


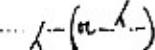
DRAFTING SUGGESTIONSconcerningPart XI of A/CONF.62/WP.10/Rev.3


(of 27 August 1980)


Suggestions contained in this paper are made on a purely personal basis. Similar drafting suggestions are being prepared with respect to annexes III and IV of the Draft Convention.


Conventional signs used


 means "could be deleted as being superfluous".

 means "phrase to be inserted".

 means "phrase to be relocated".

 means "new place for the phrase put between the corresponding signs"

 means "new paragraph (or subparagraph)" (without number and referred to, where necessary, as "first (second, etc.) paragraph (or subparagraph)"). This type of subdivision, which is not often used in the Draft Convention (see however article 163, paragraph 3, and annex III, article 17, subparagraph (d)), is quite common in general legislative practice.

 means "new subparagraph preceded by a dash" (and referred to as "first (second, etc.) indent". This type of enumerative subdivision has not yet been used in the Draft Convention, but is also quite common in general legislative practice.

Order followed for the enumeration of powers and functions

(see page 2)

.../...

<u>Assembly</u> (art. 160(2))	<u>Council</u> (art. 162(2))	<u>L & T Commission</u> (art.1
a-Elections	a-Elections	a-Regulations
b-Guidelines	b-Coordination	b-Plans of work
c-Subsidiary organs	c-Subsidiary organs	c-Nickel prod. ceiling
d-Contributions	d-Guidelines	d-Environm. assessment
e-Budget	e-Directives	e-Pollution
f-Sharing of benefits	f-Budget	f-Inspectors
g-System of compensation	g-Payments	g-Non-compliance
h-Regulations	h-Adverse effects	h-Supervision of activ
i-Production limitation (art. 151(3))	i-Syst. of compens.	i-Residual clause
j-Agreements	j-Regulations	
k-Non-compliance and suspension	k-Production limit. (art. 151(3))	
l-Advisory opinions	l-Disapproval of areas	
m-Reports	m-Plans of work	
n-Studies	n-Applicants	
o-General problems	o-Emergency orders	
p-Residual clause	p-Inspectors	
	q-Non-compliance	
	r-Reports of Enterp.	
	s-Advisory opinions	
	t-Suspension	
	u-Agreements	
	v-Report to Ass.	
	w-Residual clause	

PART XI. THE AREA
SECTION 1. GENERAL

Article 133
Use of terms

- (a) "Area" means the sea-bed and ocean floor and subsoil thereof beyond the limits of national jurisdiction;
(b) "Authority" means the International Sea-Bed Authority;
(c) "Activities in the Area" mean all activities of exploration for, and exploitation of, the resources of the Area;

For the purposes of this Part:

- (a) "Resources" means mineral resources in situ ~~when recovered from the Area, such resources shall be regarded as minerals.~~ and includes:
- (b) ~~Resources shall include:~~
- (i) Liquid or gaseous substances at or beneath the surface such as petroleum, gas, condensate, helium, ^{or other} and also sulphur and salts recovered in liquid form;
 - (ii) Solid substances occurring on the surface or at depths of less than three metres below the surface, including polymetallic nodules;
 - (iii) Solid substances at depths of more than three metres below the surface;
 - (iv) Metal-bearing brine at or beneath the surface.

Article 134
Scope of this Part

1. This Part shall apply to the Area ~~and the activities therein.~~

2. ~~←~~

2. States Parties shall notify the Authority established pursuant to article 156 of the limits ^{of their national jurisdiction} referred to in article 1, paragraph 1, determined by co-ordinates of latitude and longitude, and shall indicate the ^{limits} same on [appropriate] large-scale charts officially ~~recognized by that State.~~ ^{Without prejudice to article 76.}

3. The Authority shall register and publish such notification ^{in accordance with rules adopted by it for the purpose, its regulations.}

3A. Nothing in this article shall affect the validity of any ^{delimitation} agreement between States with respect to the establishment of limits between States with opposite or adjacent coasts.

5. ~~Activities in the Area shall be governed by the provisions of this Part.~~

Article 135
Legal status of the superjacent
waters and air space

Nothing in
Neither the provisions of this Part ^{nor} any rights granted or exercised pursuant thereto shall affect the legal status of the waters ^{and air space} superjacent to the Area or that of the air space above those waters.

Article 135
Limits of the Area

SECTION 2. PRINCIPLES GOVERNING THE AREA

Article 136 Common heritage of mankind

The Area and its resources are the common heritage of mankind. ←

Article 137 Legal status of the Area and its resources

1. No State ~~shall~~ ^{may} claim or exercise sovereignty or sovereign rights over any part of the Area or its resources, nor ~~shall~~ ^{may} any State or natural or juridical person appropriate any part thereof. No such claim or exercise of sovereignty or sovereign rights, nor such appropriation shall be recognized.

2. All rights in the resources of the Area are vested in mankind as a whole, on whose behalf the Authority shall act. These resources are not subject to alienation. The minerals derived from the Area, ~~however~~ ^{of the Area} may ~~only~~ be alienated ^{in accordance with this Part and the rules and regulations adopted of the Authority thereunder.}

3. ~~No~~ ^A State or ^a natural or juridical person ~~shall~~ ^{may} claim, acquire or exercise rights with respect to the minerals ~~of the Area~~ ^{derived from the Area} except in accordance with ~~the provisions of this Part.~~ ^{other} ~~Otherwise,~~ no such claim, acquisition or exercise of such rights shall be recognized.

Article 138 General conduct of States in relation to the Area

The general conduct of States in relation to the Area shall be in accordance with the provisions of this Part, the principles embodied in the Charter of the United Nations and other rules of international law, ^{for the purpose} ~~in the interests of~~ maintaining peace and security and promoting international co-operation and mutual understanding.

Article 139 Responsibility to ensure compliance with this Part and liability for damage

1. States Parties shall have the responsibility to ensure that activities in the Area, whether undertaken by ~~States Parties~~ ^{them}, or State enterprises, or natural or juridical persons which possess the nationality of ~~States Parties~~ or are ~~effectively~~ controlled by them or their nationals, shall be carried out in accordance with the provisions of this Part. The same ~~responsibility~~ applies to international organizations for activities in the Area undertaken by such organizations. Without prejudice to applicable principles of international law and article 22 of annex III, ~~damage caused by the failure of a State Party to carry out its responsibilities under this Part shall entail liability.~~ ^{State Parties shall be liable on} ~~A State Party shall not, however, be liable for damage caused by any failure to comply by a person whom it has sponsored under article 153, paragraph 2 (b), if the State Party has taken all necessary and appropriate measures to secure referred to in effective compliance under article 153, paragraph 4, and~~ ^{annex III} ~~article 4, paragraph 3. of annex III.~~

2. Paragraph 1 shall apply ^{mutatis mutandis} to ↔. States Parties shall take appropriate measures to implement this provision.

2.3. ~~A group of States Parties or (a group) of international organizations acting together shall be jointly and severally responsible under these articles. responsible and liable in the discharge of their obligations under this article.~~

3. ~~States Parties shall take appropriate measures to ensure that the responsibility provided for in paragraph 1 shall apply mutatis mutandis to international organizations.~~

Article 140
Benefit of Mankind

1. Activities in the Area shall, ~~as specifically provided for in this Part,~~ be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, ~~whether coastal or land-locked,~~ and taking into particular consideration the interests and needs of the developing States and peoples who have not attained full independence or other self-governing status recognized by the United Nations in accordance with General Assembly resolution 1514 (XV) and other relevant General Assembly resolutions.

2. The Authority shall provide for the equitable sharing of financial and other economic benefits ~~derived from activities in the Area through any appropriate mechanism on a non-discriminatory basis,~~ ^{to be established under} in accordance with article 160, paragraph 2 (f).
(u)

Article 141
Use of the Area exclusively
for peaceful purposes

The Area shall be open to use exclusively for peaceful purposes by all States, whether coastal or land-locked, ~~without discrimination~~ ^{on an equal basis} and without prejudice to the other provisions of this Part.

Article 142
Rights and legitimate interests
of coastal States

1. Activities in the Area ~~with respect to resource deposits~~ ^{which extend to an area} ~~(in the Area which lie across limits of national jurisdiction)~~ shall be conducted with due regard to the rights and legitimate interests of ~~any coastal State across whose jurisdiction such resources lie.~~ ^{concerned}

2. Consultations, including a system of prior notification, shall be maintained with the State concerned, with a view to avoiding infringement of such rights and interests. ~~In cases where activities in the Area may result in the exploitation of resources lying within national jurisdiction, the prior consent of that coastal State concerned shall be required.~~ ^{which are subject to that}

3. ~~Neither the provisions of this Part nor any rights granted or exercised pursuant thereto shall affect the rights of coastal States to take such measures consistent with the relevant provisions of Part XII as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastlines or related interests from pollution or threat thereof or from other hazardous occurrences resulting from or caused by any activities in the Area.~~ ^{Nothing in}

↑
para. 145 (a)

SECTION 3. CONDUCT OF ACTIVITIES IN THE AREA

Article 143

Marine scientific research

1. Marine scientific research in the Area shall be carried out exclusively for peaceful purposes and for the benefit of mankind as a whole, in accordance with Part XIII.

2. The Authority may carry out marine scientific research concerning the Area and its resources, and may enter into contracts for that purpose. ~~The~~ ^{It} Authority shall promote and encourage the conduct of marine scientific research in the Area, and shall co-ordinate and disseminate the results of such research and analysis when available.

