



Information Kit
UNESCO Convention on the Protection of the
Underwater Cultural Heritage



This information kit was prepared for the purpose of promoting the UNESCO Convention on the Protection of the Underwater Cultural Heritage adopted in 2001 by the General Conference at its 31st Session. It aims at encouraging States to join the Convention and raising public awareness of the need to protect underwater cultural heritage.

Contents

1. THE THREAT TO UNDERWATER CULTURAL HERITAGE

- A. The importance of underwater cultural heritage and the threats it faces*
- B. Some cases of human interventions concerning underwater cultural heritage*
- C. The lack of an international instrument specific to underwater cultural heritage before 2001*

2. INTRODUCTION TO THE UNESCO 2001 CONVENTION

- A. General principles*
- B. Advantages and modalities of ratification*
- C. Model instrument of ratification*
- D. Glossary and key definition*
- E. Select bibliography*

1. THE THREAT TO UNDERWATER CULTURAL HERITAGE

A. WHAT IS AT STAKE: THE IMPORTANCE OF UNDERWATER CULTURAL HERITAGE AND THE THREATS IT FACES

Underwater cultural heritage is a significant aspect of history. Being fully a part of humanity's common heritage, it is coming under increasing threat. The rapid progress made in exploration techniques has made the seabed more accessible, and its exploitation and the trade in the objects found in wrecks and in immersed sites have become a more common and highly lucrative activity. Marine archaeological sites suffer from looting and, in many cases, this results in the loss and even destruction of valuable scientific and cultural materials. Consequently, there was a pressing need to adopt an international legal instrument to preserve the underwater cultural heritage in the interest of humanity as a whole.

a) Examples of the wealth of underwater cultural heritage:

- Over three million undiscovered shipwrecks are estimated to be spread across ocean floors; the *Dictionary of Disasters at Sea*¹ lists for instance 12,542 sailing and war vessels lost at sea between 1824 and 1962;
- Remnants of ancient civilizations currently under water include among others the Alexandria lighthouse in Egypt, which was known as the seventh Wonder of the World, and the ruins of numerous Neolithic villages still to be found in the Black Sea;
- Whole cities have disappeared under the waves, such as Jamaica's Port Royal, victim of a 1692 earthquake – its archaeological excavation has afforded scientists unprecedented opportunities to study 17th century life².

b) Examples of the Scientific and Public Interests:

- Sweden's *Wasa* shipwreck attracts 750,000 visitors per year³;
- Bodrum and its Museum of Underwater Archaeology with precious collections from a series of historic wrecks discovered along Turkey's southern shores have become one of the most popular tourist sites in Turkey⁴;

¹ Charles Hocking: *Dictionary of Disasters at Sea during the Age of Steam*. London: Lloyd's Shipping Register, vol. 2, 1969, reprint London 1989.

² Link, Marion Clayton, "Exploring the drowned city of Port Royal", Washington: National Geographic, February 1960. p.151-182, see also <http://www.portroyal-jamaica.com> - the research spanned ten years and covered eight submerged buildings.

³ See <http://www.vasamuseet.se>

⁴ <http://www.bodrum-museum.com>

- Over 4 million people have visited Great Britain's *Mary Rose* shipwreck in Portsmouth and the raising of the 580-ton wreck from the ocean floor on 11 October 1982 was broadcast live to 60 million television viewers⁵;
- The construction of an underwater museum housing the stone inscriptions of Baiheliang, the world's oldest hydrologic inscriptions detailing the Yangtze River's water levels in the reservoir of the Three Gorges Project, is being considered by the Peoples Republic of China⁶;
- The Yongala Wreck off the coast of Australia is one of the best world-class diving sites and is visited by thousands of divers each year⁷.

c) The Increasing Accessibility of Underwater Cultural Heritage

- In 1942-43 the development of the aqualung by Jacques-Yves Cousteau and Emile Gagnan made greater sea depths manageable and wrecks more accessible;
- At the beginning of the 21st century open circuit divers can descend to up to 300 meters depth⁸;
- The Japanese research submarine Shinkai 6500 reached on 11 August 1989 a depth of 6,526 m in the Trench off Sanriku, Japan. The three-person craft is used for deep-sea research;
- The wreck of the Titanic has been stripped of many historic artefacts using submersibles⁹.

