Salih Karataş
Selçuk University, Alaeddin Keykubat Campus, Selcuklu-Konya, Turkey

The Declaration of Human Right Issues: In the Perspective of Today’s World Discussions

Abstract:
In today's world, the technology and the legal provisions failed to end the humanitarian crises. Although the source of these crises are inappropriate use of the technology and bad applications of the legal provisions. If we say the epicentre in the beginning ‘most of the problems are originated from human itself’. However, in the Middle East and in the countries which majority of people are muslims, the civil wars, conflicts and crises of regime and so called ‘The Arap Spring’. All in all the crimes against humanity take place permanently in the world. But economically and technologically sufficient countries do not show the necessary response to these crimes even most of them see themselves as a pioneer of human rights.

Therefore human rights continues to exist just in theory but in practice not especially the ‘right to live’. Another unpleasant thing is the organisation which was founded to fight against the crimes against humanity and to provide peace around the world The United Nations poxition must be questioned. Though United just on the name but actually is not United to protect human rights and to fight against the atrocity.

In an economical and wide perspective there would not be any clear resolution without providing national sovereignty of states and after fairly distribution of shares along people. In the light of these facts, capital grants is no longer required from the ‘less developed’ and ‘developing countries’. The rational idea would be to impose ‘New Global Economical System’ to realize The Universal Declaration of Human Rights and the other Conventions on human rights. Through our subject we will discuss the process of establishment of the ‘International Seabed Authority’ in the vision of ‘The New Economical System’ and ‘The United Nations Conferences On The Law of The Sea’ and the debates in subsequent conferences may shine our way and would be useful to analyze as an example of the bases of The New Economical System.


1. Introduction

In average 75 percent of our planet surrounded by water. And despite living and nonliving resources in the water which are vital than the lands but the values and supplies of this area have been lately recognized. Perhaps the most important reason of misunderstanding the value of water is, there is a lack of appropriate areas and layouts in water for the natural human life. Therefore for human beings, lands be the first place to search and live. Consequently human discovered the water after than the lands. But as a good result of this fact seas, high seas and oceans remained untouched areas of the world until human directed into the seas.
Until the twentieth century, technological incompetence and ignorance of mankind, were the first reasons to delay the marine scientific researches. Therefore the Literature of The Law Of The Sea and The Scientific Researches so far had not been in content. However, in the 19th century especially in the 20th century by industrialization and the rapid development of technology beside the increasing world population, people always willing to have a better standard of live standards. This phenomenon will be endend up as increasing the demands for food and energy.

Human on land, became aware of these facts by the exhaustion of the energy resources there and it was going to cost more to human if human were no longer directed to the marine resources. As a result of this orientation, the technology which needed for human to discover the sea and operate the sea bed for the energy supply as soon as possible. But these attempt soon turned like colonialism in lands.

By understanding the economical value of sovereignty in seas increased the claims and efforts to dominate seas. The first clear effort to establish dominance in seas happened in the second half of the Middle Age in Western Europe, emerging "seas are part of the states". This idea was later put forward the theory of "The Territorial Waters" which has been a principle in the Maritime Law.

The idea of governing the seas, has led to the clashes between the states as alreadyhave been expected. To put an end to this clashes a number of rules on marine become inevitable. The rules regulating the activities in high seas until the 20th century has seen to be as ‘customary rules’. In the 7th-9th centuries, the 'Act of Rhodes', in 10th century 'Amalfi rules', in 14th century 'Consolato del Mar' and expressly authorized the territorial waters of the states that in 18th century with 'howering Acts' are the examples of these rules.

The unwritten rules on the law of the sea (customaries, precedents) was codified by the most important efforts in the world to create a text written by an Organisation called The United Nations. United Nations Conferences was the base of the codification on The Law of the Sea. The first of these conferences held in Geneva in 1958, and this conference led to the Geneva Conventions. At the conference in questions, including the ‘territorial waters’, ‘the contiguous zone’, ‘the high seas’, ‘continental shelf’, ‘fishing zone’ was the tackled issues such as the protection of living resources. Also at the conference after the preparatory work performed by the International Law Commission, has been considered separately in four separate Agreements. These Agreements were:

1. Convention on Territorial Waters and Contiguous Zone
2. Convention on Continental Shelf

---

4. SUR Melda, Uluslararası Hukukun Esasları (The Fundamentals Of The International Law), V. Baskı (Vth Print), İstanbul 2011, s. 305.
3. Convention on High Seas
4. Convention on Fishing In High Seas and Conservation of Biological Resources.

In addition to these Conventions, a Protocol on Dispute Resolutions also were available. However, Turkey is not a party to any of these conventions.

But in the conference, in particular to limit fishing in territorial waters also there were disagreements on a number of issues. To resolve this problems the second conference held in 1960. The hard negotiations on the resolutions and the conference dissolved before reaching to a definite resolution. In 1973, firstly in New York and in Caracas and then continued in various cities The Third Conference On The Law Of The Sea (UNCLOS) held by a much wider participation. And this Conference held in nine years period and eventually ended up in 1982. The other distinctive features of this conference are between developed and third world countries the conflicts of interest have emerged. Many topics came into agenda as in package even this conference called ‘a package deal’ as being the subjects of bargaining in the Conference. However, the consensus (consensus) method was also used in the conference and this was also one of the interesting parts of the Conference.

In the Third Conference the international sea-bed regime was particularly the subject which mostly discussed on. Beside this subject; exclusive economic zone, archaeological zone were other leading issues of the agenda. And after all, this conference took 9 years of total amount and ended up in 1982.

This was the largest conference held under the aegis of United Nations which burden in time and in finance. And the Participant State’s patience and the budget were considerably started to get beyond the expectations set aside for the conference. But it was normal because the Conference have taken place from 1958 to 1982 over a 24 years period. And no longer needed to be terminated and must be ended with some concrete resolutions.

These three Conferences can only succeed by signing a comprehensive agreement covering all aspects and to be adopted by all states. The only way to reach this aim to bring in a universally accepted agreement was this. But several cause blockages happened in the conference and one of them was about the "International Seabed Resources and how to operate them".

