

SUBMISSION FROM THE INTERSESSIONAL WORKING GROUP ON UNDERWATER CULTURAL HERITAGE

Date of Submission: 1 December 2025

[Proposals/Inputs are inserted in the Council President's Revised Consolidated Text of Draft Exploitation Regulations issued on 10 January 2025 as ISBA/30/C/CRP.1]

Draft regulations on exploitation of Mineral resources in the Area

Revised Consolidated Text

Co-facilitators' Overarching Comment for Rev. 5:

This Rev. 5 has fairly minor adjustments to the previous Rev. 4, to reflect comments and proposals received in the two virtual meetings of the UCH IWG earlier this week as well as written comments received in connection with those meetings. This Rev. 5 has several more sets of brackets and alts compared to the previous Rev. 4, but we think this is necessary to provide IWG members with greater comfort that their views are captured in some form in the document.

We recommend that the co-facilitators submit this Rev. 5 document to the ISA Council President and the ISA Secretariat by the 1 December 2025 deadline as a snapshot of the work of the IWG to date, with an explanation to be transmitted to the President/Secretariat that brackets remain on major unresolved issues, the document is not an exhaustive compilation of all textual proposals made in the IWG, opportunities remain for IWG members and the broader Council to submit/resubmit textual proposals on UCH, and nothing is agreed until everything is agreed. This is perhaps particularly relevant for DR35, which in the view of the co-facilitators will probably benefit from focused intersessional discussion beyond 1 December 2025, perhaps by a small group of interested IWG members, even as the IWG (potentially) forwards some version of DR35 to the President/Secretariat by the 1 December 2025 deadline.

Preamble

In accordance with the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Convention”) and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Agreement”), the Area and its resources are the common heritage of humankind, and the Exploitation of the resources of the Area shall be carried out for the benefit of humankind as a whole, on whose behalf the Authority acts.

The objective of these Regulations is therefore to regulate the Exploitation of the [mineral] resources of the Area consistent with the Convention, including the duty [to take necessary measures in accordance with the Convention] to ensure effective Protection [of] for the Marine Environment from [harmful effects] [Serious Harm] caused by those activities-[as well as the duty to protect and preserve [objects and sites of an archaeological or historical nature] [underwater cultural heritage]

found in the Area [for the benefit of humankind as a whole in accordance with articles 149 and 303 of the Convention], while [ensuring respect for][recognizing and protecting] [existing] cultural [rights or] interests.

Co-facilitators' Comment (for Rev. 5): We have retained preambular text on UCH, but still in brackets, in light of divergences in the IWG about whether such text is necessary or appropriate. We have also introduced new brackets around the references to specific articles in UNCLOS. There were requests to end the preambular text at “underwater cultural heritage”, but we think that it makes sense to at least specify that such heritage/objects/sites are found in the Area. Finally, in response to requests, we have introduced an alternative set of verbs (“recognizing and protecting”) to the phrase “ensuring respect for” as well as inserted the word “existing” (in brackets) before the reference to cultural rights of interests.

Relatedly, we acknowledge that there were questions raised about what “cultural rights or interests” might actually mean as well as a request to bracket the entire phrase in light of reservations. However, the phrase “cultural rights or interests” is actually pre-existing text in the ISA Council President’s revised consolidated text of draft exploitation regulations, first appearing in paragraph 10 of DR13 without brackets and pre-dating the work of the UCH IWG. We also stress that we are replicating that phrase throughout the text in part to provide a hook for intangible UCH elements if the IWG and the broader Council eventually opt to use either “objects and sites of an archaeological or historical nature” or the tangible version/definition of “underwater cultural heritage”. And, we suggest that the Advisory Group established pursuant to DR4bis could help articulate what such cultural rights or interests are, including through the provision of advice to the LTC and/or Council in the form of papers, inputs to Standards and/or Guidelines, etc.

We thus recommend not putting the phrase as a whole in brackets (although we still retain brackets around “rights or”), and instead invite IWG members and the broader Council to discuss the phrase/matter going forward as an issue that remains open.