d) The Threat of Looting, Destruction and Commerce-Oriented Exploitation of Underwater Cultural Heritage:

- An object, which has been immersed for a long period in saltwater and is recovered from the seabed, risks to deteriorate rapidly if brought in contact with air prior to being treated. In 1840, when privately recovered artefacts from the famous *Mary Rose* shipwreck were auctioned, it was remarked for the first time that iron cannon balls weighing 32 pounds when they were found, retained only 19 pounds after having been exposed to air for a certain time. They had heated up and oxidized. In addition, the salt of the seawater they had been immersed in had crystallized in drying and further destroying the structure of the metal. It was found that this happened not only to metal, but also to faïence and wood. An excavation without proper conservation becomes therefore easily vandalism¹⁰;

⁵ See <http://www.historicdockyard.co.uk/welcome.html> - The Portsmouth Historic Dockyard won the England Excellence Award for the Visitor Attraction of the Year 2005 and a new *Mary Rose* Museum is planned to open in 2011.

⁶ The Chinese government launched a respective project in February, 2003; see the Xinhua News Agency February 14, 2003 in <http://www.china.org.cn/english/2003/Feb/55855.htm>.

⁷ www.townsvillamaritimemuseum.org.au

⁸ See the description of a 305 m dive in <http://www.tech-dive-academy.com/journey.html> - such a dive is of course still an extreme case and the diver risks to loose his life.

⁹ A submersible is a vessel that can submerge and operate underwater.

¹⁰ See Jean-Yves Blot, *L'histoire engloutie ou l'archéologie sous-marine*, 1995, p. 104

- As early as 1974, studies showed that all known wrecks off the Turkish coast had already been pilfered;
- It is estimated that at most, of the approx. six hundred antique wrecks which are known to lay off the coast of France and which date from the sixth century B.C. to the seventh century A.D. 5 % remain untouched. In some cases the wrecks have even been pillaged despite the fact that they lay more than hundred meters deep¹¹;
- As early as in the 1990's Israeli archaeologists estimated that almost 60 % of the cultural objects originally immersed in Israeli waters have been recovered and dispersed with no trace in public collections¹²;
- During the period of 1993-95 the Portuguese legislation allowed for the sale of artefacts of archaeological excavations. Following this legislation at least six international treasure hunting companies set up operations in Portugal to exploit the rich underwater cultural heritage found off its coasts. The legislation was finally frozen in 1995 and repealed in 1997¹³, allowing for a revival of scientific underwater archaeology in Portugal;
- A private company discovered the wreck of the Spanish ship *Juno*, which sank in 1802 off the shores of Virginia, USA. The company initiated an Admiralty Action seeking a declaratory judgment that the wreck did not fall under Spanish sovereignty. However, it finally lost the case in 2001 as the US Supreme Court ruled that the wreck belonged to Spain, which did never abandon title to this warship. In the same court case Spain also won custody of *La Galga*, another older Spanish wreck claimed by treasure hunters. This claim made by Spain was intended to defend its sovereignty over sunken Spanish vessels and to save them from treasure hunters¹⁴.



Drassm / Ifremer © UNESCO

¹¹ Id., p. 111.

¹² Id., p. 111.

¹³ See Francisco Alvarez and Filipe Castro “New Portuguese legislation on the management of Underwater Cultural Heritage” in Prott et al. “Background materials in the protection of Underwater Cultural Heritage”, 2000, p. 307; see also Arqueonáutica Centro de Estudos, see <http://nautarch.tamu.edu/shiplab/Arqueonautica.htm>.

¹⁴ See Tullio Scovazzi “The Application of Salvage Law and other Rules of Admiralty” in same et al. “The Protection of Underwater Cultural Heritage”, 2003, p. 55 ff. who gives an overview of the legal struggles that ensued the discovery of the wrecks; see also <http://edition.cnn.com/US/9906/26/sunken.treasure/>.

