

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH SESSION:
COUNCIL - PART I**

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.im.

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

Russian Federation

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

Reg. 35 alt

3. 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.

Chance discovery of human remains and archeological and historical objects
~~Underwater Cultural Heritage~~

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1. Exploitation activities in the Area shall be conducted in a way that does not affect human remains and/or archeological and historical objects~~Underwater Cultural Heritage~~.

3. Following the discovery of any such human remains and/or archeological and historical objects~~Underwater Cultural Heritage~~, and in order to avoid their disturbance, no further exploitation shall take place, within a reasonable radius, based on the type of resource and as informed by relevant Standards and taking into consideration relevant Guidelines, until the ~~the Council~~~~the Commission~~ adopts a decision in accordance with paragraph 5. Pending any action by the ~~the Council~~~~the Commission~~, the Secretary-General may suggest to the Contractor further provisional measures to preserve the human remains and/or archeological and historical objects ~~Underwater Cultural Heritage and their archaeological and natural context~~ taking into consideration ~~the applicable relevant guidelines and the generally accepted underwater archaeological standards~~~~the recommendations of the Committee on Underwater Cultural Heritage, if any.~~

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4. The Secretary-General shall transmit in writing within 48 hours the information concerning the discovery and the provisional measures suggested to the contractor, if any, to all Members of the Authority, the President of the Council, the Director General of the United Nations Educational, Scientific and Cultural Organization, as well as to any other relevant international organization or other stakeholders having asked the Authority to be notified in such cases.

~~4. Alt. The Secretary-General shall transmit such information in writing, within two (2) days of receiving it:~~

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(a) to all States parties;
(c) to all accredited observers;
(b) to the Director General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and to any other competent international organization; and

4 Alt. bis. Any State party may declare its interest in being consulted on how to ensure the effective protection of the human remains and/or Underwater Cultural Heritage. Such a declaration, shall be transmitted to the Secretary -General within ten (10) days of the notification of the discovery by the Secretary -General, ~~and shall be based on a verifiable link to the human remains or archeological and historical objects Underwater Cultural Heritage concerned,~~ with particular regard being paid by the declaring State to its preferential rights as a State of cultural, historical or archaeological origin. ~~The sponsoring State and the flag State of the mother vessel from which the exploitation is being carried out~~ shall be considered as an interested States.

~~4. 4. Alt. ter. Within fifteen (15) days of the notification of the discovery by the Secretary - General, a meeting of the interested States referred to in the previous paragraph shall be convened to include the contractor, the Secretary -General, the Director General of the UNESCO and accredited observers. [Only States parties shall have the right to vote, but the views of the Contractor, the Director General of the UNESCO and accredited observers shall be taken into account.]~~

The Authority facilitate to exchange of views between interested parties identified in paragraph 4 alt bis.

~~4. Alt. Quater. Within fifteen (15) days of the convened meeting, the meeting of the interested States shall make to the [Council][Commission] one of the following recommendations:~~

- a) that the contractor may continue with their exploitation activity;
- (b) that further investigation should be necessary to suggest an appropriate recommendation, in which case, the convened meeting shall have an additional fifteen (15) non-extendable days to do so; or
- (c) in the case of human remains, that the remains shall be preserved under ~~[relevant][best][generally accepted underwater]~~ archaeological standards or practices, with a proposal made to the Council to create an ~~[Area of Particular Environmental Interest] [Area of Particular Cultural Interest];~~ or
- (d) that other protection measures shall be applied to human remains and/or Underwater Cultural Heritage.

~~5. After ascertaining the views of Member States, particularly those with preferential rights under Article 149 of the Convention, within sixty 60 days of the notification of the discovery by the Secretary General, the Council shall make a decision on the termination of exploitation activities within an area surrounding the discovered human remains and/or archeological and historical objects Underwater Cultural Heritage. The Council may also suggest to the Member States any measure necessary for the~~

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preservation and protection of the human remains and/or archeological and historical objects Underwater Cultural Heritage and their archaeological and natural context taking into consideration ~~[the applicable relevant guidelines]~~ generally accepted underwater archaeological standards] and the recommendations of the Committee on Underwater Cultural Heritage, if any].

5 Alt. After ascertaining the views of Member States, particularly those with preferential rights under Article 149 of the Convention, and all other interested parties identified in paragraph 4 ~~alt bis~~ter, and taking into consideration the relevant Guidelines, t-he Commission shall, at its next meeting and in any case within 60 days of the notification of the discovery by the Secretary-General, make a determination with respect to the discovery of suspected human remains and/or archeological and historical objects Underwater Cultural Heritage. The determination of the Commission may include one or more of the following:

- (a) confirmation of the nature of the discovered human remains and/or archeological and historical objects Underwater Cultural Heritage;
- (b) a determination of the buffer zones;
- (c) a requirement for the Contractor to provide additional information or share additional data with the Authority;
- (d) a determination as to the termination of exploitation activities within a clearly defined area surrounding the discovered human remains and/or archeological and historical objects Underwater Cultural Heritage; or
- (e) any other matters that the Commission determines to be appropriate and necessary in the circumstances and in light of the applicable Guidelines. The Commission may also suggest to the Member States any measure to preserve the human remains and/or archeological and historical objects Underwater Cultural Heritage and their natural context taking into consideration the applicable Guidelines.

The Commission recommends its determination or suggestion for the approval of the Council.

~~[5bis. If the Commission determines that exploitation activities 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 in accordance with t he applicable Standard.]~~

6. ~~¶~~In taking such a decision, the Council will also take into account the views of the United Nations Educational, Scientific and Cultural Organization and of other international organizations mentioned in paragraph 4, as well as the views of any other menti-oned stakeholders or non-Member States of the Authority if so decided by the Council.

56bis. The Authority will adopt rules, regulations and procedures regarding possibility of compensation for the Contactor, if the Commission determines and the Council approves that exploitation activities 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 in accordance with the applicable Standard.]

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7. The ~~{Council}~~^{Commission} shall forward all information used in making ~~its~~^{their} decisions under paragraphs 5 and 6, including the location of the human remains and/or ~~archeological and historical objects~~^{Underwater Cultural Heritage}, to the Secretary-General for inclusion in the Authority's database. Access to such information shall be decided by the Council under Part IX on 'Information-gathering and handling' of this Regulation.

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

In our view, it is necessary to follow the language of the Article 149 of the UNCLOS.

We suggest that the Commission would make a determination regarding preservation the human remains and/or archeological and historical objects and recommend it to the Council for its approval.

5bis (6bis): the issue of possible compensation is important. We guess, it could be resolved in special PRZs. We also suggest to move it after para 6.