

**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:**

This submission reflects a comprehensive set of draft textual proposals on matters pertaining to Underwater Cultural Heritage (“UCH”) for the draft exploitation regulations of the Mining Code of the International Seabed Authority (“ISA”). Those draft proposals are reflected as Track Changes to the ISA Secretariat’s “Further Revised Consolidated Text” (Rev. 2) (“FRCT”) that was used by the ISA Council during the first part of its 31st Session in March 2026.

This submission contains a mix of text additions and deletions of old text, inclusive of proposals presented as clean as well as presented in brackets or alternatives for instances where diversities of views remain among participants in the UCH intersessional working group as of this submission.

While there remain quite a number of brackets and alternatives in this submission, most of them will be cleaned up if the Council agrees on landing zones for a small handful of major cross-cutting issues, particularly those pertaining to key terms of art (e.g., whether to use Underwater Cultural Heritage or UNCLOS-inspired language on “objects and sites of an archaeological or historical nature”; whether to refer to cultural rights or interests and/or the specific rights of Indigenous Peoples or of, as appropriate, local communities; whether to refer to “pure” intangible UCH, venerated sites, or a similar alternative concept). The resolution of those issues will require concerted attention by Council members and some degree of flexibility by all involved.

Finally, this submission is transmitted in order to ensure that the next draft of the ISA Secretariat’s consolidated text reflects the latest developments on UCH elements to the fullest extent possible. This submission should not be considered to represent full agreement by all UCH intersessional working group members on all aspects of the submission, in recognition that certain elements remain outstanding and that nothing is agreed until everything is agreed. Delegations are free to propose amendments to any elements of this submission in the future if they wish.

**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].~~

**Comment:** The UCH-related text in the preamble is deleted, mainly for the sake of streamlining the preamble. This deletion, however, is conditional on the securing of appropriate cross-cutting UCH language in other DRs (e.g., DR2, DR4ter).

## 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.]~~

**Comment:** The brackets around “of” in paragraph 4(h) are deleted.

Paragraph 7bis alt is deleted, in recognition of similar language in DR4ter, paragraph 2bis below. The original paragraph 7bis remains, albeit in brackets, and is contingent on the resolution of discussions on whether to refer at all in regulations to the (collective) rights of Indigenous Peoples or of, as appropriate, local communities (mindful also that the language in paragraph 7bis is drawn from the BBNJ Agreement, whose scope includes the international seabed Area).

[. . .]

## 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 the Protection of the 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][Underwater Cultural Heritage].]

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 the traditional 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 roster of experts shall have a minimum of seven experts nominated from the seven United Nations-recognized Indigenous sociocultural regions, who shall be consulted on all matters involving [cultural rights or interests of] Indigenous Peoples. The ~~roster of experts~~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.

**Comment:** In the title and throughout the DR, the brackets around “or rights” is deleted by the full phrase “cultural rights or interests” is placed in brackets.

In paragraph 1, the formal title of the 2001 UNESCO Convention is used.

In paragraph 2bis, per a proposal by a delegation, a bracketed reference to “Underwater Cultural Heritage” is inserted as an alternative to the bracketed phrase referring to cultural rights or interests and traditional knowledge. Also, the internal brackets for the latter phrase are all deleted, while brackets

around the entirety of the phrase remain.

In paragraph 3, the Advisory Group is deleted and is replaced by a roster of experts on cultural matters. This roster, if established, will have a minimum of seven experts who are nominated from the seven UN-recognized Indigenous sociocultural regions and who must be consulted on all matters involving Indigenous Peoples (including their cultural rights or interests, although this particular provision is bracketed). Finally, also in paragraph 3, the word “traditional” is inserted before “knowledge” for clarity/consistency.

## **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 4ter4bis, 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~~].

[. . .]

**Comment:** The reference in paragraph 9(d)(vii) to cultural interests is expanded to also refer to rights, to be consistent with other such references, but the new term is now bracketed, also consistent with other such terms.

In paragraph 10, for its chapeau, references are inserted to traditional knowledge (to align with paragraph 9) and the roster of experts on cultural matters established pursuant to DR4ter (not 4bis), and the original reference to the Advisory Group is deleted. The brackets around “determine whether the application” in the chapeau are deleted for clarity. For sub-paragraph (a), a reference to traditional knowledge is inserted. For sub-paragraph (b alt), the brackets around “of” are deleted. And, throughout paragraph 10, the references to cultural rights or interests are bracketed.

## **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, historic or cultural interest;}~~

~~{(vii bis alt) any other area containing an object or site of an archaeological or historical nature;}~~

**Comment:** Sub-paragraph (vii bis alt) is deleted in favour of sub-paragraph (vii bis), now opened and with the reference to “scientific” deleted because other provisions/processes of the Mining Code and the broader ISA already address preservation of areas for reasons of particular scientific interest.