B. SOME CASES: HUMAN INTERVENTIONS CONCERNING UNDERWATER CULTURAL HERITAGE

▼ The Titanic, Newfoundland, Canada

Sunk in the year 1912 after hitting an iceberg, the famed luxury liner was for many years sought in vain. It was not until 1985 that an expedition succeeded in finding the *Titanic*. Despite an international plea that the wreck be respected as a mass grave and archaeological site, a further expedition removed artefacts from the site in 1987 and later on a private venture retrieved an additional 1,800 artefacts from the wreck. Most of the artefacts are under threat of being sold. However, subsequently the UK, Canada, France and the USA are now working together to better protect the wreck¹⁵.

• Pharos of Alexandria, Alexandria, Egypt

Driven into the sea by a series of earthquakes in the 14th century, what remains of the Pharos of Alexandria, the seventh wonder of the ancient world, today lies six to eight meters deep in the waters off the coast of Alexandria, Egypt. An archaeological mission to save the ruins, begun in 1994 under the aegis of the *Centre d'Etudes Alexandrines* (CEAlex), has so far classified over 3,000 objects (statuary, sphinxes, columns and blocks) superposed from different periods – Pharaonic, Ptolemaic and Roman. The location and condition of the heavier granite blocks have convinced the scientific team that they are the remnants of the world famous Alexandria Lighthouse. Several pieces have been raised and restored for public display in an Alexandria open-air theatre. It is currently planned to leave the others where they are, and a call for an underwater archaeological park to preserve the relics *in situ* is being considered¹⁶.

▼ The Tek Sing, South China Sea

Enormous quantities of porcelain were salvaged in 1999 from one of the last Chinese *Junks*, the *Tek Sing*. The ship measured 60m in length and over 10m in width and was found by a private enterprise in the South China Sea. Over 300,000 pieces of porcelain were recovered, which went on auction in Stuttgart, Germany¹⁷. The wreck was destroyed and its beautiful cargo dispersed all over the world. Little concern was given by the salvors to the fact that the remains of the wreck gave testimony to one of the biggest catastrophes of seafare - the sinking ship took almost 1.500 persons with her into the depth of the sea, more then were killed when the Titanic sank.

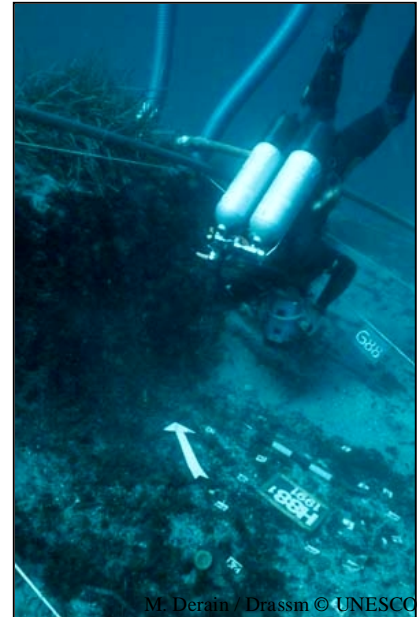
¹⁵ Id., p. 60 ff.; see also the Ships of the World Database (print version Paine, Lincoln P. Ships of the World: an Historical Encyclopaedia; USA) in electronic form available under http://college.hmco.com/history/readerscomp/ships/html/sh_000106_shipsofthewo.html.

¹⁶ See the official website of the Centre d'Etudes Alexandrines (CEAlex) at www.cealex.org; see also *Arabic News* of 10/10/2002.

¹⁷ <http://www.worldcollectorsnet.com/magazine/issue18/iss18p4.html>

- **Elizabeth and Mary (Phips's Fleet), Baie-Tinité, Canada**

Discovered in 1994 in less than three metres of water, the oldest shipwreck ever found in Quebec is the *Elizabeth and Mary*, one of the finest 17th century archaeological collections ever brought to light. The Parks Canada underwater archaeology service proceeded to survey, protect and excavate the wreck over three summers. Guarded round-the-clock against potential storm damage and treasure hunters, this constant presence also allowed for the rapid recovery of artefacts which had floated to the surface. What remained of the ship's hull was traced, recorded, dismantled and reburied in a nearby lake. The site yielded about 400 concretions containing an astounding wealth of objects.



