

In occasion of the

10th anniversary of the Convention on the Protection of the Underwater Cultural Heritage

***Regional Meeting on the
Protection of the Underwater Cultural Heritage***

Final Report

15 December 2011, Royal Library of Belgium, Brussels, Belgium

Following the Scientific Colloquium on the Factors Impacting Underwater Cultural Heritage, which took place in the Royal Library of Belgium from 13-14 December 2011, a Regional Meeting on the protection of this heritage took place in the same venue. This meeting brought together representatives from EU countries as well as observers from the European Commission and the USA. The States represented were Bulgaria, Croatia, Italy, Lithuania, Portugal, Romania and Spain (States Parties to the 2001 Convention) as well as Austria, Belgium, Denmark, Estonia, Finland, France, Ireland, Lithuania, Netherlands, Poland, Sweden, and the United Kingdom. The meeting was chaired by Professor Wojciech Kowalski, Poland. The general atmosphere was very positive and filled with a spirit of cooperation.

H.E. Geert Bourgeois, Flemish Minister for Immovable Heritage opened the meeting. He pledged for Belgium to ratify soon, stressing the importance of its maritime heritage and calling on the participants to give this heritage the attention it deserves.

Ulrike Guerin from UNESCO then took the stand and reported that the preceding colloquium had provided a very informative summary of the factors currently affecting underwater cultural heritage. She described that it had also shown that the 2001 Convention had, in a very positive way, changed the scientific approach to submerged heritage since its adoption. The legal and practical implementation of this Convention however needed more binding ratifications to make comprehensive protection possible. States had to engage, not only scientists. She concluded by illustrating the content, objectives and advantages of the Convention.

Mariano Aznar, Professor of Public International Law at the University Jaume I of Castellón, Spain, then explained legal issues concerning the protection of underwater cultural heritage and stressed the absolute compatibility of the 2001 Convention with UNCLOS. He also underlined the great legal advantages ratification of the Convention brought to the States participating in the meeting. A special focus of his address was on issues that had been raised by the European States. In that regard, he illustrated that there was no legal decrease in the States' rights to the wrecks of their ships located in the Territorial Waters of other States through the Convention.

Michel L'Hour, heading the DRASSM in France and speaking at this meeting as an expert, informed his audience that his country was very close to ratifying the 2001 Convention. He mentioned that French initial hesitations regarding ratification had centred on a possible undermining of its State sovereignty over the wrecks of its State vessels lost in the Territorial

Waters of other States. Since the adoption of the Convention, the actual practice in the field had showed however that in all factual cases the cooperation between the concerned States functioned very well and France's sovereign rights were respected. After more in-depth legal consideration France had furthermore come to the conclusion that the 2001 Convention does in fact not change the pre-existing legal status of State vessels in a negative way. To the contrary, the Convention offered clear advantages for the legal protection of sites, capacity-building and cooperation. Therefore, Mr L'Hour called warmly on the participants of the meeting to support the ratification of the Convention.

Robert Yorke of the Joint Nautical Archaeology Policy Committee (JNAPC) of the UK then spoke about the situation in England and the many initiatives that had been taken and that were ongoing to prepare a ratification of the Convention by the country. The JNAPC and the UNESCO National Commission were crucial players in this. He also stressed Europe's interest in ratifying the 2001 UNESCO Convention and the importance of underwater archaeological research for the UK as well as for the greater European region.

Mark Dunkley of English Heritage, UK, then spoke about the abundance of the European underwater cultural heritage and the task of quantifying and qualifying submerged archaeological sites. According to his statement, ancient, well-preserved shipwrecks are, in fact, relatively rare and merited due attention.

Next, Iain Shepherd from the Directorate General for Maritime Affairs and Fisheries of the European Commission encouraged a common European approach to maritime cultural policy in the European Union and offered the assistance of his office in that matter.

Philip Robertson of Historic Scotland then singled out opportunities arising from the valorisation of underwater cultural heritage for national economies and cultural identities. Garry Momber of the Hampshire & Wight Trust for Maritime Archaeology, UK, showed innovative ways of presenting and disseminating knowledge about underwater cultural heritage. He stressed that this heritage had to become more present in the eye of the public, not only because this enabled its better protection, but also because of its great beauty and scientific interest.

As last of the experts to speak, David Blackman from the University of Oxford took the floor with a passionate appeal to ratify the 2001 Convention and to finally ensure the protection of underwater cultural heritage. He said that only when the major maritime states had thrown their full weight behind the Convention, would it be able to function in the desired way. Apart from Italy, Spain, and soon France, the EU States not yet parties were mostly the States which had the technology to undertake deep-water research work, and their failure to ratify would leave a hole in the Convention's protective network, which relied to a large extent on flag states controlling the activities of their vessels.

In the following discussion France announced its intention to ratify the Convention in the first half of 2012 and encouraged the other countries to join as well. The Netherlands, Greece, Finland and Denmark indicated that they were currently considering or reconsidering the issue. The Legal Counsel of the Netherlands Ministry of Foreign Affairs declared that the Advisory Committee on Issues of Public International Law had prepared a Report regarding the Convention and that its outcome was a positive one. Estonia, Poland and Ireland indicated being preparing the ratification. Bulgaria, Croatia, Italy, Romania and Spain, already States

Parties to the Convention, took the floor encouraging the other States to ratify and share their progress in the development of underwater archaeology.

As a last issue, attention was drawn to the upcoming major public events of the centenaries of:

- the sinking of the *Titanic* in April 2012; and of
- World War I, which was in large parts a naval war, in 2014.

The commemoration of the naval losses of World War I was especially singled out as being of great importance to the European States, but also to the US. Thousands of wrecks are still present on the seabed of the various showplaces of WWI sea battles. They act as testimony to one of the greatest disasters of humanity. An appropriate commemoration was therefore considered necessary. The participants did accordingly encourage the achievement of broader ratification of the 2001 Convention until 2014, the date from which on the Convention would protect the relics of the WWI. A commemoration event should be prepared with UNESCO.

The following recommendation was adopted:

The representatives of Austria, Belgium, Bulgaria, Croatia, Denmark, Estonia, Finland, France, Greece, Italy, Ireland, Lithuania, the Netherlands, Poland, Portugal, Romania, Spain, Sweden and the United Kingdom have joined on 15 December 2011 in Brussels to discuss the State of the underwater archaeology in the region as well as the UNESCO 2001 Convention on the Protection of the Underwater Cultural Heritage.

As result of their debates they recommend:

1. *to agree on common initiatives in the research and protection of underwater cultural heritage;*
2. *that none States Parties seriously consider ratification so that the number of ratifications of the 2001 Convention in the European region are increased by 2014 *;*
3. *recognizing that the seabed of the oceans comprises the 'world's greatest museum' to undertake common initiatives to raise awareness for the underwater cultural heritage and to join existing access initiatives, including those concerning virtual access;*
4. *to increase education on underwater cultural heritage and its message and to introduce this topic into school and university schedules;*
5. *to introduce the issue of the protection of the underwater cultural heritage in the policy making of each of the countries present as well as in that of the EU; and*
6. *to give due attention to the upcoming Titanic and World War I anniversaries and the need to legally protect the sites concerned.*

** Denmark and Sweden took part in the deliberations on paragraph 2, but are still studying a possible adherence to this part of the recommendation.*