

Report

Expert Meeting in Preparation of the Entry into Force of the 2001 Convention on the Protection of the Underwater Cultural Heritage (Paris, 23 November 2007)

The meeting brought together:

the following members of the ICOMOS International Committee for the Underwater Cultural Heritage (ICUCH):

- Robert Grenier (president),
- Carsten Lund, Denmark,
- David Nutley, Australia,
- Thijs Maarleveld, Denmark,
- Francisco Alves, Portugal,
- Ricardo Duarte, Mozambique,
- Alok Tripathi, India, and
- Jasen Mesic, Croatia,

as well as:

- Sarah Ward, representative of the Nautical Archaeology Society (NAS),
- Ao Jie, representative of the National Museum, China,
- Eric Rieth, CNRS, France,
- Jonathan Sharfman, South Africa, and
- Michel L'Hour, head of the French Département des recherches archéologiques subaquatiques et sous-marines (DRASSM).

The goal of the meeting was to discuss the approaching entry into force of the 2001 Convention on the Protection of the Underwater Cultural Heritage ("the 2001 Convention").

Several points were discussed:

1. Strategies for fostering a broader ratification of the Convention;
2. The nature and role of a future Scientific and Technical Advisory Body;
3. The implementation of the State Cooperation System;
4. Strategies for awareness-raising; and
5. Training in underwater archaeology.

The main results of the discussions can be summarized as follows:

1. Ratification Strategy

To assure a higher number of ratifications of the 2001 Convention, a focus on countries approaching ratification and having a signal function in their region was recommended by the experts present. Attention was also drawn to the need for precise and detailed information on the situation in the different Member States.

2. The Nature and Role of a Future Scientific and Technical Advisory Body

According to Article 23 of the 2001 Convention, the Meeting of States Parties *may* establish a Scientific and Technical Advisory Body (“the Body”) composed of experts nominated by the States Parties with due regard to the principle of equitable geographical distribution and the desirability of gender balance. This Body will assist the Meeting of States Parties in questions of a scientific or technical nature regarding the implementation of the Rules.

The discussion regarding the nature of such a body showed that:

- the definitive nature of the Body has to be decided by the Meeting of States Parties;
- it is the task of the States Parties alone to oversee the implementation of the Convention and therefore their right to select scientific experts, even if this will necessarily exclude nominations by non-States Parties; a different decision could however be taken by the States Parties due to the optional character of the regulations on the Body contained in Art. 23 of the Convention;
- even if the 2001 Convention stipulates only that it should be the task of the Body to assist in the implementation of the Rules (which are contained in the Annex of the Convention), it seems advisable to also consider giving the Advisory Body a major role in the elaboration of
 - the Operational Guidelines of the 2001 Convention; and
 - the correct implementation of the State Cooperation Scheme foreseen by the Convention.

The definition and extension of the duties of the Advisory Body should therefore be seriously considered in the First Meeting of States Parties to the 2001 Convention. *Example: A situation could arise, in which it would have to be decided if a State has a right to be consulted in the framework of the State Cooperation System. The Body could be of help in such decisions. However, if the Body would need to take decisions which have an effect on the question if a verifiable link is recognized (necessary condition for a claim to consultation) or a site identified and judged, it would need to have the necessary authority.*

3. On the Preparation of the State Cooperation System foreseen by the 2001 Convention

Several issues that were raised that will have to be considered in the preparation of the implementation of the State Cooperation System foreseen by the 2001 Convention:

- § The very limited information available on a wreck site upon its discovery;
- § The mass of sites found, of which many may prove insignificant or even inexistent;
- § The question on how to identify when and if a State can show a verifiable link to a site¹ and can therefore claim consultation on decision to be taken;
- § The workload that UNESCO will face upon the entry into force of the Convention and the implementation of the State Cooperation System; and
- § Technical problems related to the establishment of such a system.

The following discussions stressed the need for operational guidelines accompanied by (a) database(s) and a possible supervising function to be attributed to the Advisory Body. The necessity of the functionality of national competent authorities was also underlined.

On the tasks of the Advisory Body: The experts remarked that the Advisory Body, as proposed by the 2001 Convention, could be helpful in identifying and verifying a site and in facilitating cooperation between the different national authorities (see above).

On databases: It was also proposed that, to avoid that a possible database showing the reports received by States Parties becomes an unmanageable mass of information, a model for a national database on shipwrecks and submerged remains should be developed (for instance according to the Irish, French or Australian example) to be proposed to all competent national authorities responsible for the protection of the underwater cultural heritage worldwide. These databases could connect via a UNESCO external website for the 2001 Convention without problems of interface. UNESCO has already undertaken research on existing databases and their features, a partner should now be asked to cooperate in developing a globally applicable model.

On operational guidelines: Operational guidelines for the 2001 Convention should be drawn up. They would need to give specifications on the State Cooperation System and would have to determine exactly which kind of information a State Party would have to give other States Parties to report activities or discoveries concerning underwater cultural heritage. Here, as well, a standard format should be proposed.

On national competent authorities: Article 22 of the 2001 Convention stipulates that States Parties should establish competent authorities or reinforce the existing ones where appropriate. The experts present in the meeting underlined the immense importance that these national authorities will have as focal points of contact for the other States Parties to implement in a practical manner the State Cooperation System of the 2001 Convention.

¹ this “verifiable link” is a condition for a claim to the right to be consulted on the protection of a site

4. Awareness-Raising

During the meeting, it was recognized that the external communication of the issue of the protection of underwater cultural heritage would be primordial in the next years.

Several actions to be adopted were proposed:

- § An international conference for the diving community;
- § A Media Strategy focusing on the communication of success stories; and
- § Information published in leaflets in diving centres and airlines.

In the course of the discussions it became clear that a focus should be put on the involvement of the diving community. The support of the diving community would also clearly show the importance of the preservation of submerged archaeological sites *in situ*.

Given the size and importance of the diving community, it will be of great importance in the next years to build cooperation with Padi ("Project Aware") and CMAS. Cooperation could for instance relate to the setting of a code of ethics for leisure divers or awareness-raising leaflets to be distributed in airlines or tourism centres.

Jasen Mesic (Croatia) stressed that an economically persuasive promotion strategy for the protection of UCH has to be developed. Moreover, modules for sustainable development and the identification of major sponsors have to be identified.

5. Training in Underwater Archaeology

It should not be the role of UNESCO to undertake academic training of underwater archaeologists, as this should fall to universities. However the identification and practical training of underwater archaeologists, in particular in developing countries, would be of great importance.

In this regard, the establishment of a standardized curriculum and the establishment of a field training facility in the form of an example wreck (as existing in Cartagena, France and other places) was proposed to allow for the improvement of the field training of underwater archaeologists.

Concerning the envisaged Galle training facility, it was stressed that a permanent presence of trained and motivated archaeologists has to be ensured, if necessary by sending local archaeologists to a foreign university for training.