

Thirty-first session

Council session, part I

Kingston,

9-20 March 2026

Draft regulations on exploitation of Mineral resources in the Area

Further Revised Consolidated Text (clean version)

Overarching Comments from Co-facilitators:

This Rev. 6 version of this document attempts to consolidate textual proposals and comments received on Underwater Cultural Heritage (“UCH”) after the release of the Rev. 5 version in December 2025, particularly inputs during and after the March 2026 meetings of the ISA Council. This Rev. 6 uses the ISA Council Secretariat’s “Further Revised Consolidated Text” (rev. 2) from 15 February 2026 as its basis. All edits proposed by the co-facilitators for this Rev. 6 are visible in text with turquoise background, with new text underlined and deleted text in strikethrough, and with brackets introduced in various paragraphs, including to present alternatives/options. We invite delegations to consider the various options and edits proposed in this text, with a view to converging on a common way forward for each of them.

In this comment box, we present comments applying to the Rev. 6 document as a whole, so as to avoid repeating them in the targeted comment boxes later in this document.

During the ISA Council’s thematic discussion on UCH in March 2026, a majority of delegations who spoke indicated a preference for using the terminology of “Underwater Cultural Heritage” rather than the UNCLOS-derived phrase of “objects and sites of an archaeological or historical nature” (the latter also being the language in the exploration regulations). However, a number of delegations continued to express a preference for the UNCLOS-derived and exploration regulations-aligned language rather than UCH. In that light, this text continues to retain both options. However, since a couple of delegations expressed a preference for the original UNCLOS language, i.e. “objects of an archaeological and historical nature”, we have put in brackets the term “and sites”. Delegations are invited to continue considering those options, including language to accommodate concerns arising from using one option over the other.

Also during the above-mentioned thematic discussion, a number of delegations expressed support for referring to both cultural rights as well as cultural interests throughout the text. However, other delegations disagreed with those references, particularly cultural rights (with some degree of flexibility for referring to cultural interests). Among those who disagreed with these references, a suggestion was made that they be replaced with the term “Underwater Cultural Heritage”. In that light, this text continues to retain references to cultural rights and interests, but the entire phrase in brackets (while removing the internal brackets around “rights”), and the bracketed text is presented alongside an alternative text on “Underwater Cultural Heritage”, where appropriate. Delegations are invited to continue considering whether they support the retention of any of those references. Delegations are

reminded that part of the rationale for retaining references to cultural rights and interests was to have a supplement to references to UNCLOS-derived language on “objects [and sites] of an archaeological or historical nature” if that language is used rather than “Underwater Cultural Heritage”. If, however, “Underwater Cultural Heritage” is the preferred term of art rather than the UNCLOS-derived language, then delegations are invited to consider whether they would still retain the references to cultural rights and interests or, e.g., those elements can be folded into the definition of “Underwater Cultural Heritage” or in some other cross-cutting paragraph.

Additionally, during the same above-mentioned thematic discussion, a number of delegations expressed support for the use of some sort of grouping of experts to advise on cultural matters, with a general openness to such a grouping being some sort of “roster of experts” (such as established within / utilized by the LTC) rather than a formal subsidiary body. However, a number of other delegations reserved on whether to refer to / authorize / establish such a grouping, whilst others favoured the establishment of an “Advisory Group of Experts”. In that light, this text presents both references as alternative options, but placed in brackets because of the reserves.

Finally, during the same above-mentioned thematic discussion, some degree of support was expressed for the references to venerated sites in the text, particularly as a way to capture cultural understandings of those sites without tying those understandings to more specific tangible elements; but other delegations expressed reservations or queried the definition and scope of such references. In that light, this text continues to retain references to venerated sites, but in brackets. Delegations are invited to continue considering these references.

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 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 the Marine Environment from harmful effects 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’ note: A number of delegations have expressed a preference for keeping the preamble streamlined without referring to UCH elements. These include delegations that are otherwise supportive of referring to UCH elements elsewhere in the draft regulations. We thus propose deleting the references to UCH elements in the preamble, in favor of inserting appropriate references to UCH elements elsewhere in the draft regulations.