Part I

Introduction

Regulation 2

Principles, approaches and policies

[. . .]

[4. The following principles and approaches shall guide the application of these Regulations]:

(h) The use of relevant traditional knowledge of Indigenous Peoples and [of] local communities where available.]

[. . .]

[7bis. Nothing in these Regulations shall be construed as diminishing or extinguishing the existing rights of Indigenous Peoples, including as set out in the

United Nations Declaration on the Rights of Indigenous Peoples, or of, as appropriate, local communities.]

[7bis alt. The recognition and protection of the rights of Indigenous Peoples, including as set out in the United Nations Declaration on the Rights of Indigenous Peoples, or of, as appropriate, local communities.]

Co-facilitators' Comment (for Rev. 5): We retain all the highlighted text from the previous revision, as well as the pre-existing brackets. We also insert (in brackets) an alt to paragraph 7bis, in response to requests to make the substance of the paragraph more positive rather than defensive and to use the verbs newly introduced in the preambular text on “recognizing and protecting” rights.

[. . .]

Regulation 4bis

Protection and Safeguarding of human remains and [objects and sites of an archaeological or historical nature][underwater cultural heritage] and cultural [rights or] interests

- 1. [Objects and sites of an archaeological or historical nature][underwater cultural heritage] shall be protected and preserved for the benefit of humankind as a whole, in accordance with articles 149 and 303 of the Convention [and other rules of international law not incompatible with the Convention, including the 2001 UNESCO Convention on Underwater Cultural Heritage].**
- 2. Proper respect shall be given to all human remains [and venerated sites] in the Area.**

[2 bis. Exploitation activities in the Area shall be conducted in a way that ensures the respect, promotion, and consideration of cultural [rights or] interests, [including the rights of Indigenous Peoples or of, as appropriate, local communities,] as well as the relevant traditional knowledge of these Indigenous Peoples and local communities.]

- 3. In carrying out its responsibility to protect and safeguard [objects and sites of an archaeological or historical nature][underwater cultural heritage] and cultural [rights or] interests and to accord proper respect to human remains [and venerated sites] in the Area, the [Legal and Technical Commission][Council] may establish an Advisory Group of Experts [on Cultural Matters] composed of xx experts that have appropriate qualifications for the various fields of expertise needed, such as international law experts, archaeologists, archaeological surveyors, historians, experts on the knowledge and rights of Indigenous Peoples and of local communities, and UNESCO experts. [The Advisory Group of Experts shall have a minimum of seven experts nominated from the seven United Nations-recognized sociocultural Indigenous regions.] The Advisory Group of Experts shall [assist the Council and the Legal and Technical Commission][advise the Legal and Technical Commission] on all matters relating to [objects and sites of an archaeological or historical nature][underwater cultural heritage] and cultural [rights or] interests, human remains [and venerated sites] under these Regulations and liaise with relevant Stakeholders as appropriate, including Indigenous Peoples and local communities.**

Co-facilitators' Comment (for Rev. 5): For paragraph 1, in response to a request, we have added language referring to other rules of international law not incompatible with UNCLOS, including the 2001 UNESCO Convention on UCH.

For paragraph 2 and elsewhere throughout this Rev. 5, we have added brackets around references to venerated sites, in light of queries raised as to what those might be (although we note that the UNESCO Rules on UCH refer to both human remains and venerated sites, and the latter can also constitute or otherwise be associated with intangible cultural elements).

For paragraph 3, in response to a request from a number of IWG members, we have expanded the name of the Advisory Group of Experts to now specify that it is on Cultural Matters, but we leave that expansion text in brackets for now. We have also added “experts on the knowledge and rights of Indigenous Peoples and of local communities” as well as “UNESCO experts” as types of experts that would have the expertise needed for the Group, per requests from IWG members. Additionally, we now present alternative choices between the LTC and the Council as being the entity that establishes the Group, also present alternative choices between the Group assisting both the Council and the LTC or just advising the LTC, and delete previous language on the Group providing advise on “other” issues related to UCH.

