

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART III
IWG Environment**

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:**
IWG Environment
- 2. Name(s) of Delegation(s) making the proposal:**
China
- 3. Please indicate the relevant provision to which the textual proposal refers.**
Schedule Use of terms and scope
- 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.**

***Note: China’s amendments are in Blue**

~~“Best Archaeological Practices” means (as defined by the 2001 UNESCO Convention) those practices designed to: encourage responsible and non-intrusive public access to underwater cultural heritage in accordance with Articles 2.5 and 2.10 of the Convention; increase public awareness, recognition and protection of heritage; promote the Convention and the establishment of national legal frameworks for protection; support scientific research in accordance with the Convention and the Rules concerning activities directed at underwater cultural heritage annexed to it, and capacity building in this regard; and promote the appropriate conservation of heritage.~~

~~“Environmental Effect” means any [material] consequences in the Marine Environment, including baseline studies for Underwater Cultural Heritage, arising from the conduct of Exploitation activities, [whether][being] positive, [negative], direct, indirect, temporary or permanent, or [c]Cumulative environmental effect arising over time or in combination with other effects or impacts stressors and activities in the same area, including those not regulated by the Authority.~~

“Intangible Cultural Heritage” means the practices, representations, expressions, knowledge, skills — as well as the instruments, objects, artifacts and cultural spaces associated therewith — that communities, groups and, in some cases, individuals recognize as part of their cultural heritage (as defined by the UNESCO 2003 Convention for the safeguarding of the Intangible Cultural Heritage).

“Marine Environment” includes the physical, chemical,[oceanographic] geological, genetic, and biological components, conditions and factors which interact and determine the productivity, state, condition and quality and connectivity of the marine ecosystem(s), [the underwater cultural heritage], the waters of the seas and oceans and the airspace above those waters, [species, biodiversity, ecosystems,] as well as the seabed and ocean floor and subsoil thereof.

“Underwater Cultural Heritage” means all traces of human existence having a cultural, historical or archaeological character (as defined by the UNESCO 2001 Convention on the Protection of the Underwater Cultural Heritage) including, but not limited to all objects of an archaeological and historical nature found in the Area (which must be treated in accordance with Article 149 of the Convention), and Intangible Cultural as well as paleontological objects (fossils).

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

Regarding the term “Best Archaeological Practices”, the Exploitation Regulations are not an appropriate mechanism to provide for the protection of Underwater Cultural Heritage and the requirement for Contractors to use the Best Archaeological Practices goes beyond the provisions of the Convention and should be deleted.

Regarding the term “Environmental Effect”, it expands the definition of “marine environment” to include Underwater Cultural Heritage, which goes beyond the understanding of the marine environment.

Regarding the term “Intangible Cultural Heritage”, requiring Contractors to take measures to safeguard Intangible Cultural Heritage in the context of exploitation activities goes beyond the provisions of the Convention on the one hand and is difficult to achieve on the other. Exploitation Regulations are not an appropriate mechanism for dealing with issues related to Underwater Cultural Heritage and the definition of Intangible Cultural Heritage should not be included.

Regarding the term “Marine Environment”, it expands the definition of “marine environment” to include Underwater Cultural Heritage, which goes beyond the understanding of the marine environment.

Regarding the term “Underwater Cultural Heritage”, Exploitation Regulations are not an appropriate mechanism to address issues related to Underwater Cultural Heritage and the definition of Underwater Cultural Heritage should not be included.