3. States Parties ^{and competent international organizations} may carry out marine scientific research in the Area. States Parties shall promote international co-operation in marine scientific research in the Area by:

(a) Participating in international programmes and encouraging co-operation in ~~marine scientific research~~ ^{States} by personnel of different ~~countries~~ and of the Authority;

(b) Ensuring that programmes are developed through the Authority or other international organizations ~~as appropriate~~ for the benefit of developing States and technologically less developed States with a view to

- (i) Strengthening their research capabilities;
- (ii) ~~Training~~ their personnel and the personnel of the Authority in the techniques and applications of research;
- (iii) ~~Fostering~~ the employment of their qualified personnel in activities of research in the Area;

(c) Effectively disseminating the results of research and analysis when available, through the Authority or other ~~international channels when appropriate~~ ^{States}

Article 144

Transfer of technology

1. The Authority shall take measures in accordance with this Convention ~~to~~ ^{to} acquire technology and scientific knowledge relating to activities in the Area, and ~~to~~ ^{to} promote and encourage the transfer ~~to developing States~~ of such technology and scientific knowledge ~~so that all States Parties benefit therefrom.~~

2. To this end the Authority and the States Parties shall co-operate in promoting the transfer of technology and scientific knowledge relating to activities in the Area so that the Enterprise and all States Parties may benefit therefrom. In particular they shall ~~initiate and~~ promote:

(a) Programmes for the transfer of technology to the Enterprise and to developing States with regard to activities in the Area, including ^{advance} ~~inter alia~~, to facilitating the access of the Enterprise and of developing States to the relevant technology, under fair and reasonable terms and conditions;

(b) Measures directed towards the advancement of the technology of the Enterprise and ~~the domestic technology~~ of developing States, particularly ~~the~~ ^{he} ~~of~~ ^{←→} opportunities to personnel from the Enterprise and from developing States ~~for~~ ^{of such personnel} ~~training~~ in marine science and technology and the ~~full~~ participation in activities in the Area.

and preservation Article 145
Protection of the marine environment

^{Without prejudice to Part XII,} ~~With respect to activities in the Area,~~ ^{all} necessary measures shall be taken in order to ensure ^{the} ~~effective~~ ^{and preservation} protection ^{in the Area} of the marine environment from harmful effects which may arise from such activities ~~in accordance with Part XII~~. To that end, the Authority shall adopt appropriate ~~rules, regulations and procedures~~ for inter alia:

(a) The prevention, ^{reduction and control of} ~~of~~ pollution ~~and contamination~~, and other hazards to, the marine environment, including the coastline, and of interference with the ecological balance of the marine environment, ^{particular attention being paid to the need for} ~~protection from the consequences~~ of such activities as drilling, dredging, ^{excavation,} disposal ^{of wastes,} construction and operation or maintenance of installations, pipelines and other devices related to such activities.

(b) The ~~protection and~~ conservation of the natural resources ~~of the Area~~ and the prevention of damage to the flora and fauna of the marine environment,

Article 146
Protection of human life

^{all} With respect to activities in the Area, ~~necessary~~ measures shall be taken in order to ensure effective protection of human life. To that end, the Authority shall adopt appropriate ~~rules, regulations and procedures~~ to supplement existing international law as reflected in specific treaties which may be applicable.

Article 147
Accommodation of activities in the Area
and in the marine environment

1. Activities in the Area shall be carried out with reasonable regard for other activities in the marine environment.

5) 2. ^{all} ~~Stationary and mobile~~ ^{required} installations ~~used~~ for the conduct of activities in the Area shall be subject to the following conditions:

(a) Such installations shall be erected, emplaced and removed ~~solely~~ ⁱⁿ accordance with ~~the provisions of this Part and subject to rules and regulations~~ ^{adopted by} the Authority. The erection, emplacement and removal of such installations shall be ~~the~~ subject of timely notification through Notices to Mariners or other generally recognized means of notification;

ⁱⁿ (b) Such installations shall not be located where they may obstruct passage ~~through~~ sea lanes of vital importance for international shipping or in areas of intense fishing activity;

(c) Safety zones shall be established around such installations with appropriate markings to ensure the safety both of the installations ~~themselves~~ and of ~~shipping~~. ~~The configuration and location of such safety zones shall not be such as to form a belt impeding the lawful access of shipping to particular maritime areas or navigation along international sea lanes;~~ ^{locate}

14.1 (d) Such installations shall be used exclusively for peaceful purposes;

(e) Such installations do not possess the status of islands. ^{see Pa} They have no territorial sea of their own, and their presence does not affect the delimitation ^{V and} of the territorial sea, the exclusive economic zone or the continental shelf.

3. Other activities in the marine environment shall be ^{carried out} ~~conducted~~ with reasonable regard for activities in the Area.

Article 148
Participation of developing States
in activities in the Area

The effective participation of developing States in activities in the Area shall be promoted ^{in accordance with} ~~as specifically provided for in~~ this Part, ^{with} ~~having~~ due regard to ^{for} their special needs and interests, and in particular the special needs of the land-locked and geographically disadvantaged States ~~among them~~, in overcoming obstacles arising from their ^{disadvantaged} location, including remoteness from ^{in the Area} and access to ~~and from~~ the Area.

Article 149
Archaeological and historical objects

^{the} All objects ~~of an~~ archaeological and historical ^{nature} found in the Area shall be preserved or disposed of for the benefit of mankind as a whole, ^{with} ~~particular~~ regard being paid to ^{the} ~~the~~ preferential rights of the State ~~or country~~ of origin, ~~or~~ the State of cultural origin, or the State of historical and archaeological origin.

SECTION 4. DEVELOPMENT OF RESOURCES OF THE AREA

Article 150

Policies relating to activities in the Area

Activities in the Area shall, ~~as specifically provided in this Part,~~ be carried out in such a manner as to foster healthy development of the world economy and balanced growth of international trade, and to promote international co-operation for the over-all development of all ~~countries~~ ^{States}, especially the developing States, and with a view to ensuring:

(a) orderly and safe development and rational management of the resources of the Area, including ~~the~~ efficient conduct of activities in the Area and, ~~in accordance with sound principles of conservation~~ ^{in accordance with sound principles of conservation} the avoidance of unnecessary waste ~~←→~~;

(b) the expansion of opportunities for participation in ~~such activities~~ ^{activities, with due} consistent particularly with articles 144 and 148;

(c) participation in revenues by the Authority and the transfer of technology to the Enterprise and developing States as provided for in this Convention;

(d) the increase in the availability of the minerals ~~produced from the resources of the Area~~ ^{derived} as needed in conjunction with minerals ~~produced from~~ ^{derived} other sources, to ensure supplies to consumers of such minerals;

(e) the promotion of just and stable prices remunerative to producers and fair to consumers for minerals ~~produced both from the resources of the Area and from other sources~~ ^{derived both from the resources of the Area and from other sources, as well as the} promoting long term equilibrium between supply and demand;

(f) the ~~enhancing~~ ^{expansion} of opportunities for all States Parties, irrespective of their social and economic systems or geographical location, to participate in the development of the resources of the Area and ~~preventing~~ ^{the} monopolization of activities in the Area;

(g) the protection of developing ~~countries~~ ^{States} from adverse effects on their economies or on their export earnings resulting from ~~a reduction in the prices and export of an affected mineral, or in the volume of that mineral exported~~ ^{derived}, to the extent that such reductions are caused by activities in the Area. ~~As provided in article 151, paragraph 4~~ ^{←→}

(h) the development of the common heritage for the benefit of mankind as a whole; and

2. ~~The~~ ^{derived} conditions of access to markets for the imports of minerals ~~produced from the resources of the Area and for imports of commodities produced from such minerals~~ ^{to make herefrom} shall not be more favourable than the most favourable applied to imports ~~from other sources and the imports of products made therefrom~~ ^{of minerals derived to make herefrom}.

Article 151
Commercial Production Policies

in co-operation with all
States Parties, \longleftrightarrow .
To this end, it shall have
the right to take part in

1. Without prejudice to the objectives set forth in article 150 and for the purpose of implementing the provisions of article 150, subparagraph (g), the Authority, \longleftrightarrow acting through ~~existing forums~~ ^{and commodity conferences dealing with the minerals concerned} or such new arrangements or agreements as may be appropriate, in which all interested parties, including both producers and consumers, participate, ~~shall take the measures necessary to promote the growth, efficiency and stability of markets for these commodities produced from the resources of the Area, at prices remunerative to producers and fair to consumers.~~ ^{minerals derived from} ~~All States Parties shall co-operate to this end. The Authority shall have the right to participate in any commodity conference dealing with these commodities and in which all interested parties including both producers and consumers participate.~~ ^{referred to above} The Authority shall have the right to become a party to any such arrangement or agreement ~~resulting from such conferences as are referred to above.~~ ^{such} The participation \longleftrightarrow by the Authority in any organs established under the (arrangements or agreements referred to above shall be ^{in respect of} production in the Area) and in accordance with the rules of procedure established for such organs. The Authority shall carry out its obligations under such arrangements or agreements, in a manner which assures ^{that all} a uniform and non-discriminatory ~~implementation in respect of all production in it shall own~~ the Area of the ^{derived from the Area are treated on} minerals concerned. In doing so, the Authority shall act in a manner ^{consistent} with the terms of existing contracts and approved plans of work of the Enterprise.

2. (a) During an interim period specified in subparagraph (c), commercial production shall not be ~~undertaken pursuant to an approved plan of work until an operator has obtained~~ ^{commence} ~~applied for and has been issued a production authorization from the Authority during~~ ^{under} ~~a period beginning not more than five years prior to the planned commencement of~~ ^{which shall not be issued} commercial production under that plan of work unless the Authority prescribes another period in its rules and regulations, having regard to the nature and timing \longleftrightarrow of project development. In this connexion, the Authority shall adopt appropriate performance requirements in accordance with article 17 of annex III. In his application for the authorization, the operator shall specify the annual quantity of nickel ^{planned} expected to be ^{extracted} recovered under the approved plan of work. The application shall include a schedule of expenditures ^{necessary to enable the commencement} to be undertaken subsequent to receiving an authorization by the operator reasonably calculated to allow him to begin commercial production on the date planned. The Authority shall issue ^{the} a production authorization for the ^{quantity} level of production applied for unless the sum of that level and the levels ^{including the level reserved by the Authority for production by the Enterprise} already authorized exceeds the nickel production ceiling, as calculated pursuant to subparagraph (b) in the year of issuance of the authorization, ^{with respect to} during any year of planned production falling within the interim period. When issued, the production authorization and approved application shall become a part of the approved plan of work.