[. . .]

## **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]

[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 of the finding in the Contract Area ~~of~~ any suspected human remains and [objects and sites of an archaeological or historical nature] [Underwater Cultural Heritage] ~~for any venerated sites~~, and their[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 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 accredited~~competent~~ observer.

4. Within ~~15~~ 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] ~~for 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] concerned. Both theThe 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, 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] [shall also take all necessary measures] to preserve human remains and [objects and sites of archaeological or historical nature] [Underwater Cultural Heritage] ~~for 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 take into account the views of other [competent] observers and may and shall~~ be assisted by the ~~Advisory Group of Experts [on Cultural Matters]~~ roster of experts referenced in DR ~~4ter~~4bis. The Council may also take into account the views of accredited observers referenced in paragraph 3.

6. In accordance with international law, nNo member State shall undertake or authorize activities [in the Area] directed at, ~~or incidentally affecting,~~ sunken State vessels and aircraft without the consent of the flag State or State of registry, as the case may be.

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 archaeological standards][Standards and taking into account 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~~In cases involving potentially polluting wrecks, regulation [X] shall also apply.]

**Comment:** Brackets are placed around paragraph 1, as there are diversities of views as to whether the paragraph is necessary and/or whether its consistent goes beyond what is provided in UNCLOS about how to handle objects and sites of an archaeological or historical nature encountered in the Area. Also, in this paragraph 1 and throughout the rest of the DR, all references to venerated sites have been deleted, as there was little support to retaining those references in the context of DR35 specifically.

In paragraph 2, “suspected” is inserted because it will not necessarily be known upon initial encounter whether the encountered remains/items/sites are covered by the DR. There are also a few other grammatical edits to the paragraph.

In paragraph 3, “accredited” replaces “competent”, as the latter modifier for observers did not receive support, while the former modifier is more commonplace.

In paragraph 4, the notification period is increased to 15 days because 10 days were deemed too short. New language on verifiable link is introduced, but in brackets because of diversities of views on whether it is necessary or appropriate to have this language. The reference to the flag State is deleted for not being appropriate in this context. Language on IOs and observers is chosen and unbracketed, with the modifier of “accredited” introduced for observers and with a cross-reference to paragraph 3. New language on Member States is inserted for clarity.

In paragraph 5, text on the Council taking all necessary measures is introduced as an alternative to text on the Council recommending that Member States take certain actions. The Advisory Group is replaced by the roster of experts on cultural matters, and various tweaks are introduced to refer to IOs and observers and to cross-reference the same in paragraph 3.

In paragraph 6, new language is inserted tying the restrictions in the paragraph to international law, as well as to activities in the Area only. Language is also inserted requiring the consent of the State of registry with respect to sunken aircraft (as opposed to the consent of the flag State with respect to sunken vessels).

Paragraph 6alt is presented as an alternative that focuses solely on sovereign-immune wrecks and associated human remains.

In paragraph 7, new language is included in reference to the use of archaeological standards as opposed to the use of (currently non-existent) ISA Standards and Guidelines on archaeological practices/approaches. The whole paragraph is bracketed because of diversities of views on whether the paragraph is necessary.

In paragraph 9, a cross-reference to DR90 is included, as it pertains to the Seabed Mining Register.

In paragraph 10, the language is streamlined to avoid the choices between alts in the original 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 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]

**Comment:** Brackets around “of” in sub-paragraph (c) ter are removed, and so are the brackets around “rights or” in sub-paragraph (c) quater (while that sub-paragraph as a whole remains in brackets).

#### **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;

[. . .]

**Comment:** Brackets around “of” in sub-paragraph (b) bis are removed, and so are the brackets around “rights or” in sub-paragraph (b) ter (while that sub-paragraph as a whole remains in brackets). In sub-paragraph (c) bis, brackets are placed around the reference to venerated sites.

## 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.]

**Comment:** Brackets around “of” in sub-paragraph (e) bis are removed, and so are the brackets around “rights or” in sub-paragraph (e) ter (while that sub-paragraph as a whole remains in brackets). The text on venerated sites in sub-paragraph (e) bis is now bracketed.

## 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 the relevant Stakeholders to identify, to the extent possible, potential areas containing human remains and [objects and sites of an archaeological or historical nature] [Alt. 2 Underwater Cultural Heritage] ~~[or any venerated sites]~~ that are located in areas of the proposed Exploitation activities;

**Comment:** Brackets around “of” in sub-paragraph (e) and sub-paragraph (e) ter are removed, and so are the brackets around “rights or” in sub-paragraph (e) bis (while that sub-paragraph as a whole remains in brackets). The reference to venerated sites in sub-paragraph (e) ter is now bracketed.