We also note a suggestion made that the composition and/or the rules of procedure / terms of reference for the Group could be developed in one or more Standards and/or Guidelines, with clear guidance/guideposts articulated in DR35 to direct that supplementary work. We leave that possibility unreferenced in the text for now but encourage further discussion on that suggestion, especially once the general functions of the Group are solidified.

Finally, we note a comment made that there may be limited value to having DR4bis, mainly because its provisions mostly repeat existing language from UNCLOS. We retain the DR for now, especially as the establishment of the Advisory Group in paragraph 3 depends on the preceding paragraphs in the DR to contextualize the work of the Advisory Group. We invite IWG members, however, to consider if there might be an alternative way to provide that contextualization for the Group, if desired.

Part II

Applications for approval of Plans of Work in the form of contracts

[. . .]

Section 3

Consideration of applications by the Commission

[. . .]

Regulation 13 *Alt.*

Assessment of applicants and application

[. . .]

9. In considering whether an application provides for effective Protection of the Marine Environment, the Commission shall determine:

[. . .]

(d) Whether the Plan of Work ensures effective Protection of the Marine Environment, in accordance with all applicable environmental requirements in the Convention, Agreement, and the rules, regulations and procedures of the Authority, taking into account:

[. . .]

(vii) Traditional knowledge or cultural interests relevant to the Protection of the Marine Environment, **where available;**

[. . .]

10. In determining whether an application provides for the protection of cultural [rights or] interests, **and taking into account the inputs of the Advisory Group of Experts [on Cultural Matters] established pursuant to Regulation 4bis**, the Commission shall [determine whether the application]:

(a) [Determine whether the application] **A**dequately identifies such cultural [rights or] interests; **and**

[(b) Demonstrates that the Plan of Work will not interfere with any cultural rights or interests];

(b alt) Has considered relevant traditional knowledge of Indigenous Peoples and [of] local communities, where available], and will not interfere with any cultural [rights or] interests]; **and**

(e) [Adjust text based on the outcome of the intersessional WG on this topic].

[. . .]

Co-facilitators' Comment (for Rev. 5): We have placed the reference to rights in the chapeau of paragraph 10 as well as in the sub-paras thereunder in brackets. We also received a query as to whether the Advisory Group established pursuant to DR4bis has a role in this DR, and that if it does, then it might not be appropriate to refer to the Group providing "recommendations", as those have a particular status under UNCLOS and in the ISA. We have thus replaced "recommendations" with "inputs" in the chapeau of paragraph 10. Finally, for paragraph (b alt), in response to requests, we have clarified the language on non-interference but also placed the language in brackets because of a separate request.

Regulation 15

Commission's recommendation for the approval or disapproval of a Plan of Work

[. . .]

2. The Commission shall not recommend approval of a proposed Plan of Work if:

[. . .]

(b) part or all of the area covered by the proposed Plan of Work is included in:

[. . .]

[(vii bis) Any other area identified [by the Council][by the Authority] for preservation for reasons of particular scientific, archaeological, historical or cultural interest]

[(vii bis alt) Any other area containing an object or site of an archaeological or historical nature]

Co-facilitators' Comment (for Rev. 5): In response to a request, we have introduced an alternative to sub-paragraph vii bis, to reflect a choice for the term of art “object or site of an archaeological or historical nature” rather than the broader formulation in vii bis.

[. . .]

Part III

Rights and Obligations of Contractors

[. . .]

Section 5

Emergency Response and Contingency Plan, Incidents and Notifiable Events

[. . .]

