

**In occasion of the**  
**10th anniversary of the Convention on the Protection of the Underwater Cultural Heritage**

***Scientific Colloquium***  
***on the Factors Impacting Underwater Cultural Heritage***

*Proceedings*  
13-14 December 2011 Royal Library of Belgium, Brussels, Belgium

**Introduction**

On the occasion of the 10th anniversary of the Convention on the Protection of the Underwater Cultural Heritage UNESCO organized in cooperation with the Catholic University of Leuven, the University of Gent, the Flemish National Commission for UNESCO and the Flanders Heritage Agency an evening event, a Scientific Colloquium on the Factors impacting Underwater Cultural Heritage and a Regional Meeting on the Protection of the Underwater Cultural Heritage.

The Scientific Colloquium brought together reputed international scholars, representatives from archaeological services and concerned enterprises for a scientific exchange on the imminent factors impacting underwater cultural heritage. They explored ways of developing positive collaboration in the mitigation of activities adversely affecting this heritage. The colloquium was immediately followed by a regional meeting for Europe open to State representatives and invited expert speakers. As side events an evening talk was organized for the public on 12 December 2011 in the Free University Brussels. An excursion to the medieval Cog workshop in Antwerp was offered on 16 December 2011.

All events were a great success that surpassed the prior expectations. More than 200 reputed experts and State representatives from 20 EU countries as well as observers from the European Commission and the USA attended.

A Conference Website resumes the results of the events. The papers and the videos of the interventions will be made available on it ([www.unesco.org/new/en/culture/themes/underwater-cultural-heritage/2001-convention/10th-anniversary](http://www.unesco.org/new/en/culture/themes/underwater-cultural-heritage/2001-convention/10th-anniversary)).

**The Scientific Colloquium**

The Scientific Colloquium on the Factors impacting Underwater Cultural Heritage was organized on two days at the prestigious Royal Library of Belgium in Brussels. It brought together State representatives, international scholars, representatives from archaeological services and

concerned enterprises. They undertook to develop a basis for a future positive collaboration in the mitigation of activities adversely affecting submerged heritage.

The colloquium was opened by the Director-General of UNESCO, Irina Bokova, who recalled the importance of underwater cultural heritage, the need for its protection against the present day threats and underlined the capital role of the 2001 Convention. She stressed that since its adoption ten years ago the Convention had emerged as the most important international legal instrument for the safeguarding of underwater cultural heritage. It provided State authorities, policy makers and experts with guidelines, practical protection tools and cooperation mechanisms and set ethical principles for all activities related to such heritage. By creating internationally accepted standards, the Convention also served to strengthen the discipline of underwater archaeology. She moreover recognized the pivotal role of underwater archaeologists, researchers and other specialists in furthering the objectives of the Convention, particularly as regards information sharing and respecting the principles and rules set forth in the Convention and its annex. Protecting the world's underwater heritage through a comprehensive implementation of the Convention needed to be a common effort with the steadfast engagement of local and national authorities as well as professionals.

Mrs Bokova's intervention was followed by welcome addresses by Professor Koen van Balen from the Catholic University of Leuven and Marnix Pieters from the Cultural Heritage Agency of Belgium. Both stressed that the colloquium aimed at a multi-disciplinary approach. By exploring historical, technical, legislative, environmental and economic facets of underwater heritage, it was recognized that heritage could serve as a motor for sustainable development if managed in a holistic manner. They invited their expert colleagues to take stock of the numerous contemporary threats to underwater heritage and to examine concrete and sustainable solutions to the pressing challenges at hand.

Geoff Bailey from the University of York spoke in the following on the significance of underwater cultural heritage. He especially stressed the importance of prehistoric submerged sites. The wandering of early humans and prehistoric animals did appear to be still retraceable quite clearly on the seabed. Mammoth cemeteries and large deposits of stone tools were discovered. Land-connections and exchanges among civilisations were now proven, which were not known before. He underlined therefore that it may well be that the largest part of the development of humanity took place in coastal areas, which are now under water due to the raise of the sea level and indicated hence the particular importance of underwater archaeology in this regard. Thijs Maarleveld, president of ICUCH/ ICOMOS posed then the question how much underwater cultural heritage is actually under pressure and which solutions can be found. Finally Constantin Chera, President of the Scientific and Technical Advisory Body of the 2001 Convention did encourage the audience to see the future of underwater archaeology with a positive and entrepreneurial eye, wishing every success in the debates.

The Colloquium was then divided in seven different sessions covering various topics of pressing actuality.

## **1. Commercial exploitation, commercial archaeological interventions and international cooperation**

*Chair Katerina Dellaporta*

Michel L'Hour from the French DRASSM, Xavier Nieto, Director of the National Museum for Underwater Archaeology of Spain and Alexandre Monteiro from the Universidade Nova de Lisboa, Portugal spoke on the impact and the extent of looting and of commercial interventions in their countries. Pillaging was singled out as a main issue threatening underwater cultural heritage. It was underlined that a strict follow up to each case of pillage and destruction needs to be given to make sure to decrease such acts of vandalism. The legal pursuit was indicated as one of the biggest challenges, as many European countries do still accept the good faith justification. Even when an item can therefore be rediscovered on the international art market it is difficult to obtain its return.

