

Report to States of Jersey & Jersey Heritage

Underwater Cultural Heritage  
& Battlefields in Jersey  
**Scoping study**

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## Introduction

This report was prepared by Dr Peter Chowne and Dr Aylin Orbasli between December 2012 and April 2013. The objective of this desk-based scoping study is to provide an overview of aspects of historic battlefields and the marine/ underwater cultural heritage that might impact on the States of Jersey, particularly in relation to legislation, protection and management. The study builds on an overview of battlefield and wreck sites and their significance to Jersey, in its regional and international context. More importantly, based on comparative analysis, the study identifies procedures for listing and protecting battlefield sites and underwater archaeology. Recommendations for further research are provided in Section 3 of this report.

**Marine heritage** is a general term that can include almost any aspect of the cultural heritage particularly in the context of an island. It is not intended to review those aspects of the marine cultural heritage that are subject to terrestrial legislation as these are covered by existing laws and managed through planning and environmental controls. The Island Plan 2002 (4.35 - 4.39) does not specifically refer to the marine heritage although it is included in Archaeology and Planning Guidance Note (States of Jersey, 2002).

*A rich variety of archaeological remains survive above and below ground in Jersey, along its shoreline, and within its waters. (p. 2)*

*It is important to emphasise that this guidance is based on the concept of 'total archaeology' and is applicable to archaeology above and below the ground and water of the Island and its territorial waters, and within the fabric of its buildings. (p. 5)*

*Sites are to be defined as follows;*

- *any building, historic landscape feature, structure, archaeological/ environmental deposit or work, whether above or below the surface of the land or sea, and any cave or excavation, or the remains thereof; or*
- *any site comprising, or comprising the remains of, any vehicle, machinery, vessel, aircraft or other movable structure*

*which is judged to be of archaeological value. (p. 7)*

The Island Plan 2002 was superseded by the Island Plan 2011 which states:

*3.4.1. This is applicable to archaeology above and below the ground and water of the Island's landmass, offshore reefs and territorial waters, and within the fabric of its buildings.*

Archaeology and Planning Guidance Note 1 (2008) is a current document and it is assumed that it will be revised in the context of the Island Plan 2011 and the continuing development of historic environment record enhancement and planning and environment policies. This desk-based study is intended to assist this process by reviewing international conventions and policies applicable to Jersey, describing good practice using England as an example, then briefly describing how the Bailiwick of Guernsey has dealt with the discovery of internationally important shipwrecks. This is followed by a potential methodology for accessing the extent, condition of preservation and historic value of one type of underwater archaeological resource, shipwrecks, as these are potentially more at risk from natural deterioration and human interference. As will be seen from the next section in this report, shipwrecks present particular problems. They can be War Graves, have rich social histories, or be of economic value for salvage, leisure and tourism as well as archaeological sites (Fenwick & Gale, 1998; Gould, 2000). Furthermore, although within Jersey's territorial waters other nations may claim sovereignty of a wrecked vessel.

Although shipwrecks and aircraft wrecks are the most commonly thought of archaeological remains, underwater archaeology encompasses a broad range of submerged cultural remains ranging from cities such as Pavlopetri (<http://www.nottingham.ac.uk/pavlopetri/index.aspx>) and submerged landscapes for example 'Doggerland' (Gaffney, Thomson, & Fitch, 2007). Whilst similar remains are unlikely to be encountered off the shore of Jersey, current research on sea-level change and the mapping of the submerged landscape off La Cotte de St Brelade may raise issues of underwater heritage management in the future (<http://quaternaryjersey.wordpress.com/marine-survey/>).

**Battlefield sites** form part of the military and defence history of a place. In Jersey, like most places, major defence structures such as forts and fortifications, alongside more recent World War 2 military structures are already protected through the Historic Environment Record. Battlefields, therefore refer to places, often open spaces where major military battles were conducted. Most definitions, with regard to forming inventories and protecting battlefield sites, restrict these sites to conflicts between 'formed bodies of armed men under formal command', often excluding sites of 'skirmishes or civil unrest' (English Heritage, 2012). However, battlefield sites can have multiple components, including areas and positions that supported the military action, various memorials and the memorial nature of the sites themselves including the presence of mass graves. The field of battlefield or conflict archaeology is growing and recognises the landscape and social values of such sites beyond their military significance.

