Regulations of the People's Republic of China Concerning the Administration of the Protection of Underwater Cultural Relics

(Promulgated by Decree No. 42 of the State Council of the People's Republic of China on October 20, 1989 and effective as of the date of promulgation)

Article 1 These Regulations are formulated in accordance with the pertinent provisions of the Law of the People's Republic of China for the Protection of Cultural Relics for the purpose of strengthening the administration of the protection of underwater cultural relics.

Article 2 The term "underwater cultural relics" referred to in these Regulations denotes the human cultural heritage that has historic, artistic and scientific value and that remains in the following waters:

(1) all the cultural relics of Chinese origin, or of unidentified origin, or of foreign origin that remain in the Chinese inland waters and territorial waters;

(2) cultural relics of Chinese origin or of unidentified origin that remain in sea areas outside the Chinese territorial waters but under Chinese jurisdiction according to Chinese law;

(3) cultural relics of Chinese origin that remain in sea areas outside the territorial waters of any foreign country but under the jurisdiction of a certain country, or in the high seas.

The provisions in the preceding paragraph shall not cover objects that have remained underwater since 1911 and that have nothing to do with important historical events, revolutionary movements or renowned personages.

Article 3 The ownership of the underwater cultural relics specified in Items (1) and (2) of Article 2 of these Regulations shall reside in the State and the State shall exercise jurisdiction over them; with respect to underwater cultural relics specified in Item (3) of Article 2 of these Regulations, the State shall have the right to identify the owners of the objects.

Article 4 The State Administration for Protection of Cultural Relics shall be the competent authority in charge of the registration of underwater cultural relics, of the administration of the protection thereof, and of the work of examination and approval concerning the archaeological exploration and excavation activities with respect to underwater cultural relics.

Administrative departments for cultural relics at various levels in the localities shall be in charge of the protection of the underwater cultural relics in their respective administrative regions and shall, in conjunction with the archaeological and research institutions for cultural relics, be in charge of the work to identify and assess the value of underwater cultural relics. With respect to underwater cultural relics in sea waters, the State Administration for Protection of Cultural Relics may designate the administrative departments for cultural relics in the localities to be in charge of the...
administration of the work for the protection of underwater cultural relics.

**Article 5** On the basis of the value of underwater cultural relics, the State Council and the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government may in accordance with the pertinent procedures specified in the provisions in Chapter II of the Law of the People's Republic of China for the Protection of Cultural Relics, determine the underwater cultural relics protection units and underwater cultural relics reserves at the national or provincial levels and publicly announce them.

Within the limits of the underwater cultural relics protection units and underwater cultural relics reserves, any activities that may jeopardize the safety of the underwater cultural relics, such as fishing and demolition, shall be prohibited.

**Article 6** Any units or individuals that have discovered by any means underwater cultural relics specified in Items (1) and (2) of Article 2 of these Regulations shall report promptly to the State Administration for Protection of Cultural Relics or to the administrative departments for cultural relics in the localities and those that have been fished up shall be handed over promptly to the State Administration for Protection of Cultural Relics or to the administrative departments for cultural relics in the localities to be properly dealt with.

Any units or individuals that have discovered by any means underwater cultural relics specified in Item (3) of Paragraph 1 of Article 2 of these Regulations shall report promptly to the State Administration for Protection of Cultural Relics or to the administrative departments for cultural relics in the localities and those that have been fished up shall be turned in promptly to the State Administration for Protection of Cultural Relics or to the administrative departments for cultural relics in the localities to be identified and assessed.

**Article 7** Archaeological exploration and excavation activities with respect to underwater cultural relics shall have, as their objective, the protection of cultural relics and scientific research. Any units or individuals that intend to conduct in the waters under Chinese jurisdiction archaeological exploration or excavation activities with respect to underwater cultural relics shall apply to the State Administration for Protection of Cultural Relics and submit relevant data. Without approval by the State Administration for Protection of Cultural Relics, no units or individuals may conduct by any means unauthorized exploration or excavation.

Foreign countries, international organizations and foreign legal persons or natural persons that are to conduct in the waters under Chinese jurisdiction archaeological exploration or excavation activities shall do so in cooperation with the Chinese side and shall submit their applications therefor to the State Administration for Protection of Cultural Relics, which shall further submit them to the State Council for special approval.

**Article 8** With respect to any units or individuals that have been permitted to effect archaeological exploration or excavation activities with respect to underwater cultural relics, if the range of their activities covers water under the jurisdiction of the harbour superintendency, the matter shall be reported to the harbour superintendency for verification and approval and the harbour superintendency shall, upon verification
and approval, delineate safe operation area(s) and put out a navigation notice.

**Article 9** Any units or individuals that are effecting archaeological exploration or excavation activities with respect to underwater cultural relics shall, in addition to complying with these Regulations, abide by other laws and regulations of China and accept the administration by the departments concerned, shall observe rules concerning underwater archaeological activities, diving and navigation and ensure the safety of the personnel and the underwater cultural relics, shall prevent the water from environmental pollution and protect underwater biological resources and other natural resources from damage, shall protect all surface and underwater facilities and may not obstruct communication and transportation, fishery production, military drills and other normal surface and underwater operations and activities.

**Article 10** Those who have made outstanding contributions to the protection of underwater cultural relics, if the circumstances are in conformity with those specified in the provisions in Article 29 of the Law of the People's Republic of China for the Protection of Cultural Relics, shall be commended or rewarded.

Those who, in violation of the provisions in Articles 5, 6 and 7 of these Regulations, damage underwater cultural relics, or explore, excavate or dredge up underwater cultural relics without authorization, or hide, share secretly, traffic in, illicitly sell or illicitly export underwater cultural relics, if the circumstances are found to be those specified in the provisions in Articles 30 and 31 of the Law of the People's Republic of China for the Protection of Cultural Relics, shall be given administrative sanctions or have their criminal liability investigated in accordance with the law.

With respect to those who violate the provisions in Articles 8 and 9 of these Regulations, if the violation has resulted in serious consequences, the administrative department for cultural relics shall, in conjunction with the departments concerned, order the operation to be suspended and set a deadline for correction or shall give such administrative sanctions as withdrawing the approval granted, with an additional imposition of a fine ranging from Renminbi 1,000 yuan to 10,000 yuan.

**Article 11** The State Administration for Protection of Cultural Relics shall be responsible for the interpretation of these Regulations.

**Article 12** The rules for the implementation of these Regulations shall be formulated by the State Administration for Protection of Cultural Relics.

**Article 13** These Regulations shall go into effect as of the date of promulgation.