

Article 17, paragraph 1 (b): add a new clause (xv) reading as follows:

"(xv) exploration for and exploitation of resources of the Area other than polymetallic nodules;"

#### ANNEX IV

##### STATUTE OF THE ENTERPRISE

Article 5, paragraph 1: redraft the text to read as follows:

"1. The Governing Board shall be composed of 15 members elected by the Assembly in accordance with article 160, paragraph 2 (e) of this Convention. Until the Enterprise has repaid all debt obligations incurred pursuant to article 11, paragraph 1, the Assembly shall ensure that members of the Governing Board include members nominated by States Parties that account for at least one half of the total amount of such obligations outstanding. Consistent with the foregoing requirement, due regard shall be paid to the principle of equitable geographic distribution. In submitting nominations of candidates for election to the Board, members of the Authority shall bear in mind the need to nominate candidates of the highest standard of competence, with qualifications in relevant fields, so as to ensure the viability and success of the Enterprise."

Article 5, paragraph 4: redraft the text to read as follows:

"4. Each member of the Board shall receive remuneration to be paid out of the funds of the Enterprise."

Article 5, paragraph 6: redraft the text to read as follows:

"6. Members of the Board shall continue in office until their successors are elected. If the office of a member of the Board becomes vacant, the Assembly shall, upon the recommendation of the Council, elect another member for the remainder of the unexpired term in accordance with the requirements of paragraph 1."

Article 11, paragraph 3 (h): redraft the text to read as follows:

"3. (b) All States Parties shall make available to the Enterprise in three equal annual installments an amount equivalent to one half of the funds referred to in subparagraph (a) by way of long-term, interest-free loans in accordance with the scale of assessments for the United Nations regular budget in force at the time when the contributions are made, adjusted to take into account the States which are not members of the United Nations. Debts incurred by the Enterprise in raising the other half of the funds shall be guaranteed by all States Parties in accordance with the same scale: Provided that no state shall be required to assume in any one year any new guarantee obligation

exceeding one third of its total obligations under this subparagraph."

Article 11, paragraph 3 (d) (i): at the end of the subparagraph add the following text: "and shall submit the proposed schedule to the Council for approval."

Article 11, paragraph 3: add a new subparagraph 3 (i) reading as follows:

"(i) The rules, regulations and procedures of the Authority shall specify default procedures, including receivership provisions, for defaults on the repayment of loans referred to in subparagraph 3 (f) above."

#### DRAFT RESOLUTION I ESTABLISHING THE PREPARATORY COMMISSION FOR THE INTERNATIONAL SEA-BED AUTHORITY AND THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA\*

Paragraph 2: redraft the text to read as follows:

"2. The Commission shall consist of the representatives of signatories to the Final Act which are eligible to sign or accede to the Convention. The representatives of signatories to the Final Act which are not eligible to sign or accede to the Convention may participate fully in the deliberations of the Commission as observers but shall not be entitled to participate in the taking of decisions."

Paragraph 4: add a new paragraph 4 (bis) reading as follows:

"4. (bis) (a) Decisions on matters of substance shall be taken by a two-thirds majority of the 36 States which were elected by the Conference at its final session in accordance with the provisions of article 161, paragraph 1. If any of the 36 States so elected does not sign the Convention within six months of the adoption of this resolution the remainder of the 36 States may proceed to take decisions on matters of substance by the same voting majority.

"(b) The decisions relating to the powers and functions to be exercised under paragraphs 5 (g) and (h) of this resolution shall be taken by a consensus of the States referred to in subparagraph (a). If there is no consensus within 18 months of the adoption of this resolution, however, these decisions and the exercise of these functions may be taken by a majority of the States who have signed the Convention and whose nationals or state entities are within the scope of paragraph 1 of resolution II."

Paragraph 5 (g): at the end of the subparagraph add the following text: "including rules, regulations and procedures for the conduct of activities in the area related to all of the resources referred to in article 133, paragraph 5 (a) of the Convention."

\*These amendments refer to the text contained in document A/CONF.62/L.94.

#### DOCUMENT A/CONF.62/L.122

#### Belgium, Germany, Federal Republic of, Italy, United Kingdom of Great Britain and Northern Ireland and United States of America: amendments

[Original: English]  
[13 April 1982]

#### DRAFT RESOLUTION II GOVERNING PREPARATORY INVESTMENT IN PIONEER ACTIVITIES RELATING TO POLYMETALLIC NODULES

Paragraph 1 (a): replace the paragraph by the following text:

"(a) 'pioneer investor' means a signatory of the Convention or any State entity or natural or juridical person which possesses the nationality of such State or is effectively

controlled by it or its nationals, or any group of the foregoing which, prior to 1 January 1983, has expended at least \$US 30 million (United States dollars calculated in constant dollars relative to 1982), and has spent no less than 10 per cent of that amount in the location, surveying and evaluation of a specific portion of the Area, or, relative to a developing State . . .".

