



Conventions on the protection of Underwater Cultural Heritage

Haylie Chan

What is UNESCO?

- The United Nations Educational, Scientific, and Cultural Organisation
- Founded around Nov 1945 by 44 UN countries
- Goal: Promote international peace and equal fundamental freedom by allowing equal education to increase cultural knowledge and acceptance



Countries that have approved, agreed, or ratified as of 2025

[illegible]

A diver in a blue wetsuit and yellow fins is swimming over a large, ancient stone structure underwater. The structure appears to be part of a submerged city or temple, with intricate carvings and a large, curved archway. The water is clear and blue, and the scene is illuminated by natural light from above. The diver is positioned in the upper left, looking towards the structure. The overall atmosphere is one of discovery and historical significance.

The Convention on Underwater Cultural Heritage

What is Underwater Cultural Heritage?

- ❖ Evidence of human existence with archaeological or cultural significance that has been partially or fully underwater for over a hundred years, periodically or continuously. (human remains, shipwrecks, sites, buildings, vehicles and their cargo, prehistoric objects)
- ❖ NOT anything still in use, like pipes and cables.



Important articles - condensed

- ❖ **Preservation** first, retrieving only artifacts of **scientific necessity** after the preservation work is done
- ❖ Government ships and aircrafts with **sovereign immunity** operated for **non-commercial** purposes and **not directed** at underwater heritage will be exempted from having to report cultural heritage finds.
- ❖ Underwater cultural heritage found not in accordance with the conventions **can be seized** by the state party of the area

Sentiment of the Rules established

- Protection of underwater cultural heritage
- Ensuring professionalism and proper qualification
- Public education

Rules - condensed

- Preservation first and foremost.¹ Retrieval of artifacts must be authorised to protect the site, and only to make a significant contribution to the protection, knowledge, or enhancement of underwater cultural heritage.
- Commercial exploitation and irretrievable distribution of artifacts goes against the convention for the protection of sites.² Therefore underwater cultural heritage cannot be sold, bartered, or traded as commercial goods. *This doesn't prevent professional archaeological work in accordance with the convention.
- Protection and research activity directed at underwater cultural heritage shouldn't cause more adverse effects than necessary on the heritage,³ and must be strictly regulated for proper recording of information and reducing damage.⁶ The activity must be as non-destructive and non-intrusive as possible for the goals of the project.^{4,16} Avoid unnecessary disturbance of human remains and venerated sites.⁵
- Public access to such sites should be promoted unless against protection attempts and management of the underwater cultural heritage.⁷
- International cooperation is encouraged to get the most out of the archaeologists and other relevant professional personnel across countries.⁸

Rules - condensed

- A project design must be submitted for assessment and authorisation before any activity directed to underwater cultural heritage sites, the activity must be carried out in accordance with the design approved.^{9,16} The relevant details are in section 2, rule 10.¹⁰
- The surrounding natural environment,¹⁴ background studies, and consequence evaluation must be noted and taken into account in the project design.¹⁶ There must be an environment policy to ensure the environment and seabed are not disturbed excessively.²⁹
- Unless in emergency to protect and stabilise a site, please have the necessary funds ready.¹⁷ Method of funding and a project timetable – including interim and final reports (details in section 7 rule 31)³¹ –³⁰ should be noted in the project design,^{18,20} and a contingency plan for both.^{19,21}
- Arrangements for project archive curation must be in the project design.³² It has to be intact for professional viewing and reviewing, and ready within ten years of the completion of the project,³³ managed to professional standards and authorised.³⁴

Rules - condensed

- In the case of unexpected discoveries and changes of circumstance, the project design must be reviewed and reassessed.^{11,12} If the discovery or change is sudden and urgent, activity for site stabilisation may be authorised without the appropriate project design reassessment.¹³
- A qualified and scientifically competent underwater archaeologist must be in control of and direct the activity.²² Though everyone on the team must be qualified and competent as well.²³
- Site management must be done well. The conservation programme must provide treatment for the archaeological remains during activity, transit, and in the long term.²⁴ The site management programme must provide protection and management on site.²⁵ Documentation progress reports are necessary,²⁶ including notes of anything moved, removed, or disturbed during the activity.²⁷
- Safety policy must be prepared for the project team and any third party associates involved.²⁹
- The projects should educate the public as far as possible,³⁵ and be in public records.³⁶



Why these rules

- Unauthorised activities are deeply impacting the state of underwater sites, so stronger regulations are needed.
- Increasing the effectiveness of site preservation and careful collection of artifacts if scientifically necessary.
- Avoid commercial exploitation of underwater heritage sites and reduce the damage done to sites during scientific collection of evidence

(Picture on left shows proper legal mapping)

Personal opinions

❖ Pros

- ❖ Still allows for legal scientific excavations by government organisations.
- ❖ Without the financial incentive, commercial salvages won't destroy the sites for the artifacts, and prevents the dispersion of artifacts that can no longer be retrieved for research.
- ❖ Proper documentation provides more archeological evidence to further our understanding in the underwater cultural heritage

❖ Cons

- ❖ When unable to commercialise salvages and investigations, acquiring the funding for the research will become incredibly difficult. Very few organisations may have the time and resources to conduct site protection work and scientific salvages.

Thank you