(c) The interim period shall begin five years prior to 1 January of the year in which the earliest commercial production is planned to commence under an approved plan of work. \longleftrightarrow In the event that the earliest commercial production is delayed beyond the year ^{commencement} originally planned, the beginning of the interim period and the production ceiling originally calculated shall be adjusted accordingly. \longleftrightarrow The interim period shall last 25 years or until the end of the Review Conference referred to in article 155 or until the day when such new arrangements or agreements as are referred to in paragraph 1 enter into force, whichever is earliest. The Authority \longleftrightarrow shall resume the power provided in this paragraph for the remainder of the interim period. If the said arrangements or agreements should lapse or become ineffective for any reason whatsoever, this subparagraph shall apply \longleftrightarrow

c for nickel production in

(b)(i) The ~~production ceiling for~~ (any year of the interim period beginning with the year of the earliest commercial production shall be the sum of: (i) and (ii) below:

(i) - The difference between the trend line values for ^{world} annual nickel consumption, as calculated pursuant to this subparagraph, for the year ^{immediately} prior to the year of the earliest commercial production and the year ^{immediately} prior to the ~~commencement~~ ^{beginning} of the interim period, ~~plus~~, and

(ii) - Sixty per cent of the difference between the trend line values for ^{world} nickel consumption, as calculated pursuant to this subparagraph, for the year for which the production authorization is being applied for and the year ^{immediately} prior to the year of the earliest commercial production;

(iii) - The trend line values ^{for} used for computing the nickel ^{consumption} production ceiling pursuant to this subparagraph shall be these annual nickel consumption values ^{calculated} on a trend line computed during the year ^{of issuance of the} in which a production authorization is issued. The ^{original} trend line shall be derived from a linear regression of the logarithms of actual nickel consumption for the most recent 15-year period for which such ^{data} are available, time being the independent variable. This trend line shall be referred to as the original trend line

(iv) - If the ^{annual} rate of increase of the original trend line is less than 3 per cent, then the trend line ^{to be} used to determine the quantities referred to in (i) and (ii) shall ^{be} instead be one passing through the ^{on the} original trend line at the value ^{of the} for the first year of the relevant 15-year period, and increasing at 3 per cent annually. ~~Provided~~

(v) - The ^{however} ~~production ceiling~~ established for any year of the interim period ^{may not} in any case exceed the difference between the original trend line value for ^{that} year ^{for which the production is being applied for} and the original trend line value for the year ^{immediately} prior to the ~~commencement~~ ^{beginning} of the interim period.

(c) The Authority shall reserve for production by the Enterprise for its initial use a quantity of 38,000 tons of nickel from the available production ceiling calculated pursuant to subparagraph (b);

(d) If, pursuant to subparagraph (b), the operator's application for an authorization is denied, the operator may reapply to the Authority at any time;

(e) In issuing commercial production authorizations, the Authority shall:

(i) An operator may in any year produce less than or up to 8 per cent more above than that level of annual production of minerals from nodules specified in his the production authorization, provided that ^{the} ~~the~~ ^{total} ~~ever~~ ^{all} amount of ^{nickel} ~~production~~ shall not exceed that specified in the authorization. Any increase ~~over 8 per cent~~ ^{between 8 and up to 20 per cent} in any year, or any increase in the third and subsequent ^{year} following two consecutive years in which increases ^{have} occur, shall be negotiated with the Authority, which may require the operator to obtain a supplementary production authorization to cover additional production. Applications for ~~such~~ supplementary production shall be taken up by the Authority only after all pending applications by operators who have not yet received production authorizations have been acted upon and due account has been taken of other likely applicants. The Authority shall be guided by the principle of not exceeding the ^{maximum} ~~total~~ production allowed under the production ^{limitation} ~~limitation~~ in any year of the interim period. It shall not authorize the production ^{under any plan of work} of a quantity in excess of 46,500 tons of nickel per year.

(f) The ^{quantities} ~~levels of production~~ of other metals (such as copper, cobalt and manganese) ^{extracted from the nodules that are recovered pursuant to a} ~~production authorization~~ should not be higher than those which ^{can be} ~~would have~~ been produced ^{had the operator produced} the maximum level of nickel from those nodules pursuant to this paragraph. The Authority shall establish ~~rules and~~ regulations pursuant to article 17 of annex III to implement ~~the provisions~~ of this subparagraph.

3. ^{commercial} The Authority shall have the power to limit the level of ^{production of} ~~minerals~~ from the Area, other than ^{minerals} ~~minerals~~ from ^{nodules} ~~modules~~, under such conditions ^{and applying such methods as may be appropriate.} ~~Regulations~~ ^{adopted by the} Authority pursuant to this provision ^{shall} ~~will~~ be subject to the procedure set forth in article ~~...~~ (entry into force of amendments to this Convention). 316, paragraph 5. The entry of measure

4. ^{The Authority, acting directly or in} ~~Following recommendations from the Council on the basis of advice from the Economic Planning Commission, the Assembly shall establish a system of compensation or other measures of economic adjustment assistance including~~ ^{co-operation with specialized agencies and other international organizations} ~~to assist developing countries which suffer serious adverse effects on their export earnings or economies resulting from a reduction in the price of an affected mineral or the volume of mineral exported, to the extent that such reduction is~~ ^{caused by activities in the Area.} ~~The Authority~~ ^{shall} ~~on request~~ ^{initiate studies} on the problems of these ~~States which are likely to be most seriously affected~~ ^{in a view to minimizing their difficulties and assisting them in their economic adjustment.}

Article 152

Exercise of power by the Authority

~~The~~ ^{the performance of its} Authority shall avoid discrimination in the exercise of its powers and functions, including the granting of opportunities for activities in the Area.

~~Nevertheless,~~ ^{it may, in accordance with this Part, give} special consideration ~~for~~ ^{to} developing States, including particular ~~consideration for~~ ^{to} the land-locked and geographically disadvantaged among them, ~~specifically provided for in this Part shall be permitted.~~

Article 153

System of exploration and exploitation

1. Activities in the Area shall be organized, carried out and controlled by the Authority ~~on behalf of mankind as a whole~~ in accordance with ~~the provisions of this article as well as other relevant provisions of this Part and the relevant annexes,~~ ^{and the} rules, regulations and procedures of the Authority.

2. Activities in the Area shall be carried out ~~as prescribed in paragraph 3:~~

(a) by the Enterprise, and

(b) in association with the Authority ^{by States Parties, or ^{by} enterprises or} States Entities, ^{or} natural or juridical persons which possess the nationality of States Parties or ^{are} ~~effectively~~ ^{effectively} controlled by them or their nationals, when sponsored by such States, ^{or} ~~any group of the foregoing~~ ^{such States, enterprises or persons} which meets the requirements provided in this Part ~~and in~~ ^{including annex III.}

3. Activities in the Area shall be carried out in accordance with a [formal] written plan of work drawn up ^{as provided for in} in accordance with annex III and approved by the Council after review by the Legal and Technical Commission. In the case of activities ~~in the Area~~ carried out ^{in accordance with} as authorized by the Authority by the entities ^{referred} specified in paragraph 2 (b), ~~such a plan of work shall, in accordance with~~ as specified article 3 of annex III, be in the form of a contract, ~~Such contracts may provide~~ for joint arrangements in accordance with article 11 of annex III. ↗

4. The Authority shall exercise such control over activities in the Area as is necessary ^{to ensure} for the purpose of securing compliance with the relevant provisions of this Part and the annexes relating thereto, ~~and the rules, regulations and procedures of the Authority, and the [plans of work] approved in accordance with paragraph 3.~~ States Parties shall assist the Authority by taking all measures necessary to ensure such compliance ~~in accordance with article 139.~~

5. The Authority shall have the right to take at any time ^{all} measures ^{necessary for} provided for under this Part to ensure compliance with its terms, and the performance of the functions of control and regulation assigned to it thereunder ^{under this P.} or under any contract. ^{It shall have the right to inspect all} installations in the Area used in connexion with activities in the Area.

~~Such~~ ^{Such} contract ~~under paragraph 3~~ shall provide for security of tenure. ^{They} Accordingly, it shall not be revised, suspended or terminated ~~except~~ ^{only} in accordance with articles 18 and 19 of annex III.

Article 154 Periodic review

Every five years from the entry into force of this Convention, the Assembly shall undertake a general and systematic review of the manner in which the international régime of the Area ~~established in this Convention~~ has operated in practice. In the light of ^{this} ~~the said~~ review, the Assembly may adopt, or recommend that other organs adopt, measures ^{in accordance with the provisions and procedures of this Part and the annexes relating thereto} ~~which will lead to the improvement of the operation of the régime.~~

Article 155 The Review Conference

1. Fifteen years from 1 January of the year in which the earliest commercial production commences under an approved plan of work, the Assembly shall convene a conference for the review of these provisions of this Part and the ^{relevant annexes} ~~relevant annexes~~ which govern the system of exploration ^{and exploitation of} the resources of the Area. The Conference shall consider in detail, in the light of the experience acquired during that ^{15-year} ~~period~~, whether ^{these} ~~the~~ provisions of this Part governing the system of exploration and exploitation of the resources of the Area have achieved their aims in all respects, ^{and in particular} ~~including~~ whether they have benefited mankind as a whole; whether, ~~during the 15-year period~~, reserved areas have been exploited in an effective and balanced way in comparison with non-reserved areas; whether the development and use of the Area and its resources have been undertaken in such a manner as to foster healthy development of the world economy and balanced growth of international trade; whether monopolization of activities in the Area has been prevented; whether the policies set forth in articles 150 and 151 have been fulfilled; and whether the system has resulted in the equitable sharing of benefits ~~to be derived~~ from activities in the Area, taking into particular consideration the interests and needs of the developing States.

