



The Protection of the
Underwater Cultural Heritage

STAB 5
UCH/14/5.STAB/6
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**UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION**

CONVENTION ON THE PROTECTION OF THE UNDERWATER CULTURAL HERITAGE

FIFTH MEETING OF THE SCIENTIFIC AND TECHNICAL ADVISORY BODY

Fifth Meeting
11 June 2014, Paris, UNESCO HQ

Report, Recommendations and Resolutions

The fifth meeting of the Scientific and Technical Advisory Body (hereinafter '**STAB**') for the Convention on the Protection of the Underwater Cultural Heritage (hereinafter '**the Convention**') took place at UNESCO Headquarters, Paris, on **11 June 2014**. It was attended by 9 of its 12 members, namely Ms Dolores Elkin (Argentina), Mr Michel L'Hour (France), Ms Annalisa Zarattini (Italy), Seyed Hossein Sadat Meidani (Islamic Republic of Iran), Mr Vladas Zulkus (Lithuania), Ms Maria Elena Barba Meinecke (Mexico), Mr Augustus Babajide Ajibola (Nigeria), Mr Constantin Chera (Romania) and Ms Ouafa Ben Slimane (Tunisia). Three members, i.e. Mr Jasen Mesić (Croatia), Mr Hugo Eliecer Bonilla Mendoza (Panama) and Mr Ovidio Juan Ortega Pereyra (Cuba) were absent. Also present were Observer State delegations and representatives from accredited non-governmental organizations, namely the Advisory Council on Underwater Archaeology (ACUA), the Australian Institute for the Maritime Archaeology (AIMA), the German Society for the Promotion of Underwater Archaeology (DEGUWA), the Institute of Nautical Archaeology (INA), the Nautical Archaeology Society (NAS), the Society for Historical Archaeology (SHA), the Centrum Internationale Erfgoedactiviteiten, and the ICOMOS International Committee on Underwater Heritage (ICUCH), as were observers from other non-governmental organizations. UNESCO representatives served as the Secretariat of the meeting. Simultaneous interpretation was provided in English and French. As no Rules of Procedure had been adopted for the Advisory Body, the Rules of Procedure of the Meeting of States Parties were applied *mutatis mutandis*.

I. Opening, Election of the Bureau and Adoption of the Agenda

(Item 1 of the Agenda, *Document UCH/14/5.STAB/220/1*)

The session was opened on 11 June 2014 at 10 am by Ms Mechthild Rössler, Deputy Director of the Division for Heritage. She welcomed the participants and stressed that the improvement of heritage access was the primary topic of the day, and that Best Access Practices should be identified to encourage their dissemination and repetition worldwide.

The meeting then proceeded to elect its Chairperson and Vice-Chairperson, and elected Mr Michel L'Hour from France as its new chairperson by **Resolution 1 / STAB 5** and Mr Augustus Babajide Ajibola from Nigeria as its new Vice-Chairperson. It also adopted the agenda.

Mr L'Hour took the floor and asked the Secretariat, represented by Ms Ulrike Guerin, to present a report on its actions in the implementation of the decisions made by the fourth STAB meeting, which was done. Mr L'Hour then asked the Secretariat to introduce Item 2 of the Agenda concerning Best Practices of Heritage Access.

II. Best Practices regarding Public Access to Underwater Cultural Heritage Sites

(Item 2 of the Agenda, *Document UCH/14/5.STAB/220/2 REV 2*)

Mrs Guerin first recalled Article 2.10 of the Convention which provides that '*Responsible non-intrusive access to observe or document in-situ underwater cultural heritage shall be encouraged to create public awareness, appreciation, and protection of the heritage except where such access is incompatible with its protection and management*'.

She then gave a summary of the experiences of the last years and of scientific conferences organized by UNESCO, and stressed that the overall impression was that the best way to raise awareness for underwater cultural heritage was the facilitation of public access to it. She reminded the STAB that, during the fourth STAB meeting, the STAB had already expressed this view, and decided to collect Best Practices on the presentation of underwater cultural heritage worldwide and had desired to return to the issue during the present

meeting. Therefore, the question to be answered was how to best increase public access in a responsible manner and without endangering heritage.

Indeed, the STAB had, in its fourth session and by Recommendation 2 /STAB 4, decided to create a Best Practice List of Underwater Cultural Heritage Sites regarding Public Access according to several criteria. The STAB had also decided to review this list at its next session, the present one. This issue was therefore discussed. This included a discussions of the questions if Best Practices only included *in situ* access or also land access like that provided by museums, what evidence would be needed to consider a practice for inscription in a Best Practice List and how the selected Best Practices could be promoted.