- ✓ **The Geldermalsen, Admiral Stellingwerf Reef, Indonesia**

In 1986, a British ship salvor found the remains of the *Geldermalsen*, a Dutch sailing ship, which sank in 1751 loaded with a cargo of tea, silk, gold and porcelain. With little concern for the ship's archaeological value, its team salvaged 126 bars of gold and 160,000 pieces of porcelain — the largest cargo of Chinese export porcelain ever found. Before the salvor had completed the work, the International Congress of Maritime Museums condemned the destruction of the wreck. It claimed that such an archaeologically important find as the *Geldermalsen* should have been excavated in a scientific way. Nevertheless, the cargo of the *Geldermalsen* was looted for the sake of the commercial sale of its contents and without concern for its historical context. The wreck was destroyed. Under the name of “*The Nanking cargo*” the porcelain was auctioned in Amsterdam¹⁸.

- **HMS Pandora, Queensland, Australia**

Among the most significant shipwrecks in the Southern Hemisphere, the *Pandora* was the frigate sent in search of the famous *Bounty* mutineers in 1790. It was wrecked off the coast of Australia in 1791 and remained virtually intact as it was quickly covered by a layer of sand. The first of nine excavations led by the Queensland Museum began in 1983, providing a unique window on late 18th century European culture and naval life at sea. Marine archaeologists worked within a matrix of grids erected over the sand at depths of 30-34 metres, concentrating on areas where the officers and crew lived and worked. The scientists were able to learn more about daily life and

¹⁸ See Ships of the World Database (print version Paine, Lincoln P. *Ships of the World: an Historical Encyclopaedia*; USA) under http://college.hmco.com/history/readerscomp/ships/html/sh_036900_geldermalsen.htm, describing the history of the ship and citing a statement of the International Congress of Maritime Museums condemning the destruction of the wreck; see also Tullio Scovazzi “The application of Salvage Law and other Rules of Admiralty” in same et al. “The protection of underwater cultural heritage”, 2003, p. 23, who observes that it is not entirely clear if the ship was found in Indonesian waters or outside of them and if the VOC vessel should not have belonged to the Kingdom of the Netherlands as legal successor of VOC.

social customs on board and the excavations greatly contributed to understanding the mutiny on the *Bounty* and the tracking of its mutineers¹⁹.

▼ **Nuestra Señora de Atocha, Marquesas Keys, Florida, USA**

Nuestra Señora de Atocha was one of the most valuable, and possibly most contentious wrecks ever found. Part of the Spanish fleet that plied between Havana and Spain, the *Atocha* sank in 1622. A private American enterprise began searching for the *Atocha* and its cargo in 1970. Once identified, it worked with a permit from the State of Florida employing devices as the "mailbox," which cleared away sand and whatever else overlay the object of their search. It recovered gold and silver, as well as a large number of rapiers, muskets and small arms, storage jars, and coins. The *Atocha* site has been heavily criticized by nautical archaeologists, who considered the treasure hunter's techniques crude and destructive²⁰.

• **Bronze Age Shipwreck, Bodrum, Turkey**

Housed in the pioneering "living museum" environment of the Bodrum Museum of Underwater Archaeology is the spectacular *Uluburun* wreck, the oldest known ship ever excavated. Scientific investigation of the wreck began in 1982 and was to last for 11 years, yielding 20 tons of artefacts. Archaeologists found organic matter such as fruit and nuts aboard the ship, as well as pottery, gold and silver jewellery, bronze tools and arms. The ship joined other objects in a renowned collection recovered during the trail-blazing underwater excavations which have drawn world-wide attention to the Bodrum Museum²¹.

▼ **La Juste, Pays de la Loire, France**

In the early 1970ies the remains of a warship of the French King Lois XV that sunk in 1759, the *Juste*, were destroyed by dredgers cleaning the shipping route in the mouth of the river Loire. However, some pieces of the wreck and a large number of canons could be saved. The remains of the wreck, exhibited in the musée de Marine in Paris, show how well preserved the wood and the ropes were when the wreck was destroyed and which treasure had therefore been lost to archeology²².



M L Hour / Drassm© UNESCO

¹⁹ See the Ships of the World Database under

http://college.hmco.com/history/readerscomp/ships/html/sh_000106_shipsofthewo.html; see also

<http://www.mtq.qld.gov.au/08pandora/placeinhistory.htm>; see furthermore Marden, Luis, "Wreck of the MMS Pandora", Washington: National Geographic, October 1985, p. 423-451.