The maintenance of: (a)

2. The Conference shall ensure ~~that~~ the principles of the common heritage of mankind, the ^{principles of an} international régime designed to ensure ^{the} equitable exploitation ^{of the Area} for the benefit of all ^{States} countries, especially the developing States, ^{and an Authority designed} to conduct, organize, and control activities in the Area, ~~are maintained~~. It shall ~~also ensure the maintenance of the principles laid down in this Part with regard to:~~
~~the exclusion of claims or exercise of sovereignty over any part of the Area;~~ ^{the maintenance of the principles laid down in this Part with regard to:}
~~the rights of States and their general conduct in relation to the Area;~~ ^{the maintenance of the principles laid down in this Part with regard to:}
~~the participation in exploration and exploitation of its resources in conformity with this Convention;~~ ^{the maintenance of the principles laid down in this Part with regard to:}
~~the prevention of monopolization of activities in the Area;~~ ^{the maintenance of the principles laid down in this Part with regard to:}
~~the use of the Area exclusively for peaceful purposes;~~ ^{the maintenance of the principles laid down in this Part with regard to:}
~~the economic aspects of activities in the Area;~~ ^{the maintenance of the principles laid down in this Part with regard to:}
~~scientific research;~~ ^{the maintenance of the principles laid down in this Part with regard to:}
~~transfer of technology;~~ ^{the maintenance of the principles laid down in this Part with regard to:}
~~protection of the marine environment;~~ ^{the maintenance of the principles laid down in this Part with regard to:}
~~and for human life;~~ ^{the maintenance of the principles laid down in this Part with regard to:}
~~rights of coastal States;~~ ^{the maintenance of the principles laid down in this Part with regard to:}
~~the legal status of the superjacent waters and air space;~~ ^{the maintenance of the principles laid down in this Part with regard to:}
~~and accommodation between activities in the Area and other activities in the marine environment.~~

3. The Conference shall establish its ~~own~~ rules of procedure.

4. ~~Five years after the commencement of the Review Conference~~ ^{no} ~~if~~ agreement has ~~not~~ been reached on the system of exploration and exploitation of the resources of the Area, the Conference may decide ^{within} ~~during~~ the ^{next} ~~ensuing~~ twelve months, by a two-thirds majority of the States Parties, to adopt, and submit to the States Parties for ratification, accession, or acceptance, such amendments ~~changing or modifying~~ ^{deems} to the system as it ^{deems} necessary and appropriate. Such amendments shall enter into force for all States Parties twelve months after the date of deposit of the instruments of ratification, accession, or acceptance by two-thirds of the States Parties.

^{referred to in paragraph 4}
5. Amendments adopted by the Conference under the provisions of this article shall not affect rights acquired under existing contracts.

SECTION 5. THE AUTHORITY

SUBSECTION A. GENERAL

Article 156 Establishment of the Authority

1. There is hereby established the International Sea-Bed Authority, which shall function in accordance with ~~the provisions of~~ this Part.

2. All States Parties are ipso facto members of the Authority.

3. The seat of the Authority shall be at Jamaica. 3/

4. The Authority may establish such regional centres or offices as it deems necessary for the performance of its functions.

Article 157 Nature and fundamental principles of the Authority

1. The Authority is the organization through which States Parties shall ^{manage} ~~organize and control~~ activities in the Area, particularly with a view to ~~administering~~ the resources of the Area, ~~in accordance with this Part.~~ thereof.

2. The powers and functions of the Authority shall be those expressly conferred upon it by ~~the relevant provisions of~~ this Convention. The Authority shall have such incidental powers, ^{consistent with the provisions of this Convention} ~~as are implicit~~ in and necessary for the ^{performance of these powers and functions} ~~the performance of these~~ activities in the Area.

3. The Authority is based on the principle of the sovereign equality of all of its members.

4. All members, in order to ensure to all of them ^{privileges and} ~~the rights and benefits of~~ membership, shall fulfil in good faith the ^{obligations assumed by} ~~obligations assumed by~~ them ^{under} ~~in accordance with~~ this Part.

Article 158 Organs of the Authority

1. There are hereby established, as the principal organs of the Authority, an Assembly, a Council and a Secretariat.

2. There is hereby established the Enterprise, the organ through which the Authority shall ^{perform} ~~carry out~~ the functions referred to in article 170, paragraph 1.

3. Such subsidiary organs ^{of the Authority} ~~as may be found necessary~~ may be established in accordance with this Part.

4. The principal organs ^{of the Authority} ~~and the Enterprise~~ shall each be responsible for exercising those powers and functions which have been ^{conferred upon them} ~~conferred upon them~~. ~~In exercising such powers and functions~~ Each organ shall avoid taking any action which may derogate from or impede the exercise of specific powers and functions ^{and the performance of their} ~~conferred~~ upon another organ.

3/ The Conference decided that at an appropriate time the Conference will be given an opportunity to express its preference among the candidatures of Jamaica, Malta and Fiji by means of a vote unless the Conference decides otherwise.

SUBSECTION B. THE ASSEMBLY

Article 159
Composition, procedure and voting

1. The Assembly shall consist of all the members of the Authority.
2. The Assembly shall meet in regular session every year, and in such special sessions as may be determined by the Assembly, or convened by the Secretary-General at the request of the Council or of a majority of the members of the Assembly.
3. Sessions shall take place at the seat of the Authority unless otherwise determined by the Assembly. At such sessions, each member shall have one representative who may be accompanied by alternates and advisers.
4. The Assembly shall adopt its ~~own~~ ^{new} rules of procedure. ~~It shall elect its resident and such other officers as may be required, At the beginning of each regular session, they shall hold office until the new President and other officers are elected at the next regular session.~~
5. Each member of the Assembly shall have one vote. ←
6. All decisions on ^{matters} ~~questions~~ of substance shall be taken by a two-thirds majority of the members present and voting, provided that such majority includes at least a majority of the members participating in that session ~~of the Assembly~~. When the issue arises as to whether ^{a matter} ~~the question~~ is one of substance or not, the ~~question~~ ^{matter} shall be treated as one of substance unless otherwise decided ~~by the Assembly~~ ^{by the majority required for questions of substance}.
7. Decisions on ^{matters} ~~questions~~ of procedure, including the decision to convene a special session of the Assembly, shall be made by a majority of the ~~representatives~~ ^{members} present and voting.
8. When a matter of substance comes up for voting for the first time, the resident may, and shall, ^{at the request of} ~~if requested by~~ at least one fifth of the members of the assembly, defer the question of taking a vote on such matter for ^{not more than} ~~a period not exceeding~~ five calendar days. ^{matters of substance deferred} ~~This rule may be applied only once on the matter, and shall not be applied so as to defer questions beyond the end of the session.~~

X A majority of the members of the Assembly shall constitute ^{the} ~~a~~ quorum.

15.9. Upon ^a ~~request~~ in writing to the President, sponsored by not less than one quarter of the members of the Authority, for an advisory opinion on the conformity with this Convention of a proposed action before the Assembly ~~on any matter~~, the ^{latter} ~~assembly~~ shall defer its vote on that matter ~~and shall request the Sea-Bed Disputes Chamber for an advisory opinion thereon. Voting on that action shall be deferred pending delivery of the advisory opinion by the Chamber.~~ If the advisory opinion is not received by the final week of the session in which it is requested, the Assembly shall decide when it will meet to vote upon the deferred matter.

See new alphabetical
order of para. 2
↓

Article 160
Powers and functions

1. The Assembly, as the sole organ of the Authority consisting of all the members, shall be ~~considered~~ the supreme organ of the Authority to which the other principal organs shall be accountable ~~as specifically provided for in this Convention.~~
The Assembly shall have the power to establish general policies in conformity with the relevant provisions of this Convention on any ~~question or~~ matter within the competence of the Authority.

2. In addition, ~~the powers and functions of the Assembly shall be:~~ see 162(2)

(a) ~~Elect:~~

(i) ~~Election of the members of the Council in accordance with article 161;~~

(ii) ~~Election of the Secretary-General from among the candidates proposed by the Council;~~ a list of recommended

(iii) ~~Election, upon the recommendation of the Council, of the members of the Governing Board of the Enterprise as well as the Director-General of the Enterprise;~~ ←

(c) (a) ~~Establishment, as appropriate, of such subsidiary organs as may be found necessary for the performance of its functions in accordance with the provisions of this Part.~~ In the composition of such subsidiary organs due account shall be taken of the principle of equitable geographical distribution and of special interests, and the need for members qualified and competent in the relevant technical questions dealt with by such organs;

(d) (e) ~~Assessment of the contributions of members to the administrative budget of the Authority in accordance with an agreed general assessment scale based upon the scale used for the regular budget of the United Nations, until the Authority shall have sufficient income from other sources for meeting its administrative expenses;~~

(h) (f) (i) ~~Consideration and approval, upon the recommendation of the Council, of the rules, regulations and procedures on the equitable sharing of financial and other economic benefits derived from activities in the Area and the payments and contributions made pursuant to article 82, taking into particular consideration the interests and the needs of the developing States and peoples who have not attained full independence or other self-governing status. If the Assembly does not approve the recommendations of the Council, the Assembly shall return them to the Council for reconsideration in the light of the views expressed by the Assembly;~~ as referred to in article 162, subparagraph 2

(ii) ~~Consideration and approval of the rules, regulations and procedures of the Authority, [and any amendments thereto], provisionally adopted by the Council pursuant to article 162, paragraph 2 (h). These rules, regulations and procedures shall relate to prospecting, exploration and exploitation in the Area, the financial management and internal administration of the Authority, and, upon the recommendation of the Governing Board of the Enterprise, the rules, regulations and procedures for the transfer of funds from the Enterprise to the Authority as provided for in article 10, paragraph 2 of annex IX;~~

including the decision-making procedures of the Community

(iii) Consider and approve, ↓

« If the Assembly does not approve such regulations, it shall return them to the Council for reconsideration and final adoption in the light of any views expressed by the Assembly »

(ii) the recommendations of the Council concerning policies on any matter within the competence of the Authority;

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(2) (g) Consideration and approval of the budget of the Authority on its submission by the Council;

(3) (h) Examination of periodic reports from the Council and from the Enterprise and of special reports requested from the Council and from any other organs of the Authority;

(4) (i) Initiation of studies and recommendations for the purpose of promoting international co-operation concerning activities in the Area and encouraging the progressive development of international law relating thereto and its codification;

(5) (j) Deciding upon the equitable sharing of financial and other economic benefits derived from activities in the Area, ^{in accordance} with the provisions of this Convention and the rules, regulations and procedures of the Authority, ~~and of payments and contributions made pursuant to article 82;~~ ^{and of payments and contributions made pursuant to article 82;}

(6) (k) Consideration of problems of a general nature in connexion with activities in the Area, in particular for developing States, as well as of such problems for States in connexion with activities in the Area as are due to their geographical location, including land-locked and geographically disadvantaged ^{States} countries;

(7) (l) ^{On a proposal from} Establishment, upon the recommendation of the Council ^{submitted upon the recommendation} on the basis of advice from the Economic Planning Commission, ^{or a system of compensation/as provided in article 151, paragraph 4;} ^{a system of compensation/as provided in article 151, paragraph 4;}

(8) (m) ^{upon the recommendation of the Council} Suspension of members pursuant to article 185;

(9) (n) Discussion of any question or matter within the competence of the Authority and decisions as to which organ shall deal with any such question or matter not specifically entrusted to a particular organ of the Authority, ^{in accordance with} consistent with the normal distribution of powers and functions among the organs of the Authority.