The operation of international seabeds and the legal bases in international law about the subject was needed on those days. And this gap must to be filled as soon as possible. Because this area was hosting the future energy of the world and the range of sea areas will deeply affect the world economy respectively. And especially the developed countries must be judged in this aspect. The reason for their judgement is; being the most important obstacle to operate these areas as they want to stay only in their hands. According to many people this situation is been explained with the globalization and they insist that in the globalized world there won’t be any borders. But in practice this idea only Works fort he developed countries and it might be right that for only a few countries there are not any border but in the rest of the world that represent majority in population there are lots of borders from poverty to civil wars and various types of violations against human. Therefore ‘Blog of Seventy Sevens’ and the developing countries were strongly opposed to the draft
regulations on The International Seabed because this regulations might affect them badly\textsuperscript{11}. And this was the most critical issue of the conference. Because of the emergence of new balances in the world economy, and operating seabed mining productions can provide a new chance for humanity. And it would be established on the foundations of equitable utilization of the energy in the area\textsuperscript{12}.

The basis of the present economical system built up during the two world war, the 1923 economic crisis and the subsequent economic problems between the established Powers set the birth of this system. This scheme is entirely a result of the liberalization of world trade, the GATT (General Agreement on Tariffs and Trade) within the framework of the "most favored nation" (most favored nation), and the emergence of the concept of free trade, such developments were to take place according to market rules. And ‘Bretton Woods’ international monetary system developed in the world, until the 1970s opening the way to the dominance of the U.S. dollar, holding of the world trade is almost entirely in the hands of United States and in other industrialized countries whom the level of developments be much faster than other countries.

In fact, the most important reason behind the rapid development of these countries are; finding energy more cheaper than the other countries. From the date of Colonialism the theory of ‘Centre and outside’ is the main cause of this relationship has been implemented in the system. Until the 1970s, from LDP’s (less developed countries) to the developed countries the barrel of oil was sinking for 1 dollar those days.

In parallel with all this economic conditions in the early 70s the world witnessed number of developments. This is perhaps the most important developments in accordance with the principles of United Nations was the elimination of colonialism. The large number of countries gained their independence or already try to gain their independence by this. And as a result of this policy was increasing steadily. This development in the early 70s followed by the OPEC countries (Organization of Petroleum Exporting Countries) collectively demonstrate an economical power. And oil prices followed by a four-fold increase. So that the world came to an end in the era of cheap energy.

Energy resources in the seabed as a worst case scenario was, to drop entirely in hands of “Developed Countries" . By the search for a solution to this issue at the conference alone, perhaps the situation would affect other issues agreed upon at the conference. However, from the first day of the conference starts as an aim to more fair world and these energy found in seabeds can serve for the development of underdeveloped societies. Even it was called as the ‘New International Economical System’ to supply least developed and developing countries. Especially the "underdeveloped countries," and including the "developing countries" as Turkey’s expectation was on that direction\textsuperscript{13}.

As a developing country and to be the most stable country in the Middle East Region ruling by democracy Turkey had participated actively in conferences but as a result of negotiations Turkey did not accept the draft resolutions. And on the 30th of April 1982 the UN Convention On Law Of The Sea (UNCLOS) is adopted. And the Agreement was signed in the city of Montego Bay in Jamaica on December the 10th in 1982. However, Turkey also has not signed the Agreement. Text

\begin{center}
\textsuperscript{12} ONAT / TÜRMEN, s. 143.
\textsuperscript{13} ONAT / TÜRMEN, s. 141-169.
\end{center}
of the Convention within the framework of a agreement with a single organized all matters related to maritime law, were studied\textsuperscript{14}. Agreement formed from 400 substance and from 9 attachment. However the Convention would enter into force by the 60th ratification were deposited and to undergo 12 months. Eventualy the Convention could enter into force on 16 November 1994\textsuperscript{15}. Turkey is not a party to the Convention and even among the countries that voted against Convention those days. But Turkey's national interests makes necessary to follow the implementations of the Agreement\textsuperscript{16}.

As of June 2011 the number of states that are party to the Agreement was 162\textsuperscript{17}. The part XI of the Agreement is important in this case because it contains the regulations about the international seabed regime\textsuperscript{18}.

In this study we will examine the expectations and the suggestions in the UNCOLS, whether these expectation and suggestions were respondend from the Convention, the structure, the duty and the authorization of The International Sea-bed Authority (is an organisation signed by the states that are Parties of The Agreement) and the problems sourced by the application of the Agreement. Consequently the effects and importance of the Agreement for the less developed and developing countries such as Turkey are examined in this article.

2. THE CONCEPT AND THE DEVELOPMENT OF THE INTERNATIONAL SEABED

In historical perspective the first major controversy in the field of maritime law doctrine happened between the XV-XVI centuries. It was about the sea whether it will be belong to a state sovereignty or not. However in XXth century the impact of technological developments in the strategic interest of states began to change in fields. Claims of sovereignty on the high seas and the oceans of the more advanced stage in these areas has increased and organized by international law. The concept of ‘freedom on high seas’ are no longer in place with the start of the “high seas areas outside of national jurisdiction” and then natural resources of seabeds has seen as "the common heritage of mankind"\textsuperscript{19}.

As mentioned briefly above, outside the limits of national jurisdiction, until these days on the sea bed and the soil was studied entirely under the regime of “freedom of the high seas” principle. However with understanding the value of these sea areas, economic concepts and a new set of regulations need to be born in this area.

\textsuperscript{14} SUR, s. 306.


\textsuperscript{17} SUR, s. 306.


\textsuperscript{19} SUR, s. 306-307.
The issue of ‘how the regulations will be imposed’ was the first question came into minds. In the General Assembly of United Nations in 1967 by the speech of Malta’s Ambassador Arvid Pardo put forth that the international sea bed has to be bound into a great international regime. Pardo also mentioned the developments in technology to search and operate these areas. Then he said: “We afraid that the rapid development of technology in the developed countries would be the reason of the sovereignty of these countries in the area which is normally on the outside of the jurisdiction of these countries. And if it happens, these resources will be consumed and exhausted quickly only by these countries for their own utilization”. And after this speech Pardo suggested to adopt the Area as an “Heritage of Mankind”.20

The concept of the International Seabed "Common Heritage of Mankind", according to the Pardo’s thesis he was the first person suggested the concept, consisted of three main characteristics; These are:

1) Seabed resources should not be subject to state ownership as well as private ownership.
2) To benefit from the resources by all mankind has to be regulated by an international authority and states shall have and equitable representation in it.
3) The necessity of an equitable share of benefits to be obtained from the resources21.

There are two more characteristics of the concept of “Common Heritage of Mankind”. These are ‘the use for peaceful purposes of the seabed’ and ‘the marine environment for future generations by protecting the transmission of the common heritage of mankind to the future’.

Economically advanced and powerful naval fleet states in the Conference force the operation of the international seabed. After long and difficult negotiations in the Conference the Agreement regulated the international seabed in Part XI of The Convention. But The Convention did not accompanied with those states wishes. But the Convention re-organized in 1994 entered into force in July 199622.