This scoping study is a desk-based study that draws on a range of publications, reports and policy documents. Further documentary sources have been studied at Cambridge University Library, the library of the Society of Antiquaries of London and the Caird Library at the National Maritime Museum, Greenwich. The study has also benefitted from discussions with Garry Momber, Director of the Hampshire and Wight Trust for Maritime Archaeology.

# 1 Underwater Cultural Heritage

## 1.1 Definition and remit

Various definitions for the terms historic wrecks, marine heritage, underwater archaeology or underwater cultural heritage appear in different conventions and policies. In England the Protection of Wrecks Act (1973) uses the term 'vessel', but does not provide a definition, whereas the Merchant Shipping Act (1995) definition is more explicit: '... including any ship or boat or any other description of vessel used in navigation.' This does, however, exclude aircraft.

The UNESCO Convention for Underwater Cultural Heritage (2001) uses the following definition:

*1 (a) 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 such as:*

- (i) sites, structures, buildings, artefacts and human remains, together with their archaeological and natural context;*
- (ii) vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archaeological and natural context; and*
- (iii) objects of prehistoric character.*

For purposes of this scoping study, this broader definition is taken, although the age of the remains is taken to be 50 years. This is also the period considered in The Wreck and Salvage (Vessels and Aircraft) (Bailiwick of Guernsey) Law, 1986.

## 1.2 International Conventions and Guidelines

### 1.2.1 UNESCO and ICOMOS

Internationally, the safeguarding of underwater cultural heritage is guided by the 2001 UNESCO Convention for Underwater Cultural Heritage (Appendix 1). The Convention has not as yet been ratified by the United Kingdom, but nonetheless forms the basis and guidance for much of the recent policy and management practices that are being put in place.

The ICOMOS International Scientific Committee on the Underwater Cultural Heritage (ICUCH) was established in 1991 to promote international cooperation in the protection and management of underwater cultural heritage and to advise on issues related to underwater cultural heritage around the world. The committee is formed of international experts in underwater cultural heritage, representing the five geographical regions as defined by UNESCO (Africa, the Arab States, Asia and the Pacific, Europe and North America, and Latin America and the Caribbean). The ICUCH has developed the International Charter on the Protection and Management of Underwater Cultural Heritage was adopted by ICOMOS in 1996. The charter provides guidance on the management and protection of underwater cultural resources. The charter has since been incorporated as an Annex to the 2001 UNESCO Convention. (<http://icuch.icomos.org/>).

The International Centre for Underwater Archaeology in Zadar, Croatia was established in 2007 with the support of UNESCO and provides training in underwater archaeology and its conservation.

## 1.2.2 European Initiatives

The main European convention concerning the protection and management of underwater archaeological heritage is the 1992 European Convention on the Protection of the Archaeological Heritage, most commonly known as the Valletta Convention (<http://conventions.coe.int/Treaty/en/Treaties/Html/143.htm>). The United Kingdom is a signatory to this convention since 2000, and it has been law since 2001. The Valetta Convention was extended to and came into force in Jersey in 2000. The convention introduces a broader definition to archaeology, thus encompassing underwater archaeological heritage. The convention sets standards for the practice of archaeology, including recording, maintaining inventories of sites, the control of illicit trade in antiquities, the conservation of excavated sites and the safekeeping of finds, the collection and dissemination of information, and access to sites and raising of public awareness.

There are also a number of current Europe-wide research projects concerning the underwater cultural heritage. The MACHU project, Managing Cultural Heritage Under Water (<http://www.machuproject.eu/>) has established a GIS based inventory of major underwater heritage sites. The expanding database offers full access to heritage managers and contains archaeological and historical information on underwater sites and their environment (including geophysical, geochemical, sedimentological and oceanographic data) and identifies possible threats, including relevant human activities. Although a number of wreck sites on the English coast are included on the GIS based inventory, there are no entries for the Channel Islands or the French coast.