After these introductory remarks, the Chairperson opened the floor. The members of the STAB made, among others, the following statements:

- It was agreed that the Meeting of States Parties should first make its decision on the proposal of a Best Practice List, and that the initiative was, for the moment, only a recommendation to the Meeting.
- All experts agreed that it was an important issue to foster Best Practice of Access, and that the STAB suggestion could have considerable influence on the approach to heritage access worldwide. It was argued that the access to sites *in situ* should be extended, but also that heritage preservation should always come first. Only sites that were sufficiently protected, legally and operationally, should be opened for *in situ* access.
- Several exemplary means of allowing access to underwater cultural heritage were pointed out, such as dive trails, routes, virtual access and access during excavation. It was agreed that these most useful means of access should be promoted in order to increase the public benefit of submerged heritage, but also to increase the public perception of the importance of underwater cultural heritage.
- Making underwater cultural heritage invisible through secrecy would mean endangering it in the long term. A more open approach to access was therefore needed.

The Chairman underlined that only some rare sites were fitting to be visited and seen by the public, depending on the country and region and that this was a main problem for underwater cultural heritage. Often sedimentation covering a site, water depth, waves and many more factors could stand in the way of access to otherwise most significant sites. "Access" should therefore be understood in a general manner, and Best Practice of Access should include not only access to *in situ* sites, but also access to their representations, as for instance, virtual access.

Finally and as outcome of the discussions it was decided to recommend to consider for designation as Best Practice, in general, all initiatives, taken in exemplary manner and in conformity with the Convention, permitting a large public access to knowledge about underwater cultural heritage. This includes, in particular,

- responsible non-intrusive access to observe or document *in situ* underwater cultural heritage, such as that provided through dive trails, submarine visits or glass bottom boat visits;
- responsible public access on land, such as that provided by museums, exhibitions and interpretative trails; and
- access, such as that provided by publications, virtual or digital applications, websites or other similar means.

The STAB recommended the inclusion of all appropriate stakeholders in the process of identifying Best Practice, and recommended to the fifth session of the Meeting of States

Parties, to take place in 2015, to invite States Parties to provide examples of Best Practices for worldwide promotion according to the following criteria:

- a) the heritage falls under the definition of Article 1 of the 2001 Convention or is younger than 100 years, but is classified as underwater cultural heritage according to national law;
- b) it is appropriately protected both legally and practically; in particular through the implementation of the Rules;
- c) responsible non-intrusive access is respected;
- d) the heritage has a framework to ensure sustainable management;
- e) a special and outstanding effort has been made to make the site accessible to the public.

The members of the STAB then recommended that the Meeting of States Parties should make use of STAB's knowledge and could request the STAB to review the examples of Best Practices suggested by the States Parties.

Finally it was agreed that the STAB recommends to the Meeting of States Parties to recognize the application of Best Practices of access to underwater heritage by an appropriate designation, be it through the use of the logo of the Convention or other means. The Advisory Body recommended that any such **designation** should be temporary, or subject to review, and that the application of Best Practices should be monitored. Otherwise, good practices, once put into place, could be forgotten or altered.

It was judged that the suggestion of the initiative came at an appropriate moment, as the chapter of the Operational Guidelines on the Logo was to be under discussion in the upcoming next session of the Meeting of States Parties, and could therefore be considered.

The NGOs present confirmed their willingness to contribute to the selection of Best Practices.

Recommendation 2/ STAB 5 was then unanimously adopted by the STAB.

III. Discussion on Non-governmental Organization Cooperation

(Item 3 of the Agenda, *Document UCH/14/5.STAB/220/3*)

The next item was the discussion of the cooperation with NGOs. It was recognized that Non-governmental organizations are working in the field with national authorities worldwide, and are therefore of great importance to the dissemination of the ethical principles and practical guidelines enshrined in the 2001 Convention.

The Advisory Body adopted **Recommendation 3 /STAB 5**, encouraging the accredited NGOs to cooperate on particular issues concerning underwater cultural heritage, and to share the results of their cooperation with the Advisory Body.

IV. Discussion on Education and Awareness-Raising Activities

(Item 4 of the Agenda, *Document UCH/14/5.STAB/220/4*)

Following a resolution of the Meeting of States Parties, during its fourth meeting in 2013, the STAB decided to create educational material on WWI. This is being undertaken by the Secretariat with financing from Flanders (Belgium), although the material is not completely finalised yet.

