UNITED KINGDOM

Draft of a Anti-Dominant Position Clause

1. Any State Party which considers itself prejudiced in relation to activities in the Area because a dominant position has arisen may bring the matter to the attention of the Council.

2. The Council shall first seek to resolve the matter though its good offices, conciliation.

3. If the matter is not resolved through the procedures provided for in paragraph 2, the Council may determine that the State Party concerned has been prejudiced in relation to activities in the Area because a dominant position has arisen. Upon such a determination, the Council may recommend appropriate measures to remedy the matter. Such measures may include:
   a) recourse to third party settlement;
   b) the establishment of consortia;
   c) ....

4. If the measures so recommended are not accepted, the Council may, as a last resort, limit the award of further contracts to the extent necessary to remedy the matter.

5. For the purposes of this Article:

(a) a dominant position shall be considered to have arisen whenever one entity's activities in the Area are so extensive that they effectively preclude others who are willing and able to engage in activities in the Area from so doing;
(b) a State Party shall be considered to be prejudiced, in relation to activities in the Area because a dominant position has arisen whenever, because of the dominant position:
(i) the State Party concerned, its State enterprises, or persons natural
or juridical which possess its nationality or are effectively controlled
by it or its nationals, or any group of the foregoing, are prevented
from carrying out activities in the Area;

(ii) the State Party is unable to obtain access to resources of the Area
necessary to meet its import needs.