

States Ownership and Sovereignty over Marine Resources

Keramat Alah, Darvish Nezhad

Master of Private Law, Persian Gulf International Education Center, VTS Officer, Port Complex and Shipping Administration of Abadan

Abstract

The importance of marine territories as well as the huge wealth laid in the seas have long been of interest to humans. Nowadays, energy and natural resources are among the main bases of the development and growth of human societies. The failure in economic development of the countries has been among the main motive for establishing maritime laws and also to prevent the mastery of superior naval forces besides the use of its benefits by coastal states. Undoubtedly, the seas are the provision to many of today's issues, including the empowering of nations to exploit and to supply food and protein, the economic use of mines and the expansion of transportation, culture and scientific communication, trade and its prosperity, the industry, and the countries' defense of their land by sea in different parts of the world. As a result, it is inevitable for the countries to put their efforts to fulfill their sovereignty over the marine resources and ownership of the economic benefits of the sea.

Key words: Sovereignty, Natural Resources, Marine Strategy, Geopolitics, Marine Territories

INTRODUCTION

For consecutive years, the human has used the seas for transportation, recreation, burial of waste, and defense. In recent years, due to vastness of waters on the planet, which include many mines, governments have been attracted to them (7). The extent of the ocean realms which is about 360 million square kilometers and covers 71% of the Earth's surface, brings to mind the idea that it is better to use the word "Oceans" planet instead of the word "earth" planet, in which we live.

The seas contain an indescribable wealth inside them, and it should be noted that 90% of the subterranean and sub-basin areas of the oceans are still unknown to humans. One of the reasons for the emergence of the concept of a coastal state in new law is actually to support the economic and social development of the coastal state as well as the economic reasons.

These countries mainly sought to change the laws of the sea due to the economic reasons, and it can be said that the laws of seas are more affected by economic issues than other branches of international law. All the economic considerations have been affecting and will continue to affect the laws of the sea.

Developing the competency of coastal states in the realm of the seas is nothing but an attempt to compensate their adverse geographical and economic status. Actually, the coastal states demand special rights in coastal areas adjacent to their shores. The emergence of different theories, including the theory of "ownership rights" and the theory of "sovereignty" is due to coastal states' efforts for expanding their competency and jurisdiction over the maritime areas.

Ownership theory: the medieval feudal concepts are the main bases of this theory and it continued to exist until the middle of the seventeenth century, reflecting the ownership of the coastal state on the waters of its own territorial sea. However, this theory has vanished due to the inclusion of the topic of the territorial sea in the rules of contemporary international law.

Sovereignty: it means that the coastal government has exclusive governance right in terms of security, police, customs, fishing, and so on, without sequestration of the

Access this article online



www.ijss-sn.com

Month of Submission : 05-2017
Month of Peer Review : 06-2017
Month of Acceptance : 07-2017
Month of Publishing : 07-2017

Corresponding Author: Keramat Alah, Darvish Nezhad, Master of Private Law, Persian Gulf International Education Center, VTS Officer, Port Complex and Shipping Administration of Abada. E-mail: p.k.darvish51@gmail.com

territorial sea. Based on Professor Rene John Dupuy idea, it can be said that right of ownership and sovereignty are now merged and coastal countries want to distinguish their economic sovereignty over resources in the seas, because they mainly intend to seize resources in the neighboring waters of their territory,

METHODOLOGY

In this research, which is a library-based study with a descriptive-analytical approach, the author sought to investigate issues of the sovereignty and ownership of states on the natural resources of the seas and the oceans, according to international documents (the 1982 Convention on the Law of the Sea), articles and resources related to Legitimacy, sovereignty, maritime delimitation, and authorities of the executors (governments), from different legal, governance, commercial-economic, and the like perspectives.

The Marine Wealth

With the passage of time, the world population has dramatically increased as in the end, the mines on the planet will be short of supply. As a result, the human need to use the ocean reserves more than ever. Some countries have extended their land by adding their sovereignty over the seas. However, it should be noted that the oceans are the solution to many of the issues of the modern world, including the empowering of the countries to exploit them to supply food and protein, the economic use of its mines and the expansion of transportation, and the culture and scientific communication of countries from around the world. The oceans play a very valuable role in human life, including the food supply, trade, industry and defense (8).