taking into account
deviation

(i) On a proposal from the Council, adopt appropriate measures for the limit of commercial production of minerals referred to in article 151, paragraph 3;

(j) Approve the agreements entered into by the Council on behalf of the Authority pursuant to article 162, subparagraph 2 (u);

(k) Consider the recommendations of the Council concerning:

(i) measures to be taken in cases of non-compliance pursuant to article 162, subparagraph 2 (q);

(ii) the suspension of the privileges and rights of membership pursuant to article 162, subparagraph 2 (t);

(l) Issue guidelines concerning the representation of the principal legal systems and the geographical distribution within the Sea-Bed Disputes Chamber;

(1) Request from the Sea-Bed Disputes Chamber, where necessary, any advisory opinion on legal questions arising within the scope of its activities;

see 183
see also 159

SUBSECTION C. THE COUNCIL

Article 161

Composition, procedure and voting

as follows

1. The Council shall consist of 36 members of the Authority, elected by the Assembly, ~~the election to take place in the following order:~~
^{at various regions}

(a) Four members from among the eight States Parties which have the largest investments in preparation for and in the conduct of activities in the Area, either directly or through their nationals, including at least one State from the Eastern (Socialist) European region;

(b) Four members from among those States Parties which, during the last five years for which statistics are available, have either consumed more than two per cent of total world consumption or have had net imports of more than two per cent of total world imports of the ~~commodities produced from the categories of minerals to be derived from the Area, and in any case one State from the Eastern (Socialist) European region;~~
^{including at least}

(c) Four members from among ~~countries~~ ^{States} which on the basis of production in areas under their jurisdiction are major net exporters of the ~~categories of minerals to be derived from the Area, including at least two developing countries whose exports of such minerals have a substantial bearing upon their economies;~~
^{States}

(d) Six members from among developing States, representing special interests, ~~The special interests to be represented shall include those of States with large populations, States which are land-locked or geographically disadvantaged, States which are major importers of the categories of minerals to be derived from the Area, States which are potential producers of such minerals, and least developed States;~~ ^{including}

(e) Eighteen members elected according to the principle of ~~ensuring an equitable geographical distribution of seats in the Council as a whole, provided that Each of the geographical regions shall have at least one member, elected under this subparagraph. For this purpose the geographical regions shall be Africa, Asia, Eastern Europe (Socialist), Latin America and Western Europe and others.~~
^{ensuring}

2. In electing the members of the Council ~~in accordance with~~ ^{under} paragraph 1, the Assembly shall ensure that:

(a) Land-locked and geographically disadvantaged States are represented to a degree which is reasonably proportionate to their representation in the Assembly;

(b) Coastal States, especially ~~developing States~~ ^{the among them}, which do not qualify under ~~paragraph 1 (a), (b), (c) and (d)~~ ^{are represented} to a degree which is reasonably proportionate to their representation in the Assembly;

(c) Each group of States Parties ~~to be represented on the Council~~ ^{referred to in subparagraphs 1 (a) to (d)} is represented ^{on the Council} by these members, if any, which are nominated by the group.

< by the majority provided for in each specific case or, if so >

on matters of substance

under this Convention or

(f) Decisions (not listed above which the Council is authorized to take by the rules, regulations and procedures of the Authority or otherwise shall be taken pursuant to the subparagraphs of this article specified in the rules, regulations and procedures or, if not specified therein, then pursuant to the subparagraph determined by the Council, if possible in advance, by the majority required for questions under subparagraph (d), ^{consensus in accordance with the procedure laid down in subparagraph (d).}

(e) When the issue arises as to whether a question is within subparagraphs (a), (b), (c) or (d), ^{during in that matter} the question shall be treated as being within the subparagraph ^{requiring the higher or highest majority as the case may be, unless otherwise determined} requiring the higher or highest majority as the case may be, unless otherwise determined by the Council by the said majority.

8. A majority of the members of the Council shall constitute a quorum.

State Party which is

9. The Council shall establish a procedure whereby a member of the Authority not represented on the Council may send a representative to attend a meeting of the Council when a request is made by such member, or a matter particularly affecting it is under consideration. Such a representative shall be entitled to participate in the deliberations ^{without the right to vote.}

See new alphabetical order of Annex 2

Article 162 Powers and functions

1. The Council is the executive organ of the Authority, ^{It shall} having the power to establish, in conformity with the provisions of this Convention and the general policies established by the Assembly, the specific policies to be pursued by the Authority on any questions or matters within the competence of the Authority.

2. In addition, the Council shall:

(a) Supervise and co-ordinate the implementation of the provisions of this Part ^{and the annexes thereto} on all questions and matters within the competence of the Authority, ^{and invite the attention of the Assembly to cases of non-compliance;}

(b) Recommend to the Assembly ⁽ⁱ⁾ a list of candidates for the election of the Secretary-General;

(c) Recommend to the Assembly ⁽ⁱⁱ⁾ candidates for election as members of the Governing Board of the Enterprise, as well as the Director-General of the Enterprise; ^{in accordance with article 5 of Annex IV}

(d) Establish, as appropriate, and with due regard to economy and efficiency, in addition to the Commissions provided for in article 163, paragraph 1, such subsidiary organs as may be found necessary for the performance of its functions in accordance with the provisions of this Part. ^{due account shall be taken of the need for members qualified and competent in the relevant technical matters dealt with by such organs; provided that due account shall be taken of the principle of equitable geographical distribution and of special interests}

(e) Adopt its rules of procedure, including the method of selecting its president;

(f) Enter into agreements with the United Nations or other international organizations on behalf of the Authority and within its competence, subject to approval by the Assembly;

(g) Establish the following organs:

- (i) a subsidiary for the elaboration of draft financial regulations relating to financial management in accordance with articles 171 and 175, and financial arrangements in accordance with article 13 and article 17, subparagraph 1 (c), of Annex II;
- (ii) with due regard to economy and efficiency, such other subsidiary organs as may be found necessary for the performance of its functions;

(d) Approve the rules of procedure of the Commission submitted by the latter, and issue guidelines for and directives to the Commission as may be found necessary

(a) (g) Examine the reports of the Enterprise and transmit them to the Assembly with its recommendations;

(v) (h) ^{Submit} Present to the Assembly annual reports and such special reports as the Assembly may ~~require~~ request;

(c) (i) Issue directives to the Enterprise in accordance with article 170^{as may be found necessary};

(m) (j) ^{Decide upon} ^{submitted} ^{and 12} Approve plans of work (in accordance with article 6 of annex III, ^{and 12} The Council shall act upon each plan of work within 60 days of ^{their} submission by the Legal and Technical Commission at a session of the Council in accordance with the following procedures:

(i) If the Commission recommends the approval of a plan of work, it shall be deemed to have been approved by the Council ^{unless a member of the Council} ~~no~~ Council member submits to the President within 14 days a ^{formal} ~~specific written~~ objection alleging non-compliance with the ^{provisions of article 6 of annex III} ~~recommendations of article 6 of annex III~~. ^{In the event} ~~that there is an objection~~, the conciliation procedure contained in ^{article 161, paragraph 2} ~~article 161, paragraph 2~~, shall apply. ^{II} ~~II~~, at the end of the conciliation process, the objection to the approval of the plan of work is still maintained, the plan of work shall be deemed to have been approved by the Council unless the Council ^{disapproves} ~~disapproves~~ it by consensus among its members excluding the State ^{or States, if any} ~~or States, if any~~, making the application or sponsoring the applicant;

(ii) If the Commission recommends the ^{rejection} ~~disapproval~~ of a plan of work or ~~does not~~ make ^{no} ~~a~~ recommendation, the Council may ~~decide to~~ approve the plan of work by a three-fourths majority of the members present and voting, ^{as the decision} ~~provided~~ that such majority includes a majority of members participating in that session;

^{sw} ~~(k) Exercise control over activities in the Area in accordance with article 153, paragraph 4, and the rules, regulations and procedures of the Authority;~~ ^{pursuant to article}

⁷⁾ ~~(l) Adoption of the recommendation of the Economic Planning Commission, necessary and appropriate measures in accordance with article 150, subparagraph (g), to protect against adverse economic effects specified therein, referred to in d)~~ ^{upon}

(i) ^{Propose} ~~Make recommendations~~ to the Assembly, ^{upon the recommendation of} ~~on the basis of advice from the~~ Economic Planning Commission, for a system of compensation or other measures of economic adjustment assistance as provided in article 151, paragraph 4;

(j) ~~(n)~~ (i) Recommend to the Assembly ~~rules, regulations and procedures~~ on the equitable sharing of financial and other economic benefits ~~derived from~~ activities in the Area and the payments and contributions made pursuant to article 82, taking into particular consideration the interests and needs of the developing States and peoples ~~who have not attained full independence or other self governing status, referred to in article 140;~~

Upon the recommendation of the Legal and Technical Committee or any other subordinate organ concerned,

- (ii) ~~Adopt and supply provisionally, pending approval by the Assembly, the rules, regulations and procedures of the Authority, [and any amendments thereto], taking into account the recommendations of the Commission or other subordinate organ concerned. These rules, regulations and procedures shall relate to prospecting, exploration and exploitation in the Area, the financial management and internal administration of the Authority, such rules, regulations and procedures shall remain in effect on a provisional basis until approval by the Assembly or by the Council in the light of any views expressed by the Assembly.~~ ^{including the decision-making procedures of the Commission} ^{shall reconsider and approve them finally}

(v) (e) Review the collection of all payments to be made by or to the Authority in connexion with operations pursuant to ^{under} this Part of the Annex relating thereto;

(n) (p) Make the selection among applicants for ^{commercial} production authorization ^{in accordance with} article 7 of annex III, for the production authorization referred to in article 151, where such selection is required by those provisions;

(f) (q) Submit the budget of the Authority to the Assembly for its approval;

(w) (r) Make ^{appropriate} recommendations to the Assembly concerning policies on any question or matter within the competence of the Authority;

(t) (s) ^{appropriate} Make recommendations to the Assembly concerning suspension of the privileges and rights of membership for gross and persistent violations ^{referred to in article 185} of the provisions of this Part (Upon a finding of the Sea-Bed Disputes Chamber);

(g) (t) ^{In cases of non-compliance:} (i) Institute, ~~initiate~~ on behalf of the Authority, proceedings before the Sea-Bed Disputes Chamber in cases of non-compliance;