Paragraph 3 (a): at the end of the subparagraph add the following:

"All information submitted shall be kept strictly confidential until after registration and the issuance of certificates of compliance. All information submitted related to the part of the area awarded to the pioneer investor shall be returned to the pioneer investor immediately following the Commission's selection pursuant to subparagraph (b). All information related to the part of the Area awarded to the pioneer investor shall be kept strictly confidential permanently."

Paragraph 3 (b): for "Commission shall designate" read "Commission shall by random selection designate".

Paragraph 5 (a): redraft the text to read as follows:

"5. (a) Any State Signatory which is a prospective certifying State shall ensure, before making applications to the Preparatory Commission under paragraph 2, that areas in respect of which applications are made do not overlap with one another or with areas previously allocated as pioneer areas. The States concerned shall keep the Commission currently and fully informed of any efforts to resolve conflicts with respect to overlapping claims, and the results thereof."

Paragraph 5: add a new subparagraph (c) and a new subparagraph (d) (i) to (vi) reading as follows:

"(c) In carrying out the conflict resolution procedure required under subparagraph (a) above, the prospective certifying States shall allow a reasonable period as of the date of the adoption of this resolution for all potential claimants to resolve their conflicts voluntarily. If such conflicts have not been resolved by 1 March 1983, the prospective Certifying States shall agree to submit all such claims to binding arbitration to commence not later than 1 May 1983:

"(d) In determining the issue as to which applicant involved in a conflict shall be awarded all or part of each area in conflict, the arbitral tribunal shall find a solution which is fair and equitable, having regard, with respect to each applicant involved in the conflict, to the following factors:

- "(i) deposit of the relevant co-ordinates with the prospective Certifying State not later than the date of adoption of the Final Act or 1 January 1983, whichever is earlier;
- "(ii) the continuity and extent of past activities relevant to each area in conflict and the application area of which it is a part;
- "(iii) the date on which each pioneer investor concerned or predecessor in interest or component organization thereof commenced activities at sea in the application area;

- "(iv) the financial cost of past activities measured in constant dollars;
- "(v) the time when activities were carried out and quality of activities; and
- "(vi) such additional factors as the arbitral tribunal determines to be relevant but excluding a consideration of the future plans of work of the signatories."

Paragraph 6: add a new subparagraph reading as follows:

"6. (b) Nothing in this resolution shall be construed to prohibit commercial production after 1 January 1988 if the Convention has not entered into force by that date."

Paragraph 7 (a): at the end of the subparagraph add the following text: "If the cost incurred by the Commission in processing an application is less than \$500,000, the Commission shall refund the difference to the applicant."

Paragraph 7 (b): for "\$US 1 million" read "\$US 500,000".

Paragraph 9: delete the first and second sentences and add the text to read as follows: "Within the group of pioneer investors specified in paragraph 1 (a) of this resolution, production authorizations will be issued to the entities specified in paragraph 5 (d) (i) before being issued to other pioneer investors." See also changes to Part XI in article 151 (new paragraph 5) and annex III, article 7.

Paragraph 12: replace the paragraph by the following text:

"12. In order to ensure that the Enterprise is able to carry out activities in the Area in such a manner as to remain in step with States and other entities:

"(a) Certifying States shall as appropriate in co-operation with any registered pioneer investor:

- "(i) carry out exploration at the request of the Commission in an area reserved pursuant to paragraph 3 of the resolution in connection with its application for activities by the Authority through the Enterprise or in association with developing States, on a reimbursable basis in accordance with normal commercial practices;
- "(ii) provide training at all levels for personnel designated by the Commission;

"(b) Certifying States shall, as appropriate in co-operation with any registered pioneer investor, be prepared, prior to the entry into force of the Convention, to perform the obligations prescribed in the provisions of the Convention relating to transfer of technology.

"(c) Certifying States shall ensure that the necessary funds are made available to the Enterprise in a timely manner in accordance with the provisions of the Convention."

## DOCUMENT A/CONF.62/L.123

### Greece: amendments

[Original: English]  
[13 April 1982]

Article 19, paragraph 2 (/): replace "any other activity" by "any similar activity".

Article 39, paragraph 1 (a): at the end of the subparagraph add the following text: "In this respect and particularly for the aircraft, the width of a strait should be at least equal to the width of an international airway".

Article 41: add a new paragraph 8 reading as follows: "8. States bordering straits under their sovereignty shall designate predetermined air routes and prescribe air traffic procedures for air navigation in straits, for the purpose of promoting the safe and efficient passage of aircraft in transit."

Article 42, paragraph 1 (a): redraft the text to read as follows: "(a) The safety of navigation and the regulation of marine traffic as well as the safety of air traffic and the rules, regulations and procedures of the International Civil Aviation Organization as provided in article 41."

Add a new article 48 (bis) reading as follows:

"The territorial sea, the exclusive economic zone and the continental shelf of a group of islands part of the territory of a State which constitute an archipelago as defined in article 46 (b) shall be determined through the system of base-lines drawn in accordance with article 47."