The NAVIS I and II projects, supported by the European Commission Directorate General X (Information, Communication, Culture, Audio-visual Culture and Audio-visual Policy) is a searchable database of marine archaeology artefacts (<http://www2.rgzm.de/navis2/home/>).

Another initiative is SPLASHCOS, Submerged Prehistoric Archaeology and Landscapes of the Continental Shelf (<http://splashcos.org>) a four-year research network funded by the European Commission under its COST program (Cooperation in Science and Technology) from 2009 to 2013.

## 1.3 Protection and Management of Marine Archaeology in the UK

### 1.3.1 Protection of Wrecks Act & Merchant Shipping Act

In the UK investigation into underwater archaeological heritage dates back to the 1960s, capturing the public imagination with the raising of the Mary Rose in 1982. Nonetheless, marine legislation regarding the protection of underwater cultural heritage since that time has remained fragmentary and has been largely based around salvage (University of Wolverhampton 2003).

The designation and licensing of wreck sites was formalised in the **Protection of Wrecks Act** (1973). The mainstay of this legislation is based around salvage, incorporating the 1989 International Convention on Salvage into UK law. Consequently 'the rights and duties of the participants in the maritime archaeological process and the disposal of the recovered wreck material continue to be determined by the law of salvage' (University of Wolverhampton 2003, 5). The salvage approach can often be in conflict with the heritage value of a wreck and any desire to preserve a site in-situ.

Furthermore, the law only relates to the maritime object or materials associated with it, rather than the maritime landscape that may also be archaeologically significant. Most importantly it permits a salvage operation to be mounted when a wreck is considered to be in danger (for which a very broad range of justifications can be used), thus taking control away from the archaeological research or protection interest. It is also of consequence that most wrecks will

have reached equilibrium under water, which affords perfectly good conditions for their ongoing survival.

The Act itself authorises the Secretary of State to designate as a restricted area the site of a vessel of historical, archaeological or artistic importance lying wrecked in or on the seabed, as if it were a Scheduled Ancient Monument. The Act is supported by non-statutory guidance. An area designation beyond the vessel and its contents assists in the protection of the vessel and any disturbance that may arise around it. It is an offence, within a designated area, 'to tamper with, damage or remove any object or part of the vessel or to carry out any diving or salvage operation'. Operations within the area are controlled by the issue of licences that authorise certain specified activities. The Secretary of State receives advice, alongside the statutory heritage agency, from the Advisory Committee on Historic Wreck Sites (ACHWS).

There are currently 61 sites designated under section 1 of the Act and two under section 2 of the Act (dangerous wrecks). In Scotland two underwater sites have been scheduled under the Ancient Monuments & Archaeological Areas Act 1979 (Scapa Flow in Orkney and Kilspindie in Aberlady Bay), and a third, the Louisa, in Cardiff Bay (Receiver of the Wreck, 2012).

The disposal of a wreck is governed by the **Merchant Shipping Act (1995)**, based on the act of the same name first introduced in 1894. This act is based on the commercial value of the salvage and does not consider non-commercial historic, cultural or societal values that may be associated with salvage. The Receiver of the Wreck plays an important role in ensuring that historic wrecks are in the first instance offered to appropriate Museums. The Joint Nautical Archaeological Policy Committee and the Receiver of Wreck have pioneered coordination between archaeological and museum, and recreational diving communities.

The Merchant Shipping Act requires that a salvaged wreck is reported to the Receiver of Wreck. The Receiver retains any material for a year so that ownership can be determined before it is disposed of. Where the reported material is of historic interest and, if carried out in accordance with best practice, 'the reporting system serves a valuable function by enhancing the record of historic marine sites. Nevertheless there are drawbacks with the scheme, in particular the lack of provision for the local identification and conservation of reported wreck' (Roberts & Trow, 2002).