~~(u) Upon a finding by the Sea-Bed Disputes Chamber ^{such} on proceedings, resulting from subparagraph (t), notify the Assembly and ^{appropriate} make recommendations with respect to measures to be taken unless otherwise decided;~~

(o) (u) ^{Upon the recommendation of the Legal and Technical Committee, to be taken up on a priority basis} Issue emergency orders, ~~which may include orders for the suspension or adjustment of operations, to prevent serious harm to the marine environment arising out of any activity in the Area, as referred to in article 165, subparagraph 2 (c);~~

^{Upon the recommendation of the Legal and Technical Committee,} (l) (w) ~~Disapprove areas for exploitation by contractors or the Enterprise in cases where substantial evidence indicates the risk of serious harm to the marine environment, as provided for in article 165, subparagraph 2 (c);~~

~~(x) Establish a subsidiary organ for the elaboration of draft financial rules, regulations and procedures relating to:~~

~~see now
now (c)(i) (i) financial management in accordance with articles 171 to 175; and~~

~~(ii) financial arrangements in accordance with article 13 and article 17, paragraph 1(c), of annex II.~~

(r) (y) ^{Upon the recommendation of the Legal and Technical Committee, adopt} ~~Establish appropriate mechanisms for directing and supervising the staff of inspectors who shall inspect activities in the Area to determine whether the provisions of this Part, the rules, regulations and procedures prescribed thereunder, and the terms and conditions of any contract with the Authority are being complied with. referred to in article 165, subparagraph 2 (f).~~

(k) Propose to the Assembly appropriate measures for the limitation of commercial production of minerals referred to in article 152, paragraph 3;

(s) Request from the Sea-Bed Disputes Chamber, where necessary, any advisory opinion on legal questions arising within the scope of its activities;

Article 163
Organs of the Council

1. There are hereby established the following organs of the Council:

- ~~(a)~~ Legal and Technical Commission, and
- ~~(b)~~ Economic Planning Commission.

2. Each Commission shall be composed of 15 members elected by the Council upon nomination by the States Parties. The Council may, however, if necessary, ~~decide to~~ increase the size of any Commission with due regard to economy and efficiency.

~~X~~ Members of ~~the~~ Commission^s shall have appropriate qualifications in the area of competence of the Commission in which they seek election ~~later~~.

3. In ^{nominating} ~~submitting names of~~ candidates for election to the Commission^s, States Parties shall ^{take into consideration} ~~bear in mind~~ the need to submit candidates of the highest standard of competence and integrity with qualifications in relevant fields ~~so as to ensure the effective functioning of the Commissions.~~

4. In the election of members ^{to} of the Commissions, due ^{account} ~~regard~~ shall be ^{taken of the} ~~paid to~~ the need for equitable geographical distribution ^{and representation of special interests and of} ~~as described in article 162, subparagraphs 1 (d) and (e), respectively;~~

5. No State may nominate more than one person as a candidate to serve in the same Commission. No person shall be elected to ~~serve in~~ more than one Commission.

6. In the event of the death, incapacity or resignation of a member of a Commission prior to the expiry of his term of office, the Council shall ^{elect} ~~appoint~~ a member from the same geographical region or area of interest, who shall hold office for the remainder of the term of the previous member.

7. Members of a Commission shall hold office for a term of five years. They may ^{be} ~~shall be eligible for re-election~~ for a further term.

8. Members of ^a Commission^s shall have no financial interest whatsoever in any activity relating to exploration and exploitation in the Area. Subject to their responsibilities to the Commission^s upon which they serve, they shall not disclose, even after the termination of their ^{duties} ~~functions~~, any industrial secret or data which is ^{deemed to be} ~~proprietary~~ in accordance with article 14 of annex III, or other confidential information coming to their knowledge by reason of their duties ~~for the Authority.~~

9. Each Commission shall perform its functions in accordance with such guidelines and directives as the Council may adopt.

10. Each Commission shall ^{its rules of procedure} ~~formulate and submit~~ to the Council for approval, ^{such} ~~rules and regulations as may be necessary for the efficient conduct of the Commission's functions.~~

11. The decision-making procedures of the Commissions shall be established ⁱⁿ ~~the~~ rules, regulations and procedures of the Authority. Recommendations to the Council shall, where necessary, be accompanied by a summary on the divergencies of opinion in ^a ~~the~~ Commission.

12. Each Commission shall normally function at the seat of the Authority and shall meet as often as ~~shall~~ ^{may} be ~~required~~ ^{necessary} for the efficient performance of its functions.

13. In the performance of ~~these~~ ^{its} functions, each Commission may, where appropriate, consult another Commission, ~~or any competent organ of the United Nations and its specialized agencies, or any international organizations with relevant competence in the subject matter of such consultation.~~ ^{Administrative Organ of the Authority}

Article 164 The Economic Planning Commission

1. Members of the Economic Planning Commission shall have appropriate qualifications such as those relevant to mining, management of mineral resource activities, international trade or economics. The Council shall endeavour to ensure that the ~~membership~~ ^{of the members} ~~fulfil~~ ^{←→} the need ~~for all appropriate qualifications in the~~ Commission as a whole.

2. The Commission shall:

(a) ^{At} ~~Upon~~ the request of the Council, propose measures to implement decisions relating to activities in the Area taken in accordance with this Convention;

(b) Review the trends of and factors affecting supply, demand and prices of ~~raw materials~~ ^{derived} which may be ~~obtained~~ ^{taking into} from the Area, ~~bearing in mind~~ ^{States} the interests of both importing and exporting ~~countries~~, and in particular the developing States among them;

(c) ^{At the request of ←→} ~~Examine~~ any situation likely to lead to such adverse effects as ^{are} referred to in article 150, subparagraph (g), ~~brought to its attention by the State Party or States Parties concerned~~ and make appropriate recommendations to the Council;

(d) ^{Recommend} ~~Propose~~ to the Council for submission to the Assembly a system of compensation for developing States which ~~suffer adverse effects caused by activities in the Area, as provided in article 151, paragraph 4, after adoption by the Assembly of such system of compensation, the Economic Planning Commission shall make such recommendations to the Council as are necessary for the application of the system~~ ^{only} ~~in concrete cases~~ ^{implementation}

(e) ^{Where appropriate, recommend to the Council for submission to the Assembly measures for the limitation of commercial production of minerals referred to in article 151, paragraph}

Article 165 The Legal and Technical Commission

1. Members of the Legal and Technical Commission shall have appropriate qualifications such as those relevant to exploration, exploitation and processing of mineral resources, oceanology, ^{and preservation} protection of the marine environment or economic or legal matters relating to ocean mining and other relevant fields of expertise. The Council shall endeavour to ensure that the ~~membership~~ ^{of the members} ~~fulfil~~ ^{←→} the need ~~for all appropriate~~ qualifications in the Commission as a whole.

2. The Commission shall:

(i) ^{At} ~~(a) Upon~~ the request of the Council make recommendations with regard to the ~~performance~~ ^{carrying out} of the ~~Authority's~~ ^{Authority's} functions ~~of the~~;

(b) Review ~~formal~~ written plans of work for activities in the Area, in accordance with article 153, paragraph 3, and ^{make} appropriate recommendations to the Council. ~~The Commission shall base its recommendations solely on the grounds stated in annex III, and shall report fully thereon to the Council, stating the grounds for these recommendations;~~

(h) ^{At} ~~(e)~~ Upon the request of the Council, supervise activities in the Area, where appropriate, in consultation and collaboration with ^{any entity carrying out such} ~~any entity carrying out such~~ activities or State or States concerned and report to the Council;

^{on the} (d) Prepare assessments ~~of the environmental implications of activities in the~~ Area;

^{meaning: (i) and preservation} (e) Make recommendations to the Council ~~on~~ ^{the protection of the marine} environment, taking into account the views of recognized experts in that field;

^{Recommend} (a) ~~(f)~~ Formulate and submit to the Council the ~~rules, regulations and procedures~~ ^{of the Authority} referred to in article 162, paragraph 2 ~~(a)~~, taking into account all relevant factors including assessments ~~of the environmental implications of activities in the Area;~~ [↑]

~~(g)~~ Keep such ~~rules, regulations and procedures~~ under review, and recommend to the Council from time to time such amendments thereto as it may deem necessary ~~or~~ desirable;

^(iv) ~~(h)~~ Make recommendations to the Council regarding the establishment of a monitoring programme, which shall observe, measure, evaluate and analyse by recognized scientific methods on a regular basis the risks and effects, of activities in the Area, with respect to pollution of the marine environment, ^{of the Authority} ensure that ~~existing~~ regulations are adequate and complied with ~~and~~ co-ordinate the implementation of the monitoring programme approved by the Council ~~and~~ \leftrightarrow ;

^{instituted} (y) ~~(i)~~ Recommend to the Council that proceedings be ~~initiated~~ ^{instituted} on behalf of the Authority before the Sea-Bed Disputes Chamber, in accordance with ~~this Part and the relevant annexes as provided in article 187;~~ \rightarrow

~~(j)~~ Upon a finding by the Sea-Bed Disputes Chamber ^{such} on ~~proceedings, resulting~~ ^{from subparagraph (i),} make recommendations to the Council with respect to measures to be taken;

^{(iii) the} ~~(k)~~ Make recommendations to the Council to ~~issue~~ ^{of} emergency orders, which may include orders for the suspension or adjustment of ~~operations~~ to prevent serious harm to the marine environment arising out of activities in the Area. ~~Such recommendations shall be taken up by the Council on a priority basis;~~ ^{R 162 para}

^{(iv) the} ~~(l)~~ Make recommendations to the Council to ~~disapprove~~ ^{of} areas for exploitation by contractors or the Enterprise in cases where substantial evidence indicates the risk of serious harm to the marine environment;

^{(f) (m)} Make recommendations to the Council regarding the direction and supervision of a staff of inspectors who shall inspect activities in the Area to determine whether ~~the provisions of this Part, the rules, regulations and procedures prescribed of the Authority thereunder, and the terms and conditions of any contract with the Authority~~ ^{are being} ~~are being~~ ^{for activities in the Area} complied with;

^{commercial} (c) ~~(n)~~ Calculate the production ceiling and ~~issue~~ ^{commercial} production authorizations on behalf of the Authority pursuant to article 151, following any necessary selection among applicants ~~for production authorizations by the Council in accordance with article 7 of annex III.~~

^{entity} 3. ~~The~~ ^{at the} Members of the Commission shall, upon request ^{of} by any State Party or other ~~party concerned~~, be accompanied by a representative of such State ~~Party~~ or other ~~party~~ ^{entity} concerned when carrying out their function ^{of} supervision and inspection.

