Draft convention on the law of the sea

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to minimizing their difficulties and assisting them in their economic adjustment.

Article 155. Exercise of power by the Authority

1. The Authority shall avoid discrimination in the exercise of its powers and functions, including the granting of opportunities for activities in the Area.

2. Nevertheless, special consideration for developing States, including particular consideration for the land-locked and geographically disadvantaged among them, specifically provided for in this Part shall be permitted.

Article 155. 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 States Entities, or national or juridical persons which possess the nationality of States Parties or are effectively controlled by them or their nationals, when sponsored by such States, or any group of the foregoing which meets the requirements provided in this Part including annex III.

3. Activities in the Area shall be carried out in accordance with a formal written plan of work drawn up 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 as authorized by the Authority by the entities specified in paragraph 2 (b), such a plan of work shall be in accordance with annex III, article 5, in the form of a contract. Such contracts may provide for joint arrangements in accordance with annex III, article 11.

4. The Authority shall exercise such control over activities in the Area as is necessary for the purpose of ensuring 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 any measures 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 or under any contract. The Authority shall have the right to inspect all installations in the Area used in connection with activities in the Area.

6. A contract under paragraph 3 shall provide for security of tenure. Accordingly, it shall not be revised, suspended or terminated except in accordance with annex III, articles 18 and 19.

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 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 those provisions of this Part and the 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 period, whether 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, 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.

2. The Conference shall ensure that the principles of the common heritage of mankind, the international régime designed to ensure its equitable exploitation, for the benefit of all countries, especially the developing States and an Authority 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 rights of States and their general conduct in relation to the Area, and their participation in exploration and exploitation of its resources in conformity with this Convention, the prohibition of monopolization of activities in the Area, the use of the Area exclusively for peaceful purposes; economic aspects of activities in the Area, scientific research, transfer of technology, protection of the marine environment, and of human life, rights of coastal States, the legal status of the superjacent waters and air space 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, if agreement has not been reached on the system of exploration and exploitation of the resources of the Area, the Conference may decide during the 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 the system as it determines 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.

5. Amendments adopted by the Conference under the provisions of this article shall not affect rights acquired under existing contracts.

Section 4. The Authority

Subsection A. General Provisions

Article 155. Establishment of the Authority

1. There is hereby established, by this Convention, 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.