The **Protection of Military Remains Act (1986)** relates to both vessels and aircrafts used for military purposes that have been sunk or stranded since 1914, irrespective of whether they include human remains. These sites are designated 'Controlled Sites' by the Ministry of Defence. Designations made under this act have added a further measure of protection to selected wrecks, some of which are of historical interest.

### 1.3.2 Marine Archaeology Legislation

In England the 2009 **Marine and Coastal Access Act** has led to the establishment of the Marine Management Organisation (MMO), an executive, non-departmental public body responsible for licensing. Although the licensing act covers a broad area of interests, it clearly acknowledges the 'need to protect the marine environment (Section 69), which is defined in Section 115(2) as: 'any site (including and site comprising, or comprising the remains of, any vessel, aircraft or marine structure) which is of historic or archaeological interest' (English Heritage, 2012). In England, English Heritage is the main advisor to MMO for all works requiring consent that affect a marine historic environment.

The UK Marine Policy Statement published in 2011 by all UK Administrations 'recognises the need to protect and manage the marine cultural heritage according to its significance' (English Heritage, 2012, 1).



The remit of maritime archaeology includes: 'the remains of ships and boats, landscapes that were submerged by sea-level rise; the remains of other types of vessel, such as aircraft; scattered material relating to ships and shipping (e.g. lost cargoes, anchors, and debris fields); debris related to coastal activity (e.g. projectiles from coastal batteries and dumped rubbish); the sub-tidal elements of coastal features (usually relating to exploitation of, or defence from, the sea); and sea-bed emplacements (such as trans-oceanic communication cables and pipelines)' (Roberts and Trow, 2002, 4). Nor should underwater remains be separated from antiquities on land, as the two are often part of a continuum or parts of the same narrative, such as links to ports or ship building yards.

An inventory of maritime archaeology is kept within the National Monuments Record (NMR). The NMR contains records over 40,000 marine sites. This comprehensive record is essential to the effective management of the marine archaeological resource. It is, however, recognized that the record still has significant gaps (Roberts and Trow, 2002).

### 1.3.3 Management of Underwater Cultural Heritage Sites

The 2002 amendment to the 1983 National Heritage Act, has extended English Heritage's role to include: 'ancient monuments in, on or under the seabed within the seaward limits of the United Kingdom territorial waters adjacent to England' (Section 33(9) National Heritage Act 2002); and 'promoting the public's enjoyment of, and advancing their knowledge of ancient monuments in, on, or under the seabed' (Roberts and Trow, 2002).

A distinct characteristics of underwater cultural heritage sites is that they are not easily accessible, and research and access requires specialists skills and equipment. Furthermore, they may be situated in a hazardous environment or they may be located outside of the territory of their state of origin (Roberts and Trow, 2002, 4). Nonetheless, the underwater cultural heritage is at increasing risk. The development of new and increasingly sophisticated technologies for remote investigation, exploration and salvage mean that wrecks previously protected by their depth can no longer be protected (Yorke, 2006). Furthermore, recovered objects are also at risk if they are not properly conserved (English Heritage 2008).

In England, the Monuments at Risk Survey does not currently cover underwater remains (English Heritage, 2008). However, English Heritage has launched a risk assessment survey specific to underwater cultural heritage sites. Risk considers, condition, vulnerability and trajectory of the condition (e.g. improving through management or declining due to neglect). The condition of underwater sites is assessed on the basis of information gathered for 34 data fields, combined with a decision tree and sieve methodology. The assessment of risk is made against percentage of survival, based on an estimate of what the original state (pre-sinking) would have been (English Heritage, 2008).

English Heritage has also been a consultee on the development of the Defra-led UK Marine Policy Statement, aimed at the sustainable management of UK's marine environment (English Heritage, 2010).

