



The Protection of the  
Underwater Cultural Heritage

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**UNITED NATIONS EDUCATIONAL, SCIENTIFIC  
AND CULTURAL ORGANIZATION**

**CONVENTION ON THE PROTECTION OF THE UNDERWATER CULTURAL HERITAGE**

**Working Meeting on the Elaboration of a new Ratification and Implementation Strategy**

**Final Report**

**9 May 2016**

**Paris, UNESCO Headquarters, Room II**

**3 pm – 6 pm**

This document contains the report on the Working Meeting on the elaboration of a new ratification and implementation strategy based on draft strategy document UCH/15/5.MSP/5.

The Working Meeting on the Elaboration of a new Ratification and Implementation Strategy for the Convention on the Protection of the Underwater Cultural Heritage (hereinafter '**Working Meeting**') took place at UNESCO Headquarters, Paris, on 9 May 2016. It was attended by representatives of electoral groups, State Parties, and Observer States, as well as the members of the Scientific and Technical Advisory Body (hereinafter '**STAB**'), and representatives of accredited NGOs. UNESCO representatives served as the Secretariat of the meeting. Simultaneous interpretation was provided in English, French and Spanish, the latter thanks due to an extra-budgetary contribution from Spain. As no Rules of Procedure had been adopted for the Working Meeting, the Rules of Procedure of the Meeting of States Parties were applied *mutatis mutandis* and chaired by Mr Alejandro Palma Cerna, Chairperson of the Meeting of States Parties.

## I. Opening

The session was opened on 9 May 2016 at 3 pm by Mr Alejandro Palma Cerna, Chairperson of the Meeting of States Parties. He recalled the fifth session of the Meeting of the States Parties to the 2001 Convention on 28 and 29 April and an Exchange Day on 27 April, which was dedicated to the discussion of a strategy to improve the implementation and ratification of the 2001 Convention (see initial draft strategy document UCH/15/5.MSP/5).

As a result of these discussions, the Secretariat had been asked to draft a revised ratification and implementation strategy on the basis of document UCH/15/5.MSP/5, and to consult with the States Parties, by means of a working meeting for Permanent Delegations at UNESCO, and to submit the revised document for consideration to the next session of the Meeting of States Parties.

The Chairperson then invited regional groups, States Parties, Observer States, the members of the STAB, and accredited NGOs to take the floor in regards to their views on the future of the 2001 Convention.

## II. Regional Electoral Groups

The Chair first invited representatives of regional groups to make general statements about the proposed strategy on ratification and implementation.

H. Exc. Mr Jean-Frederic Jauslin, Ambassador of Switzerland and Chairperson of the electoral group I, took the floor and was concerned about the fact that only five States of Group I had yet ratified the Convention, resulting in the low rate of ratification and very diverse opinions on the issue. He then informed on the situation in Switzerland and explained that a clear illustration of the reasons for ratifying the Convention was needed, in order to resolve the problems, if any, and to promote the ratification.

H. Exc. Mr Adrian Cioroianu, Ambassador of Romania and Chairperson of the electoral group II, then took the floor to point out important factors which explain discrepancies between countries, and underlined the need to increase synergy in the UNESCO Culture Sector and give more visibility of the 2001 Convention throughout the Programme.

Kuwait, Chairperson of Group V(b) (Arab States) then took the floor and strongly encouraged the inclusion of the 2001 Convention in the Unite4Heritage campaign, complaining about the low visibility given to the 2001 Convention in the UNESCO Culture Sector. Speaking for Kuwait he also announced that Kuwait would ratify the Convention soon.

The Chairperson then opened the floor to examine the strategy to promote ratification and the implementation of the 2001 Convention.

### **III. Discussion on the proposed strategy**

The Chairperson invited States Parties to discuss Section 1 of the draft strategy document, which concerns reinforcing implementation and increase the number of ratifications of the 2001 Convention.

Saint Vincent and the Grenadines took the floor to address the recurrent doubts about an ambiguity between UNCLOS and the 2001 Convention. She proposed a brochure should be elaborated urgently by the Secretariat to highlight the harmony of the two Conventions. The booklet should include an encouragement for States to ratify the 2001 Convention.

The Spanish delegation then took the floor to explain that the ratification of the Convention has been crucial for Spanish policy concerning underwater heritage, and added that the 2001 Convention has guided the Spanish national plan on preserving the underwater cultural heritage. However, she stressed that non-member States hesitate to ratify due to the lack of understanding of the text, specifically dealing with jurisdiction at sea and supported the above proposal for a booklet. The representative of Cuba supported Spain's statement.

The Algerian delegate agreed with the previous statements. He then expressed his deep concern about the lack of visibility, staffing and funding given in the Culture Sector to the 2001 Convention and in the Unite4Heritage campaign and cited this as a reason for the non-ratification of many States, followed by a proposal to, in the future, better include the 2001 Convention in visibility campaigns and to strongly highlight the synergy between all Conventions dealing with cultural heritage in order to show the complementarity and importance of all Conventions. He stressed Algeria's strong support for the 2001 Convention and his appreciation of the work done.

The French delegation then took the floor to explain that it is not so much a lack of legal comprehension which hinders ratification, rather the lack of a clear understanding and of information about how serious the situation of underwater cultural heritage actually was. The delegate suggested the elaboration of a document clearly showing the difference between scientific work and pillage and to illustrate the damage done by pillaging.

The Moroccan delegation stressed that the views on the Convention were very different from State to State and suggested taking incentive measures relative to each State.