The seabed as the common wealth of all mankind, the idea of this resolution and the use the area in this direction Arvid Pardo and Elisabeth Mann who contributed greatly to this regulation were insisting that; 95% of the world's water resources located in seas and it contains hard substances and hydrocarbons and will make great contributions to the world's food requirements23. These two scientists and researchers subjected that these areas presents an enormous store of energy, and will give direction to world trade24.

After all the UN General Assembly in 8 of January 1967 by the decision No. 2340 regulated seabed and the ocean floor outside the national jurisdictions to examine the issue of peaceful use of this resources. General Assembly established an adhoc committee consisting of 35 states. And The General Assembly in 21 of December 1968 by the decision No. 2467 this time by 42 representatives

---

21 ILGAZ, s. 41.
23 ILGAZ, s. 41.
24 ONAT/TÜRMEN, s. 144-158.
established “The Commitee To Study Peaceful Uses Of The Seabed and The Ocean Floor” outside the jurisdiction of states. The number of members of this committee increased up to 86 in 1970 and adopted the decision No. 2750 C in The General Assembly. The Committee also undergoes the change in the mandate of the Committee which was no longer the same decision maker, and The Conference of the Law of the Sea has gained the quality and came into The Preparatory Committee of The Convention.

The committee adopted a resolution No. 2749 in 1970 in the UN General Assembly about an international declaration of principles on the sea bed. This declaration declared the international sea-bed as "Common Heritage of Mankind" as the first time as a decision taken by the General Assembly. The General Assembly in 1973 took a new decision (No: 2750) agreed to held a conference in this field. Thus the process continued with the Third Conference on The Law Of The Sea.

Seabed and subsoil beyond the limits of national jurisdiction can be defined as an international sea-bed accorded to Xth Part of The 1982 Convention. It brought a new concept on the legal bases for the first time. Until that time, the states which technologically and financially developed was consented on the ‘full freedom of the high seas’ (motivated from the principle freedom of seas) and they were supporting the application the same regime for the seabed and ocean floors. Because the benefit of these countries were depending on that suggestion. Fortunately with the advent of Pardo, those that have been discussed in detail in the Conferance "common heritage of mankind" were to be considered at The UNCLOS in 1982 within the framework of the developing countries.

3. THE LEGAL REGIME OF THE INTERNATIONAL SEABED

“Countless words have been spoken and written on the subject of UN reform- so far, it seem, with little effect. Can we seriously expect more words to succeed where so many others have failed?” says Joseph A. Camilleri a Proffesor of Politics in Melbourne. The United Nations statue are always been argued. The current dominant patterns of finance and economics led to globalization a politic discription on the bases of economic structure after the collapse of the gold standard and Bretton Woods system. Many economists and politicians advocated on the economic strategies and conservative macro economic fiscal and monetary policies to reduce inflation and unemployement for greater freedom not for the human for the capital movements and deregulation of markets for capital, goods and labour. These policies bacame dominant in the 1980s and 1990s.

Prior to the 1970s, the technology was not improved in marine research therefore a special regulation on international seabed was not needed. Under the national jurisdiction of the states and on the sea-bed outside the jurisdiction of states was considered within the framework of the implementation of the principle of ‘freedom on seas’. In fact, the regulations of these areas

25 Resolution Adopted on the Reports of The First Commitee
26 ONAT / TÜRMEN, s. 144-158
27 PAZARCI, 198.
28 SUR, s. 359.
29 CAMILLERI A. Joseph, MALHOTA Kamal, TEHRANIAN Majid,
   Reimagining The Future towards democratic governance, Australia, 2000, s. 17 - 33.
addressed within the framework 1958 Geneva Conventions. At first this article refers to a definition of the high sea. It indicates that; "On the sea, internal waters and territorial sea of the state is understood outside the all sea areas". In addition to this, it is similar to the definition in the doctrine of the high sea and under the high sea the international sea-bed have been subjected to the same regime.

Attaining a peculiar arrangement of international seabed, the developing countries made a first step towards the seabed regulations in UN General Assembly in 1969 for the operation of mines in seabed until the establishment of an international regime. This attempt is concluded with an decision which ‘prohibits all activities in this area’. This was a decision known as "Moratorium Decision". The industrialized countries be opposed to this proposal. However, despite the objections of the industrialized countries Developing Countries was brought all of these proposals have been adopted in the General Assembly. With the adoption of this proposal all activities were banned until the establishment of an international regime of seabed.

What would be the legal regulation of the international seabed; Conventions on The Territorial Waters and The Contiguous Zone signed in Geneva in 1958. The Continental Shelf and The High Seas Convention and the Agreements on the Protection of Living Resources on the High Seas Fisheries and the other two Conventions adopted first could not be obtained under the Agreement. Such as coastal waters, as well as the width of the continental shelf and fisheries in the high seas a clear indication of the decisions taken on issues on ‘freedom of the sea’ situation. When it comes to a matter on the agenda of international sea-bed operations of the industrialized countries should be applied to these areas to defend the principle of ‘freedom of the high seas’ were significant in this respect. If the principle of ‘freedom of the sea areas’ would been applied to seabed or international waters no liberty would be left in seas. And several states would freely exploit the area.

Ultimately, The Third Conference on The Law Of The Sea put an end to these debates by the First Article of the Convention signed at the conclusion stipulates that "the meaning of the term of the international seabed is the seabed and its subsoil beyond the limits of national jurisdiction” is so clear. Mainly brought by The Convention on the seabed accounting these areas a"common heritage of mankind" which was considered. The natural consequences of this basic rule was as follows:

- No state shall not claim to sovereignty over the area.

---

31 PAZARCI, s. 197.
32 ONAT/TÜRMEN, s.148.
33 ILGAZ, s. 41.
34 ILGAZ, s. 41.
36 Article 136, ONAT/TÜRMEN, s. 154-156.
37 Article 137/1.
Therefore, the natural resources existing in this area is not the property of any person or any state.\textsuperscript{38} These areas are belong to all humanity, the International Seabed Authority will control all the operations in the area.\textsuperscript{39} Work to be done in this area must be carried out for the benefit of all mankind.\textsuperscript{40} Especially this area will only be used for peaceful purposes.\textsuperscript{41} The products of this area will be obtained from the International Seabed Authority and the revenue will be shared between the Member States in an equitable manner.\textsuperscript{42} The duty of protecting the marine environment in high seas belongs to International Seabed Authority.\textsuperscript{43}