²⁰ Lyon, Eugene, "Treasure from the ghost galleon", Washington: National Geographic, February 1982, p. 228-243; see also Scovazzi "The application of Salvage Law and other Rules of Admiralty" in same et al. "The protection of Underwater Cultural Heritage", 2003, p. 38; possession and title to the wreck were conferred upon the finders, two Florida cooperations, *Treasure Salvors Inc. v. The Unidentified*, 569 F. Supp. 330, 337 (5th Cir., Mar. 13, 1978); see also the Ships of the World Database http://college.hmco.com/history/readerscomp/ships/html/sh_066000_nuestraseno1.htm.

²¹ <http://www.bodrum-museum.com>

²² See Jean-Yves Blot, *L'histoire engloutie ou l'archéologie sous-marine*, 1995, p. 112.

C. THE LEGAL SITUATION BEFORE 2001: THE LACK OF AN INTERNATIONAL INSTRUMENT SPECIFIC TO UNDERWATER CULTURAL HERITAGE

In many cases underwater cultural heritage is of great historical and cultural importance. However prior to 2001, existing national and international laws did not adequately address the full range of concerned issues:

- Ø **National legislations:** To date in some countries, there exists no legal protection of underwater cultural heritage at all, while in others the law provides for a basic or even a high standard of protection. The diversity of the contents and scope of application of such national legislations leaves gaps which enable treasure hunters in many countries to operate in a merely commercial perspective with no regard for the benefit to society and scientific knowledge. It was thus desirable for the international community to reflect upon and elaborate an international standard of legal protection.
- Ø At international level, the **1982 United Nations Convention on the Law of the Sea** (“UNCLOS”) was drafted with a view to offering general provisions on the law of the sea. It includes two provisions (Articles 149 and 303) that refer specifically to archaeological and historical objects and establish (Articles 149 and 303 paragraph 1) an obligation for States Parties to protect such objects, thus differentiating them from ordinary items. For instance, Article 149 UNCLOS reads:

“All objects of an archaeological and historical nature found in the Area shall be preserved or disposed of for the benefit of mankind as a whole, particular regard being paid to the preferential rights of the State or country of origin, or the State of cultural origin, or the State of historical and archaeological origin.”

However, as a whole these two Articles do not specifically articulate and ensure a high standard protection of the underwater cultural heritage.

Article 303 para. 4 of UNCLOS allows for a more specific regulation for underwater cultural heritage and the **2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage**, elaborated nearly two decades later, represents such a regulation filling this gap in international cultural heritage law. Recognizing the importance of underwater cultural heritage as an integral part of the cultural heritage of humanity, the 2001 Convention is intended to guarantee its preservation through a specific protection regime and cooperation schemes among States Parties. Any state may become party to the UNESCO 2001 Convention, regardless of whether it is a State Party to UNCLOS or not.

2. INTRODUCTION TO THE UNESCO CONVENTION ON THE PROTECTION OF THE UNDERWATER CULTURAL HERITAGE

A. GENERAL PRINCIPLES OF THE 2001 CONVENTION

- The UNESCO 2001 Convention represents a *lex specialis*, i.e. a regulation **specific to underwater cultural heritage**. It does not prejudice (see Article 3) the rights, jurisdiction or duties of states under international law, including the *United Nation Convention on the Law of the Sea* (“UNCLOS”). Similar to other treaties, the 2001 Convention is an autonomous instrument of international law with its own scope of application and set of substantive provisions. Every state may become a party to the 2001 Convention, regardless of whether it is a State Party to UNCLOS or not.
- For the purposes of the 2001 Convention “**Underwater Cultural Heritage**” means all traces of human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least 100 years (Article 1).
- The **preservation *in situ*** of underwater cultural heritage (i.e. the current location on the seabed) is considered as the first option before allowing or engaging in any activities directed at this heritage (Article 2, par. 5). Such activities may however be authorized for the purpose of making a significant contribution to the protection or knowledge of underwater cultural heritage (Rule 1 of the Annex);

The preference given to *in situ* preservation as the first option:

