



TABLE OF CONTENTS

ACKNOWLEDGEMENT PAGE	I
STATEMENT OF AUTHENTICITY	II
PREFACE	III
ABSTRACT	VI
INTISARI	VII
INTRODUCTION	1
A. BACKGROUND	1
B. RESEARCH QUESTIONS	6
C. RESEARCH OBJECTIVES	7
D. ORIGINALITY OF RESEARCH	7
E. BENEFITS OF RESEARCH	11
THEORETICAL REVIEW	13
A. THE AREA AND ITS STATUS AS A CHM	13
1. The Implementation of the CHM Status: The Purpose and Motivation	13
2. The Implication of the CHM Status to the Area's Functionalities	16
B. THE CONCEPT OF EQUITABLE SHARING IN GENERAL	17
C. NON-MEMBER STATES AND THE ELEMENTS OF THE AREA	18
D. PACTA TERTIIS NEC NOCENT NEC PROSUNT PRINCIPLE	20
1. Article 35 of VCLT: Providing Obligations to Non-Member States	21
2. Article 36 of VCLT: Providing Rights to Non-Member States	22
3. Article 38 of VCLT: Binding through Customary International Law and the Persistent Objector Doctrine	24
4. Establishment of an Objective Regime	25
E. FOUNDATIONAL PRINCIPLES OF DISPUTE SETTLEMENT: GENERAL AND THE AREA 28	
1. General Principles of International Dispute Settlement	28
2. Principles Shaping Dispute Settlement in the Area	31
RESEARCH METHODS	33
A. TYPE OF RESEARCH	33
B. TYPE OF DATA	34
C. DATA COLLECTION	35
D. DATA ANALYSIS	35
RESULTS AND DISCUSSION	37
A. PARTICIPATION, EQUITY, AND THE GOVERNANCE OF THE AREA	37
1. Governing the Area: Authority, Institutions, and Shared Interests	39
2. Equity and Benefit Sharing in Practice	40
3. Non-Member States and Participation at the Margins	48
4. Rethinking Equity under the Common Heritage of Mankind	49
B. NON-MEMBER STATES, LEGALITY, AND ACCESS TO JUSTICE IN THE AREA	51
1. Setting the Stage: Legal and Institutional Issues	51
2. The US' Approach within the Area	52
3. Legality of Participation within the Area without ISA's Recognition	55
4. Navigating Dispute Resolution for Equitable Sharing in the Area	61
5. Evaluating Jurisdictional Options for Benefit Sharing Disputes	70



6. Reimagining Legality and Dispute Settlement for the Common Heritage of Mankind	73
CONCLUSION AND RECOMMENDATIONS.....	75
A. CONCLUSION	75
B. RECOMMENDATION	77
BIBLIOGRAPHY	79