

ISA Council's Thematic Discussion on Underwater Cultural Heritage

Intersessional Working Group facilitated by Brazil, Greece, Micronesia.

Wednesday, 22 July 2026 – 1130 AM to 1 PM

I. Introduction:

The discussion will consider DR35 as well as various other cross-cutting UCH-related elements, both within and beyond DR35. We have prepared several prompts to guide the discussion. We request, in the interest of time, that your delegation addresses in one intervention all of the prompts that your delegation wishes to address. We also request (again for the interest of time) that if your delegation has textual edits to propose, then your delegation should consider sharing them with us bilaterally/directly instead of reading them into the text during the discussion.

II. Prompts for discussion:

1) With respect to DR35, does your delegation have any specific edits/comments for the substance of the DR, particularly the notification and protection scheme as well as the various bracketed alternatives therein?

2) A large majority of remaining brackets on UCH across all relevant DRs (not just for DR35) will likely be cleaned up once the Council makes choices about a small number of key terms of art and concepts, particularly choosing between and/or among language on objects and sites of an archaeological or historical nature, Underwater Cultural Heritage, venerated sites, and cultural rights or interests, including collective rights such as those held by Indigenous Peoples. For example, the trend in discussions in the Council as well as during intersessional discussions has been toward accepting Underwater Cultural Heritage as a term of art, inclusive of tangible elements and potentially of intangible elements, but there is no consensus on this issue as yet.

What are your delegation's views on these choices? In particular, if your delegation has expressed a preference in the past for the UNCLOS-inspired language on objects and sites used by the Exploration Regulations rather than for Underwater Cultural Heritage, then is this a redline preference, or is your delegation open to considering some version of Underwater Cultural Heritage? If the latter, then which definition of Underwater Cultural Heritage in the Schedule would your delegation prefer: the definition of Underwater Cultural Heritage as envisaged in the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage, or the alternative definition which includes traces of human existence associated with intangible underwater cultural heritage along with a definition of intangible underwater cultural heritage?

Furthermore, would your delegation be in a position to accept references to “venerated sites”? If this is the case, then do you consider necessary the inclusion of a definition in the Schedule?