Fossil Fuel

Today, the oil and gas are two valuable commodities which are ignorably effective in adopting political positions and factions in international relations. Also, some believe that the key to victory is in the hand of the party that have more resources and more oil (4). During the recent decades, the oil extraction from seas has undergone a massive increase. These activities take place on the coast of 80 countries and on more than 800 oilfields. In the beginning years of the next century, oil production from the sea will be expanded up to 35% of global production. In addition to the above resources, mineral lumps are of a great importance as their exploitation is being subject to a particular international system and it has originated the identification of the concept "common heritage of mankind." These lumps, found at a depths of 3,000 to 5,000 meters from the sea, were known from 100 years ago, however their extraction and exploitation began since the last three decades. What

was emphasized by the classical law of the seas, which previously laid the foundations for the principle known as "freedom of the seas", was the equality of states in the use of maritime areas for shipping, in order to exploit its living and non-living resources.

Sea Therapeutic Benefits

The human being used the sea for this purpose from very old times. Some gods received their energy and power from getting into the sea. Socrates and Herodotus believed the sea has some effects, and "Euripides" wrote that the sea treats people's illnesses, and that Greek and Iranian scientists knew the healing effects of marine medicine. Since the early nineteenth century, the experimental era of this science was gradually replaced by the scientific era and the scientific research on the therapeutic effects was begun. In 1913 the "International Maritime Therapy Forum" was formed and the investigators precisely determined the effects and uses of marine medicine and its results (5).

A variety of strange forms of life can be found in the seas and oceans. This biodiversity caused by the extremely varied physical and chemical conditions of the marine environments has caused almost every branch of marine organisms to provide a variety of unique molecular structures. As a result, the marine environment is a highly valuable source of natural and biological products (which can be used clinically) whose structural-chemical properties are rarely seen in other natural plant products or terrestrial animals (20).

The World and the Sources of Energy

Since energy in today's world is one of the main bases of the development and growth of human societies, it has strategic importance in relations between countries. Nowadays, the energy has become the prerequisite for realizing development plans in different countries, more than ever, because energy and its supply are the key to any industrial society as in the absence of sufficient energy, the industrial development cannot be gained. In other words, energy, especially oil and gas, has now become the basis of global power and wealth, and plays a fundamental role in determining the position of countries in the hierarchy of power and global wealth (11). Today, about 75 natural elements out of the 90 elements found on the planet can also be found in the seabed, most notably uranium, manganese, magnesium, vanadium, nickel, gold, silver, azure metal, potassium sulfate, calcium and iodine. Among the other lifeless reservoirs of the seabed, natural gas, oil and strategic metals such as iron, copper, and aluminum can be named. Sand and gravel are also among the most important sea mines which play a vital role in building (8).

Paul Rogers, in his article "The Issues and Resources of Insecurity in the 21st Century," expresses a warning about

the future. He believes that there are two types of sources: renewable and non-renewable, such as underground resources that, if exploited, cannot be replaced. His puts his emphasis on the energy and oil (18).

In recent years, a reliable economic source has been created through extraction from the depths of the oceans, especially for manganese stones. Considering the above, the seas have become one of the most important sources of energy and mineral resources and raw materials for the industry and supplying the protein needed for the human. In the early 1970s, marine reserves were estimated to account for about 20% of total oil, while the scientists reported it to be up to about 50% in the mid-1980s. We can witness the decrease in mines on the land as well as an increase in the extraction rate and land transportation with the increase in population. Therefore, it is necessary that human beings, more than ever, consider the resources in the seas to survive. (8)

Sovereignty

The sovereignty is equal to the existence of a kind of an absolute and ultimate political authority in the political community except which, there is no ultimate authority. In this view, sovereignty is a fundamentally legal concept. In addition, it is absolute and not relative. Speaking of more or less sovereignty is wrong. A political entity either owns sovereignty or lacks it. So, it can be said that it is the existence of a specific entity that holds the power and the supreme power in a legally defined society (land). Internally, the power is superior and governs its communion. Externally, the notion of sovereignty is that states are not subordinate to any superior power. Governments may optionally adhere to international law or the decisions of an international organization, however they are not allowed to recognize authority beyond themselves. From this notion of sovereignty, the equality of all states of the international community can come to mind. Equality doctrine of sovereignty means equality of ability as well as equal rights. (25)