Recreational divers are a significant interest group that can play a vital role in the discovery and scientific exploration of shipwreck sites. Underwater archaeology often benefits from a close working relationship between divers and archaeologists as has been demonstrated in Guernsey and on projects farther afield such as the Mary Rose and Dover Bronze Age boat. However, there is always a risk of unauthorised removal of artefacts from the sea bed and plundering of historic wrecks which has been a problem in the Mediterranean and Aegean seas. In some countries like Greece (and Turkey) wreck sites are given blanket protection and diving is prohibited. In several other countries diving, excavation and preservation of historic shipwrecks is clearly separated from salvage legislation. One way of controlling legitimate access to wrecks is through licensing and this is the approach favoured in England

in keeping with the principles of access to and engagement with the heritage resource promoted by English Heritage (Roberts and Trow, 2002).

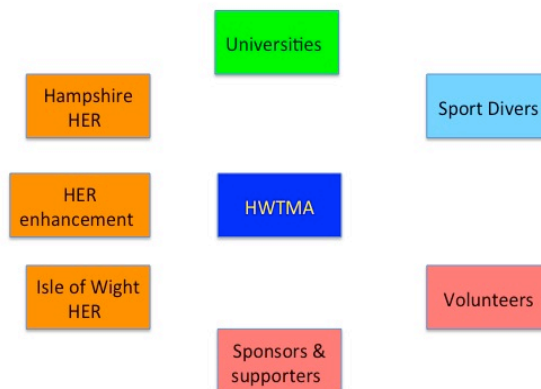
#### 1.3.4 Hampshire & Wight Trust for Maritime Archaeology

The Hampshire & Wight Trust for Maritime Archaeology (a charitable trust) provides a model for the management of the marine heritage that may be applicable to the Baliwick of Jersey (<http://www.hwtma.org.uk>). The aims and objectives of the HWTMA are to:

- Promote maritime archaeological study in accordance with professional and museum codes of conduct and practice.
- Promote the in situ preservation and management of important archaeological sites in its area of interest.
- Support local, regional and national initiatives for improvements to the legislation regarding the preservation and management of the maritime archaeological heritage.
- Promote public awareness, enjoyment and participation in the maritime archaeological heritage.
- Provide a maritime archaeological service to Hampshire County Council, the Isle of Wight Council, Southampton City Council, Portsmouth City Council and other Local Authorities.
- Ensure that the maritime archaeology plays an important role in coastal planning, management and policies in the Solent and Wight areas.
- Carry out maritime archaeological surveys and investigations for incorporation into environmental assessments and similar studies.
- Compile and maintain a database, and base chart, of all known maritime archaeological sites in the Solent and Wight areas and exchange information with local SMR holders and the National Archaeological Record (Maritime Sites).
- Promote archaeological awareness and competence amongst divers.
- Support, and where possible, assist in the publication of the results of maritime archaeological investigations, surveys and research undertaken in the Solent, Wight and adjacent South Coast areas.
- Liaise with other local, regional and national organisations involved in maritime archaeology and related disciplines.

HWTMA are funded by various sources including Hampshire Country Council, Isle of Wight Council, Southampton City Council, English Heritage, European Regional Development Fund, universities, trusts, companies and individuals. Funding is usually project based with some core funding from English Heritage, Hampshire Country Council and Isle of Wight Council. This is not an exhaustive list. Importantly as a charitable trust HWTMA is seen as an independent organisation that is able to attract funding from a range of sources and support from recreational divers and volunteers. Collaborative research projects are undertaken with universities for example Birmingham, Bristol, Southampton and York.

Relationships are summarized in the diagram overleaf.



Maritime Archaeology Ltd is a registered company owned by HWTMA. It operates on a not-for-profits basis with all profits being used to support charitable work related to promoting interest, research and knowledge of marine cultural heritage (<http://www.maritimearchaeology.co.uk>).