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.

[. . .]

[7. bis. 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.]

~~[7. bis. 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.]~~

[7. bis. Alt. 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][Underwater Cultural Heritage].

Co-facilitators' note: Paragraph 7bis is a copy of language from the BBNJ Agreement and is meant to protect existing rights of Indigenous Peoples or of, as appropriate, local communities, without implying the establishment and recognition of new rights for these groups. The original paragraph 7bis alt carries that implication of new rights, which is problematic for some delegations. We also note that DR4ter currently references the respect, promotion, and consideration of cultural rights or interests, inclusive of the rights and relevant traditional knowledge of Indigenous Peoples and of local communities.

In light of the above, and in the interest of streamlining as well as reflecting these elements in a cross-cutting principles and approaches DR, we propose shifting the language from DR4ter to this DR2, as a new alt to paragraph 7bis replacing the previous/original alt to 7bis. This new 7bis alt (per the overarching comment box at the top) also refers to UCH as an alternative to the reference to cultural rights or interests. We retain this new 7bis alt as well as para 7bis in brackets. We also invite delegations to consider whether this new 7bis alt and the existing 7bis are actually alts to each other or can both be retained in some form.

For paragraph 4(h), we propose deleting the brackets around “of”.

[. . .]

Regulation 4ter

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 UNESCO Convention on the Protection of 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}] [a roster 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 [Underwater Cultural Heritage] [the knowledge and rights of Indigenous Peoples and of local communities], and UNESCO experts. [The Advisory Group of Experts] [roster of experts] shall have a minimum of seven experts nominated from the seven United Nations-recognized sociocultural Indigenous regions. The [Advisory Group of Experts] [roster 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' note: Per the overarching comment at the top of this document, we present the references to “objects [and sites] . . .”, “Underwater Cultural Heritage”, and “cultural rights or interests” as alternatives to each other and invite delegations to choose from one of the options. We also note that some degree of support has been expressed for retaining both the references to cultural rights or interests alongside the references to Underwater Cultural Heritage, so the text above reflects that approach as well (by retaining the word “and” before “cultural rights or interests”).

Also per the overarching comment at the top of this document, we propose references to an Advisory Group of Experts and to a roster of experts in brackets, as alternative options. However, as the latter would presumably not function as a “group” with standing authority but rather as a pool of experts or a resource tool to be invited to provide *ad hoc* expert advice (potentially by only a few or some of the experts rather than by all of them). Thus, if this term is to be chosen, then the text for paragraph 2 (including the ability of these experts to liaise with relevant Stakeholders) would have to be amended accordingly.

We propose removing the brackets around “on Cultural Matters” in the name of the Advisory Group.

Finally, support has been expressed to clarifying that experts would not be just those with expertise in the knowledge and rights of Indigenous Peoples, but are themselves representatives of those Indigenous Peoples. We, therefore, propose opening the brackets around the text requiring that such an Advisory Group/roster of experts should have, at a minimum, seven experts nominated from the seven UN-recognized sociocultural Indigenous regions. We also note a proposal to replace the reference to experts in the knowledge and rights of Indigenous Peoples and of local communities, with a reference to experts in Underwater Cultural Heritage. We thus present both approaches as bracketed alternatives above.

Part II

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

[. . .]

Section 3

Consideration of applications by the Commission

[. . .]

Regulation 13

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 **rights or** interests] relevant to the Protection of the Marine Environment, where available;

[. . .]

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

(a) adequately identifies such **traditional knowledge [or cultural [rights or] interests]**; and

(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]];

[. . .]

Co-facilitators' note: To align paragraph 10 with paragraph 9(d)(vii), we propose inserting new references to traditional knowledge in paragraph 10. We also present the Advisory Group and the roster of experts as bracketed alternative options (for the former, we remove the brackets around “on Cultural Matters” – we repeat this approach for other references to the Advisory Group elsewhere in this text). Additionally, we delete the brackets around “determine whether the application”. And, we delete the brackets around “of” before “local communities”.

