

Statement by the Federal Republic of Germany – ISA 29th Session, Part I

Thematic discussion on Intangible Cultural Heritage

Delivered on 27 March 2024

1. Should the exploitation regulations address “intangible” underwater cultural heritage?

Thank you Mr. Rapporteur for giving me the floor

Germany would like to thank the intersessional working group for all the work they have done, and we thank in particular the Federated States of Micronesia for the insightful briefing note.

Germany supports the inclusion of Intangible Cultural Heritage in the regulations, as this is in line with our obligations and commitments under the widely accepted *2003 Convention for the Safeguarding of Intangible Cultural Heritage*.

When it comes to the question of a spatial approach to intangible cultural heritage, we are sceptical as these human and cultural rights are not limited to particular areas ---- but we look forward to further discussion on that.

On the second question, Germany supports the definition of Intangible Cultural Heritage as included in the *2003 Convention*, not least because it represents a definition that has been accepted by most states.

On the third question, While we will need further time to think about the detailed steps needed to address Intangible Cultural Heritage in the Regulations, we would like to share some preliminary views now.

It seems reasonable to us to consider Intangible Cultural Heritage during the following steps:

First, Intangible Cultural Heritage should be identified as part of the Environmental Impact Assessment, as currently foreseen in Annex 3 and 4 of the Regulations. ----

We note, that cooperation with the competent national bodies dealing with safeguarding Intangible Cultural Heritage under the *2003 Convention* might be helpful in this respect.

Similarly, we could discuss potential cooperation with the *Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage* to help with identifying relevant cultural heritage.

Second, as reflected in DR 13.ALT, paragraph 10, when assessing an application, the LTC should determine whether an application adequately identifies cultural

rights and interests and whether the Plan of Work will not interfere with cultural rights and interests. Intangible Cultural Heritage is part of the body of international law that deals with cultural rights and interests and is therefore relevant here as well.

Third, In line with the UN Declaration on the Rights of Indigenous Peoples, we support the aim of finding ways to ensure that Indigenous Peoples and cultural knowledge holders can participate in meetings of the Authority and support the identification of cultural heritage.

We will need further time to consider particular options but welcome discussion and proposals for this.

I thank you.

2. If the exploitation regulations are to address “intangible” underwater cultural heritage, then should the concept be defined in the exploitation regulations, and if so, what would be an appropriate definition?

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3. Assuming that the exploitation regulations address “intangible” underwater cultural heritage, what would such regulatory language look like? Delegations are invited to consider, among other things, who will and/or how to identify such “intangible” underwater cultural heritage, as well as what steps should be taken under the exploitation regulations to protect or otherwise address such “intangible” underwater cultural heritage once encountered/identified.

While we will need further time to think about the detailed steps needed to address Intangible Cultural Heritage in the Regulations, let me share some preliminary views now.

It seems reasonable to us to consider Intangible Cultural Heritage during the following steps:

First, Intangible Cultural Heritage should be identified as part of the Environmental Impact Assessment, as currently foreseen in Annex 3 and 4 of the Regulations. ----

We note, that cooperation with the competent national bodies dealing with safeguarding Intangible Cultural Heritage under the 2003 Convention might be helpful in this respect. Similarly, we could discuss potential cooperation with the *Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage* to help with identifying relevant cultural heritage.

Second, as reflected in DR 13.ALT, paragraph 10, when assessing an application, the Legal and Technical Commission should determine whether an application adequately identifies cultural rights and interests and whether the Plan of Work will not interfere with cultural rights and interests. Intangible Cultural Heritage is part of the body of international law that deals with cultural rights and interests and is therefore relevant here.

Third, In line with the UN Declaration on the Rights of Indigenous Peoples, we support the aim of finding ways to ensure that Indigenous Peoples and cultural knowledge holders can participate in meetings of the Authority and support the identification of cultural heritage. We will need further time to consider particular options but welcome discussion and proposals for this.