The Legal Concept of Sovereignty and its Historical Evolution

With the advent of societies and the human need for a coherent organization, the sovereignty also came to the life, and it has undergone various ups and downs in its historical course until it took the form we see today. However, as soon as we are free from the psychological aspects and its occupations, we face sovereignty in the material world with various constraints and conditions. The sovereignty was subject the issues such as aggression and resort to force in an era of force of power and lack of international law. Throughout history, humanity has not complied with the mentioned constitutions; The reason for this is the growth and prosperity of a recent century, which has decisively

contributed to today's human achievements which are as old as human life and perhaps more. It is all achieved in the shadow of constraining the old perspectives and sewing the new garment on the international stature.

Some of the law scholars believe that sovereignty is the supreme power of command or the possibility of exercising a willful will. When it is said that the state is ruling, it means that in the domain of its authority, there is a spontaneous force that does not come from another force and there is no other power that can be equal to it. It does not accept any prevention from the application of its will and its authority. It does not obey any other authority. Any qualifications come from it, but its qualifications come from its own soul (17).

From a historic point of view, the introduction of the notion of sovereignty dates back to the time of the thirty-year wars and the Westphalian peace treaty. The churches provided the spiritual influence on the kings and provided the setting of their obedience before this period, and with even more extensive interference, in their private life, established a position superior to that of the kings for themselves. With the start of the disintegration of the Pope superiority that coincided with the Westphalian peace, the kings freed themselves from the domination of the Pope and no longer held any authority above themselves (15).

The Concept of Economic Sovereignty

As it was mentioned before, the rule of law is the exclusive right to apply the political authority through setting the laws, judging and executing the power, on a geographical territory and towards a group of people. Sovereignty is feature, independent of a power, in political terms, or in other words, a state, that is not under the authority of any outside power, except the authority of those to which it has freely admitted (in the form of an agreement) (12). Economic sovereignty refers to a set of procedures that support economic activity, the preservation of property rights, and the legal guarantee of the agreements. The sovereignty of the economy has become popular since 1970. Oxford Dictionary has provided various definitions for the term "sovereignty":

- A) The practice or type of governance, control, domination, rule, under the rule of someone.
- B) action, function or power of administration or power of governance.
- C) The procedure for managing or controlling something.

The variable nature of the definitions makes this term to have different meanings in every economic text. Economic sovereignty itself is not considered as an academic discipline. It is rather a concept organized or embraced by many branches of economic growth and development,

political economy, economic systems, and many sub-disciplines associated with them (14).

The Governments Sovereignty over Natural Resources

as a principle of international law, the sovereignty over natural resources has been repeatedly and sequentially expressed and emphasized, since 1952, in resolutions of the General Assembly and some of the other organs of the United Nations, particularly in paragraph 1 of Article 2 of the Charter of the Rights and Economic Affairs of States. This principle is mentioned in the above documents precisely with the term: "The country's permanent sovereignty over all resources of underground wealth and economic activities", which states that: States have the right to govern their natural resources; So that they have the authority to make decisions and take economic measures within the country (territorial jurisdiction) and in relation to other countries, and no country will have superiority over it in benefiting from such use and exploitation. historical events led to the introduction of the law of sovereignty over natural resources in the twentieth century as a result of which the sovereignty of the states-governments is distorted, and it stirred some countries to intervene with the various forms of the rule of some other countries sovereignty [17].

Today, countries that have been for centuries struggling only for land, are now struggling to extend the vast range of seas to their territories and increase their various forms of sovereignty over the seas and oceans. Thus claims and disputes over historic rights on boulders that are targeted by the waves continues, especially if there are sources of hydrocarbon in these areas (9).

Political Geography of the Seas

The political geography was initiated by Alfred Mahan, and later on, Halforth Mackinder, Carl Haushufar, Nicholas Spikman and Hans Jay. Morgenthau also presented their works. The existence of natural resources is considered essential to the national power of the countries, although in recent years this perception is considered out-of-date. According to evidence, even in the current situation, natural resources are considered as one of the components of power and even as an economic tool for governments which own these resources, to provide security, deterrence and even exerting pressure on other states and international system actors (11).