We acknowledge a proposal made to replace references to cultural rights or interests with references to “Underwater Cultural Heritage”. While we have presented this approach as an alternative in other parts of this document, we do not think that that proposal makes sense for this particular DR13. Instead, we have simply placed brackets around the references to cultural rights or interests in this DR (while removing internal brackets on rights in those references).

In this connection, we note that the concept of traditional knowledge might, in the view of some, not suffice on its own to encompass cultural and spiritual beliefs and value systems associated with the Area and the broader marine environment, and so there might be a need to reflect in this DR not just references to traditional knowledge, but also to more intangible elements (e.g., cultural interests, or some other phrasing).

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' note: No change proposed.

[. . .]

Part III

Rights and Obligations of Contractors

[...]

Section 6

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] [and venerated sites]

[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~~ of finding in the Contract Area ~~of~~ any human remains and suspected [objects [and sites] of an archaeological or historical nature] [Underwater Cultural Heritage] [or any venerated sites], and ~~its~~ their location, including the preservation and protection measures taken. [The Contractor shall immediately cease exploitation activities within a [500 meters][reasonable] radius of the finding.][The Contractor shall immediately cease exploitation activities that negative impact the finding.]

3. The Secretary-General shall transmit such information in writing, within 5 Days of receiving it to all members 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~~ accredited observer.

4. Within ~~10~~ [15][60] 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. [This State declaration shall be based on a verifiable link, especially a cultural, historical, or archaeological link, to the human remains or [objects [and sites] of an archaeological or historical nature] [Underwater Cultural Heritage] [or venerated sites] concerned.] ~~Both~~ the Sponsoring State ~~[and the flag State]~~ of the Contractor shall always be considered one of these interested States. ~~[Competent international organizations and accredited observers]~~ [International Organizations and observers referenced in paragraph 3] shall have the same length of time as member States to notify the Secretary-General their interest in being consulted.

5. After ascertaining the views of Member States [through consultations], 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~~ **Member** States any measure] **[shall also take all necessary measures]** to preserve human remains and [objects **[and sites]** of 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 **referenced in paragraph 3.** ~~The Council may also, and shall take into account the views of other [competent] observers and may be assisted by the [Advisory Group of Experts {on Cultural Matters}] [roster of experts] referenced in Regulation 4bis 4ter. The Council may also take into account the views of accredited observers referenced in paragraph 3.~~

6. **In accordance with international law,** 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][State of registry].**

6alt. No decision shall be taken by the Council about the disposal, protection or preservation of a wreck entitled to sovereign immunity and associated human remains, 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 the 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. **[Regulation [90] shall apply accordingly.]**

[10. If [Alt. 1 objects **[and sites]** of an archaeological or historical nature] [Alt. 2 the remains of Underwater Cultural Heritage] may be deemed to be a potentially polluting wreck, then regulation [X] shall also apply.]

Co-facilitators' note: We have proposed a series of edits to this DR35, in light of extensive inputs received for the DR.

For the title of the DR, we have included a reference to venerated sites because of the references to those sites in the DR, but we keep that new reference within brackets, given the variety of views on the issue of venerated sites. We also note that the inclusion of venerated sites in the scope of this DR might require previous identification and delimitation of such sites in order to accrue obligations of Contractors towards them.

For paragraph 1, in response to concerns raised, we have placed all of the paragraph in brackets. Among other concerns, it has been noted that the language in paragraph 1 implies a hierarchy that places the protection of human remains / UCH / objects and sites / venerated sites over exploitation activities in the Area, which is not a hierarchy present in UNCLOS, according to that view – such objects and sites would either be preserved or disposed of, but their treatment would not assume priority over exploitation activities. In that view, rather than have this overarching “principle” language in paragraph 1, focus should instead be on the process of notification and action outlined in the rest of the paragraphs of DR35.

For paragraph 2, we have proposed a few tweaks for grammatical and stylistic flow. We have also inserted the word “suspected” in response to a request, as there might not be clarity at the outset as to whether such objects and sites / UCH / venerated sites are indeed such entities. And, with respect to the geographical scope of protection, we have included suggestions for using “reasonable radius” rather than a specific number, as the exploration regulations uses

“reasonable radius”; as well as for having broad language on not impacting the area negatively. We present these texts as alternatives to each other.