"Common Heritage of Mankind" concept and the above-mentioned rules related to high seas was born at UNCLOS. In this context, the possible damage to this area will cause the international responsibility of any states or other entities of international law is one of the rule are regulated by the Convention.\textsuperscript{44} Also the international sea-bed regime affect the airspace mentioned in the Agreement of the high sea.\textsuperscript{45} The Convention on the nature of the products to be derived from sources in this area only material resources, mineral resources, and live outside the left to keep in mind.\textsuperscript{46} The statement of mineral resources, solid, liquid and gas are included in all kinds of natural mineral resources.\textsuperscript{47} Manganese nodules are found in these areas, so-called bottom of the ocean and the size of the potatoes used in various fields and industry bodies, cobalt, copper, manganese and nickel mines, as well as between these sources.\textsuperscript{48}

\section*{4. INTERNATIONAL SEABED AUTHORITY AND ITS BODIES}

The issue of international sea-bed operation within the framework of UNCLOS to take necessary decisions, but at the conclusion of The Conferance rised a necessity to an organisation to manage the area. This Organisation are established in the name of International Seabed Authority.\textsuperscript{49} Authority represented all the states party to the Convention on the Sea and these states are also the direct members of the General Assembly. Beside The General Assembly the The Council and The Secretariat are the other two main bodies of the Authority.\textsuperscript{50} However, these bodies are responsible

\begin{itemize}
\item Article 137/1.
\item Article 137/2.
\item Article 140/1.
\item Article 141.
\item Article 140/2.
\item Article 145.
\item Article 139.
\item Article 135.
\item Article 133.
\item Article 133.
\item See. The Economical Value of the mines in the International Seabed ONAT/TÜRMEN, s. 149-151.
\item PAZARCI, s. 200, ONAT/TÜRMEN, a.g.m., s. 146, ILGAZ, a.g.m., s. 43.
\item Article 156-157.
\item Article 158/1.
\end{itemize}
to run the international sea bed altogether in distinguished duties. And The Enterprise (Enterprise) are also considered to be among the Bodies of the Authority\textsuperscript{51}. Furthermore, the authorization of the Enterprise being limited only by the International Seabed Authority’s decisions. The Authority can also make a suggestion to the Court of International Law of the Sea (International Tribunal of the Law of the Sea) and the Court can take some binding decision with in assistance of The Office Of The International Seabed\textsuperscript{52}.

A. International Seabed Authority

The Third Conferance (UNCLOS) be remembered with the basic rule stipulated by the Commitee "common heritage of mankind"\textsuperscript{53}. However, the operation of the area will be shaped on this base by The Authority behalf of all humanity\textsuperscript{54}. The International Seabed Authority are concerned in addition for the income from the products to be obtained from the area. To distribute between the Member States\textsuperscript{55} in an equitable manner and the other duty of the Authority is protecting the marine environment\textsuperscript{56}.

Outside the jurisdiction of the states the International Seabed Authority (ISA) are the only authority to run mineral resources and how to use it, to search the area by Enterprise or by giving permission to a corporation and to oversee a restructuring required by UNCLOS. It’s first meeting held on 16 November 1994 in Kingston, the capital of the Jamaica\textsuperscript{57} and currently has 159 members consisted of the states of the European Union are all the members of this organisation and also Parties the Convention\textsuperscript{58}.

B. Bodies Of The Authority

The main Bodies of the International Seabed Authority (ISA) are The General Assembly, The Council and The Secretariat. In addition, to these bodies The Enterprise can be considered as a body of the Authority.

1. The General Assembly

The General Assembly, on an equal footing of all the member states participated in the formation of the International Seabed Authority and the competent body in the highest level at the Organisation. The General Assembly shall meet ordinarily at least once a year. The issues discussed in the meetings of the General Assembly of the loop of the 2/3 of the simple matters of procedure shall take a decision. Members of the Council of the Authority the Secretary-General on the recommendation of the Council as a body and the entity listed in the General Assembly the power to elect the Board of Directors and Secretary General belong to General Assembly.

To regulate fees of the member states and the fairly distributions of incomes from the operations of the seabed are determined by the General Assembly. The contribution of the administrative budget

\textsuperscript{51} PAZARCI, s. 201.
\textsuperscript{52} Article 287 and Annex VI.
\textsuperscript{53} ONAT/TÜRMEN, s.154-156, Article 136.
\textsuperscript{54} Article 137/2.
\textsuperscript{55} Article 140/2.
\textsuperscript{56} Article 145.
\textsuperscript{58} http://en.wikipedia.org/wiki/International_Seabed_Authority, Connection Date: 31.07.2013.
and to determine and adopt the annual budget by the assistance of The Council and the Enterprise, to examine the reports from the subsidiary bodies are all with in the grasp of the General Assembly.\(^{59}\)

2. The Council

According to the geographical location and the sea bed exploration and production activities in the various categories of states The Council is composed of 36 members elected by the General Assembly.\(^{60}\)

Provided for the meeting at least three times a year, members of the Council are elected for a period of four years. Each member state has the right to one vote in the Council. Depending on the nature of the subject matters of the Council on the merits of 2/3, 3/4, or by a unanimous vote and may take the decision on procedural matters by a simple.\(^{61}\)

The main tasks of the Council is considering the reports submitted by the entity, to instruct Property, business or other government agencies or private companies and on the operation of the International sea bed and to accept suggestions their work plan be undertaken in this area at the same time to check all the work, the The Council can make recommendations to the General Assembly on the policy to be followed in this area can be counted as the Councils duties.

The Council will engage in activities in the field of International Seabed. There may be obstacles, even for the purpose of protecting the environment. Commission such as “Technical and Law Commission” and Commission on finance are, the subsidiary bodies to assist the Council.\(^{62}\)

3. The Sekretariat

Working alongside other staff of the Secretariat of the Secretary-General and his staff of an international organization, with all the powers, immunities and privileges of immunity benefits.\(^{63}\)

4. The Enterprise

The Enterprise, is an international body established by the Authority in order to operate directly from the Authority. The Enterprise depends on the decisions of the General Assembly of the International Seabed Authority.\(^{64}\) In addition, the control and management of the Body works under the Council. Operation, a 15-person Board of Directors, the General Manager and the required number of staff working in one. Authority of the equity capital of around $ 1 billion in business was the first member states and provided legal entities.\(^{65}\)

5. The Operation Of The International Seabed

The concept of "Common Heritage of Mankind" resembles the social property, although, in fact, the concept of Common Heritage contains a broader meaning. The concept of social ownership or state ownership of private property in the rejected participants in the joint management of production,

\(^{59}\) Article 159-60. \\
\(^{60}\) Article 161-166. \\
\(^{61}\) Article 161/8. \\
\(^{62}\) PAZARCI, s. 202. \\
\(^{63}\) Article 166-169. \\
\(^{64}\) Article 160 and Annex IV. \\
\(^{65}\) PAZARCI, s. 202.
distribution, and expected profit. However, in the concept of the common heritage there is a difference in co-ownership, joint ownership and profit distribution of the company were limited only with the the company and the distribution of profit, as well as all activities related to our seabed as the ‘common heritage of humanity’ are allowed. Therefore, the research, the transfer of technology, such as pollution prevention and non-financial issues are included in the scope of the concept of the Common Heritage.