The Portuguese delegation reminded the States Parties that it was also their responsibility to advocate the Convention to non- States Parties, both on a regional and a global level.

The Mexican delegation provided information of an underwater archaeological museum soon to be inaugurated in Campeche and mentioned the possibility of organising international meetings and trainings there aiming at promoting the ratification of the Convention in Latin America.

The Chairperson then invited the Observer States to intervene on Section 2 of the draft strategy document.

The representative of Kuwait took the floor to encourage States and NGOs to play a major role in convincing States to ratify the 2001 Convention.

Mr Robert York, the representative of the Joint Nautical Archaeology Policy Committee (JNAPC), informed the audience that the Department of Culture, Media and Sport of the United Kingdom had announced in March 2016 that they would review their position on the ratification of international conventions dealing with cultural heritage, including the 2001 Convention. Therefore he suggested that it would be relevant to consider sending a delegation to the UK to inform it on the achievements of the 2001 Convention.

Ms Amanda Evans, representative of the Society for Historical Archaeology (SHA), stated that her NGO was willing to contribute to the tasks and responsibilities presented in the document, including increasing awareness and interest on the Convention by a letter campaign.

Mr Chris Underwood, the representative of ICOMOS-ICUCH, reminded the audience that there are experts also in non- States Parties and these experts could be made available to the Convention.

The Secretariat then thanked the delegations, observers, and NGOs for their contribution. She added that the 2001 Convention needs more support, and invited States, which have the ability, to send a seconded expert or an associate expert to UNESCO to support the team. She moreover agreed on the proposal by Saint Vincent and the Grenadines to elaborate a booklet on legal issues and promised to create such a document.

The Chairperson then invited the floor to discuss Sections 1.2 and 1.3, which deal with the international, regional and national level and the awareness of the underwater cultural heritage for the public, consecutively. He then opened the floor for States Parties of the Convention to comment on these issues.

The French Delegation stated that the European Union (EU) does not have any competence on underwater cultural heritage so raising these issues with the EU would not be relevant. States Parties had however a vital role in promoting ratification and should do so much more. He further added States Parties should be allowed to promote the 2001 Convention in any method they choose.

The Honduran Delegation commented that technical skills and underwater cultural heritage protection bodies were lacking, and it was very difficult for a country to enforce the Convention when it did not have the skills to do so. The delegation further stressed on the need of training authorities directly involved with the sea, such as the navy, in countries which had ratified the Convention.

Saint Vincent and the Grenadine asked the Secretariat to propose a calendar for the proposed actions.

The Kuwaiti Delegation stressed that education was a priority not only to prove the importance of underwater cultural heritage but also to preserve it.

The Chairperson then gave the floor to NGOs, universities and other participants.

Ms Kim Faulk, representative of the Advisory Council of Underwater Archaeology (ACUA), suggested the Secretariat should use NGOs to assist in building regional capacities and building the framework needed in order to develop regional centres. Mr Garry Momber, the representative of the Maritime Archaeology Trust, added that NGOs have expertise that could reach out at a level lower than a political level.

The Chairperson then gave the floor to the Secretariat to react to interventions.

The Secretariat mentioned that it is relevant to maintain open contact with the EU as they can provide funding and have been active in the underwater cultural heritage promotion and preservation. She reminded the floor that there are two sides to capacity building: one being States needing capital for experts, and the second experts needing employment to continue their work. She then underlined the importance for States to have their own national experts.

Mr Hakan Öviz, the representative of Selçuk University in Turkey, highlighted the importance of cooperation with academic circles to promote and reinforce the 2001 Convention. He also stressed that the courses given for a short period of time to promote the protection of underwater cultural heritage were not sufficient.

The Chairperson then opened discussions on Section 1.4 of the draft strategy document, regarding the Secretariat, especially its budget and staff, and reinforcement of its capacities.

Mr Chris Underwood, the representative of ICOMOS, stressed the importance of funding for the development of local expertise.

Kuwait agreed with the Secretariat that it would be good if States would send experts to work part-time or full-time for a limited period for the reinforcement of the Convention.

The Chairperson then called on the Working Meeting to discuss Section 2 of the strategy document pertaining to the implementation of the Convention and proposed its examination.

The Portuguese Delegation underlined the necessity to improve cooperation between Culture Conventions, and also the Intergovernmental Oceanographic Commission (IOC).

The Argentinian Delegation referred to Section 2.2 paragraph b to highlight that competent authorities in States have not necessarily the desired knowledge of the 2001 Convention. She therefore proposed that the Secretariat drafts a communiqué to the States, which would be given to their local authorities so they would have a better knowledge of the Convention.

Ms Dolores Elkin, STAB member for Argentina, proposed to integrate the University of Buenos Aires in UNITWIN.

Mr Jonathan Benjamin, representing the UNTIWIN network, took the floor to present the upcoming UNITWIN Meeting on 12 May which was to focus on identifying the practical barriers to international participation and international partnership.

Finally and as the issue of the complementarity between the 2001 Convention and UNCLOS had been raised several times during this Working Meeting, the Secretariat explained that there had been repeatedly official resolutions at the United Nations level to encourage States to ratify the 2001 Convention. She reminded that there were also many outside documents available, which stress the harmony between the 2001 Convention and UNCLOS.

#### **IV. Conclusion**

The Chairperson concluded the Working Meeting and thanked all States Parties and participants for their contributions to the elaboration of a new ratification and implementation strategy. The Secretariat ensured finally that a report would be drafted reflecting all suggestions made.