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.jm.

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

   SPAIN

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

   Regulation 35 - Human remains and objects and sites of an archaeological or historical nature.

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.**

<u>REGULATION 35. HUMAN REMAINS AND CULTURAL HERITAGE</u>

1. Exploitation activities in the Area shall be conducted in a way that does not affect human remains and/or cultural heritage.

2. The Contractor shall notify the Secretary-General in writing within 24 hours of any discovery of suspected human remains and/or cultural heritage in the Contract Area, and their location. The notification shall include the provisional mitigation and preservation measures taken to avoid any interference with these human remains and/or cultural heritage and their archaeological and natural context.

3. Following the discovery of any such human remains and/or cultural heritage, and in order to avoid their disturbance, no further exploitation shall take place, within a reasonable radius, until the Council adopts a decision in accordance with paragraph 5. Pending any action by the Council, the Secretary-General may suggest to the Contractor further provisional measures to preserve the human remains and/or cultural heritage and their natural context taking into consideration [the applicable relevant guidelines] [generally accepted underwater archaeological standards].

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 Member States, the President of the Council, the Director General of the United Nations Educational, Scientific and Cultural Organization, as well as to any other international organization and/or other stakeholders having asked the Authority to be notified in such cases.

5.   After ascertaining the views of Member States, particularly those with preferential rights under Article 149 of the Convention, and the Contractor, within sixty 60 days of the notification of the discovery by the Secretary-General, the Council shall make a decision as to whether or not exploitation activities shall be terminated within an area surrounding the discovered human remains and/or cultural heritage. The Council may suggest to the Member States any measure to preserve the human remains and/or cultural heritage and their natural context taking into consideration [the applicable relevant guidelines] [generally accepted underwater archaeological standards]. No Member State Party shall undertake or authorize activities directed at sunken State vessels and aircraft in the Area without the consent of the flag State.

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

7.   The Council shall forward to the Authority's database all information used in making its decision under paragraph 5. 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]

The aim of draft regulation 35 is to include specific guidelines, procedures and measures to preserve and protect the human remains and/or cultural heritage as well their natural context taking into consideration the applicable relevant guidelines generally accepted underwater archaeological standards.