One of the aims of the concept of the ‘common heritage of mankind’ this resources is not the property of any person this resources are objected to contribute to the regional economic development mostly for the less developed and devaluing countries. Thus, an important step towards the restoration of the New International Economical Order will be taken. Fort his Article XI of the 1982 Agreement on the implementation of Agreement has been adopted in Kingston in 1994. Including the regulations of the International Seabed Authority, which had been envisaged the structure of it. However, the first Article of the Convention on behalf of the international community responsible for carrying out all the activities by the "Authority" in the mandate of United Nations.

Increasing the financial resources of developing countries in the past, what they need to be provided in the following table was seen at, tried to analyzed. First, the financial and technical assistance to countries, either directly or indirectly, to a certain extent with some of these countries; the foreign trade income, debt and short-term solutions, such as deferral or deletion of these countries depts, the investments made by multinational companies or by international grants were the names of the main sources of income. However, these resources are insufficient for real developments in these countries.

However, a new approach to international economic relations from the emergence of the Authority has been highlighted. Authority in developing this approach to regional economic development has a duty to be high at the provision of financial resources. Countries through the provision of authority towards the international sea-bed and the bottom of the planned financial resources will be generated sources. These areas are to be established on the income arising from this source would form the joint ownership. On behalf of the international development of this new approach was a means untried in human history up to that time.

Partially or completely under the jurisdiction of the states for scientific researchs on marine areas are given the authority to allow essentially accepted the principle of freedom for scientific research by the international seabed authority on international seabed resources developed within the framework of all states, and states that the principle of the utilization of the less developed states to help in this regard that is envisaged. "Thus, the width of this Agreement use the principle of

---

66 ONAT/TÜRMEN, s.156.
68 ILGAZ, s. 44.
69 ONAT/TÜRMEN, s.158.
70 Article 143/2-3.
71 Article 143/3-b.
‘unlimited freedom, instead of the usual two-dimensional sea, is mentioned in the depths of resources, brought to the principle of limited width and said three-dimensional marine business”72.

Have the authority to carry out the activities of all the countries in the region jointly owned companies, as well as revenues of the Authority will be obtained for operating rights of his own arm, "The Enterprise" and can undertake production activities income, developing countries would receive shares directly. Thus, so far as a result of industrialized countries, the economic advantages of a large part of the income from operations help formula and transfers to developing countries, instead of dominance within the framework of a partnership in which the use of the developing countries and the developing countries were to benefit directly from the revenue73.

According to the Agreement the operation of the international sea-bed is possible in two ways. The first way is, "directly by The Enterprise" and the second is " by the companies of member state’s” with the permission of the Authority74.

A. The Direct Operation By The Enterprise

The operation by the seabed directly “The Enterprise”, alone without any authority a subsidiary of an international company that acts as an internal Enterprise (Enterprise) is understood through the operation of the seabed. However, it comes to the business area of the sea bed operating in each case in order to make the Council must submit a work plan. Technical and Legal Commission first examined the work plans. If passed by the Council, the Commission, whether to accept the plan, but with the force of a contract is possible75. So without the permission of the Council in the operation of the international seabed under the contract is not possible. However, the Council did not make the business as required under the contract on the task to oversee the implementation of measures necessary to decide76.

In this sense The Enterprise is an organ of The Authority in the property benefits from certain privileges. As can be seen below that says that you have to fulfill a number of specific obligations of other operators are not subject to property. One of them; the International Maritime Authorities is the business section of sea bed in order to operate any business right77. Unlike other private business ventures in these areas also wants to direct himself alone and, if the method of co-operation or operate a number of works by other operators to make a contract78.

B. Operation By Obtaining Permission From The Authority (Indirect Operation)

By the operation of the business on the international seabed authority to another member state authority bodies, or under the control of nationals of Member States by legal or real persons can be operated79. However, in this case the sea-bed area organization or a real person who will operate the Council must submit a work plan. In Authority work plan comes first to The Technical and Legal

72 ILGAZ, s. 44.
73 ONAT/TÜRMEN, s.156-157.
74 PAZARCI, s. 203.
75 Article 13/3.
76 Article 153/4-6.
77 Annex III, Article 3/2.
78 Annex III, Article 9.
79 Article 153/2.
Commission who examines and adopts draft and later The Council make the draft as a contract. real or legal persons in the same way the operator with the Council after the start of operations in accordance with the contract signed between the Authority, the operator or real persons organizations act in accordance with the contract and whether they act in accordance with auditing is authorized to take all necessary measures if it is not.

Furthermore, the real persons or the relevant Member State Authorities in order to receive a permit to operate the area must fulfill a number of conditions. First and foremost, these persons must give certain amount of income to Authority. However, if the authority wants technology transfer in favor of the national organizations or partnerships are required to do. In addition, a number of operators are required to produce mines, not to exceed certain quotas.

Operators who fulfill the above conditions, as well as other conditions of the business areas they have rights to operate. But here the corporations can operate just one of the area had been shown from two distinct areas. Authority may permit to operate one of these areas by the Authority’s Enterprise or may release to any other operations.

5. FROM PAST TO PRESENT: THE STRATEGIC IMPORTANCE OF THE EASTERN MEDITERRANEAN

To dominate the Mediterranean for many centuries has been one of the first targets of empires and states. In fact to the empire founded by Alexander the Great and to the Eastern Roman (Byzantine) Empire, the Mediterranean was still the target. Even in ancient Rome for the Mediterranean 'Mare Nostrum' meaning 'our sea' statement was used. Muslims began inputting maritime importance since the establishment of the Umayyads later VIIth and VIIIth centuries, Egypt, Syria and the Mediterranean Sea except for some of the northern coast of Turkey in the Mamluks ruled for centuries. In fact, the famous Turkish Admiral of the Ottoman naval dominance Barbaros Hayrettin Pasha formed the basis of the theory of "the state ruling the seas will rule the world". And any of the Ottoman Sultans came to the throne and always paid great attention to the Mediterranean Sea.