Marine political geography is a branch of political geography that deals with investigation of the politics performance in the division of seas territory, while paying particular attention to the interactions between geography and maritime law enacted in the Marine Laws. The first question that arises is that why politics deals with dividing

the sea? In response, it can be said that it is done for shaping the maritime realms and governments exploitation for defense, security, political, economic and environmental purposes. Considering the formation of maritime realms, we face two types of issues namely structural issues and issues related to actors. Structural issues are also of two types:

- A) Natural and human. Natural structures include geographical location, morphological and geological features of the seas, shores, the role of marine elements and factors.
- B) Human structures are also the laws and regulations of the International Maritime Law, which are specifically drafted and approved by the United Nations Conventions and the Maritime Laws of the States (24).

Maritime Strategy

The sea is very important for the life of human. Today, seas are important routes of trade and commerce, supplying most of the human food and protein needs. They play an important role in the global climate, and ultimately contain important sources of hydrocarbons and other valuable minerals inside them, which are considered invaluable resources of the planet. Though the presence of humans in the seas dates back to thousands of years ago, the legal concept of the maritime territories has come under the control and supervision of countries since the thirteenth century. In this century, Norway, Denmark, the United Kingdom, and the Netherlands kept an eye on a part of the North Sea and the North Atlantic to use it for their own benefit (15).

The basic role of maritime policy is determined by marine strategy. It can be said that consideration for the sea and its related issues play a fundamental role in the regional and sustainable development of states. Governments have always been trying to access the sea in a way or another. From the most ancient times to the present day, access to the sea has been one of the important factors for the development of countries, and it is believed that having free waters is a qualification for being a global power. Due to this reason, countries that step in the forefront of world powers make water management one of their main goals. Marine development and maritime policy are in a close tied. Throughout the history, governments have been especially sensitive to the development of the maritime domain, and have tried to initialize other areas related to the seas, such as sea strategic issues, ship construction, marine transportation, marine industries, ports and shipping environment, and so on (21).

Marine Territory

Each coastal state continues to extend their lands by expansion of the marine territories, however the ruling

of these areas is applied with different principles and laws. Each state, in its territory, governs the country by regulating its laws, rules and adopting its own unique practices.

Therefore, the difference in the laws and implementation from one country to another is natural and it is impossible to find two countries in the world that have the same laws, rules and principles of government. However, the sovereignty of the states on the seas follow the principles and rules that are relatively similar. The application of the sovereignty of countries in the maritime areas is mainly organized by the United Nations Convention on the Law of the Sea. In accordance with the provisions of this Convention, coastal States have indisputable rights that must be respected by other countries. The extent of the sovereignty of coastal states on their maritime territories began from a sovereignty similar to what is applied to the land, and continues to governance and ownership of economic resources under and beyond the continental shelf and the exclusive economic zone (16).

According to Robert Frost, the proper relationship between neighbors depends on the existence of appropriate boundaries between them. Geopolitical conflicts usually occur, the same as the wars on the land, or along coastlines, where human groups follow conflicting goals. Many of the sensitive and conflicting points have a geographical origin among which, the most common ones can be issues such as border disputes and environmental disputes (9).

The territory building, or the territory extending is about the human effort, either individually or collectively, for monopolistic supervision of a particular part of space. Territory building is defined as a strategy used by individuals, groups, and organizations to apply power over a part of space and its content. A strategy that includes a series of features of which three are more prominent. The first is that territory building is a form of classification using areas that are both inclusive and exclusive; secondly, territory building must have the capability of communication, in other words, it should be able to be physically displayed on the ground, or it can be easily showed graphically on the map, and thirdly, the maintenance of the territory requires executive power, through the physical presence of the military forces, or through the threat of referral to the law (24).