Regulation 35

Human remains and [objects and sites of an archaeological or historical nature][underwater cultural heritage]

1. Exploitation activities in the Area shall be conducted in a way that does not [negatively] affect human remains and [objects and sites of an archaeological or historical nature][underwater cultural heritage] [and shall avoid the [unnecessary] disturbance of venerated sites].
2. The Contractor shall notify the Secretary-General in writing within 48 hours the finding in the Contract Area of any human remains and [objects and sites of an archaeological or historical nature][underwater cultural heritage] [or any venerated sites], and its location, including the preservation and protection measures taken. The Contractor shall immediately cease exploitation activities within a 500 meters radius of the finding.
3. The Secretary-General shall transmit such information in writing, within five (5) days of receiving it to all member States, the President of the Council, the Director General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), to any other competent international organization and to any other [competent] observer.
4. Within ten (10) days of the notification of the discovery by the Secretary-General, any member State may declare to the President of the Council its interest in being consulted on how to ensure the effective protection of the human remains and [objects and sites of an archaeological or historical nature][underwater cultural heritage] [or any venerated sites] found in the Area. Both the Sponsoring State and the flag State of the Contractor shall always be considered one of these interested States. [Competent international organizations and observers][International Organizations and observers referenced in paragraph 3] shall have the same length of time to notify the Secretary-General their interest in being consulted.

5. After ascertaining the views of member States, particularly those with preferential rights under Article 149 of the Convention, in its next immediate meeting after 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 the area referred to in paragraph 2. The Council may suggest to the Member States any measure to preserve the human remains and [objects and sites of an archaeological or historical nature][underwater cultural heritage] [or any venerated sites] in their archaeological and natural context, for the benefit of humankind as a whole. In adopting its decisions, the Council shall take into account the views of the United Nations Educational, Scientific and Cultural Organization and other competent international organizations. The Council may also take into account the views of other [competent] observers and may be assisted by the Advisory Group of Experts [on Cultural Matters] referenced in DR 4bis.

6. No member State shall undertake or authorize activities directed at, or incidentally affecting, sunken State vessels and aircraft without the consent of the flag State.

7. Any measure decided under this regulation shall be adopted or suggested in accordance with applicable standards and taking into consideration adopted guidelines.

[8. The Contractor shall not be entitled to compensation for any measure required in this regulation.]

9. The Council shall forward to the Seabed Mining Register all information, except for Confidential Information, used in making its decision under paragraph 5 of this regulation.

[10. If [objects and sites of an archaeological or historical nature][the remains of underwater cultural heritage] may be deemed to be a potentially polluting wreck, then DR [X] shall also apply.]

Co-facilitators' Comment (for Rev. 5): We have removed the brackets around "competent" when referring to just (international) organizations, as that is phrasing found in UNCLOS and in ISA documents. However, we retain brackets around "competent" when it refers to observers, given divergences of views in the IWG on whether it is appropriate to refer to "competent observers", and if so, how to determine who those observers are. Additionally, in paragraph 4, in response to a suggestion, we have introduced alternative language that refers back to the organizations and observers referenced in paragraph 3, rather than use the language of "competent".

Also in paragraph 4, in response to a request as well as an update from the original proponent of DR35, we include a reference to the flag State alongside the Sponsoring State of the Contractor as always being interested States for purposes of the DR. We also acknowledge a suggestion to replace "member State" in paragraph 4 with "any State or Stakeholder" and delete the last sentence of the paragraph, which would be consistent with DR93bis as well as the definition of Stakeholder in the Schedule. We have not made this edit, mainly in the interest of minimizing edits to the DR before there are focused small group discussions on the DR, but we encourage IWG members to discuss the suggestion going forward. We also recommend the same sort of consideration for the proposal by an IWG member to reference the notion of "verifiable link" in paragraph 4.

We also revise references to organizations in paragraphs 3 and 5 to clarify that they are "international organizations" in order to maintain consistency in the DR on the matter, as requested by an IWG member.

For paragraph, while we retain the reference to the Advisory Group of Experts in the last sentence, we note a reservation made about whether it should be this particular Group or some

other entity that should assist the Council in the context of DR35. Our understanding, though, is that this caution is based mainly on whether the Advisory Group will be established by the Council or by the LTC. As the current drafting of DR35 encompasses both alternatives, we have kept the reference to the Advisory Group in DR35, as above.