SUBSECTION D. THE SECRETARIAT

Article 166 The Secretary-General

1. The Secretariat shall comprise a Secretary-General and ^{the} ~~such~~ staff ^{of} ~~as~~ the Authority ~~may require~~. The Secretary-General shall be elected by the Assembly upon the recommendation of the Council for a four-year term and ~~shall~~ ^{may} be eligible ~~for re-election~~. ~~He~~ ^{ed} shall be the chief administrative officer of the Authority. ~~He~~

2. The Secretary-General shall act in that capacity in all meetings of the Assembly, ~~and~~ ^{of} the Council, and of any subsidiary organs, and shall perform such other administrative functions as are entrusted to him by any ~~such~~ organs of the Authority.

3. The Secretary-General shall make an annual report to the Assembly on the work of the Authority.

Article 167 The staff of the Authority

1. The staff of the Authority shall consist of such qualified scientific and technical and other personnel as may be required to fulfil the administrative functions of the Authority.

2. The paramount ^{objective} ~~consideration~~ in the recruitment and employment of the staff and in the determination of their ^{terms and} ~~conditions~~ of service shall be to secure employees of the highest standards of efficiency, competence, and integrity. ~~Subject to this consideration,~~ ^{Subject to this consideration,} due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

3. The staff shall be appointed by the Secretary-General. The ⁱⁿ ~~terms and~~ conditions ^{of service} ~~on which the staff shall be appointed, remunerated and dismissed~~ shall be ~~in accordance with~~ ^{set out in} the rules, regulations and ~~procedures~~ of the Authority.

Article 168 International character and responsibilities of the Secretariat

1. In the performance of their duties, the Secretary-General and the staff shall not seek or receive instructions from any Government or ~~from~~ any other source external to the Authority. They shall refrain from any action which might reflect on their position as international officials of the Authority responsible only to the Authority. Each State Party ~~undertakes to~~ ^{shall} respect the exclusively international character of the responsibilities of the Secretary-General and the staff and ^{shall} ~~not~~ to seek to influence them in the ^{performance} ~~discharge~~ of their responsibilities. ~~Any violation of responsibilities by a staff member shall be submitted to appropriate administrative tribunal as provided in the rules, regulations and procedures of the Authority.~~ ^{of their obligations under the present Charter}

2. The Secretary-General and the staff shall have no financial interest whatsoever in any activity relating to exploration and exploitation in the Area. Subject to their responsibilities to the Authority, they shall not disclose, even after the termination of their ^{duties} ~~functions~~, any industrial secret or data which is ^{deemed to be} ~~proprietary~~ in accordance with article 14 of annex III, or other confidential information ^{of commercial value} coming to their knowledge by reason of their official duties with or on behalf of the Authority.

^{any} ~~Violations~~ ^{of the obligations} ~~of a staff member of the Authority~~ ^{set forth} ~~in paragraph 2 shall, on the request of a State Party, be submitted to a natural or juridical person, sponsored by a State Party as provided in~~ ^{under this paragraph}

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~~article 155, paragraph 2 (b), and affected by such violation, be submitted by the Authority against the staff member concerned to a Tribunal designated in the rules, regulations and procedures of the Authority. The Party affected shall have the right to take part in the proceedings. If the Tribunal so recommends, the Secretary-General shall dismiss the staff member concerned.~~

3. ^{Implementation} The ~~elaboration of the relevant provisions~~ of this article shall be ~~included~~ ^{the subject of} ~~in the rules, regulations and procedures of the Authority.~~

Article 169
Consultation and co-operation with international and non-governmental organizations

1. The Secretary-General shall, on matters within the competence of the Authority, make suitable arrangements, with the approval of the Council, for consultation and co-operation with international and non-governmental organizations recognized by the Economic and Social Council of the United Nations.

2. Any organization with which the Secretary-General has entered into an arrangement under paragraph 1 may designate representatives to attend as observers meetings of the organs of the Authority in accordance with the rules of procedure of any such organ. ~~A procedure~~ shall be established for obtaining the views of such organizations in appropriate cases.

3. The Secretary-General may distribute to States Parties written reports submitted by ~~these non-governmental organizations~~ ^{referred to in paragraph 1} on subjects in which they have special competence and which are related to the work of the Authority. see para. 21

SUBSECTION E. THE ENTERPRISE

Article 170
The Enterprise

1. The Enterprise shall be the organ of the Authority which shall carry out ~~activities in the Area~~ ^{directly} ~~pursuant to article 155, paragraph 2 (a), as well as transportation, processing and marketing of minerals recovered from the Area.~~ ↔

~~X The Enterprise shall, within the framework of the international legal personality of the Authority, have such legal capacity as is provided for in the statute set forth in annex IV. The Enterprise shall act in accordance with the provisions of this Convention and the rules, regulations and procedures of the Authority, as well as the general policies established by the Assembly, and shall be subject to the directives and control of the Council.~~ see now 1
see Annex IV, art. 2

2. The Enterprise shall have its principal place of business at the seat of the Authority.

3. The Enterprise shall, in accordance with ~~article 175, paragraph 2, and article 11 of annex IV, be provided with such funds as it may require to carry out its functions, and shall receive technology as provided in article 114 and other relevant provisions of this Convention.~~ for in

SUBSECTION F. FINANCIAL ARRANGEMENTS OF THE AUTHORITY

Article 171
Funds of the Authority

The funds of the Authority shall include:

(a) assessed contributions made by States Parties in accordance with ~~article 160, paragraph 2 (e);~~ ^{referred to in}

(b) funds transferred from the Enterprise in accordance with article 10~~x~~ paragraph 1~~x~~ of annex IV;

(c) ~~receipts of the Authority arising from activities in the Area in accordance with article 15 of annex III;~~ fees and production charges received in

(d) ~~loans received in accordance with article 174; and~~ funds borrowed pursuant to

(e) voluntary contributions made by States Parties or other entities.

Article 172

Annual budget of the Authority

~~The Secretary-General shall prepare and submit to the Council the annual budget estimates of the Authority. The Council shall consider and submit to the Assembly the budget estimates, together with any recommendations thereon. The Assembly shall consider and approve these budget estimates in accordance with article 160, paragraph 2 (g), for approval.~~ The Council shall consider and submit to the Assembly the budget estimates, together with any recommendations thereon. The Assembly shall consider and approve these budget estimates in accordance with article 160, paragraph 2 (g), for approval.

Article 173

Expenses of the Authority

1. The contributions ~~of States Parties~~ referred to in article 171, 160, subparagraph (a), shall be paid into a special account to meet the administrative expenses of the Authority until the Authority shall have sufficient funds from other sources for meeting its administrative expenses.

2. The administrative expenses of the Authority shall be a first call upon the funds of the Authority. ~~Apart from the funds referred to in article 171, and paragraph (a), the funds which remain after payment of administrative expenses may, inter alia:~~ ^{paid into the special account} Apart from the funds referred to in article 171, and paragraph (a), the funds which remain after payment of administrative expenses may, inter alia:

(a) be distributed in accordance with article 140, ~~and article 160, paragraph 2 (j);~~

(b) be used to provide the Enterprise with funds ~~in accordance with~~ ^{referred to in} article 170, paragraph 4, ~~and article 11, paragraph 1 (a) of annex IV;~~

(c) be used ~~to compensate developing States in accordance with article 151, paragraph 4, and article 160, paragraph 2 (1).~~ ^{for the compensation system provided for in}

Article 174

Borrowing powers of the Authority

1. The Authority shall have the power to borrow funds, which shall be exercised ~~by the Council, subject to the~~ ^{set out in the regulations of the} ~~The Assembly shall prescribe the limits on the borrowing power of the Authority, in its financial regulations adopted pursuant to article 160, paragraph 2 (f).~~

~~3. The Council shall exercise the borrowing power of the Authority.~~ ^{see more from}

2. States Parties shall not be liable for the debts of the Authority.

Article 175
Annual audit

The records, books and accounts of the Authority, including its annual financial statements, shall be audited annually by an independent auditor to be appointed by the Assembly.

SUBSECTION C. LEGAL STATUS, PRIVILEGES AND IMMUNITIES

Article 176
Legal status

The Authority shall have international legal personality and such legal capacity as may be necessary for the ^{performance} ~~exercise~~ of its functions, ~~and the fulfilment of its purposes~~.
Within the framework of the international legal personality of the Authority, the Enterprise shall have such legal personality as is provided for in annex IV.

Article 177
Privileges and immunities

~~To enable the Authority to fulfil its functions, it shall enjoy in the territory of each State Party the such privileges and immunities set forth in this subsection.~~ ^{are necessary for the performance of} ~~The privileges and immunities relating to the Enterprise shall be as those set forth in article 15 of annex IV.~~

under the conditions laid down in this

Article 178
Immunity from legal process

The Authority, its property and assets, shall enjoy immunity from legal process except to the extent that the Authority shall have expressly waived such immunity in a particular case.

Article 179
Immunity from search and any form of seizure

^{the} ~~The~~ property and assets of the Authority, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by ^{and from} executive or legislative action.

Exemption Article 180
Property and assets free from restrictions, regulations, controls and moratoria

All property and assets of the Authority shall be ^{exempt} ~~free~~ from ^{any} ~~restrictions, regulations, controls and moratoria of any nature.~~

other advisers and technical experts

Article 181
Immunities of certain persons connected with the Authority

^{Persons taking part in the work} ~~Representatives of member States attending meetings of the Assembly, the Council, or organs of the Assembly or the Council and the Secretary-General and staff of the Authority shall, enjoy in the territory of each member State Party:~~ ^{and}

(a) ^{enjoy} ~~Immunity from legal process~~ ^{advisers} with respect to acts performed by them in their ^{official capacity} ~~exercise of their functions~~, except to the extent that the State which they represent or the Authority, as appropriate, shall have expressly waived such immunity in a particular case;

enjoy, as aliens

(b) ~~Not being local nationals~~, the same immunities from immigration ^{and} restrictions, alien registration requirements and national service obligations, ~~the same facilities as regards exchange restrictions and the same treatment in respect of travelling facilities, as are accorded by States Parties to the representatives, officials and employees of comparable rank of other States Parties.~~

Treatment Article 102

Inviolability of archives and official communications

^{All}
1. ~~The~~ archives of the Authority shall be inviolable, [[]wherever they may be[]].