## 1.4 Protection and Management of Marine Archaeology in the Channel Islands

### 1.4.1 Historic Shipwrecks in the Channel Islands

Marine archaeology in the Channel Islands to date has focussed mainly on the Bailiwick of Guernsey which also includes the islands of Alderney, Herm and Sark. St Peter Port harbour forms a natural haven for shipping and does not have the same currents and tidal conditions found at St Aubin's, St Helier and other harbours in Jersey. In 1982 a diver discovered the remains of a Gallo-Roman trading vessel on the floor of St Peter Port harbour (Rule & Monaghan, 1993) supporting the view that this was the principle landing place of cargo from Iron Age and Roman merchant ships (Cunliffe, 1986). Medieval wrecks are also known from the harbour and these form the focus of a current research project (Sebire, 2005). The Alderney Elizabethan Wreck was discovered in 1970 and relocated in 1990. The wreck was scheduled under the Guernsey Wreck and Salvage (Vessels and Aircraft) (Bailiwick of Guernsey) Law 1986. Survey and conservation of the wreck is carried out under the auspices of the Alderney Maritime Trust which was established in 1993.

Historical research by Eric Sharp and John David has provided a list of 392 shipwrecks around Guernsey (David, 1962; Sharp, 1968). Comparable research has not been carried out for Jersey but it has been estimated that a similar number is probable (Ovenden, Shayer, & Hallam, 2002). How many of these shipwrecks survive is uncertain. Some have been salvaged; others will have been broken up by damage during sinking and the impact of currents.

Wrecks that are a potential hazard to shipping are marked on Admiralty Charts and these have been examined for Jersey as part of this scoping study (Figures 1–2). Several of the wrecks around Jersey are visited by recreational divers and the most popular are listed in Table 1 overleaf.

S S Hironnelle	Discovered in June 2009, sitting on her starboard side at a 45 degree angle, impressive propeller and mostly intact.	26-32m
Armed Trawler	Broken wreckage with a large boiler and bow section. Several winches and plates with an easy to follow outline.	18-26m, south of St Helier
SS Kronwyk	The Kronwyk, a small armed coaster carrying bricks, also lies off the south coast at a similar depth to the Schokland. She is upside-down, and while most of the hull is intact there is some damage amidships revealing her two large boilers. She also has two large propellers still in place and her gun is lying on the seabed, just off the bow. She was sunk in 1942 by two RAF aircraft which were apparently shot down in the attack and are rumoured to be lying not far from the Kronwyk herself, but have yet to be discovered.	22-32m, south of St Helier
SS Schokland	A Dutch freighter which sank after hitting a reef in 1943 while under the command of the German forces. She now sits upright, 225 feet long and almost completely intact on the seabed, about a mile off Portelet Bay on the south of the island. Depths to the deck vary from 20 to 30 metres, depending on the state of the tide and, like all of Jerseys wrecks, she must be dived at slack water. The first two holds still contain the remains of their cargo sacks of cement and iron girders. The third hold is now eerily empty. It was carrying the occupying German troops who were travelling to France on leave, most of whom perished when the ship went down.	24-32m, mile off Portelet bay
MV Heron	Largely intact wreck discovered in 2003. Sank in 1961 transporting tomatoes and lay undiscovered.	22-30m, Paternosters reef
M343	On Les Minquiers reef to the south of Jersey lies the German M343, one of four based in the Channel Islands during World War II. Her bow section has broken off and twisted on to its port side, but the rest of the ship is more or less intact, with the enormous starboard anchor still in position on her bow.	3-34m, Les Minquiers reef
TSS Princess Ena	The Princess Ena was a passenger ship which came to an abrupt end in 1935 when fire broke out in her first-class cabins while on passage between Jersey and St Malo. The fire quickly took hold and the ship sank some 9 miles south-west of Corbiere lighthouse. The wreck sits in more than 40 metres of water and is reasonably intact, with the hull split into three or four large pieces. The propeller lies on the seabed by the stern.	34-41m, nine miles south-west of Corbiere lighthouse
La Mauve	Sunk by Jersey Underwater Centre in 1993. Originally used by the States of Jersey harbours department as a maintenance vessel and diving platform, her steam engines only drove her powerful winches; without a propeller and so had to be towed everywhere. The wreck of a small fishing vessel also lies within feet of her stern.	18-30m, mile off Bouley Bay
Martinique	Tug	St Aubin's Bay
Metropolis		St Aubin's Bay

