

The Ocean Foundation
RE: DR 47
12 July 2023

Thank you Madam Facilitator for the floor, and thank you to the intersessional groups for their work on this text.

In regards to Draft Regulation 47 2c and 3b, we agree that the baselines surveys of the marine environment should also include surveys of “objects of an archaeological and historical nature” or more simply and precisely UCH. These baseline surveys aim to provide the basis for the affected marine environment, to enable the development of clear environmental impact assessments required before the licensing and conduct of mining. Ocean science-based decision making must be based on these EIAs and include the baseline survey information that identifies the ocean heritage (including both natural and cultural) that members have a duty to protect under UNCLOS Articles 149, 303(1), and Part 12 .

We appreciate that this is not without precedent. For example, the EU Directive on Environmental Impacts amendments in 2014 refer to the need to assess the effects of projects on, among other things, “biodiversity... water...cultural heritage, including architectural and archaeological aspects...” which can be found in Annex 4, Information for the Environmental Impact Assessment Report.

Thank you