For paragraph 3, we specify that observers are those that are accredited, rather than “competent.”

For paragraph 4, in response to requests, we have increased the number of days for declarations of interest, with options provided for 15 days and 60 days. We also clarify that the IOs and observers cited here are those referenced in paragraph 3. And, we include language on verifiable link, but we keep this in brackets because of divergent views on whether it is appropriate to refer to this concept in the DR.

For paragraph 5, in response to requests, we have clarified the entities whose views the Council shall or may take into account, particularly the IOs and observers referenced in paragraph 3 as well as the roster of experts on cultural matters. We have also added alternative wording proposed by a delegation with respect to the measures to be adopted by the Council for the encountered human remains / objects and sites / UCH / venerated sites. This would be an alternative to measures that the Council would suggest to individual Member States to take.

For paragraph 6, in response to requests, we have included language aligning the paragraph with requirements under international law as well as presented a choice between flag State and State of registry (in the context of sunken vessels and aircraft). We have also added as paragraph 6alt a proposal supported by a number of delegations as alternative wording to paragraph 6.

For paragraph 7, we have placed the paragraph in brackets, in response to queries as to whether it is necessary to include this language here at all.

For paragraph 9, per a request, we have included a bracketed cross-reference to DR 90.

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 shall take necessary measures to ensure effective Protection of the Marine Environment from harmful effects which may arise from the Exploitation, in accordance with these Regulations as well as applicable Standards, taking into account the [relevant Regional Environmental Management Plan] and Guidelines 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' note: Other than removing the brackets around “of” in (c ter), no change is proposed. We note a proposal to replace the reference to cultural rights or interests with a reference to Underwater Cultural Heritage. However, we do not think that that approach makes sense for this particular DR. Instead, we retain brackets around sub-paragraph (c quater) as a whole (while removing internal brackets on rights in that sub-paragraph).

Section 2

The Environmental Impact Assessment Process

Regulation 46

The Impact Assessment Process

[. . .]

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

[. . .]

(b) bis be based on the Best Available [Science and] Scientific Information and, [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' note: We propose removing the brackets around “of” in (b bis). We also insert brackets around the reference to venerated sites.

We note a proposal to replace the reference to cultural rights or interests with a reference to Underwater Cultural Heritage. However, we do not think that that approach makes sense for this particular DR. Instead, we retain brackets around sub-paragraph (b) as a whole (while removing internal brackets on rights in that sub-paragraph).

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:

[. . .]

(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' note: We put brackets around the reference to “venerated sites”.

We note a proposal to replace the reference to cultural rights or interests with a reference to Underwater Cultural Heritage. However, we do not think that that approach makes sense for this particular DR. Instead, we retain brackets around sub-paragraph (e ter) as a whole.

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' note: We propose removing the brackets around “of” in sub-paragraphs (e) and (e ter). We also put the reference to “venerated sites” in brackets.

We note a proposal to replace the reference to cultural rights or interests with a reference to Underwater Cultural Heritage. However, we do not think that that approach makes sense for this particular DR. Instead, we retain brackets around sub-paragraph (e bis) as a whole (while removing internal brackets on rights in that sub-paragraph).

[. . .]

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]/[risk] of 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 shall 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' note: No change proposed, other than brackets around "and sites".

[. . .]

Annex III bis

Scoping Report

A 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);

[. . .]

(g) a 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' note: No change proposed, other than brackets around "and 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' note: No change proposed.

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' note: No change proposed.

[. . .]

Schedule

Use of terms and scope

[. . .]

