

Guiding questions – Conceptual topics discussions on Underwater Cultural Heritage – Thursday 20 March 2025

1) Are participants comfortable if the draft exploitation regulations ("DRs") address underwater cultural heritage ("UCH") matters beyond just DR35/35alt, as the UCH intersessional working group ("IWG") did during the recent intersessional period, or should UCH consideration in the DRs be limited to DR35/35alt?

2) Regardless of responses to question 1 above, are participants comfortable with working on the basis of DR35alt rather than DR35 as proposed by the UCH IWG, and if so, what are the views of participants on the substance of DR35alt?

-- Comments could possibly be provided on, e.g., the role of the LTC versus the role of the Council, whether to go with paragraph 4 or the series of alts to paragraph 4, the involvement of a possible Committee on UCH, and compensation for Contractors impacted by actions under the DR.

3) Assuming that (in response to question 1 above) participants are comfortable with the DRs addressing UCH matters beyond just DR35/35alt, do participants have any views to express with respect to those other DRs, particularly in connection with (but not necessarily limited to) the proposals transmitted to the Council by the facilitator for the UCH IWG for those other DRs (many of which still contain brackets as well as alternatives)?

-- Possible topics for discussion include language for the preamble, the establishment of a Committee on UCH, the incorporation of UCH considerations in environmental documents/processes (e.g., EIAs/EISes, EMMPs, underwater surveys, CHMPs), definitions of UCH / tangible UCH / intangible UCH, language on traditional knowledge, language on rights

It is my intention to devote at least 30 to 45 minutes to a discussion of DR35/35alt (i.e., questions 1 and 2 above), and then spend the rest of the period discussing question 3 above, assuming that participants wish to discuss UCH matters beyond just DR35/35alt. Given that those other DRs are numerous and widespread, I can provide a brief summary of those other DRs before participants take the floor to discuss any of those other DRs, if they wish to do so, rather than go through those other DRs one-by-one.

For ease of reference, the comprehensive set of draft textual proposals on UCH that I submitted to the Council in the last intersessional period is

here: <https://www.isa.org.jm/wp-content/uploads/2024/11/Comprehensive-set-of-draft-textual-proposals-on-UCH-FINAL-2024-11-05.pdf>