

This statement is on behalf of Indigenous Peoples and local communities, residents of Pacific Small Island Developing States to propose the below language.

We are guided by these following principles which are drawn from the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and the United Nations Declaration on the Rights of Indigenous Peoples and Principle 3 of the Rio Declaration on Environment and Development as well as the BBNJ Agreement (Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction):

*Preamble*

*Desiring* to act as stewards of the ocean in areas beyond national jurisdiction on behalf of present and future generations by protecting, caring for and ensuring responsible use of the marine environment, maintaining the integrity of ocean ecosystems and conserving the inherent value of biological diversity of areas beyond national jurisdiction;

*Convinced* of the need to safeguard intangible cultural heritage;

*Emphasizing* the right of Indigenous Peoples and local communities to free, prior, and informed consent before any deep-sea mining project which may affect intangible cultural heritage;

1. “Intangible cultural heritage” means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artifacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage.
2. Intangible cultural heritage shall be safeguarded by the Authority, contractors and States.
3. Indigenous Peoples and local communities have the right to maintain, control, protect and develop their cultural heritage.
4. Indigenous Peoples and local communities have the right to free, prior, and informed consent before any deep-sea mining project which may affect intangible cultural heritage.
5. Future generations have the right to inherit the same diversity in natural and cultural resources enjoyed by previous generations and to have equitable access to the use and benefits of these resources and in doing so, that no community faces a disproportionate share of environmental hazards.
6. A Committee on Intangible Cultural Heritage is established.

Signed,

Solomon Pili Kaho‘ohalahala, Chairman Maui Nui Makai Network

Edwin “Ekolu” Lindsey, President “Maui Cultural Lands”

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With collaboration from Greenpeace, the Te Ipukarea Society, the Blue Climate Initiative, and The Ocean Foundation.