2. All proprietary data, industrial secrets or similar information and all personnel records shall not be placed in archives open to public inspection.

^{For}
3. ~~With regard to its official communications~~, the Authority shall be ^{enjoy in the} ~~accorded by each State Party~~ ^{territory of} ~~treatment~~ ^{which shall be} ~~no less favourable than that accorded to~~ ^{by that State} other international organizations.

Article 103

Immunities from taxation

^{property}
1. ¹⁹⁷⁷ Within the scope of its official activities, ^{revenues} ~~The Authority, its assets, property, income and its operations and transactions authorized by this Convention shall be exempt from all direct taxation and from all customs duties on goods imported or exported for its official use.~~ ^{under} ~~The Authority shall not claim exemption from taxes which are no more than charges for services rendered.~~

2. ~~When purchases of goods or services of substantial value necessary for the official activities of the Authority are made by or on behalf of the Authority, and when the price of such purchases includes taxes or duties, appropriate measures shall, to the extent practicable, be taken by States Parties to grant exemption from such taxes or duties or provide for their reimbursement.~~ ^{purchased} ~~Goods imported or purchased under an exemption provided for in this article shall not be sold or otherwise disposed of in the territory of the State Party which granted the exemption, except under conditions agreed with that State Party.~~ ^{the appropriate measures to remit or refund the amount of the taxes or duties included in the price}

3. ~~No tax shall be levied by States Parties on or in respect of salaries and emoluments paid or any other form of payment made by the Authority to the Secretary-General and staff of the Authority, as well as experts performing missions for the Authority, who are not their citizens, nationals or subjects.~~ ^{wages} ~~shall be exempt from national taxes on~~ ^{from} ~~»~~.

SUBSECTION H. SUSPENSION OF RIGHTS OF MEMBERS

Article 184

Suspension of voting rights

A State Party which is in arrears in the payment of its financial contributions to the Authority shall ~~not be entitled to~~ ^{not be entitled to} vote in the Authority if the amount of its arrears equals or exceeds the ~~amount~~ ^{that} of the contributions ~~due from it~~ ^{due from it} for the preceding two years. The Assembly may permit such a ~~member~~ ^{State} to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the ~~member~~ ^{that State}.

Article 185

Suspension of privileges and ~~the~~ rights of membership

~~X~~ A State Party which has ^{been found by the <-> to have} grossly and persistently violated the provisions of this Part may ~~be~~ ^{<->} suspended from the exercise of the privileges and the rights of membership ~~by the Assembly upon recommendation by the Council~~.

~~2. No action may be taken under this article until the Sea-Bed Disputes Chamber has found that a State Party has grossly and persistently violated the provisions of this Part.~~

SECTION 6. SETTLEMENT OF DISPUTES AND ADVISORY OPINIONS

Article 186

Establishment of the Sea-Bed Disputes Chamber of the International Tribunal for the Law of the Sea

^{of the International Tribunal for the Law of the Sea}

The establishment of the Sea-Bed Disputes Chamber ~~and the manner in which it shall exercise its jurisdiction shall be governed by the provisions of this section, Part XV and annex VI.~~

Article 187

Jurisdiction of the Sea-Bed Disputes Chamber

^{Sea-Bed Disputes}

The ~~Chamber~~ ^{Sea-Bed Disputes} shall have jurisdiction under this Part and the annexes relating hereto ~~in the following categories of disputes: with respect to activities in the area.~~

(a) Disputes between States Parties concerning the interpretation or application of this Part and the annexes relating thereto;

(b) Disputes between a State Party and the Authority concerning acts or omissions of the Authority or of a State Party which are alleged to be in violation of this Part, ~~or the annexes relating thereto or of rules, regulations or procedures promulgated in accordance therewith,~~ ^{of the Authority} or acts of the Authority alleged to be in excess of jurisdiction or a misuse of power;

(c) Disputes between parties to a contract ^{with the} ~~being States Parties, the Authority or the Enterprise, State entities and natural or juridical persons, as referred to in article 153, paragraph 2 (b), concerning:~~

- (i) the interpretation or application of ~~a relevant contract~~ ^{the} ~~or the~~ plan of work;
- (ii) acts or omissions of a party to the contract ^{which are} ~~relating~~ ^{ed} to activities in the Area and directed to the other party or directly affecting its legitimate interests;
- (d) Disputes ^{between the Authority and a prospective contractor} ~~between the Authority and a prospective contractor~~ who has ^{an applicant} ~~been sponsored by a State as provided in article 153, paragraph 2 (b), and has~~ ^{who has complied with} ~~duly fulfilled the conditions referred to in article 4, paragraph 6, and~~ ^{been sponsored by a State as provided in article 153, paragraph 2 (b), and has} ~~article 13, paragraph 2, of annex III; concerning the refusal of the contract, or~~ ^{concerning the refusal of the contract, or} ~~a legal issue arising in the negotiation of the contract;~~
- (e) Disputes between the Authority and a State Party, ^{contractor concerning the liability of} ~~a State entity or a natural or juridical person sponsored by a State Party as provided for in article 153, paragraph 2 (b), where it is alleged that the Authority has incurred liability as provided in article 22 of annex III;~~
- (f) Any ^{other} ~~dispute~~ for which ^{jurisdiction} ~~jurisdiction~~ of the Chamber ^{has} ~~is~~ specifically provided in this Part and the annexes relating thereto.

Article 188

Submission of disputes to a special chamber of the International Tribunal for the Law of the Sea or an ad hoc chamber of the Sea-Bed Disputes Chamber or to binding arbitration

1. Disputes between States Parties ^{concerning the interpretation or application of this Part} ~~referred to in article 187,~~ ^{and the annexes relating thereto} ~~subparagraph (a),~~ may be submitted:

(a) ~~to a special chamber of the International Tribunal for the Law of the Sea to be established in accordance with articles 15 and 17 of annex VI;~~ ^{on the request of the parties to the dispute} ~~upon the request of the parties to the dispute~~ or

(b) ~~to an ad hoc chamber of the Sea-Bed Disputes Chamber to be established in accordance with article 37 of annex VI;~~ ^{as referred to in} ~~upon the request of any party to the such dispute~~

2. (a) Disputes ^{between parties to a contract} ~~concerning the interpretation or application of a contract~~ ^{referred to in article 187, paragraph (a) (i), shall be submitted,} ~~referred to in article 187, paragraph (a) (i), shall be submitted,~~ at the request of any party to the dispute, ^{to binding commercial arbitration, unless at any time the parties to the dispute otherwise agree or have agreed.} ~~to binding commercial arbitration, unless at any time the parties to the dispute otherwise agree or have agreed.~~ ^{commercial arbitral tribunal} ~~to which such dispute is submitted, shall have no jurisdiction to determine any question of interpretation of this Convention. When such a dispute also involves a question of the interpretation of Part III and the annexes relating thereto, with respect to activities in the Area, such question shall be referred to the Sea-Bed Disputes Chamber for a ruling.~~

~~If~~ ^{at the commencement of or in the course of such arbitration,} ~~the~~ ^{arbitral tribunal determines, either at the request of any party to the dispute or proprio motu,} ~~that its decision depends upon a ruling of the Sea-Bed Disputes~~ ^{with respect to a specific question by}

Chamber, the ~~arbitral tribunal~~^{it} shall refer such question to the Sea-Bed Disputes Chamber for such ~~ruling~~^{at the}. The ~~arbitral tribunal~~^{arbitral} shall then proceed to render its award in conformity with the ~~ruling of the Sea-Bed Disputes Chamber~~.

~~Unless the parties to the dispute otherwise agree~~^{If the contract contains no} ~~in the absence of a provision in the contract on the arbitration procedure, to be applied in such a dispute, the arbitration shall be conducted in accordance with the (UNCITRAL) Arbitration Rules or other arbitration rules as may be prescribed in the rules, regulations and procedures adopted by the Authority,~~ ~~<—>~~.

Article 189
Advisory opinions

United Nations Commission
on International
Trade Law

The Sea-Bed Disputes Chamber of the International Tribunal for the Law of the Sea shall ~~give~~^{at the} advisory opinions ~~when requested to do so by the Assembly or the Council~~ on legal questions arising within the scope of their activities. Such advisory opinions shall be rendered as a matter of urgency.

Article 190
Limitation on jurisdiction with regard to
decisions of the Authority

The Sea-Bed Disputes Chamber shall have no jurisdiction with regard to the exercise by the Authority of its discretionary powers ~~in accordance with this Part~~^{under}. In no case shall ~~it~~ substitute its discretion for that of the Authority. Without prejudice to article 189, ~~in exercising its jurisdiction pursuant to article 187, the Sea-Bed Disputes Chamber shall not pronounce itself on the question of whether any rules, regulations or procedures adopted by the Authority are in conformity with the provisions of this Convention, nor declare any such rule, regulation or procedure invalid. Its jurisdiction shall be confined to:~~
- ~~determining whether the application of any rules, regulations or procedures to individual cases would be in conflict with the contractual and conventional obligations of the parties to the dispute, and to claims concerning lack of jurisdiction, competence or misuse of power, as well as to claims for damages to be paid or other remedy to be given to the party concerned for the failure of the other a party to comply with its conventional or contractual obligations under this Convention or a contract.~~^{under this Convention or a contract}

Article 191
Participation and appearance of sponsoring States Parties

~~When~~^{When <—> to any} 1. ~~In any~~ dispute referred to in article 187 ~~when~~^{at the} a natural or juridical person is a party, the sponsoring State shall be given notice ~~[thereof]~~, and shall have the right to participate in the proceedings by submitting written or oral statements.

2. ~~If~~^{When} in any dispute referred to in article 187, subparagraph (c), ~~if~~ an action is brought against a State Party by a natural or juridical person of another nationality, the State Party ~~sponsoring that person may be requested by the respondent State Party to appear in the proceedings on behalf of that person. Failing such appearance, the respondent State may arrange for the appearance on its behalf of a juridical person of its nationality.~~^{the respondent State}