THE US PROPOSALS FOR AMENDMENT TO THE DRAFT CONVENTION ON THE LAW OF THE SEA

THE GREEN BOOK

PROPOSED AMENDMENTS

Article 123
Use of Terms

For the purposes of this Convention:

(a) "resources" means those solid, liquid or gaseous mineral resources in situ in the Area at or beneath the sea-bed, including polymetallic nodules, for which rules, regulations and procedures have been adopted;

(b) resources, when recovered from the Area are referred to as "minerals."

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 interest and needs of developing States, and of peoples who have not attained full independence or other self-governing status recognized by the United Nations in accordance with General Assembly resolutions. 1/

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, in accordance with article 160, paragraph 2(f).

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 as specifically provided for in article 144; Annex III, article 5, article 13, paragraph 14, article 15; and Annex IV, article 11 (bis), paragraph 4, of this Part, having due regard to their special needs and interests, and in particular the special needs of the landlocked and geographically disadvantaged States among them, in overcoming obstacles arising from their disadvantaged location, including remoteness from and access to and from the Area.

1/ The Transitional Provision shall also be deleted.
Article 153
System of exploration and exploitation

1. Activities in the Area shall be organized, carried out and controlled/regulated by the Authority on behalf of mankind as a whole in accordance with the provisions of this article as well 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 natural 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 Technical Subcommission of the Council after review by the Legal and Technical Commission, in accordance with article 165, paragraph 3 (g) and Annex III. 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, in accordance with Annex III, article 3, be in the form of a contract. Such contracts may provide for joint arrangements in accordance with Annex III, article 11.

4. (a) The Authority shall exercise such control over activities in the Area carried out by the Enterprise in accordance with article 162, paragraph (2)(aa), as is necessary 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. General Parties shall assist the Authority by taking all measures necessary to ensure such compliance in accordance with article 139.

Add new paragraph 4 (b)

(4) Each State Party shall exercise such control over activities in the Area carried out by that State Party, by one of its State Entities, or by any of the entities referred to in paragraph 2 (b), when sponsored by that State Party, as is necessary for the purpose of securing compliance with the relevant provisions of this Part, the rules, regulations and procedures of the Authority, and the plans of work approved in accordance with paragraph 3. States Parties shall cooperate with the Authority in the exercise of its functions pursuant to article 162, paragraph 2 (b).
5. The Authority, in the exercise for the regulatory functions conferred upon it by this Part, 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 for the conduct of activities in the Area.

6. Paragraph 6 as in L. 78 *)

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, taking into particular consideration the interests and needs of the developing States;

Delete paragraph 2

Paragraph 3 as in L. 78

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 provided that all States Parties that are members of the Council ratify or accede to the amendments.