

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH SESSION:
COUNCIL - PART II**

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council@isa.org.jm.

1. Name of Working Group:

2. Name(s) of Delegation(s) making the proposal:

UK

3. Please indicate the relevant provision to which the textual proposal refers.

Reg 35 : Human remains and objects and sites of an archaeological or historical nature

4. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.

Para 1: ~~The Contractor shall immediately cease exploitation activities within [X] radius of any finding of Underwater Cultural Heritage in the Contract Area.~~ The Contractor shall ~~[without undue delay]~~ notify the Secretary-General in writing within 24 hours of any finding in the Contract Area of any ~~human remains of an archaeological or historical [and paleontological] nature, or any object or site of a similar nature,~~ Underwater Cultural Heritage and its location, including the Preservation and Protection measures taken.

Para 2: The Secretary-General shall transmit such information, ~~[within 7 Days of receiving it]~~ to the Council, the Sponsoring State, the State from which the Underwater Cultural Heritage originated (if known), the - the Sponsoring State [or State], to the State from which the remains, object or site originated, if known, to the Director General of the United Nations Educational, Scientific and Cultural Organization and to any other competent international organization.

Para 3: The Authority shall work with relevant States and the United Nations Educational, Scientific and Cultural Organization to compile a record of proposals relating to the protection of any finding of Underwater Cultural Heritage referred to in paragraph 1. Subject to paragraph 5 below, the Council shall decide, not later than 90 days after the first Council meeting following its receipt of a notification in accordance with paragraph 2, whether, and if so, how the Underwater Cultural Heritage found shall be protected for the benefit of humankind as a whole. The Council’s decision shall include a determination as to whether, and if so, where within the radius in which exploitation had immediately ceased following the finding, exploitation may re-commence. ca for the benefit of hu mankind as a whole or preserved, so that no further Exploration or Exploitation shall take place, within a reasonable radius, to be determined by the Authority in consultation with the Contractor,

~~after taking into account the views of the State from which the remains or objects originated. [If the Council decides that Exploration or Exploitation cannot continue, the Contractor shall be compensated, including but not limited to the vicarious areas of equivalent size or value elsewhere or appropriate waiver of fees.]~~

Para 4: The Contractor shall not be entitled to compensation for any measures required by this regulation.

Para 5: As part of the decision-making process in paragraphs 1 -3, the Authority shall take into account the work of the Authority and the work of the United Nations Educational, Scientific and Cultural Organization with respect to underwater cultural heritage, particularly as defined in Article 1 (a) of the 2001 Convention on the Protection of the Underwater Cultural Heritage.

Para 6: In relation to the finding by a Contractor of a shipwreck which has sovereign immunity, no decision shall be taken about the disposal, protection or preservation of the shipwreck and associated human remains without the consent of the flag State.

5. Please indicate the rationale for the proposal. [150-word limit]

The UK proposes the inclusion of a definition of Underwater Cultural Heritage to follow the definition in Article 1 (a) of the 2001 Convention on the Protection of the Underwater Cultural Heritage.

For this Regulation (para 1), the UK considers it would be better to explain through separate paragraphs the different stages to be taken when human remains of an archaeological or historical nature, or any object or site of a similar nature are identified and the UK proposes additional paragraphs to reflect these stages.

The UK proposes text that requires the Contractor to immediately cease exploitation activities within a (yet to be determined) radius on finding any underwater cultural heritage in the Contract Area to prevent any damage. This radius would depend on different circumstances and should be in a Standard and Guideline. If the Contractor is notifying the Secretary General in writing within 24 hours of any finding in the Contract Area of any human remains, the UK does not consider it necessary to have the words “without undue delay” and supports those words to be deleted from the draft text. The UK supports the deletion of the words “and paleontological” and the UK can accept the additional text “within 7 days of receiving it”

The UK proposes text that requires the Authority to work with the relevant States and UNESCO to compile a record of any proposals relating to the protection of any underwater cultural heritage found in the Contract Area with respect to underwater cultural heritage. Then the UK proposes that the ISA Council should decide not later than 90 days after the first Council meeting following its receipt of a notification whether, and if so, how the underwater cultural heritage found shall be protected for the benefit of humankind. The

Council decision should also decide whether, and if so, where within the radius in which exploitation had immediately ceased following the finding, that exploitation may be allowed to re-commence.

The UK questions the issue of compensation to the Contractor if Exploration or Exploitation cannot continue because the Contractor should have taken measures to identify the presence of any remains or objects during the exploration phase or during the preparation of the application for a Plan of Work. The UK therefore proposes the deletion of the text “If the Council decides that Exploration or Exploitation cannot continue, the Contractor shall be compensated, including but not limited to the vicarious areas of equivalent size or value elsewhere or appropriate waiver of fees”.

The UK has proposed additional text concerning sovereign immunity of a shipwreck. The UK’s longstanding position on sovereign immunity is that it also applies to a shipwreck. The UK will not accept the taking of any action in respect of a UK sovereign immune shipwreck in the absence of the UK’s consent to such action.