“Best Environmental Practices”	means the application of the most appropriate combination of environmental control measures and strategies, for purposes of ensuring the effective Protection of the Marine Environment, and based on the Best Available Scientific Information and Best Available Techniques that will change with time in the light of improved knowledge, understanding or technology, as well as the incorporation of the relevant traditional
---------------------------------------	--

	knowledge of Indigenous Peoples and local communities and in accordance with applicable Standards taking into account the relevant Guidelines.
“Environmental Impact Assessment”	means the process of identifying, predicting, evaluating and mitigating the physicochemical, biological, socioeconomic, sociocultural and other relevant effects of development proposals prior to major decisions being taken and commitments made. This includes all potential effects, both positive and negative, and encompasses natural and anthropogenic receptors.
“Feasibility Study”	means a comprehensive study of a Mineral deposit in which all geological, engineering, legal, operating, economic, social, cultural , environmental and other relevant factors are considered.
“Impact”	is the influence of an action or activity on inter alia the biological, chemical, or physical environment, or sociocultural or economic values.
“Protection [of the Marine Environment]”	means any action or activity designed to reduce or prevent pollution, negative environmental impacts or other damage to environment, land, ecosystems, natural resources, [traditional ownership or customary use of resources, human remains and Underwater Cultural Heritage, or intangible Underwater Cultural Heritage] by human activities, including to mitigate climate change, to reduce the risk of such damage, to protect and restore biodiversity or to lead to more efficient use of natural resources, including energy-saving measures and the use of renewable sources of energy and other techniques to reduce greenhouse gas emissions and other pollutants, as well as to shift to circular economy models to reduce the use of primary materials and increase efficiencies. It also covers actions that reinforce adaptive capacity and minimise vulnerability to climate impacts.
“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.
“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,

	<p>artifacts, vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archaeological and natural context.]</p> <p>[Alt. 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.]</p> <p>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.]</p>
<p>“Venerated site”</p>	<p>refers, for purposes of these Regulations, to a submerged natural or cultural location situated in the Area that has been identified, recognized, or designated as spiritually, religiously, culturally, or memorially significant by a State or group of States, an Indigenous People or a local community [and whose protection may arise under [international law] [international cultural heritage law, international humanitarian law or international human rights law]].</p>

Co-facilitators’ note: In the table above, we include definitions for the terms on “Best Environmental Practices” and “Impact”, because those definitions include UCH elements. We also propose inserting new references to cultural/UCH elements in the definitions for the terms on “Environmental Impact Assessment”, “Feasibility Study”, and “Protection [of the Marine Environment]”, as included above.

For the term on “Stakeholder”, a number of delegations have asked to remove the reference to Indigenous Peoples as well as local communities as examples of Stakeholders, as those groups should always be assumed to be included in the definition of Stakeholder. We thus propose to delete that reference. At the same time, we propose opening the brackets around “knowledge”, in order to capture, e.g., the traditional knowledge of these groups as Stakeholders.

Additionally, we have included a proposed definition for “venerated site”.

Finally, for the term on “Underwater Cultural Heritage”, we propose working on the basis of the alt definition, in light of broad support for that version. For the alt definition, we have inserted brackets around the reference to 100 years, in response to requests from some delegations who do not think there should be such a time limitation for the definition.

We also note that a preference has been expressed for using the definition of Underwater Cultural Heritage from the 2001 UNESCO Convention, which is as follows:

"Underwater cultural heritage" means all traces of human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least 100 years such as:

- (i) sites, structures, buildings, artefacts and human remains, together with their archaeological and natural context;
 - (ii) vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archaeological and natural context; and
 - (iii) objects of prehistoric character.
- (b) Pipelines and cables placed on the seabed shall not be considered as underwater cultural heritage.
- (c) Installations other than pipelines and cables, placed on the seabed and still in use, shall not be considered as underwater cultural heritage.

We invite delegations to consider whether to adjust the alt version of the term in the table above to accommodate this preference. We also note that the 2001 UNESCO Convention resulted from negotiations which generally did not take account of any intangible elements (including metaphysical values or beliefs), which only later became the subject of various developments in international law (e.g., the UN Declaration on the Rights of Indigenous Peoples, the 2003 UNESCO Convention on Intangible Cultural Heritage).

We also recall that the option to use the UNCLOS-derived language on “objects and sites . . .” remains on the table, in which case there would not be a need to define “Underwater Cultural Heritage” in the exploitation regulations.