The laws, whether national or international, do not grow in vacuum, but are influenced by the politics or the economy and the geography of the real environment around them. (23) Thus, the territory building is a human-made political structure that deals with the division of space. Territorialism is inherently political and has a controversial nature, and there has been no territorialism without

arbitrary division of space into separate segments and monopolistic allocation of space. (24)

Sovereignty and the Territory of Governments based on Custom and International Law of the Seas

In the past, the seas (as a realm of sovereignty) have not been much considered by human and most conflicts and struggles among states have been on land territories, and the marine disputed territories have been very limited. The sea was not so important to be taken as a contributory factor. The most important role the sea played in human life was its communicative role and partly its economic role in terms of food supply, and as there was little constraint on them, governments less struggled with each other on these issues. For centuries, many coasts have been invaded by naval operations, or in the nineteenth century they were attacked by naval powers that, at that time, were dominated the Gunboat diplomacy. Consequently, states would strengthen their sea borders against the threats posed by the sea, more robust and overstated than land borders (9).

The issue of the dispute between Spain and England in the early 19th century, due to the seizure of English ships within a 6-mile limit to its customs laws, was one of the events that attracted more attention to the scope of the maritime claims. By the middle of this century, the three-mile-long Territorial sea, along with the exclusivity of the competency of the flag-owned state in the Free Sea, found its place in the procedure of American and British governments and was in line with the interests of free shipping (6). The first law governing the maritime domain was the “cannon range” in the year 1702 proposed by Dutch Van Binker. He believed that although the sea belongs to all the governments, each country should have the right of sovereignty over its coastal waters up to the range of its cannon (24). During the nineteenth century, efforts were made by scientific and non-governmental communities to formulate international maritime laws. Scientific and administrative arrangements for the achievement of international maritime law were made by the League of Confederate Nations in the 1930's and the first international conference was set up in that year in the city of The Hague. The most complete international law of the seas was drafted and adopted at the Third United Nations Conference. The outcome of the conference was the adoption of the 1982 Maritime Law Convention, which is currently the most important theoretical means of regulating relations between states in the field of maritime affairs (15).

The history of the legal issues of the seas also dates back to 1590 A.D. What was the subject of the establishment of international maritime law was the debate and struggles among maritime countries over sea division. Denmark was the first country to choose the 8-mile distance as

its maritime boundary in 1590. In the mid-seventeenth century, Iceland and Norway, which were also maritime countries, chose a distance of 24 miles as their marine boundary. With the introduction of the Dutch lawyer Hugo Grotius “High seas” theory in 1609, followed by the theory of the British jurist Selden’s “Closed Seas”, these issues were intensified and the need to limit sea boundaries was felt more. In the following years, with the presentation of the “Cannon Range” theory, and then the 3-mile-width criterion for the coastline, the controversy was reduced; however, the Scandinavian and Mediterranean countries accepted the widths of 4 and 6 miles, and even some countries, such as Brazil and Peru, which were located next to the ocean, went beyond and claimed 200 miles off their coast (24).

Without any doubts, the interests of countries differ in the various levels of the special maritime activities, and as a result, the content of the laws of the seas at any time reflects the benefits of the sea usages at that time. With the introduction of new usages of the seas and the change in the importance of the types of existing uses, the pressures to change the rules erupt (23).

Nowadays, environmental events and security-related issues are assumed to be a scope of threats and are defining policies for determining the boundaries of the sea. The rationale behind this process deals with the fact that current maritime boundaries are more closely linked to the concept of security than before. Maritime boundaries play an important role in the strategic security, economic security, immigration security and ecological security of the countries (24).

High Seas

Investigating the history of international law of the seas, in recent centuries, we have witnessed establishment and development of two basic principles which were later the foundations and pillars of the law of the seas. These two principals were:

1. Principle of the freedom of the seas, and
2. Principle of the right of coastal states to their adjacent seas (for protection purposes and other legitimate interests), or in other words, the principle of “closed seas”. (2)

The term “high sea” refers to all the world’s oceanic regions outside of the internal waters and territorial seas of the coastal states, and they are open to all nations, and no state can legitimately rule any part of it (19). During the ancient era and the first half of the Middle Ages, seafaring in the open seas was free for all. Roman jurists believed that “the sea is naturally open to all”, and the sea, like air, is common between all human beings. The claim of sovereignty over

part of the High Sea began in the second half of the Middle Ages, and when the new international law was gradually forming. Governments believed that they could expand their sovereignty over parts of the high Sea. As a result of these allegations, for other states, restrictions were imposed, such as the obligation to pay taxes, the ban on fishing, and the respect for the flag of the government claiming sovereignty. Every sea power considered itself to be an absolute ruler on the sea of that coast (1).

