.

United Nations Convention on the Law of the Sea, adopted in 1982 although it was not entered into force only after approval by the UN General Assembly Resolution 48/263 by 28 June 1994 Agreement on the Application of Part XI on such terms and conditions exploration and exploitation of resources in the international area of submarine territories.

The peculiarity of the current regime Zone resource exploration is that the provisions of the 1994 Agreement and Part XI of the Convention Against din1982 be interpreted and applied together as a single instrument.

Resources of the area can be explored and exploited in accordance with the principles governing the area, according to the 1982 Convention, Part XI, Annexes III and IV thereof, and according to the provisions and provisions of the 1994 Agreement.

This Agreement states that although refers to the application of Part XI of the Convention, in reality has functions of an agreement amending the provisions of Article 2 resulting from the Agreement of 1994 provided that in the event of any inconsistency between any agreement and Part XI of the 1982 Convention shall prevail provisions of the 1994 Agreement and the provisions of Article 4 which refers to the expression of consent of States or other entities to become parties to the 1982 Convention or the Agreement.

The provisions of this Agreement shall be brought substantive changes to the initial provisions of the 1982 Convention, meaning[27]:

a) conferring additional powers in administering Authority on other resources in the area. Powers and functions of the Authority shall be those expressly conferred on its mos, by convention, giving the subsidiary will be invested with powers compatible with the Convention, which necessarily involve the exercise of those powers and functions relating to activities in the Zone[28]

b) alteration zone management decision making mechanism. Thus, if according to the 1982 Convention, the Assembly was considered the supreme organ of the Authority and is authorized to establish its overall policy, as agreed in 1994 (Section III of the Annex), the general policy of the Authority will be established by the Assembly, in collaboration with the Council, which is reflected in the increased role for the Council in making decisions.

c) minimizing the expenditure of States Parties based on "savings requirements" measure that affects the functional capacity of the Authority and the mechanisms established by the Convention.

d) introducing the concept of "pioneer investor" that are preserved substantial rights of exploitation in the area, for companies in industrialized countries that have explored and exploited subsea fields before adoption of the Convention. According to the Agreement, pioneer investors will be provided with 36 months instead of 6 months from the entry into force of the 1982 Convention, in order to apply for approval of a plan of work on mining.

e) ensure technology transfer to business and developing states, only on the basis of fair and reasonable commercial terms or agreements concluded only by joint ventures.

Also, although the 1994 Agreement Preamble reaffirms the principle of the common heritage of humanity, the regime established institutional framework provides a modest, with little chance of reaching the exploitation of resources in favor of developing countries. Therefore it is estimated that common principle of humanity on the international area is in recession.[29]

Certain provisions of the 1982 Convention and the annexes are simply removed by the Agreement.

Thus, if in the 1982 Convention spoke of a fair sharing of the benefits of financial and other economic benefits derived from activities in the Area, the Agreement no longer refers to such a division.

Establish a system of compensation in order to help our developing member of the 1982 Convention, not appearing in the 1994 Agreement, limiting it only to nurse.

[25] Marian Ilie, *op.cit*., 226-227.
[26] Art. 159, paragraph 10 of the 1982 Convention.
[27] Marian Ilie, *op.cit*., 232.
[28] Section 1, paragraph 1 of the Annex to the 1994 Agreement.
[29] Ion Diaconu, *Manual of Public International Law* (Bucharest: Lumina Lex, 2007), 232.

The Convention of 1982 on the limitation of production, were eliminated by the 1994 Agreement and have been replaced by general principles[30]

The Agreement has been removed and a number of provisions relating to the procedure for selecting applicants for authorization of production which, according to the regulations of the Convention of 1982 attributed Authority discretion.

According to the 1994 Agreement, the provisions of Article 155 paragraph 1, 3 and 4 of the Convention of 1982 was repealed and the provisions of Section IV of Annex thereof, states that, in terms of reviewing seabed mining regime, the Council make recommendations to the Assembly.

1994 Agreement but also brings some new elements. Thus potential investors will be able to request the Authority to approve a work plan on exploring a mining site in reasonable conditions (which were not found in the Convention of 1982)

Another novelty refers to the fact that the application for approval of a plan of work must be accompanied by an assessment of the potential impact of proposed activities on the environment.

Section IX of Annex to the Agreement contains provisions required for setting up the structure of the Board of "Finance Committee" composed of 15 members, of which, necessarily, a representative of each of the five states with the most great contribution to the administrative budget of the Authority.[31]

Given the above data, we estimate that the provisions of the 1994 Agreement correspond to a great extent the objectives pursued by industrialized states, but also diminishes the benefits of developing states.[32]

With all its imperfections 1994 Agreement allowed the materialization of one of the most magnificent works ever made legal, but constiuie and an acceptable alternative to a situation that would not have led nonexistent than the uncertainty, tension and confrontation in international relations.[33]

5. Conclusions

Entry into force of the Convention on the Law of the Sea on 16 November 1994 following the adoption of the Agreement, determined in addition to the establishment of a specific legal regime submarine territories, as authority for the international seabed - the piece de resistance of this new regime to take birth among other international organizations, with the assurance that almost all countries, especially the major industrial powers, she will ensure existence.

The exploration and exploitation of the area, appears to be a genuine compromise between those who wanted to reserve exploitation of ocean and sea bottoms, private companies and those belonging to developing states that, in turn, wanted all activities in The area to be conducted by a single entity - authority - so the operation to be performed on behalf of the entire international community.

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[30] Section 6 of the Annex to the 1994 Agreement.
[31] Section 9 of Parts 3 and 4 of the Annex to the 1994 Agreement.
[32] See Marian Ilie, *op. cit*., 233; Laura Magdalena Trocan, *op.cit*., 65 – 66.
[33] Laura Magdalena Trocan, *op. cit*., 67.