The NGO NAS reported, in relation to this issue, that it encouraged divers to visit WWI sites through the UNESCO Dive for Peace Initiative, and to observe a minute of silence while on the boat to go to the dive site. NAS has also established an online calendar of events to raise awareness on WWI underwater sites of archaeological interest.

The Chairperson stressed his preoccupation about more recent heritage especially that from WWII. He suggested informing the States Parties about the dangers to this heritage, as it is pillaged equally often as that from WWI. Considering that WWI artefacts would soon be protected by the Convention, and thus be more expensive on the market, WWII artefacts could become increasingly targeted by treasure hunters. The STAB member Ms Zarattini (Italy) added that she knew this problem from Italy, where artefacts were frequently found on eBay. The STAB thus adopted **Recommendations 4 and 5/ STAB 5**.

V. Urgency of active site protection

After a discussion enumerating different sites, especially in France, Italy and Tunisia, which are endangered by industrial activities, pillaging, erosion, climatic change and states' unconsciousness of natural destruction, the Advisory Body agreed to elaborate a special recommendation on the urgency of active site protection, encouraging the full implementation of the Convention through active protection of sites against negative impacts on underwater heritage, be it caused by human beings or of natural origin.

It then adopted **Recommendation 6 / STAB 5**.

VI. Other Business

One NGO raised the subject of the underwater explorer Mr Barry Clifford, who had claimed recently to have discovered Christopher Columbus' ship *Santa Maria*. The Advisory Body expressed its doubts about the seriousness of this declaration, and stressed its willingness to help in such matters.

Mexico, moreover, informed the STAB that they had added an addendum to a federal law on cultural heritage which includes a reference to underwater heritage in open, continental and internal waters. Also an agreement on its collaboration with Spain was signed.

STAB Member Mr Vladas Zulkus (Lithuania) raised the subject of the implementation of the Convention and its Annex in the States that have already ratified it. He suggested that the States Parties and the STAB must take up this issue much more strongly, since there were serious lacks of implementation. Monitoring should be taken to heart by the Meeting of States Parties. It was then decided to encourage a workshop or exchange session of States before the next Meeting of States Parties, so that States could discuss the best ways to and the status of implementation.

VIII. Date and Venue of the next Meeting of the Advisory Body

(Item 5 on the Agenda, Document UCH/14/5.STAB/220/5)

The Advisory Body then asked that its next meeting should, as usual practice, take place directly after the Meeting of States Parties in 2015.

CONVENTION ON THE PROTECTION OF THE UNDERWATER CULTURAL HERITAGE

FIFTH MEETING OF THE SCIENTIFIC AND TECHNICAL ADVISORY BODY

11 June 2014, UNESCO Headquarters, Room VI
7, place de Fontenoy, Paris
10 am – 6 pm

The Advisory Body adopted the below recommendations and resolutions:

RESOLUTION 1 / STAB 5

The Scientific and Technical Advisory Body to the Meeting of States Parties to the Convention on the Protection of the Underwater Cultural Heritage,

1. Elects Mr Michel l'Hour/France Chairperson of its fifth meeting;
2. Elects Mr Augustus Babajide Ajibola/Nigeria Vice-Chairperson of its fifth meeting.
3. Having examined document UCH/14/5.STAB/220/1;
4. Adopts the agenda included in the above-mentioned document.

RECOMMENDATION 2/STAB 5

The Scientific and Technical Advisory Body to the Meeting of States Parties to the Convention on the Protection of the Underwater Cultural Heritage,

1. Having examined document UCH/14/5.STAB/220/2;
2. Recalling Article 2.10 of the Convention, which provides that 'Responsible non-intrusive access to observe or document in-situ underwater cultural heritage shall be encouraged to create public awareness, appreciation, and protection of the heritage except where such access is incompatible with its protection and management';
3. Also recalling its duty, according to Article 1.b of its Statutes, to propose to the Meeting of States Parties standards of and means to promote best practice in underwater cultural heritage sites protection;
4. Further recalling Recommendation 2/STAB 4 adopted at its fourth session in 2013 by which it decided to collect examples of best practice regarding public access to underwater cultural heritage;
5. Recommends to consider as Best Practice all initiatives, taken in exemplary manner and in conformity with the Convention, permitting the public at large access to knowledge about the underwater cultural heritage, in particular:
 - a. Responsible non-intrusive access to observe or document *in situ* underwater cultural heritage, such as provided through dive trails, submarine visits or glass bottom boat visits;
 - b. Responsible public access on land, such as provided by museums, exhibitions and interpretative trails; and
 - c. Access, such as provided by publications, virtual or digital applications, websites or other means.
6. Considers that the application of best practices of access should aim at the promotion of:
 - a. Public awareness, appreciation and protection of heritage;