In the following Ole Varmer from the National Oceanographic and Atmospheric Administration (NOAA) of the USA spoke about the upcoming centenary of the Titanic and the treaty giving legal protection to it. He also illustrated the harmonious relation of this treaty with the 2001 Convention's principles and text. Ole Varmer did also speak about the salvage and the tourism that impacted the wreck.

Martijn Manders from the Dutch Cultural Heritage Agency, Netherlands, did in the following address the issue of the outsourcing of archaeological services to commercial professional services from the perspective of national authorities. Antony Firth from Wessex Archaeology, UK, gave in return his views on the work of professional archaeological services in the UK from an archaeological contractor's perspective. He did especially stress the danger that is posed by the short life time of firms and the archiving on private computers or in privately held databases, which might soon become inaccessible.

## **2. Trawling and fishing**

*Chair Thijs Maarleveld*

The session on the impact of trawling and fishing on underwater cultural heritage showed that, indeed, a very large quantity of sites is impacted negatively by trawling activities. Many sites show deep trawl marks. Michael Brennan from the University of Rhode Island, USA, spoke about the quantification of such trawl damage on pre-modern shipwreck sites showing some case studies from the Aegean and Black Seas. Thijs van Kolfschoten and Margot Kuitems, Leiden University, Netherlands, did then speak about the impact of trawling and fishing on Dutch underwater cultural heritage sites.

Philip MacMullen from the Sea Fish Industry Authority, UK, provided then the views of the industry. He warmly offered cooperation in the protection of submerged sites, stressing that much information is available on existing sites in the archives of the fishing industry and is used for spatial planning. This information could be of great use to underwater archaeology.

### **3. Construction works**

*Chair Thijs Maarleveld*

Jorgen Dencker from the Viking Ship Museum in Roskilde, Denmark, presented the ongoing work in the area of the planned Femarnbelt Fixed Link, a new Baltic tunnel linking Denmark and Germany. He explained how several shipwrecks had been found in the framework of the project and will now be researched as far as needed and possible. Andrea Otte from the Dutch Cultural Heritage Agency, Netherlands, spoke on the Maasvlakte 2 Extension Project, which will extend the Port of Rotterdam. Alexandre Monteiro from Portugal did then intervene giving several negative examples of coastal development and waterfront construction: city, dyke, dam and marina building impacting in a destructive way underwater cultural heritage. It was however also stressed that industrial projects can provide a considerable opportunity for archaeological research and facilitate surveys.

### **4. Developing the seabed, resource extraction and renewable energy development at Sea**

*Chair Nicolas Flemming*

Iain Shepherd from the Directorate-General for Maritime Affairs and Fisheries of the European Commission opened the session with a presentation on the need for marine data collection and the ongoing European project to assemble all such data in one location. Brian Jordan from the Bureau of Ocean Energy Management, USA, spoke then about energy development on the US Outer Continental Shelf and the connected challenges in locating, studying, and protecting underwater cultural heritage. The impact of oil and gas drilling operations on archaeological sites and their assessment and protection was then addressed by Amanda Evans from Tesla Offshore, USA. A positive example of cooperation between the industry and archaeology was given by Andreas Olsen from the Swedish National Maritime Museums. He described the cooperation between the industry and archaeological services in the Nord Stream Baltic pipeline project, where many shipwrecks had been discovered due to the cooperation.

Andrew Bellamy from the British Marine Aggregate Producers Association (BMAPA), UK, spoke on the recovery of sand and gravel off the UK coast and the historic artifacts found in the course of this work. He illustrated the interplay of the presence of material interesting to be extracted for construction work and the presence of historic material, as for instance traces of ancient human presence. He also stressed the strong will of the industry to cooperate with archaeological services and the efforts undertaken to raise awareness in the concerned work forces.

Martijn Manders, Dutch Cultural Heritage Agency, Netherlands and Antony Firth, Wessex Archaeology, UK spoke in the following on the impact wind farm projects have and may have on the submerged heritage in the North Sea.

## **5. Environmental impact and climate change**

*Chair Koen van Balen*

Alar Rosentau from Estonia spoke on the global sea level rise and the information underwater cultural heritage can provide in this regard.

Henrietta Mann, Dalhousie University, Canada presented in the following her research on new bacteria discovered on the wreck of the Titanic and metal corrosion. She informed about the impact and creation process of rusticles and the extent of destruction metal wrecks have to face over time.

Stefan Wessman from the National Board of Antiquities of Finland spoke then on the environmental impact assessment and archaeological heritage. He referred also to the recent Nordstream Pipeline project and stressed that the negotiations around the cooperation would have been easier had the 2001 Convention already been ratified by the countries concerned.

