

Article 7, paragraph 5: replace paragraph 5 by the following:

"5. Selection shall be made taking into account the need to enhance opportunities for all States Parties, irrespective of their social and economic systems or geographical locations, to participate in activities in the Area and to prevent monopolization of such activities. To that end, an application sponsored by one or more States Parties none of which yet possesses an approved plan of work shall be given priority over an application sponsored by one or more States Parties of which at least one already possesses two or more. The concept of a plan of work possessed by a State Party shall be that defined in article 6, paragraph 4."

Draft resolution II,* paragraph 1 (a): replace by the following:

"(a) 'pioneer investor' means:

*The amendment relates to the text contained in document A/CONF.62/L.94.

"(i) an entity or natural or juridical person which possesses the nationality of a State signatory of the Convention; or

"(ii) a group of entities or of natural and juridical persons coming within the competence of a State signatory of the Convention; or

"(iii) a State signatory of the Convention.

which, prior to 1 January 1982, has invested at least \$US 30 million (United States dollars calculated in constant dollars relative to 1981) in research and development activities for the exploitation of polymetallic nodules, no less than 10 per cent of that amount being spent in the delimitation, surveying and evaluation of the site covered by an application submitted in accordance with paragraph 3 below. If the pioneer investor is a group, no component of that group can claim the title of pioneer investor for its own account."

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Zaire: amendments

[Original: French]
[13 April 1982]

The proposed amendments to articles 62, 69, 71 and 79 are intended to harmonize and clarify the terminology with a view to facilitating interpretation.

Article 62: the term "surplus" used in that article is misleading, and should be amended and amplified to read as follows:

Article 62, paragraph 2: amended to read as follows:

"2. The coastal State shall determine its capacity to harvest the living resources of the exclusive economic zone. Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall conclude agreements or other arrangements with other States, pursuant to the terms, conditions, laws and regulations referred to in paragraph 4, with a view to enabling those States to harvest the available catch, having particular regard to the provisions of articles 69 and 70, especially in relation to the developing States mentioned therein. Should the State not reach its harvesting capacity, the other States referred to in article 62, paragraph 2, shall be entitled to have access to the part not effectively harvested by the coastal State."

Article 62, paragraph 3: replace "surplus" by "available catch".

Article 69, paragraph 3, and article 70, paragraph 4: these paragraphs are confusing and conflict with article 62, paragraph 2. For the sake of clarity these paragraphs, the wording of which is the same, might be amended by inserting the following:

"Pursuant to article 62, paragraph 2, the coastal State and other States concerned shall co-operate with a view to concluding . . .".

Article 71: delete this article which is superfluous and duplicates the content of articles 62, 69 and 70.

Article 75: a new article 75 (*bis*) should be added, to read as follows:

Article 75 *bis*, paragraphs 1 and 2:

"1. For the determination of the technical norms provided for in this Part, the States concerned may have recourse to competent international bodies

"2. With a view to the settlement of disputes concerning the application of this Part, the States concerned shall utilize a conciliation commission."

Article 151: specific measures should be envisaged for cobalt and manganese. Article 151, paragraph 2 (f), provides a solution to that end. Under article 151, paragraph 2 (f), as it stands quantities of metals other than nickel extracted from nodules may be lower than the quantities that would be extracted were the ceiling established for nickel applied. Accordingly, the Authority should have a discretionary power with regard to these metals, bearing in mind supply, price levels and world market demand. Consequently paragraph 2 (f) should be clarified and amplified as follows:

"(f) The 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 that would have been produced had the operator produced the maximum level of nickel from those nodules pursuant to this paragraph. Nevertheless, the Authority may limit the production of these metals to levels lower than those that would have been attained if the operator had extracted from these nodules the maximum quantity of nickel, as calculated pursuant to this paragraph. The Authority shall establish rules and regulations pursuant to annex III, article 17, to implement the provisions of this subparagraph".