As a result of this nearly all of the Mediterranean has been dominated by the Ottomans by Suleiman the Magnificent. The Ottoman Navy ruled the Black Sea just as the Mediterranean Sea between XVIth and XVIIth centuries. Venetian’s in the XVIIth century took advantage of non modernisation of the Ottoman Navy in the Mediterranean Sea but after half a century Ottoman Navy is been modernised and took the advantage back again. The rule of Ottoman’s in the Mediterranean Sea took place until XIXth century. When Ottoman began not to pay enough attention to sea began to lose lands and consequently returned to shores of Anatolian after centuries.

The purpose to make a brief summary throughout history of the struggle for hegemony over the Mediterranean Sea was not only to emphasize the importance of Mediterranean Sea in terms of Turkish history to emphasize the importance of this sea and its area in terms of other states.
The Mediterranean: Cyprus, Sicily, Malta and the Eastern Mediterranean and the Indian Ocean islands have the Suez Canal unites and comprising more than half of the world's oil reserves, the Middle East and neighboring regions to date in terms of keeping under control, as well as other states in the interest of the states in this region draws. Another importance of the eastern Mediterranean to the east of the western world, the presence on the trade route linking. Because of Turkey and Syria, Mesopotamia, the Eastern Mediterranean and the Near East, the Suez Canal and the Persian Gulf and the Arabian Peninsula, far reaching. Eastern Europe and the Far East Mediterranean trade routes off the line by the terms of the 7000 nautical miles shorter than the Cape of Good Hope. This means an important advantage on trade. So much so that an annual average of Mediterranean more than 220,000 available in cruise ship in the Mediterranean Sea, the seas of the world, although only 1% of world traffic, covering a sea area of about 1/3 means that the reputation of his home. For that reason, the Ottoman, in Rhodes, Crete and Cyprus, has made a serious effort to retain advantage there. But now the situation in the Eastern Mediterranean is is:

- Although it may seem like UK to leave its bases are located in Cyprus used during the Gulf War but continued through the presence in Cyprus and still known to have used these bases.

- U.S. forward bases in the region, some physical (Incirlik / Adana, Suda/Crete, Gaeta / Italy and so on.) Was added to the open waters of the Mediterranean as a continuous circulation of the aircraft carrier groups.

- Russia's efforts to obtain almost all the Eastern Mediterranean basin base (now Tartus)\(^87\).

- France on 1 March 2007 in the town of Paphos with Cyprus a military cooperation agreement signed to use "Andreas Papendreu Air Base"\(^88\).

- And finally come out of the Arab Spring in Tunisia, an increasingly common, and were known as Libya, Algeria, Morocco, Egypt, Syria, Jordan, and Bahrain in the process, including\(^89\).

Throughout history, the geography including Turkey's own interests and security of the global and regional powers and protection from long distances, as well as other states try to keep threatened and under pressure in an attempt to keep the Eastern Mediterranean were under constant supervision. Keeping the possibility of interference from the Middle East because it needs to be controlled, kept under control similar to North Africa, Russia and the Western powers, Russia's southern expansion throughout history, we know that the purpose of continuous efforts from the geography of the Eastern Mediterranean and Middle East the military has become a battleground. As a result of this game is to be left behind hundreds of thousands of human beings, particularly the bloodshed in Syria, with the migration of hundreds of thousands of neighboring states was based on the interests of certain states.


\(^{88}\) YAYCI Cihat, “Doğu Akdeniz’de Deniz Yetki Alanlarının Paylaşılması Sorunu ve Türkiye”, Bilge Strateji, Cilt 4, Sayı 6, Bahar, 2012, s. 4-7.

\(^{89}\) POYRAZ Yasin, “Suriye Vatandaşlarının Geçici Korunması ve Uluslararası Mülteci Hukuku”, SÜHFD, Cilt 20, Sayı 2, Yıl 2012, s. 55.
6. SETTLEMENT OF DISPUTES

In The Third Conference, there was a great controversy between the less developed states and the developed states especially the United States and the Western States. As a reflection of this situation during the adoption of the Convention 130 states at the conference voted in favor of the contract up to 17 and the fourth state in the Western and Socialist government for various reasons, to abstain from voting. The states voted against the Convention was America, Turkey, Venezuela, and Israel\textsuperscript{90}. Even in those years with the development of the technology that is required to operate international seabed in America, Soviet Union, Britain, France, the Netherlands, Federal Republic of Germany, Japan, Italy, and Canada were the most advanced states in this area, such as the United States of America, United Kingdom, Federal Republic of Germany and Italy did not sign the Convention at all\textsuperscript{91}.

The main reasons for being opposed to the Convention of The Western States and the United States are;

i) The permission of The Authority may stand on political grounds.

ii) The high amount of the fee which should be paid before the permission of The Authority

iii) Operating expenses, including the costs of the American authorities to join the necessity of a 25%

iv) Both government agencies and private enterprises operating the area can only take one of the two regions which had to be suggested before and in all situations the other area will be released to The Authority

v) The technology transfer to the Enterprise and to the developing countries which the developed countries must supply.

vi) The implementations of the quota for operation of some of the mines.

vii) A number of privileges granted to The Enterprise to disrupt free competition.

viii) The distribution of profits to be derived by the Authority to give a share to national liberation organizations\textsuperscript{92}.

During the conference, with the developed nations and the least developed countries number of disputes emerged on the operation of the international sea-bed. Here is the solution to the dispute resolution mechanisms on behalf of the international system.

A. The International Tribune Of The Law Of The Sea

The Convention established in accordance with the Law of the Sea in Hamburg on 1 October 1996 was the first meeting of the International Tribunal. The official opening ceremony of the court and the judges took an oath on October 18 at the time, with the participation of the United Nations Secretary-General Boutros-Ghali was held in Hamburg\textsuperscript{93}.

\textsuperscript{90} PAZARCI, s. 204.

\textsuperscript{91} Article 190.

\textsuperscript{92} ONAT/TÜRME, s. 165-172, PAZARCI, s. 205.

\textsuperscript{93} AKÇAPAR, s. 20.
There are some options to eliminate the disputes between the state parties. Non-compulsory options as well as the dialogue, commercial arbitration, negotiation, compromising compulsory international adjudication, arbitration court case dating back to the identification of a wide range of private international law has developed especially the peaceful settlement options. However, the international dimension, which are intended to correct the legal ways of solving the problem at this point it is important to exploit the detection. In this respect, the solution of international disputes in a number of rules of procedure should be followed. In the XVth Part of the Convention the judicial solution are remained in the background of the solutions from peaceful diplomatic methods. The Convention force peaceful solutions of disputes between the states parties; to interview, friendly enterprise, mediation (conciliation), research and commissions of inquiry and other such political / diplomatic soluiton are the solutions which are the priority methods must be tried.