**TABLE 1:** Known wrecks around Jersey. (Sources: <http://www.divejersey.co.uk/7.html> <http://www.ukdiving.co.uk/places/coastal/articles/jersey3.htm> <http://www.bsac.com/divelocations.asp?section=1251&itemid=1939> <http://www.divesiteinfo.co.uk/Dart.htm>)



FIGURE 1: Admiralty Folio 16: 1137, Approaches to St Helier (section). Wrecks marked with red circle



FIGURE 2: Admiralty Folio 16: 1136, Jersey North Coast (section). Wrecks marked with red circle

## 1.4.2 Guernsey Law

The Wreck and Salvage (Vessels and Aircraft) (Bailiwick of Guernsey) Law, 1986 with application also in Alderney and Sark, Part 3 is specifically dedicated to historic wrecks, which are defined as 'anything in local waters which is or may prove to be (a) a vessel which has lain wrecked for not less than 50 years or since any date prior to 1946, whichever period is shorter; (b) any cargo of such a vessel; or (c) any cargo or other object lost or abandoned for either of the periods mentioned in paragraph (a)' (Section 15). The law clearly states that the ownership of a historic wreck lies with 'the States', and the States may designate an area around a site of historical, archaeological or artistic significance as a 'restricted area' (Section 18). Unless they are in possession of a license granted by the Committee and are acting within the conditions granted by it, 'no person shall in a restricted area - (a) tamper with, damage or remove any vessel, cargo or other object on or in the sea bed; (b) carry out any diving or salvage operation or use equipment constructed for diving or salvage' (Section 18.4).

The law was amended in 1998 as the The Wreck and Salvage (Amendment) (Bailiwick of Guernsey) Law, 1998. The amendment concerns the identification of the restricted area defined in Section 18, and adds a clause giving powers to 'an officer of police, the Receiver and any person authorised by the Receiver in writing in that behalf' to arrest without a warrant, 'any person reasonably suspected by him of having committed an offence under section 14, 17 or 18'.

The statutes of the Guernsey Ancient Monuments Committee (1992) (Section 2.15 Marine Archaeology) confirm that:

*Under The Wreck and Salvage (Vessels and Aircraft) (Bailiwick of Guernsey) Law 1986, the Authority is responsible for all historic wreck. The Authority has set up a special committee (the Historic Wreck Advisory Committee) comprised of eminent academics to advise it on these matters. A group of local divers (Guernsey Nautical Archaeology Team), is currently undertaking a survey of the waters around Castle Cornet and monitoring an early medieval wreck in St Peter Port harbour for the Authority. The Authority liaises closely with the Guernsey Maritime Trust over the care and conservation of the third century Gallo-Roman vessel recovered in 1985 from St Peter Port harbour. Technical and financial assistance has been afforded to the Trust.*

## 1.5 Methodology for Assessing the Extent and Nature of Shipwrecks

The extent and nature of the surviving maritime archaeological resource for Jersey is, with the exception of a small number of shipwrecks, largely unknown. It is therefore important to assess the potential number of shipwrecks, their location and preservation so that an informed assessment of their archaeological, historic and cultural significance can be made and any legal protection and management decisions put in place. It should be noted that shipwrecks sometimes become contested heritage and consultations with various stakeholders will need to be conducted with diplomacy.

**Stage 1: Historical research:** a study similar to that undertaken for the Bailiwick of Guernsey. Potential sources that can be consulted are listed below, although this is not an exhaustive list:

- Board of Trade Wreck Registers, for 1855-1898, are held by the National Maritime Museum, Greenwich, and are also available on microfilm. The *Board of Trade Casualty Returns* is available at the National Maritime Museum for the years 1873-74/5, 1877/8-90/1, 1892/3-1901/2, 1904/5 and 1906/7-1912/13. These volumes contain reports of enquiries into British ship wrecks in a given year.

