Revised Suggested Compromise Formula
by the Chairman of Negotiating Group 1

Article 140 - Benefit of mankind

1. Activities in the Area shall 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 countries and peoples who have not attained full independence or other self-governing status as specifically provided for in this Part of the present Convention.

2. To this end, the Authority shall provide for the equitable sharing of benefits derived from the Area through any appropriate mechanism in accordance with sub-paragraph (xii) of paragraph 2 of Article 135.

Article 145 - 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 of the present Convention.

New paragraph 2

2. The Authority shall carry out marine scientific research concerning the Area and its resources, and may enter into contracts for that purpose. The Authority shall promote and encourage the conduct of marine scientific research in the Area, and shall coordinate and disseminate the results of such research and analysis when available.

3. States Parties shall carry out marine scientific research and promote international co-operation in marine scientific research in the Area exclusively for peaceful purposes by:

(a) Participation in international programmes and encouraging co-operation in marine scientific research by personnel of different countries and of the Authority;

(b) Ensuring that programmes are developed through the Authority or other international bodies as appropriate for the benefit of developing countries and technologically less developed countries 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) Effective dissemination of the results of research and analysis when available, through the Authority or other international channels when appropriate.
Article 155 - The Review Conference

1. Twenty years from the approval of the first contract or plan of work under the present Convention the Assembly shall convene a conference for the review of those provisions of this Part of the present Convention and the annexes thereto 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 of the present Convention governing the system of exploration and exploitation of the resources of the Area have achieved their aims in all respects, in particular whether they have benefited mankind as a whole, whether they have not resulted in an excessive concentration of the exploitation of these resources in the hands of a small number of States, whether the economic principles set forth in Arts. 150 and 150 bis have been complied with and whether the régime has resulted in a just distribution of the benefits from activities in the Area, in the light of the general economic situation of developing countries.

2. Deleted.

3. 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 countries, 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 of the present Convention with regard to the exclusion of claims or exercise of sovereignty over any part of the Area, the general conduct of States in relation to the Area, the preservation of monopoly 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 subsoil, waters and air space and accommodation as between the various forms of activities in the Area and in the marine environment.

4. The Conference shall establish its own rules of procedure.

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

6. Five years after the commencement of the Review Conference, and until an agreement on the system of exploration and exploitation of the resources of the Area enters into force, the Assembly may decide, by the majority required for questions of substance, that no new contracts or plans of work for activities in the Area shall be approved. However, such decision shall not affect contracts already approved, or contracts and plans of work for the conduct of activities in the areas already reserved in accordance with paragraph 5 (i) of Annex II.

Annex II, Paragraph 4 (c) (ii)

Part (ii) Make available to the Authority a general description of the equipment and methods to be used in carrying out activities in the non-reserved areas, as well as other relevant information about the characteristics of such technology. That description shall be submitted with the application and thereafter whenever a substantial technological change or innovation is introduced.
New: (ii bis) Undertake to use, in carrying out activities in the Area, technology other than that covered by (ii ter) only if he has obtained written assurance from the owner of the technology that he will, if and when the Authority so requests, make available to the Enterprise that technology under licence or other appropriate arrangements and on fair and reasonable commercial terms and conditions.

(ii ter) (former (ii bis) in the Annex) Undertake to make available to the Enterprise, if he receives the contract and on fair and reasonable commercial terms and conditions, the technology which is to be used by him in carrying out activities in the Area and which he is legally entitled to transfer. This shall be done, upon the conclusion of the contract and if and when the Authority shall so request, by means of licence or other appropriate arrangements which the Contractor shall negotiate with the Enterprise and which shall be set forth in a special agreement supplementary to the contract.

New: (i quater) Undertake to facilitate, upon the conclusion of the contract and if and when the Authority shall so request, the acquisition by the Enterprise, under licence or other appropriate arrangements and on fair and reasonable commercial terms and conditions, the technology which is to be used by the Contractor and which the Contractor is not legally entitled to transfer.

New: (ii quinta) Undertake the same obligations as those prescribed in (ii bis), (ii ter) and (i quater) for the benefit of a developing country or a group of developing countries which has applied for a contract under paragraph 5 (i) (ii), provided that these obligations shall be limited to the exploitation of the reserved part of the Area proposed by the applicant, and provided that the activities under the contract sought by the developing country or group of developing countries would not involve transfer of technology to a developed country or the nationals of a developed country.

Paragraph 5 (i) (iv)

If upon a request in accordance with paragraph 4 (c), the pertinent negotiations are not concluded within a reasonable time, either party may refer any matter arising in the negotiations to conciliation in accordance with Annex IV of this Convention. The conciliation commission shall within 60 days make recommendations to the parties which shall form the basis of further negotiations. Should the latter negotiations fail, either party may refer to binding arbitration within 60 days, the question of the fulfillment of the undertaking made in accordance with paragraph 4 (c). In the event that the Contractor does not accept, or fails to implement the arbitral decision, the Contractor shall be liable to penalties in accordance with the provisions of paragraph 12 of this Annex.