The most important feature of the International Court of Law of the Sea "compulsory third-party method" is adopted. In fact, one of the methods of the International Peaceful Resolution of Disputes "solution with the help of a third party entity of international law," the implementation of road has been a long time. As a matter of fact, the term United States in international law, even some who accept the compulsory jurisdiction rejected this application. For this reason, the states party to the Convention and arbitration compulsory third party agree to a contract which ways are important in this regard. Also the first permanent international judicial is the Tribunal of The International Law of the Sea.

After this brief information about the Court in relation to our study, one of the offices of the Court compelling solution for Seabed Disputes will continue to be examined.

**B. As A Sub-Office Of The Court – The Office Of The International Seabed**

Established in accordance with Annex VI of the Convention and paragraph 2 of Article 287 The International Tribunal of Law of the Sea established an Office for the purpose of the settlement of disputes related to the sea bed. In the absence of diplomatic success in all methods tried and mandatory dispute resolution in this area The International Court of The Law of the Sea and it’s sub office the International Seabed Office is founded. The fact that the office of the court, especially the operation of mines and the Exclusive Economic Zone on the sea bed, provided the contract has been established for the purpose of checking compromise. Office of the court requiring the establishment of the International Seabed regime by a number of States Parties to the Convention the High Seas with the recognition of economic rights, the adoption of the "Common Heritage" to control the operation of the seabed and offshore exclusive economic zone is also party to the

---

94 AKÇAPAR, s. 21.
95 BATIR Kerem, “Birleşim Milletler Deniz Hukuku Sözleşmesi Uyarınca Uyuşmazlıkların Çözümü: Mox Plant Davası ve Yargı Yetkilerinin Ortüşmesi”, Uluslararası Hukuk ve Politika, Cilt 4, No. 16, s. 65.
96 CAMILLERI / MALHOTA / TEHRANIAN, s. 11, Article 283.
97 Annex V.
98 AKÇAPAR, s. 21-22.
99 Article 2 / 3
100 AKÇAPAR, s. 20. For Example: The United States has taken a back declaration in the Nikaragua Case.
101 AKÇAPAR, s. 20.
102 AKÇAPAR, s. 34.
Convention, flights and transportation emancipation third parties without the need to guarantee the continuation of reconciliation can be expressed as provided by The Agreement\textsuperscript{103}. 

Office of International Seabed Authority initially conceived as a body charged with overseeing the International Seabed Authority, but the circle of negotiations that rised between States Parties to this function in place was not appropriate and consulted in case of a deadlock has been forced into a judicial body. In this sense, the most important function of the Office, and another solution came into the protection of the rights of states party to the dispute, for various reasons of environmental protection or retained by the coastal State in the immediate release of ships emergency "temporary measures" (provisional measures) making power\textsuperscript{104}. Office powers other than the power to take such temporary measures will consist of three judges will be established and an on-site temporary (ad hoc), the court or arbitration tribunal, share trading. Also the judicial mechanisms of the Office in the context of compulsory jurisdiction is restricted. For Namely, the authority to have the rule created by executive authority, compliance with regulations and procedures to inspect the invalidity of the contract which has been the option. Because these types of activities subject to the exclusive jurisdiction of the Authority's activities. These are areas within the discretion of the Authority in the context of administrative law. Authority put these together in a particular case the rules, regulations and procedures for the implementation of the party's claim would be contrary to the contractual liabilities or obligations arising from the Agreement falls within the competence of the Office. Obligations under the Agreement or a Agreement resulting from executing the same alleged defect claims may be decided on the agenda, and finally beyond the powers of the authority or abused its powers his way to process claims, the decision-maker in the Office\textsuperscript{105}. In summary, the situation falls within the jurisdiction of the Office listed as follows\textsuperscript{106}:

1. Disputes between the parties on the interpretation of provisions of UNCLOS states 
2. Authority imposed rules, regulations and procedures of the Authority as well as in violation of any organ of a State Party to perform actions and the consequences of defects in the determination 
3. Beyond the powers of the Authority's operations or transactions carried out using the abuse of authority and decision 
4. Real and legal persons with the authority of States Parties or with the agreements between the parties to the Agreement interpretation, application or detection of defects in their destructive acts 
5. Interface converters authority and other interested parties, on the issues related to the operation of the seabed authority or responsibility or liability for damages as a result of operator errors on the firm's decision on cases 
6. In legal issues The General Assembly and The Coucil\textsuperscript{107} can take an advisory opinion from the Office\textsuperscript{108}.

\textsuperscript{104} AKÇAPAR, s. 35.  
\textsuperscript{105} Article 189.  
\textsuperscript{106} Article 187.  
\textsuperscript{107} AKÇAPAR, s.37.
Operation of real and legal persons in international commercial activities in the seabed of an international order directing that the Convention, as well as some of the allegations in the number of non-state actors in international judicial mechanisms of the envisaged solution. In this sense, the power vested in Law of the Sea Convention, the International Court is a court of exclusive jurisdiction. From the real and legal persons also four separate contractual dispute to resolve the shape of the Office of the Court understood that the office of the International Seabed. According to the International Maritime disputes about the interpretation or application of a contract on seabed Operation mainly commercial disputes by arbitration, but to fix the re-interpretation of the Convention will be necessary for The Office. Also related to the operation of the seabed by any other party to a conflict aimed at undermining legitimate demands and interests of such disputes is that the verb and the defects will be directly in front of The Office. However, with the authority of the other candidates for the operator or the operator's own candidates in accordance with Article 22 of the contract between the Authority and the implementation of Annex III to defects resulting from actions and situations, The Office is fully authorized to disputes.  

7. CONCLUSION

Regulations by the international law aims to prevent the ownership of the international sea beds by the developed countries. In short, the exploitation of these energy fields to be prevented from the states invoked. For this purpose, a new international order started the process and the states that consume the energy and the natural resources there were asked to expire. For this purpose, Malta's ambassador to the UN General Assembly A. Pardo in 1967 was in opinion that the international sea-bed can not be managed with the principle of 'freedom on high seas'. After Pardo further states suggested that the national ownership on high sea can not be permitted in the essence of the sea bed areas that created the general concern in Assembly. Following this conversation has moved on, and December 18, 1967 the UN General Assembly adopted a Resolution on the seabed and the ocean floor outside of national jurisdictions to examine the issue of peaceful use has decided to establish an ad hoc committee consisting of 35 states. If the General Assembly on 21 December 1968 by Decision No. 2467 of 42 representatives of the state "Areas Outside the National Seabed Authority and the Committee on the Peaceful Uses the ocean floor" established. This time the decision numbered 2749 in 1970, the General Assembly adopted a Declaration of Principles and the international sea-bed for the first time this declaration, "the common heritage of mankind (the common heritage of mankind)" has been considered. However, following the decision of the UN General Assembly resolution No. 2750, this time in the Third Conference to collect.  