- stresses the importance of and the respect for the historical context of the cultural object and its scientific significance; and
 - recognizes that such heritage is under normal circumstances well preserved under water owing to the low deterioration rate and lack of oxygen and therefore not necessarily per se in danger.
- States Parties shall **preserve underwater cultural heritage** for the benefit of humanity, and take action individually or jointly therefore (Article 2, par. 3 and 4). As the 2001 Convention is not in a position – nor indeed is intended - to rewrite the history of seafaring and navigation, it does not directly regulate the delicate issue of ownership of the concerned cultural property between the various states concerned (generally flag states and coastal states); it does however establish clear provisions for the States concerned and for international cooperation schemes.

- The principle that underwater cultural heritage shall **not be commercially exploited** (Article 2, par. 7) for trade or speculation or irretrievably dispersed is not to be understood as
 - preventing professional archaeology, or the deposition of heritage recovered in the course of a research project in conformity with the Convention (Rule 2 of the Annex); or
 - preventing salvage activities or actions by finders as long as the requirements under Art. 4 of the Convention are fulfilled.

Indeed an important compromise between protection and operational needs has been achieved in the 2001 Convention, as any activity relating to underwater cultural heritage to which the Convention applies shall not be subject to the **law of salvage** or **law of finds**, unless it:

- is authorized by the competent authorities;
 - is in full conformity with the Convention; and
 - ensures that any recovery of the underwater cultural heritage achieves its maximum protection (Article 4).
- Depending on the current location of the underwater cultural heritage, specific regimes for **cooperation between coastal and flag states** (and exceptionally other concerned states), are applicable (Articles 7 – 13):
 - States Parties have the exclusive right to regulate activities in their *internal and archipelagic waters and their Territorial Sea* (Article 7);
 - within their *Contiguous Zone* States Parties may regulate and authorize activities directed at underwater cultural heritage (Article 8); and
 - within the *Exclusive Economic Zone*, or the *Continental Shelf* and within the *Area* (i.e. the waters outside national jurisdiction), a specific international cooperation regime encompassing notifications, consultations and coordination in the implementation of protective measures is established in Articles 9 – 11 of the 2001 Convention.
 - **Training** in underwater archaeology, the transfer of technologies and information sharing shall be promoted and public awareness shall be raised concerning the value and significance of the underwater cultural heritage (Articles 19-21).
 - The 2001 Convention sets a high **standard** of protection common to all its State Parties. Obviously it applies only among these States and within its established scope. Each State Party, if it so wishes, may ensure an even higher standard of protection.

B. THE ADVANTAGES AND MODALITIES OF RATIFICATION

1. Why should UNESCO Member States consider joining the 2001 Convention on the Protection of the Underwater Cultural Heritage?

The *Convention on the Protection of the Underwater Cultural Heritage* sets a high standard for the protection of such heritage, with a view to preventing its being looted, damaged or destroyed, actions which are on the increase due to technical developments. This protection is in part similar to that granted by other UNESCO Conventions or national legislation to cultural heritage on land, and in part specific to underwater cultural heritage. Moreover also States not party to the 1982 UNCLOS Convention may join the 2001 Convention.

Joining the 2001 Convention would contribute to :

- Ø strengthening the fight against the growing looting and pillaging of underwater cultural heritage and sites;
- Ø developing a national industry based on underwater cultural heritage activities;
- Ø creating a protective infrastructure to support current and future underwater tourism in a way compatible with the Convention ;
- Ø ensuring interstate cooperation and exchange of experiences;
- Ø joining an international system for effective protection of the heritage;
- Ø offering a stronger position vis-à-vis merely commercial excavation projects so that there are positive repercussions for the local society and scientific knowledge;
- Ø adopting or revising legislation according to international standards;
- Ø becoming a more active party in the protection of cultural heritage;
- Ø granting underwater cultural heritage greater visibility and recognition.