## **6. Tourism and the valorisation of underwater cultural heritage**

*Chair Marnix Pieters*

Pere Izquierdo I Tugas, from the Cultural Heritage Office of the Provincial Council of Barcelona, and Jordi Tresseras, from the University of Barcelona, in Spain, spoke on the opportunities arising for national economies from the valorisation of underwater cultural heritage. He gave in that regard a very illustrative presentation of the economic importance of the protection of cultural heritage and, in particular, underwater cultural heritage.

James Delgado from the National Oceanographic and Atmospheric Administration (NOAA) of the USA, and Nicolas Flemming from the National Oceanography Centre Southampton, UK, spoke then on the impact of and opportunities arising from tourism to submerged sites. They called for more public awareness raising and the joining of the various initiatives in this regard. A very illustrative phrase was mentioned in this regard to be: "Secrecy has not worked. It has been a disaster".

Andreas Olsson from the Swedish National Maritime Museum presented in the following his views, why the Vasa Museum had become such a major success. Among the causes he mentioned that draw of this very important wreck, its state of preservation, but also the visitor friendliness of the museum. He did also present a 3D virtual access to a shipwreck accessible on [www.nordewall.se](http://www.nordewall.se).

Sallamaria Tikkanen from the Maritime Museum of Finland spoke on the Nordic experience with public access through maritime dive trails and virtual simulation. She mentioned in that regard especially the importance of the Vrouwe Maria project.

## **7. Preventive conservation and development-led-archaeology between science and pragmatism**

*Chair James Delgado*

Martin Bates from the University of Wales Trinity Saint David, UK, spoke first on the role of archaeologists in understanding and preventing the impacts of marine industries on the prehistoric environment. Dimitris Sakellariou from the Hellenic Centre of Marine Research, Greece, presented then newest research material and equipment used in his work, be it on the shallow or on the deep seafloor. Nathalie Huet from the Department of Underwater and Undersea Archaeological Research (DRASSM), France, spoke on preventive conservation of wrecks, while Mark Dunkley from English Heritage, UK, encouraged the setting of national research agendas as a guide to mitigation.

Martin Segsneider from the Archaeological State Office Schleswig-Holstein, Germany, closed the circle of presentations by illustrating the impacting forces on a coastal landscape on the example of the Wadden Sea. Tourism, erosion and industry were designated as factors to be considered in the preservation of the submerged or half-submerged heritage of that area.

The presentations were followed by vivid discussions. Research posters related to the topics were furthermore presented during the breaks.

The overall resulting impression of the two days of Colloquium was that underwater archaeology is progressing worldwide. Myriad problems are to be faced, be it with jurisdiction, with development, with looting and treasure hunting or with the lack of skills. However, the idea that underwater archaeology might be a minor facet of archaeology as a whole was rebutted by the vast range of work and achievement shown.

Indeed, the further the discussions progressed the more it became clear that cooperation, exchange and cohesion in underwater archaeological research can bring major achievements and contributions to knowledge about the development and history of humanity. Conditions sine qua non were however the protection of underwater cultural heritage, the building of capacity and the raising of awareness in the public. These needs are singled out in the legal instrument of the 2001 Convention, which's worthy anniversary was celebrated by the Colloquium.

### ***Side Events:***

#### ***Amazing History under Water***

*Evening conference, 12 December 2011*

An evening conference was organized at the Free University of Brussels to raise awareness among the general public. The conference joined three of the most reputed underwater archaeologists – James Delgado (USA), Nicolas Flemming (UK) and Kenzo Hayashida (Japan). They spoke about the ancient sunken wrecks of Kublai Khan's Fleet, sunken cities and

prehistoric landscapes and the famous Titanic, which's sinking will see its 100<sup>th</sup> Anniversary in April 2012.

**Cultural Visit**

*Visit to the Kogge workshop, Antwerp, 16 December 2011*

A visit to the laboratories and workshops treating two Medieval Cogs found at Antwerp concluded the week of events. Members of the research team gave different presentations on the finding, research, conservation and dissemination of the shipwreck remains.

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 representative of the Netherlands declared that discussions were on-going and that the Advisory Committee on Issues of Public International Law had prepared a Report regarding the

Convention<sup>1</sup>. 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, Estonia, Finland, France, Greece, Italy, Ireland, Lithuania, the Netherlands, Poland, Portugal, Romania, Spain, 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 non 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;*

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<sup>1</sup> The Dutch Advisory Committee on Issues of Public International Law (CAVV) was asked by the Dutch Minister of Foreign Affairs together with the State Secretary for Education, Culture and Science to prepare an advisory report on the UNESCO 2001 Convention. The Committee concluded that the Convention was not contrary to UNCLOS and the risks of disruption between duties and responsibilities of coastal and flag states were perceived as small. It also considered it as implausible that the UNESCO convention sets a precedent. The UNESCO treaty could be regarded as an implementation of UNCLOS. The full report is available from the Secretariat.

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, but are still studying their adherence to this recommendation.*