During the expansion period of sea exploitation, which initiated at the beginning of the seventeenth century, the emergence of protest against the idea of closed seas was unavoidable, since the importance of free shipping to access the so-called “out-of-the-sea-bounds” areas and colonial commerce overcame the necessity to strengthen the national interests of the coastal states in terms of fisheries, and the development of maritime power led to the rejection of idea of claiming a sovereignty over the seas (7).

An important step in identifying the principle of the openness(freedom) of the seas was taken by Dutch writer Grotius in 1609, with the publication of the “Little Thesis of the High Sea”. His purpose in this essay was to provide free shipping to the Netherlands in the Indian Ocean and to remove the bans of the Portuguese government. He stated that the sea could not be owned by governments because it could not be seized by occupation, and as a result, the sea was free from the sovereignty of states. Grotius’ bold ideas came in opposition. Among others, Gentili defended the claims of the sovereignty of Spain and England, and Volwood and John Selden confirmed his views (22).

In the eighteenth century, another Dutchman named Binker Shock and then Pupendorf reiterated the theory of freedom of the seas, who were supported by such famous writers as Swiss Watel and Russian Du Martin, so that, until the first quarter of the nineteenth century, the principle of the freedom of the sea was accepted by all states both in theory and practice. The United Kingdom abandoned the claim of maritime rule and respect for the British flag, and became one of the toughest advocates of the principle of freedom of the seas. In the twentieth century, the Treaty of Versailles, the Covenant of the League of Nations, The Atlantic Charter, the Charter of the United Nations, the United Nations Charter (implicitly), and the conventions on the rights of the seas (explicitly) endorsed the principle of the freedom of the seas (1).

Contiguous Zone Area

The seizure of a French Ship Petite Joule twenty-three miles off the coast of Whittle Island in 1850 by Britain was the last time the maritime patrol rules were enforced against foreign ships beyond three miles. British lawyers advised

that the seizure of the ship was not in accordance with international law, and therefore a member of the ship who was arrested was immediately released. After this incident, the idea of the use of surveillance areas beyond the territorial sea as a basis for compromise between different groups and solving this issue was firstly proposed by Mr. Renault, in the course of discussions about neutral areas at the International Law Institute in 1894 (6).

The reason behind this concept can be sought in the patrol rules of the United Kingdom government in the eighteenth century against foreign ships engaged in smuggling about 24 miles off the coast of that country (23). The rules were valid from 1736 until the date of its repeal (with the new Customs Consolidation Act of 1876). This law, as Lord Stoll points out in the case of Lewis, was the result of a “shared courtesy of states for ease” of their affairs (6).

In the years between The Hague and Geneva conferences, the state of affairs was different. For example, Britain believed in the lack of credibility of claims to the monitoring area, and the number of these countries was increasing. Meanwhile, the concept of the territorial sea as an area apart from other areas was publicly accepted. Although some countries, such as Cuba, Spain and Greece, had diverse marine areas for different purposes, most countries claimed special areas of customs, security, and sometimes health and immigration in the Free Sea, adjacent to their own territorial sea. Claims for fishing areas were also commonplace. Under the new convention of the law of the seas, the Contiguous Zone area is no more a part of the High sea, but it should be considered as an exclusive economic zone (23).

Exclusive Economic Zone

Convention of 1982 added the concept of the exclusive economic zone to the terms of the International Maritime Law, recognizing the right of nations to extend their continental shelf beyond this limit and establishing an important body such as the “International Sea Lines” for the management of natural resources in areas that are titled “The Common Heritage of Humanity” and creating the “Continental Limitation Convention”. To date, 166 countries have confirmed the treaty (3). In accordance with Article 55 of the 1982 Convention, the internal boundary of the exclusive economic zone is the external limit of the territorial sea, which should not exceed 200 nautical miles from the origin of the territorial sea. It should be noted that for the first time, this figure was proposed by the Chilean country and it seems that the reason for the proposal is that the cold water flow “Humboldt” is about 200 miles offshore Chile and Peru (23). The legal status of an exclusive economic zone is comparable in two parts:

