

PRESS ROOM

The UNESCO 2001 Convention on the Protection of the Underwater Cultural Heritage celebrates its 10th Anniversary

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Why a Convention on the Underwater Cultural Heritage?

The Convention on the Protection of the Underwater Cultural Heritage was adopted by the UNESCO General Conference on 2 November 2001. This landmark legal instrument is the international community's response to the destruction of submerged archaeological sites by commercial treasure-hunters, and certain industrial activities: The Convention also reflects the growing recognition of the need to ensure the same protection to underwater cultural heritage as that already accorded to land-based heritage. The Convention is designed to strengthen legal protection, cooperation, awareness-raising and capacity-building. One of the differences between the 1972 World Heritage Convention and the 2001 Convention is that the former protects only heritage of outstanding universal value, while the latter applies to all submerged cultural heritage.

What does The Convention aim to do?

- To provide legal protection wherever a submerged archaeological site is located, including in international waters;
- To ensure the same level of protection to underwater cultural heritage as that provided to land-based sites, and to enable States Parties to adopt common approaches to preservation and ethical scientific management.
- Provide opportunities for States Parties to benefit from cooperation with other States Parties in practical and legal terms.
- Provide effective professional guidelines on how to deal with and undertake research on underwater cultural heritage sites.

Underwater cultural heritage

refers to all traces of human existence having a cultural, historical or archaeological character, which have been partially or totally under water, periodically or continuously, for at least 100 years.

It is estimated that three million shipwrecks lie on the ocean floor, 20,000 Neolithic sites are located in the waters around Scandinavia alone and more than 150 ancient cities are submerged in the Mediterranean. Three examples: The lighthouse ruins in Alexandria, the shipwrecks of the Spanish Armada off Ireland, ancient human remains and offerings in the Mexican Cenote caves.

What has happened since 2001?

The 2001 Convention entered into force on 2 January 2009.¹ By the date of its tenth anniversary - 2 November 2011 - it will have been ratified by 40 States. It is the foremost international treaty

¹ Albania; Argentina; Barbados; Benin; Bosnia and Herzegovina; Bulgaria; Cambodia; Croatia; Cuba; Democratic Republic of the Congo; Ecuador; Gabon; Grenada; Haiti; Honduras; Iran (Islamic Republic of); Italy; Jamaica; Jordan; Lebanon; Libya; Lithuania; Mexico; Montenegro; Morocco; Namibia; Nigeria; Panama; Paraguay; Portugal; Romania; Saint Kitts and Nevis; Saint Lucia; Saint Vincent and the Grenadines; Slovakia; Slovenia; Spain; Trinidad and Tobago; Tunisia; Ukraine

concerning submerged heritage. The Convention is strongly supported by underwater archaeologists, who actively apply and enforce its regulations. Over time; it can be expected that the Convention will be ratified universally and that it will put an end to the brutal treasure-hunting currently menacing major submerged archaeological sites.

What are the next steps?

The States Parties to the Convention will adopt the Operational Guidelines, which are a *modus operandi* to foster the implementation of the Convention.

The Convention, its Operational Guidelines, as well as its Scientific and Technical Advisory Body, are expected to shape the discipline of underwater archaeology while raising public awareness about the importance of submerged heritage.

The 2001 Convention contains:

- **basic principles** for the protection of underwater cultural heritage;
- a detailed **State cooperation system**; and
- widely recognized **practical rules** for archaeological work on submerged sites.

The Convention consists of a *main text* and an *annex*². It focuses on preservation and State cooperation, but does not regulate the ownership of wrecks nor does it redefine maritime zones.

The Convention's main principles:

Ancient shipwrecks and underwater ruins are cultural heritage, not commercial goods. They should be preserved and respected. States Parties of the 2001 Convention pledge to preserve underwater cultural heritage for the benefit of humanity. The Convention encourages scientific research and public access to sites.

Underwater cultural heritage should not be removed, except for a valid public or scientific reason. *In situ* preservation of underwater cultural heritage (i.e. on the seabed) should be the first option to be considered. Recovery of objects should only be authorized in order to make a significant contribution to the protection of, or knowledge about, such heritage.

Underwater cultural heritage should not be subject to treasure hunting or destruction. The 2001 Convention stipulates that underwater cultural heritage should neither be commercially exploited for trade or speculation, nor irretrievably dispersed. This regulation is in conformity with the moral principles that apply to heritage on land; and does not hamper archaeological research or tourist access.

Archaeological best practices should be respected for interventions. The Annex to the 2001 Convention contains very specific and practical regulations on activities directed at submerged heritage.

Current Issues:

Underwater archaeology is still a recent discipline. Many States do not yet have a sufficient amount of well-trained underwater archaeologists.

Treasure hunting continues at a large scale, fostered by the differences in technical progress in different regions and high prices on the art market. Many major submerged archaeological sites have been destroyed by this kind of pillaging. UNESCO estimates that more than 300 major, large-scale sites have been destroyed in recent years (minor damage, which is difficult to document, happens constantly). Recent cases in the headlines are: The *Nuestra Senora de las Mercedes* wreck, the *HMS Victory* Wreck, the *Titanic*, the Cirebon cargo, and the Belitung cargo.

Sites are under development pressure. Many sites and archaeologically significant areas are endangered by infrastructure projects, pollution, drilling, and fishing. Industrial exploitation of the seabed is also on the rise.

² The latter sets out the "Rules for Activities directed at Underwater Cultural Heritage".

 **Chances:**

The ocean is a vast, and still largely unknown, museum. Many historically important sites have yet to be discovered.

Organic material is better preserved under water than on land. Very old materials have survived under water that would not have been preserved on land.

Tremendous potential for tourism can be derived from underwater museums and dive-trails (e.g. the museum built for the *Nanhai No. 1* wreck and, the Baiheliang Underwater Museum in China, the dive trails in ancient Caesarea harbour, and the plans for an underwater museum in Alexandria, Egypt).

See for more: www.unesco.org/culture/en/underwater³

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