For paragraph 9, we initial-capitalize Confidential Information to align with the term of art in the Schedule.

Finally, for paragraph 10, we have received a proposal on PPWs and a cross-reference to a separate DR to be proposed by an IWG member, so we insert a version of that proposal in paragraph 10.

Part IV

Protection and Preservation of the Marine Environment

Section 1

Obligations relating to the Marine Environment

Regulation 44

General Obligations

1. The Authority, Sponsoring States, the Enterprise, Contractors, flag States and Port States [and the States of registry] of or having authority over installations, structures, robots, and other devices where they are members of the Authority shall take necessary measures to ensure effective Protection of the Marine Environment from harmful effects which may arise directly or indirectly from the Exploitation in the Area, in accordance with Regulations as well as applicable Standards and [the relevant Regional Environmental Management Plan], taking into consideration the Guidelines referred to in Regulation 45 and the relevant Regional Environmental Management Plan and to this end shall, as applicable in their respective areas of competence:

[...]

(c) ter Use relevant traditional knowledge of Indigenous Peoples and [of] local communities in decision-making, where available;

[c) quater Recognize and protect cultural [rights or] interests in decision-making]

Co-facilitators' Comment (for Rev. 5): We continue to recommend support for paragraph 1(c ter).

Also, in response to a request to expand paragraph (c ter) to include language on cultural rights and interests, we create a new paragraph (c quater) to accommodate this request rather than alter (c ter), but place the paragraph in brackets. We also use the verbs “recognize and protect” for this new paragraph, to be consistent with other such language in this document.

Section 2

The Environmental Impact Assessment Process

Regulation 46

Environmental~~The~~ Impact Assessment Process

[. . .]

3. The ~~[process for Environmental Impact Assessment]~~[Environmental Impact Assessment] shall:

[. . .]

(b) ~~bis~~ Be based on the ~~Best Available Science and~~ Scientific Information, and, ~~if applicable, taking into account~~ [where available,] relevant traditional knowledge of Indigenous Peoples and ~~[of]~~ local communities;

[(b) ter Take into account the need for the recognition and protection of cultural [rights or] interests]

[. . .]

(c) bis Include an underwater survey, [which may be conducted by an expert archaeology surveyor], to identify human remains and [objects and sites of an archaeological or historical nature][underwater cultural heritage] or any venerated sites that are located in areas of the proposed Exploitation activities;

[. . .]

Co-facilitators' Comment (for Rev. 5): Per a request from an IWG member, we insert a new sub-paragraph (b ter) requiring that the EIA process shall take into account the need for the recognition and protection of cultural rights/interests. The original request was to include this language in sub-paragraph (b bis), but we think that it might make more sense to treat both matters separately, as other parts of Rev. 5 do. We also note that some form of (b ter) will likely be necessary if either "objects and sites . . ." or the tangible form of "underwater cultural heritage" is chosen as the term of art in the document.

Regulation 47

Environmental Impact Assessment

1. The applicant or Contractor shall, in accordance with the Standards, and taking into [account] the Guidelines, undertake an impact assessment, [as described in Regulation 46 (4),] based on the terms of reference [agreed] in the Scoping Report. This includes assessing:

(a) The intensity or severity of the impact at the [area being affected];

(b) The spatial extent of the impact relative to the availability of the habitat type affected;

(c) The sensitivity [and] vulnerability of the ecosystem to the impact;

(d) The ability of an ecosystem to recover from harm, and the rate of such recovery;

(e) The extent to which ecosystem functions may be altered by the impact;

(e bis) The extent to which human remains and [objects and sites of an archaeological or historical nature][underwater cultural heritage] or any venerated sites may be altered or otherwise affected by the impact; and

[(e ter) The extent to which cultural [rights or] interests may be affected by the impact]

Co-facilitators' Comment (for Rev. 5): Per a request from an IWG member, we include a new sub-paragraph (e ter) on impact on cultural rights/interests, in brackets. We note that some form of (e ter) will likely be necessary if either “objects and sites . . .” or the tangible form of “underwater cultural heritage” is chosen as the term of art in the document.