2. How to join the Convention

With due consideration to the specificity of each country and its legal system, the procedure for joining the 2001 Convention generally involves:

At national level

- i) a *political phase* in which the concerned ministries (Culture, Foreign Affairs, etc.) study the Convention and decide whether it is politically desirable to become a party to it; and
- ii) a *legal implementation phase* in which, depending on the legal system of the country concerned,
 - a. a law or decree may be enacted to authorize the consent of the State to be bound by the Convention (by either ratification, or acceptance or approval for UNESCO Member States or by accession for non Member States); and
 - b. together with the enactment of this law or decree, *or* through separate legislation, the Convention is implemented domestically either by an all-encompassing reference to its text or by reproducing its content as national law.

At international level

- i) the *deposit of the instrument* expressing the consent of the State to be bound by the Convention (the instrument of ratification, or acceptance, or approval or of accession) with the Director-General of UNESCO.

For such instrument please consider the model enclosed in this information kit.

- ii) the *entry into force* of the Convention:
 - a. the Convention as a whole enters into force three months after the date of the deposit of the twentieth instrument (ratification, or acceptance, or approval or accession) with respect to the first twenty States Parties;
 - b. afterwards, the Convention enters into force *vis-à-vis* each new State (beyond the first twenty) three months after the date of deposit of its respective instrument.

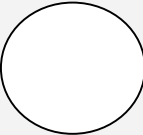
**C. MODEL INSTRUMENT OF
RATIFICATION/ACCEPTANCE/APPROVAL/ACCESSION**

Whereas the UNESCO Convention on the Protection of the Underwater Cultural Heritage (2001) is open to [*ratification/acceptance/approval/accession*] by [*name of country*] under the terms of its Article 26,

The Government of [*name of country*], having considered the aforesaid Convention, hereby [*ratifies/accepts/approves/accedes to*] the Convention and undertakes faithfully to carry out the stipulations therein contained.

IN WITNESS THEREOF, I have signed and sealed this instrument.

Done at, this.....day of.....



(Seal)

(Signature)
Head of State
or Prime Minister
or Minister of Foreign Affairs

D. GLOSSARY AND KEY DEFINITIONS

1. Definitions of the UNESCO 2001 Convention

Underwater cultural heritage - means all traces of human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least 100 years (Article 1, par. 1).

State vessels and aircraft - means warships, and other vessels or aircraft that were owned or operated by a State and used, at the time of sinking, only for government non-commercial purposes, that are identified as such and that meet the definition of underwater cultural heritage (Article 1, par. 8).

Area - means the seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction (Article 1, par. 5).

2. Definitions according to the United Nations Convention on the Law of the Sea (1982)

Baseline - is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State (Article 5).

Internal waters - are located on the landward side of the baseline of the territorial sea (Article 8, par. 1).

Territorial sea - is the area of sea adjacent to a coastal State over which its sovereignty is exercised subject to letting foreign ships pass (rule of innocent passage). Every State has the right to establish the width of its Territorial Sea up to a limit not exceeding 12 nautical miles, measured from baselines (Article 3).

Contiguous Zone - may not extend beyond 24 nautical miles from the baselines from which the breadth of the Territorial Sea is measured.

Exclusive Economic Zone (EEZ) - is an area beyond and adjacent to the Territorial Sea and shall not extend beyond 200 nautical miles from the baselines from which the breadth of the Territorial Sea is measured. (Articles 55 and 57).

Continental shelf - of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its Territorial Sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the Territorial Sea is measured (Article 76, par. 1).

High Seas - comprise all parts of the sea that are not included in the Exclusive Economic Zone, in the Territorial Sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State (Article 86).

