

Beneath the Water: Heritage in Search of International Protection

The new UNESCO Convention on the Protection of the Underwater Cultural Heritage is the first legal instrument to safeguard underwater archaeological sites on an international scale, providing protection against treasure-hunters, while regulating international cooperation.

It was a turning point in the history of attempts to safeguard shipwrecks and other submerged monuments when, on 2 January 2009, the UNESCO Convention on the Protection of the Underwater Cultural Heritage entered into force. Adopted by Member States in 2001, this is the only convention that is specific to the underwater cultural heritage. Even so, it neither regulates the ownership of heritage nor changes maritime sovereignty zones. Its aim is to combat looting and extend to our underwater heritage the same protection offered to sites on dry land.



“From now on, it will be possible to offer legal protection to the memory of humanity that is buried at the bottom of the oceans, lakes and rivers, thus curtailing the growing illicit trade by looters,” said UNESCO’s Director-General, Koïchiro Matsuura.

Archaeologists have been waiting a long time for international legislation such as this. “The 2001 Convention is heaven’s gift for underwater archaeologists,” says Robert Grenier, a well-known Canadian underwater archaeologist. This new instrument should also enable the public to get to know this little-known aspect of our heritage, which is so much more than a few shipwrecks at the bottom of the sea. Untold treasures lie in the depths, sometimes for thousands of years. And, while Atlantis was probably just a myth, entire stone-age landscapes, painted caverns and sacrificial sites

are yielding their amazing secrets day after day. Take, for example, the 'cenotes' of Yucatan (Mexico), natural sinkholes that hold traces of Mayan sacrifices. The Chichen Itza cenote contained no fewer than 120 sacrificed bodies.

A Minefield

The UNESCO convention is, however, entering a minefield when it is applied to safeguard this fragile heritage. While land-based heritage is subject to increasing protection, the looting of our underwater heritage is growing at an alarming rate, and national legislation is very patchy. Treasure hunters and commercial enterprises, attracted by profit, are deserting sites on dry land for deep-sea archaeology. Just one example is their interest in the precious cargoes of the caravels and carracks, these jewels of the Portuguese fleet that plied the spice routes in the 17th century. Commercial exploitation of their wrecks off the coast of Mozambique, for example, is threatening the only remaining historical evidence of their construction, as most of the documents from the era were destroyed in the 1755 Lisbon earthquake.

Faced with protests from archaeologists and the suspicions of the authorities when approached for licenses to explore, private companies looking for wrecks are increasingly proclaiming the scientific interest of their research. But it is almost impossible to practice genuine archaeology when the real motive is profit, and shareholders, not an informed public, are behind the work. As the celebrated Portuguese archaeologist, Francisco Alves, put it, "the archaeologist's work is often like that of a detective. But what would we think of a detective who sells the victim's watch to pay for his investigations?"



Confronted with destruction and looting, the UNESCO Convention has added a series of rules in its Annex regarding archaeological exploration, which aim to act as an added safeguard and directive for national authorities. By imposing ethical norms of protection, it should eventually eradicate purely commercial operations.

The Convention has also been set up to provide a legal safeguard and to monitor the protection of sites, which is probably its most delicate task. In international waters, States have, with some exceptions, only a limited jurisdiction, which often restricts the application of national regulations to their own nationals or to vessels flying their flag. Every time a commercial enterprise from a given country sets its sights on some article that another State thinks is valuable, international cooperation becomes crucial for its protection. Hence the value of the Convention, which aims to regulate and improve the conditions of this cooperation.

Other Threats, Other Solutions

Commercial excavations are not the only threat hanging over the relics located at the bottom of the seas, even if they are largely the reason behind the Convention. Foolhardy tourists looking for souvenirs, the construction of ports and oil pipelines, mineral prospecting and trawler fishing are also threats.

But satisfactory solutions can sometimes be found. Nord Stream AG, the company that built a gas pipeline in the Baltic Sea, recently had to open a breach in an ancient barrage made out of sunken Swedish ships, preserved in the Bay of Greifswald, in northern Germany. This barrage dates back to the Great Northern War when, in 1715, the Swedish navy scuttled some twenty ships, each around 15 metres long, in order to protect the bay. The construction company paid for the costs of archaeological research and salvage, demonstrating that it is possible to find a balance between the need to safeguard the past and the needs of the present. The UNESCO Convention has the advantage of inviting its States Parties to find solutions that limit damage to the underwater heritage.



There remain, of course, the inevitable threats posed by nature, such as erosion, tides, storms,

tsunamis, etc. The 2001 Convention invites national governments to take measures to prevent or to reduce the impact of such phenomena, by fencing off threatened sites, building cages, or covering them in sand.

UNESCO and the European Union have carried out several studies on the effects of climate change on cultural heritage. And a project has also just been launched with the Sovrintendenza del Mare, in Sicily, to investigate the possibility of preventing the destruction of coastal and underwater sites by earthquakes, under the framework of the Convention. The task is enormous, but the Convention has the whole future before it.

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