Regulation 47 bis

Scoping

[. . .]

3. In undertaking the Environmental Impact Assessment scoping, the applicant or Contractor, shall:

[. . .]

(e) Use the best available science and scientific information and, where available, relevant traditional knowledge of Indigenous Peoples and [of] local communities;

[(e bis) Take into account cultural [rights or] interests]

(e ter) Review the Best Available Scientific Information and, where available, relevant traditional knowledge of Indigenous Peoples and [of] local communities and conduct consultations with relevant Stakeholders to identify, to the extent possible, potential areas containing human remains and [objects and sites of an archaeological or historical nature][underwater cultural heritage] or any venerated sites that are located in areas of the proposed Exploitation activities;

Co-facilitators' Comment (for Rev. 5): Per a request from an IWG member, we include a new sub-paragraph (e bis) on impact on cultural rights/interests, in brackets. (The previous (e bis) is now (e ter).) We note that some form of (e bis) will likely be necessary if either “objects and sites . . .” or the tangible form of “underwater cultural heritage” is chosen as the term of art in the document.

[. . .]

Part VI

Closure plans

Regulation 59

Closure Plan

[. . .]

2. In developing the Closure Plan, the Contractor shall, in accordance with the requirements of Annex VIII, set out the responsibilities and actions of a Contractor during any temporary suspension, and also for the Decommissioning and Closure of activities in a Mining Area, including the post-closure management and monitoring of remaining Environmental Effects. In fulfilling these responsibilities, the Contractor shall, *inter alia*:

[. . .]

(c) Final environmental condition of the area, including the state of remaining resources, the oceanographic, geological, biological, socioeconomic and **sociocultural conditions**, and ensure the risks relating to residual Environmental Effects are identified, quantified, assessed and managed in accordance with Best Available Scientific Information, Best Available Techniques and Best Environmental Practices, which includes the gathering of information relevant to Closure or suspension;

Co-facilitators' Comment (for Rev. 5): We acknowledge a reservation made to the references here and elsewhere in the document to "sociocultural" elements. As these references are from the ISA Council President's revised consolidated text of draft exploitation regulations and pre-date the work of the UCH IWG, and similar to our treatment elsewhere in this document of the pre-existing phrase "cultural [rights or] interests", we leave those references unbracketed for now but encourage IWG/Council members to discuss the references further.

Part XI

Inspection, compliance, and enforcement

Section 1

Inspections

[. . .]

Regulation 99

Inspectors' power to issue instructions

[1. If, as a result of an inspection, an Inspector has reasonable grounds to determine that any occurrence, practice or condition endangers or may endanger the health or safety of any person or poses a threat of **[If Serious] Harm][harmful effects]** to the Marine Environment **or to human remains and [objects and sites of an archaeological or historical nature][underwater cultural heritage] [or any venerated sites]**, the Inspector shall give a written instruction, which will have immediate effect, of a temporary nature considered reasonably necessary to remedy the situation, in accordance with **Regulation 35 and** any applicable Standards, including:

Co-facilitators' Comment (for Rev. 5): An IWG member has indicated that they will likely propose language in this DR to cross-reference a separate DR on PPWs, including those that might constitute UCH / "objects and sites . . ."

[. . .]

Annex III bis

Scoping Report

A **a** **[environmental Impact Assessment]** Scoping Report shall include the following:

[. . .]

(c) A description of what is known about the environmental setting, including any human remains and [objects and sites of an archaeological or historical nature][underwater cultural heritage sites] for the project (Contract Area and regional setting).¹⁵

[. . .]

