

Protection of intangible cultural heritage
Informal Session of the Authority Council – March 27, 2024
Note on the Spanish position

Thank you very much, Mr. President,

My delegation thanks the distinguished delegation of Micronesia for the Information Note on the Protection of Intangible Cultural Heritage which serves to guide the discussions in this session.

Allow me, Mr. President, to make a general statement, responding to the combined issues raised.

During the intersessionary period, and due to the interest that Spain has in the protection of underwater cultural heritage, my delegation decided to actively participate in the working group to draft the clause relating to said heritage in the future Exploitation Regulations, submitting several written proposals and leading the discussion together with a group of States which included Australia, Greece and Norway.

The Spanish proposals included (a) some suggestions on the terms to be used in the future Regulation and (b) other suggestions on the protection system, based on a notification and cooperation mechanism under strict scientific standards.

In these proposals, Spain considers only the protection of the *tangible* elements of human remains and underwater cultural heritage, including the equally *tangible* elements “associated” with the intangible cultural heritage, as defined in article 2 (1) of the 2003 UNESCO Convention on the Protection of the Intangible Cultural Heritage.

In light of this, Spain believes – and has made such a proposal in the intersessional working group – that in the event of mining exploitation in the Area, the best way to **protect the intangible cultural heritage** (that is, “the uses, representations, expressions, knowledge and techniques that communities, groups and in some cases individuals recognize as an integral part of their cultural heritage”) is through the creation of “Areas of Particular Environmental Interest” highlighting the “cultural” character of these Areas.

To this end, Spain believes that the communities and groups concerned must articulate proposals to the States Parties to the Convention and to the Authority, through mechanisms deemed appropriate, in order to proceed to the consideration of said heritage in the creation, delimitation and preservation of such Area.

In this regard, Spain will continue drafting and discussing necessary proposals, both in the intersessional working group as well as in the Council, in cooperation with other States having a similar position and taking into consideration, as far as possible, the position of indigenous peoples and local communities. We therefore are very pleased to have you present in these informal discussions.

Thank you very much.