Officially no. 2749 by the decision of the international seabed regime after determining the status of the General Assembly of the international seabed "common heritage of mankind" how the status of

108 Article 159 and Article 191.
109 AKÇAPAR, s. 36.
110 SUR, s. 360.
111 ILGAZ, s. 41.
112 ONAT / TÜRMEN, s. 144-148.
113 ONAT / TÜRMEN, s. 144-148.
114 ONAT / TÜRMEN, s. 144-158.
sanctuary, the sea areas concerned and to check the operation of mines and energy resources and how they negotiated and clarity of the matter as well as many attaining in Third Conference. In fact, by the General Assembly in 1969 to the insistence of developing countries received intensive "moratorium decision" despite opposition from the developed countries, with all their international sea-bed mining operation until the establishment of an international regime banned all activities in this area. This is the area of the sea as soon as possible by the international law, raising the need for regulation in a comprehensive manner 116.

In 1973, starting in New York and Caracas, and then continued in various cities 1958 Geneva Conventions, the UN Conference on Law of the Sea Conferences divided into many points. The first of these points, the third conference conducted in nine years is a long process 117. Already the largest conference to be held under the aegis of the United Nations Conferences with nature has cost a lot in terms of both time and financial burden. For this reason, the patience of the countries participating in conferences and considerably beyond the budget set aside for the conference started. For all these reasons the conferences from 1958 to 1982 over a period of up to 24 years is no longer required the termination must be given a concrete conclusion 118. Conferences for the labor spent on the successful outcome of all this is for a comprehensive agreement covering all aspects of the agenda of the conference preparation needed to be accepted by all the states participating in the conference. Because of the universal nature of the agreement, but then the end of the conference would be completed in the first condition to win. The third most important obstacle to success in such a conference, which is taken up and cause blockages in the "International Seabed Operation of Mines" was a matter of 119.

Energy resources in the seabed in its entirety "Developed Countries" in case of ownership by the search for a solution to this issue at the conference alone will not be bogged down, perhaps the situation would affect other issues agreed upon at the conference. However, from the first day of the conference conferences began to be built in the world, and the establishment of a more equitable economic order was thought could serve the development of underdeveloped societies. Even the "International space doctrine of the legal operation of the seabed by some authors the" New International Economic Order "which they referred to as" least developed "and" developing countries "can contribute in the development would contribute to the establishment of an equitable international economic order. Especially the "underdeveloped countries," and Turkey, including the "developing countries" conferences expectation that direction 120.

The distinctive features of the third conference, both in developed countries and the third world countries at the meetings as well as plenty of natural resources of the coastal countries and the other countries of this conference was the launch of a wide variety of conflicts of interest. So much so that many of the topics at the conference in the package (package deal) has been the subject of bargaining. Despite all these limitations, the conference was also consensus (consensus) method, the conclusion that the main feature of the conference 121.

116 PAZARCI, s. 198.
117 SUR, s. 305 - 306.
119 ONAT / TÜRMEN, s. 141 - 169.
120 ONAT / TÜRMEN, s. 143.
121 SUR, s. 305 - 306.
Signed at the end of the third conference on the Convention on the seabed under the following headings listed basically brought the regulations:

1. No state or the person or property rights can not have sovereignty over the region and riches.122

2. Region, but can be used for peaceful purposes. International audit committee will be established for this purpose (sea bottoms Committee). Already in 1971, at least 12 nautical miles beyond the lines on the bottom of the sea floor and land were prohibited from placing nuclear weapons or weapons of mass destruction.

3. Operated in the region for the benefit of humanity. Operation of the International Seabed Authority, the International seabed mineral resources, subject to the permission. These resources (oil, gas, copper, manganese, cobalt, nickel, etc.) operation will be certain quotas.

4. A portion of revenues derived from mineral resources will be allocated an equitable Seabed Committee. Thus, the establishment of a new international organization, the activities of the organization of the General Assembly, the Council, the Secretariat, will be carried out by such bodies and institutions under the business name. We also resolve disputes on this issue in the International Criminal Tribunal for the Law of the Sea established.

Participated actively in the negotiations with Turkey, but these conferences Jamaica'nın on December the 10th of 1982, signed in the city of Montego Bay has not signed the UN Convention on the Law of the Sea. Text of the Convention within the framework of a contract with a single organized all matters related to maritime law, were studied123. Contract 400 substance and formed from attachment 9124. The basic rule prescribed by the Convention on the International Maritime bed, the sea areas to be remembered, "the common heritage of mankind as" adopting125. However, the basic rule is that the operation of this area as a result of an authority to act on behalf of all humanity, let. Here is responsible for the operation of this Convention, the international sea-bed Authority International Seabed Authority of prescribed126. Benefit to be gained from this area that the products provided by the United Nations in the system by the Authority will be allocated among the Member States an equitable manner127. In addition, all of these together again, this authority is left to the task of protecting the marine environment128.

On 16 November 1994 the first meeting of the International Seabed Authority, which is located in the capital city of Jamaica an international organization established in Kingston129. Currently, 159 states are members of the Authority and the European Union, at the same time each of the states

122 The United Nations Information Center UNIC - Ankara, Article 1/1.
123 AKÇAPAR, s. 19-20.
124 SUR, s. 306.
125 ONAT/TÜRMEN, s.154-156, Article 136.
126 Article 137/2.
127 Article 140/2.
128 Article 145.
party to the Convention. Also under the authority of The General Assembly, The Council and The Secretariat, as well as The Enterprise can be considered as an organ of the Authority.

However, entry into force of the Convention for the deposit of the 60th instrument of ratification, and the condition had to undergo 12 months. In these conditions, approximately 12 years after the signing of the Convention on 16 November 1994 and the contract, but rather getirilebilmiş could enter into force on 16 November 1994. Turkey is not a party to the Convention, but even among the countries that voted against the terms of Turkey's national interests is necessary to closely monitor implementation of the Convention.

REFERENCES

AKÇAPAR Burak, “Birleşmiş Milletler Deniz Hukuku Sözleşmesinde Deniz Hukuku Uluslararası Mahkemesi”, AÜSBFD, Prof. Dr. Oral


SUR Melda, Uluslararası Hukukun Esasları, Baskı V, İstanbul 2011.