(g) A [brief] description of the socioeconomic and sociocultural aspects of the project [including sociocultural uses of the Mining Area (e.g., traditional navigation routes, migratory paths of culturally significant marine species, artisanal fishing techniques, and [venerated][sacred] sites and waters associated with ritual or ceremonial activities of Indigenous Peoples and local communities);]

Co-facilitators' Comment (for Rev. 5): Per a request from an IWG member, we insert a reference to artisanal fishing techniques. We have also reinstated text on “sacred” sites from the President’s draft, as an alternative to the now-bracketed text on “venerated” sites.

Annex IV

Environmental Impact Statement

[. . .]

6. Description of the existing human activities, socioeconomic and sociocultural environment

This section should describe the socioeconomic and sociocultural environment aspects and potential impacts of the project on existing human activities and planned uses of the area for which information is publicly available. This may include consideration of the scale of effects (such as the creation of jobs and estimates of the risk of Environmental Impacts), extent of duration of impacts in time and space, intensity or severity of social impacts and an assessment of whether impacts are likely to be cumulative. It is important to consider the social equity or distribution of impacts across different populations: in other words, which groups are likely to be affected in which ways.

Co-facilitators' Comment (for Rev. 5): No change from the previous version.

9. Assessment of impacts on the socioeconomic and sociocultural environment and proposed Mitigation

Provide a detailed description and evaluation of potential Environmental Impacts and Environmental Effects of the operation to the socioeconomic and sociocultural components identified in section 6 and a summary of the environmental management measures to mitigate impacts and residual effects. This should include projections on the potential impacts in national waters outside the Mining Area and should also consider the entire lifespan of the project i.e. construction/development (pre-commissioning), operational (including maintenance) and Decommissioning phases. A description of the benefits to humankind may be included. Attitudes towards, and perceptions of, the proposed project are among the variables that should be considered in determining the significance of impacts. The potential for accidental events [and natural hazards] should also be considered.

Co-facilitators' Comment (for Rev. 4): No change from the previous version.

Schedule

Use of terms and scope

[. . .]

ALT 1:

Use “Objects or sites of an archaeological or historical nature” throughout the text, but with no definition

ALT 2:

“Underwater cultural heritage” refers, for purposes of these Regulations, to all traces of human existence found in the Area which have been underwater for at least 100 years, having a cultural, historical or archaeological character, such as objects of prehistoric character, sites, structures, buildings, artifacts, vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archaeological and natural context.

ALT 3:

For purposes of these Regulations, “Underwater cultural heritage” refers to all traces of human existence found in the Area which have been underwater for at least 100 years, having a cultural, historical or archaeological character, or are associated with intangible underwater cultural heritage, such as objects of prehistoric character, sites, structures, buildings, artifacts, vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archaeological and natural context. [It also refers to objects or sites which are the subject of intangible underwater cultural heritage.]

For this purpose, “intangible underwater cultural heritage” refers to practices, representations, expressions, knowledge, skills, and traditions that are transmitted from generation to generation – as expressed in the instruments, objects, artefacts, flora, fauna and cultural spaces associated therewith – that communities, groups, or, in some cases, individuals recognize as part of their cultural heritage; and relate to the underwater environment and its interaction with human cultures. This may include, but is not limited to, traditional navigation knowledge, oral histories associated with maritime landscapes, spiritual and ritual practices linked to water bodies, and artisanal fishing techniques.

[. . .]

“Stakeholder” means a natural or juristic person or an association of persons [including Indigenous Peoples [as well as][and] local communities,] with an interest of any kind in, or who may be affected by, the proposed or existing Exploitation activities under a Plan of Work in the Area, or who has relevant information, [knowledge] or expertise.

Co-facilitators' Comment (for Rev. 5): Per a request from an IWG member, we have slightly altered Alt 3 to place the phrase “For purposes of these Regulations” at the beginning of the Alt.

For the definition of Stakeholder, for the clause on Indigenous Peoples and on local communities, per a request from an IWG member, we have introduced choices between the connectors “as well as” and “and”.

Everything else above in the Schedule remains the same from the previous version.