[. . .]

## **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:

**Comment:** No change from FRCT.

[. . .]

#### **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);]

**Comment:** In paragraph (c), the second “sites” (connected to UCH) is deleted as being unnecessary. In paragraph (g), the term “sacred” is deleted in favour of “venerated” (which remains in brackets). There is also a question as to whether the examples given in paragraph (g) are necessary or appropriate.

## 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.

**Comment:** No change from FRCT.

#### 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.

**Comment:** The word “Environmental” before “Effects” is deleted, as such Effects could very well be more than just environmental ones, including Effects on UCH / objects and sites / venerated sites and other sociocultural elements.

[. . .]

## Schedule

### Use of terms and scope

[. . .]

<p><b>“Best Environmental Practices”</b></p>	<p>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.</p>
<p><b>“Environmental Impact Assessment”</b></p>	<p>means the process of identifying, predicting, evaluating and mitigating the physicochemical, biological, socioeconomic, <u>sociocultural</u> 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.</p>
<p><b>“Feasibility Study”</b></p>	<p>means a comprehensive study of a Mineral deposit in which all geological, engineering, legal, operating, economic, social, <u>cultural</u>, environmental and other relevant factors are considered.</p>
<p><b>“Impact”</b></p>	<p>is the influence of an action or activity on inter alia the biological, chemical, or physical environment, or sociocultural or economic values.</p>
<p><b>“Protection [of the Marine Environment]”</b></p>	<p>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, <del>or intangible Underwater Cultural Heritage</del>] by human activities, including to mitigate climate change, to reduce the risk of such damage, to protect</p>

	<p>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.</p>
<p><b>“Stakeholder”</b></p>	<p>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, <b>{knowledge}</b> or expertise.</p>
<p><b>“Underwater Cultural Heritage”</b></p>	<p>[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, <u>human remains</u>, vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archaeological and natural context.]</p> <p>[<b>Alt.</b> Refers, <u>for purposes of these Regulations</u>, 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, <del>buildings</del>, artifacts <u>and human remains</u>, 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</p>

	techniques.]
<b>[“Venerated site”]</b>	<u>[refers, for purposes of these Regulations, to a submerged natural or cultural location situated in the Area that has special spiritual, religious, or cultural significance for certain peoples and groups, including Indigenous Peoples as well as local communities.]</u>

**Comment:** The UCH intersessional working group did not raise an objection to the language on traditional knowledge in the definition of the term “Best Environmental Practices”

For the definition of “Environmental Impact Assessment”, the word “sociocultural” has been inserted as an additional type of effect covered by the term, in line with similar language in the main body of the DRs and Annexes. Similarly, the word “cultural” has been inserted in the definition of the term “Feasibility”. And, there was no objection in the group to the reference to sociocultural in the definition of the term “Impact”.

For the definition of “Protection [of the Marine Environment]”, the reference to intangible Underwater Cultural Heritage is deleted, mainly because it is unnecessary (given the reference to intangible elements in the definition of Underwater Cultural Heritage).

For the definition of “Underwater Cultural Heritage”, both the original definition and the Alt definition remain on the table, as support for both versions has been expressed by different delegations. For the original definition, a reference to human remains is inserted, in line with the reference in the 2001 UNESCO Convention on UCH from which the definition is inspired and mindful that at least some human remains potentially qualify as UCH. For the Alt definition, clarification is inserted that the definition is solely for the purposes of the exploitation regulations (given that the definition is a modified form of the definition of Underwater Cultural Heritage in the 2001 UNESCO Convention on the same). The reference to buildings is also deleted as being unnecessary in the context of the deep sea (and which would in any case be covered by “structures”). And, similar to the original definition, a reference to human remains is inserted in the Alt definition, mindful that at least some human remains potentially qualify as Underwater Cultural Heritage. (On this point, it was noted that in the rest of the DRs, there might be a need to lessen the number of pairings of the phrase “human remains” with the phrase “Underwater Cultural Heritage” or “objects and sites . . .” when those human remains do not qualify as UCH, as those human remains would need a different protection scheme / approach than would UCH.)

Finally, for the term “Venerated site” and its definition, both remain in brackets given diversities of views on whether to refer to venerated sites at all in the document. The suggested definition for venerated site might also benefit from some consideration as to whether pre-designation / pre-identification of a venerated site is required in order to qualify as such, or if such an action can be mandated/conducted through individual DRs (e.g., in the DRs for the Impact Assessment Process). Another option is to not include a definition for “Venerated site”, which would be similar to the approach taken by the 2001 UNESCO Convention on UCH, which uses the term without defining it.