- b. Public enlightenment and involvement;
 - c. The provisions of the Convention and appropriate implementing protective national legal framework;
 - d. Scientific research in accordance with the Convention and the Rules and capacity-building in that regard;
 - e. The appropriate conservation of the heritage;
7. Recommends the inclusion of all appropriate stakeholders, on local, national and international levels, and the raising of international cooperation in the further promotion and application of the Best Practices of Access;
8. Recommends to the fifth session of the Meeting of States Parties in 2015 to invite States Parties to the Convention to provide examples demonstrating such best practices according to the following criteria:
- a. the heritage falls under the definition of Article 1 of the 2001 Convention or is younger than 100 years, but is classified as underwater cultural heritage according to national law;
 - b. it is appropriately protected both legally and practically; in particular through the implementation of the Rules;
 - c. responsible non-intrusive access is respected;
 - d. the heritage has a framework to ensure sustainable management;
 - e. a special and outstanding effort has been made to make the site accessible to the public.
9. Also recommends that the fifth session of the Meeting of States Parties request the Scientific and Technical Advisory Body to review the examples of best practices provided by the States Parties and to make recommendations in that regard to the sixth session of the Meeting of States Parties in 2017, with a view to fostering responsible public access to underwater cultural heritage worldwide;
10. Also recommends that the Meeting of States Parties recognizes the application of the Best Practice to access on this heritage by an appropriate designation, be it through the use of the logo of the Convention or other means, it also recommends that any such designation should be temporary, or subject to review, and that the application of Best Practices should be monitored.

RESOLUTION 3 / STAB 5

The Scientific and Technical Advisory Body to the Meeting of States Parties to the Convention on the Protection of the Underwater Cultural Heritage,

1. Underlines the importance of the cooperation with NGOs and their crucial contribution to the implementation of the Convention;
2. Thanks the accredited NGOs for their work to promote the ratification and implementation of the Convention and encourages them to pursue their efforts;
3. Encourages the accredited NGOs to cooperate on particular issues concerning underwater cultural heritage and to share the results of their cooperation with the Advisory Body.

RECOMMENDATION 4 / STAB 5

The Scientific and Technical Advisory Body to the Meeting of States Parties to the Convention on the Protection of the Underwater Cultural Heritage,

1. Recalls its Recommendation 4/STAB 3 and the Resolution 4/MSP 4 paragraph 14 on World War I underwater cultural heritage and the events organized in this regard;
2. Recommends to the Meeting of States Parties to encourage the States Parties to also consider to ensure proper protection is given to underwater cultural heritage sites from World War II and to educate the public in this regard.

RECOMMENDATION 5 / STAB 5

The Scientific and Technical Advisory Body to the Meeting of States Parties to the Convention on the Protection of the Underwater Cultural Heritage,

1. Recommends to the Meeting of States Parties to encourage State Parties to strengthen the protection of Underwater Cultural Heritage in those of their sites recognized by UNESCO as World Heritage Site, where a part of the site is submerged and not yet included within the protected site limits.
2. Recommends to the Meeting of States Parties to encourage States, even if they have not yet ratified the Convention, to apply the Rules as best practice for any activities directed at submerged parts of World Heritage Sites.

RECOMMENDATION 6 / STAB 5

The Scientific and Technical Advisory Body to the Meeting of States Parties to the Convention on the Protection of the Underwater Cultural Heritage,

1. Recalls the urgent need to preserve sites against the impact of climatic and sea level changes, industrial activities and pillaging, in particular through the full implementation of the Convention;
2. Recommends to the Meeting of States Parties to encourage State Parties to take active and not only passive measures to implement the Convention and protect their sites against negative impacts on the underwater heritage, be it caused by human beings or of natural origin.

RESOLUTION 7 / STAB 5

The Scientific and Technical Advisory Body to the Meeting of States Parties to the Convention on the Protection of the Underwater Cultural Heritage,

1. Having examined document UCH/14/5.STAB/220/5;
2. Invites the Director-General to convene the sixth meeting of the Scientific and Technical Advisory Body in spring 2015, following the Meeting of States Parties.