- A) The rights and duties of the coastal state;
- B) The rights and duties of other states or third countries

The coastal state has economic rights in the following cases in the exclusive economic zone:

1. Non-living resources: In accordance with paragraph 1 of article 56 of the 1982 Maritime Law Convention, coastal states have the ruling right to explore, extract, protect and manage non-living resources in the bed, sub-terrain and upper ecosystem of the exclusive economic zone.
2. Living resources: The coastal state also has the ruling rights to explore, extract, protect and manage living resources in the bed, sub-terrain and upper ecosystem of the exclusive economic zone.
3. Creation of artificial islands: Under Article 56 of the 1982 Convention, the coastal state is competent to create and use artificial islands, facilities and buildings in an exclusive economic zone.
4. Marine Scientific Research: One of the tasks of a coastal state in an exclusive economic zone is to help governments and organizations that are planning to conduct marine scientific research and provide them with the necessary facilities (6).

Continental Shelf

Creating a territory on the seabed led to the creation of a continental shelf that was the result of economic incentives, however it seems that today the security issue has become more prominent. The continental shelf has two geographic and legal concepts, and the three sections as continental shelf, the continental slope, and pre-continental shelf constitute the continental margin. The continental margin includes one-fifth of the total seabed, containing the most important resources of these sectors as oil and gas reserves which is more than 90% of the total value of the resources of the seabed. In addition to oil and gas resources, valuable mineral deposits are found in this part such as tin, iron, titanium and lead.

Oil exploration in coastal areas at the commercial level did not begin until a few years before the Second World War. In 1891, oil production from such resources accounted for roughly a quarter of the world’s total oil production, and gas production was also equivalent to 15 percent of global gas production. The existence of such diverse and rich economic resources has made the continental shelf legal status an important practical issue. According to the 1982 Convention, the coastal state has the right to regulate all natural resources in the exclusive economic zone, including the resources of the seabed (7). The coastal state has ruling, exclusive, and non-enunciative rights on the continental shelf. By the ruling right of the coastal state we mean the absolute sovereignty of this state over the exploration of the continental shelf and exploitation of its natural relations (23).

RESULT AND CONCLUSION

Due to the vast wealth of the seas and the fact that in today's world, energy and natural resources are the main bases of development and growth of human societies, the significance of the maritime territories has become a priority for governments. While the seabed and ocean underground are still unknown to the humans, new issues will be included in the law of the seas. Therefore, it can be said that the laws of the seas are largely influenced by economic and political issues and, in fact, reflect the benefits of the use of the state from the sea and efforts to prevent conflicts in the use of marine resources. Hence, efforts to expand the jurisdiction and governance of the coastal state over marine areas vary according to the interests of countries.

Oil extraction from the seas has been increasing drastically in recent decades, and oil is among the top of strategic resources. In addition, it should be noted that mineral lumps in the sea are of great importance, and their exploitation is subject to a particular international system and the origin of the identification of a new concept called "the common heritage of humanity", which has led governments to keep striving to gain access to the sea. It is always believed that each country's territorial sea is the continuance of its territories on the land, so the sovereignty and ownership of the state over the seabed and underground economic resources is continuous. The existence of maritime boundaries plays a vital role in strategic, economic, immigration, and ecological security of the countries. Since the sovereignty of the states over the natural resources is accepted as a principle of international law, the world's waters (by international law of the seas) have taken such divisions as High sea, Contiguous Zone area, and so on.