E. SELECTED BIBLIOGRAPHY

- Beurier, J.-P.**, “Pour un droit international de l’archéologie sous-marine”, in *Revue générale de droit international public*, 1989, pp. 45-68
- Blot, J.-Y.**, *L’histoire engloutie ou l’archéologie sous-marine*, Gallimard, 1995
- Brown, E.D.**, “Protection of the Underwater Cultural Heritage. Draft Principles and Guidelines for Implementation of Article 303 of the United Nations Convention on the Law of the Sea, 1982”, in *Marine Policy*, Vol. 20, Issue 4, July 1996, pp. 325-336
- Carducci, G.**, “New Developments in the Law of the Sea: the UNESCO Convention on the Protection of Underwater Cultural Heritage”, in *American Journal of International Law*, n. 2, May 2002
- “La Convenzione UNESCO sul patrimonio culturale subacqueo”, in RDI, 2002, p. 53
- Council of Europe**, The Underwater Cultural Heritage, *Report of the Committee on Culture and Education, Parliamentary Assembly*, Document 4200 – Le Patrimoine culturel subaquatique, *Rapport du Comité sur la culture et l’éducation, Assemblée parlementaire*, document 4200, Strasbourg, 1978
- Delgado, J. P. (ed.)**, *Encyclopaedia of Underwater and Maritime Archaeology*, London, British Museum Press, 1997, 493 p.
- Dromgoole, S. (ed.)**, *Legal Protection of the Underwater Cultural Heritage: National and International perspectives*, The Hague, Kluwer Law International, 1999, 239 p.
- Fletcher-Tomenius, P., Williams, M.**, “The Draft UNESCO/DOALOS Convention on the Protection of Underwater Cultural Heritage and Conflict with the European Convention on Human Rights”, in *International Journal of Nautical Archaeology*, Vol. 28, n. 2, May 1999, pp. 145-153
- Garabello, R.**, *La Convenzione UNESCO sulla Protezione del Patrimonio culturale subacqueo*, Milano, Giuffrè, 2004
- Goy, R.**, “L’épave du Titanic et le droit des épaves en haute mer”, in *Annuaire Français de Droit International*, 1989, pp. 753-773
- Leanza, U.**, “Zona archeologica marina”, pp. 41-70, in **Francioni, F., Del Vecchio, A., De Caterini, P. (eds.)**, *Protezione internazionale del patrimonio culturale: interessi nazionali e difesa del patrimonio comune della cultura*, Milano, Giuffrè Editore, 2000, 210 p.
- Martin, C.**, *An Introduction to Marine Archaeology*, www.bbc.co.uk/history/archaeology/marine_1.shtml, as of 15.09.2005
- O’Keefe, P.J.**, *Shipwrecked Heritage: A Commentary on the UNESCO Convention on Underwater Cultural Heritage*, Leicester, Institute of Art and Law, 2002, 206 p.
- Paine, L. P.**, “*Ships of the World: an Historical Encyclopaedia*” - with essays by James H. Terry and Hal Fessenden and a foreword by Eric J. Berryman, Houghton Mifflin Company 1997, available at http://college.hmco.com/history/readerscomp/ships/html/sh_000106_shipsofthewo.html.
- Prot, L.V., Srong, I. (eds.)**, *Background Materials on the Protection of the Underwater Cultural Heritage*, UNESCO, The Nautical Archaeological Society, Paris – Portsmouth, 1999, 210 p.
- Prot, L.V., Planche, E., Roca-Hachem, R. (eds.)**, *Background Materials on the Protection of the Underwater Cultural Heritage*, UNESCO, Ministère de la Culture et de la Communication (France), Paris, 2000, 616 p.
- Scovazzi, T., Garabello, R. et al.**, *The Protection of Underwater Cultural Heritage*, 2003, Leiden/Boston, USA
- Strati, A.**, *Draft Convention on the Protection of Underwater Cultural Heritage: A Commentary prepared for UNESCO*, Paris, UNESCO, 1999, 97 p. (Doc. CLT-99/WS/8)
- Treves, T.**, “Stato costiero e archeologia marina”, in *Rivista di diritto internazionale*, 1993, p. 698
- UNESCO**, *Preliminary Study on the advisability of preparing an international instrument for the protection of the Underwater Cultural Heritage – Etude préliminaire sur l’opportunité d’élaborer un instrument international sur la protection du patrimoine culturel subaquatique*, Paris, UNESCO, 1995, 20 p. (Doc. 28C/39) + Add.
- Yturriaga, B. de**, *Convención sobre la protección del patrimonio cultural subacuático*, in Drmas de Clément (coord.), *Estudios de Derecho Internacional en homenaje al Profesor Ernesto J. Rey Caro*, Córdoba, 2003, p. 451

Contact:

INTERNATIONAL STANDARDS SECTION,
DIVISION OF CULTURAL HERITAGE
UNESCO

E-mail: ins.culture@unesco.org

Phone/Tél. : +33 (1) 45 68 44 40 ; fax: +33 (1) 45 68 55 96
1, rue Miollis, 75732 Paris Cedex 15, France