REFERENCES

- AkhgariBonab, N., (1982), "Free Sea, Convention on the Rights of the Sea", Available at: www.hoghooghghanan.com
- The conflicts between countries in the delimitation of the territorial limits of the Maritime Territory, with an emphasis on the conflicts between Iran and Iraq. The website of the Institute for Legal and International Arbitration, accessible at: <http://mostadal.com/fa>
- Cat Merand, D.R., (2016), "the laws of the seas", Geopolitical Arbitration, Diplomatic Le Monde. Political, social, and cultural monthly, accessible at: <https://ir.mondediplo.com/article2547.html>
- Jahani, F., (2011), "exploitation of joint oil and gas fields and delimitation of offshore", Journal of Legal Justice (Scientific Research). No. 75. p. 300-287.
- Joneidi, M., (2011), "Therapeutic use of sea and marine climate", Medical Geography Magazine. Faculty of Literature and Human Sciences, Tabriz University. P. 300-287
- Rayia, A., (2012), "Scientific research in the exclusive maritime economic zone", Foreign Policy Magazine. Volume 26. Number3. 800-777.
- Churchill, R.A., (2005), "International Law of the Sea", Danesh Publication. P. 194.
- Zafaranloo, A., &Qods, H., (2007), "Information and position of communication in building trust", Iranian Maritime Forum. Academic Jihad Scientific Information Database.
- Zeinolabedin, Y., (2006), "Maritime geopolitical impacts on the sovereignty of states", Geographic Outlook Quarterly. No. 2. p. 88-80
- Soltani, N., &Rasti, A., &Mirheidar, D., (2007), "The process of territory building by coastal states in the Persian Gulf", Geopolitical Quarterly. third year. No. 1. p. 21-1.
- Shams, S., &Sazmand, (2015), "The status of Caspian Sea energy resources in the Central Asia and Caucasus Strategy of the European Union. Central Eurasia Studies", Volume 8 No. 2. p. 287-273
- Shams, A., (2006), "Decentralization and erosion of sovereignty", Administrative Transformation Quarterly. Tenth grade, No. 53., Research Institute of Humanities and Cultural Studies. Available at: <http://www.ensani.ir/fa/20905/profile.aspx>
- ShariatPanahi, A., (1996), "Basic Laws and Political Institutions", Tehran University Press, Sixth Edition. 1375, p. 187.
- ZohoorianFooladi, N., (2009), "Economic governance", MisaghModiran Magazine. No. 47. p. 58-51.
- Asgari, S., (2007), "Compartment of Iran's and Kuwait's maritime borders", geopolitical national interests. Peyk Noor Magazine, Volume 5. No. 2, pp. 45-37
- Asgari, S., (2011), "compartment of Iran's maritime border with Iraq; Security and geopolitical requirements", Geographic Information Magazine (Sepehr). No. 78. p. 114-109
- GheiratmandHaghighi, R., (2011), "Principle of sovereignty of Governments over their Natural Resources (Credit - Developments)", Legal studies. <http://rezagheiratmand.persianblog.ir/post/4>
- Fallahi, A., (2001), "New Concepts of Governance and Security", Quarterly Journal of Strategic Research. Number 20. p. 347-337. <http://rahbord.csr.ir/Article>
- Van Glann, G., (2007), "An Introduction to General International Law", Translation, Mohammad HoseinHafezian, Mizan Publishing, Third Edition, 2007, p. 2, p. 477
- Ghanbari, Z., &Nabipoor, A., &Farrokhnia, M., (2015), "Marine Natural Products in the Prevention and Treatment of Osteoporosis", Persian Gulf Biomedical Research Center. Eighteenth year No. 2, p. 484-469.
- Kamran, H., (2002), "Position of Marine Policy in the Islamic Republic of Iran", Journal of Faculty of Literature & Humanities University of Tehran. No. 164. p. 598-585.
- Moghtader, H., (1997), "Public International Law", Foreign Ministry Printing and Publishing, Fourth Edition, 1997, p. 205.
- Musazade, R., (2012), "Basic international law requirements", Publications of Mizan Legal Foundation. P. 316.
- Gharib, D., and Gholami, B., and Mirahmadi, F. (2014), "Geography and International Law of the Seas", Human Geography Research. Volume 46, Number 2. P. 360-337.
- William, M., (2000), "Reflection on Governance concepts: The Impact of Globalization on Governance", The Political-Economic Information. No. 156-155. P. 141-132. Available at: <http://www.ensani.ir/fa/content/104204>
- Yahyaei, M., (2016), "Investigating the performance of the competent courts dealing with crimes committed in domestic and international waters", Second National Conference on Modern Marine Technology. Available at: <http://mmt2016.ir/paper?Manu=9772>

How to cite this article: Alah K, Nezhad D. States Ownership and Sovereignty over Marine Resources. Int J Sci Stud 2017;5(4):1040-1047.

Source of Support: Nil, **Conflict of Interest:** None declared.