- From 1850 to 1854, the *Admiralty Wreck Register* listed all wrecks around the British Isles which occasioned loss of life. It was succeeded in 1856 by the *Board of Trade Casualty Returns* (under varying titles), which from 1865 added details of wrecks in the waters of British possession abroad and of British vessels at sea, and from 1873 of wrecks in British waters or of British vessels which resulted in the loss of the vessel, even if there was no loss of life.
- From 1741, the date of the first surviving issue, *Lloyd's List* provides a daily record of information on shipping casualties received in London. As the intelligence network of Lloyd's of London grew, this source became increasingly comprehensive, not only for British vessels, and vessels wrecked in British waters, but for shipping losses worldwide. A variety of indexes is available at the Guildhall Library, London
- A named index of ships lost covering both World Wars is held by The Imperial War Museum, London
- Prior to 1741, there is no centralised source of information on shipwrecks and local newspapers are the best source <http://doug-jersey.freesevers.com/images/Jersey%20summary.htm>
- Library of the Société Jersiaise  
[http://www.theislandwiki.org/index.php/La\\_Soci%C3%A9t%C3%A9\\_Jersiaise\\_library\\_index\\_of\\_shipwreck\\_information](http://www.theislandwiki.org/index.php/La_Soci%C3%A9t%C3%A9_Jersiaise_library_index_of_shipwreck_information)
- Ministry of Culture and Communication, Heritages directorate, Department for underwater archaeological research, Marseille, France

**Stage 2: Local knowledge:** Better knowledge and understanding of known sites and potential sites can be established through discussion with the diving community in the Channel Islands. Potential discussants identified include:

- John Ovenden - Jersey
- Richard Keen - Guernsey

**Stage 3: Assessment of significance:** Based on the information gathered in Stages 1 and 2 to undertake an assessment of the significance and condition of potential historic wrecks with a view to recommendations for their legal protection. This would require the services of specialist maritime archaeologists for example:

- Wessex Archaeology Coastal & Marine
- Hampshire and Wight Trust for Maritime Archaeology (Maritime Archaeology Ltd)

## 2 Battlefields

### 2.1 Definition and Remit

Historic Scotland defines a battlefield 'as an area of land over which a battle was fought or significant activities relating to a battle occurred. A battle is a combative engagement involving wholly or largely military forces that had the aim of inflicting lethal force against an opposing force' (Historic Scotland, 2012).

English Heritage describes battlefield archaeology as: 'the study of the physical context and remains of a battle in order to shed light on the battle and the time in which it took place. This branch of archaeology shares with general archaeology the use of methodical research, survey and analysis. However, its key distinction in terms of techniques is an emphasis on interdisciplinary study and a particular use of detailed, systematic metal-detecting to identify the precise location of individual items in order to form an understanding of patterns of distribution which can shed light on the events of the battle' (2012, 3).

Another commonly used term is conflict archaeology, intended to place the study beyond that of military history and tactics of battles to encompass a more anthropological approach to the study of battles within their social context (Scott and McFeathers, 2011). Conflict archaeology is now recognized as a broadening field with the emergence and availability of new research technologies, including extensive metal detecting and GIS mapping, and has its own dedicated journal, *Journal of Conflict Archaeology* since 2005.

It is, however, generally agreed that the remit of battlefields goes beyond the interest of archaeology, and that studies of such sites should be multi-disciplinary by nature to incorporate specialists of social history and landscape studies. Furthermore, most sites will have a memorial value and association with loss of life, in some cases reflecting a dark chapter of history (Carman, 2005). The temporal nature of a battle, landscapes that are changing with use and encroachment and the numerous intangible values associated with such sites are some of the major challenges faced in their management and interpretation.

### 2.2 Designation and Protection of Battlefield Sites

#### 2.2.1 International context

Internationally, the ICOMOS International Scientific Committee on Fortifications and Military Heritage (ICOFORT), covers battlefields within its remit of the care of fortifications and historic works of military engineering, defence installations and commemorative monuments. The committee held their 2006 meeting in the Channel Islands, including Jersey, though with a focus on defence structures. There is a Jersey based member on this committee.

The Vimy Declaration for the Conservation of Battlefield Terrain (draft 2000) provides useful guidance on the management and interpretation of historic battlefields and is referred to by the United States National Park Services and Parks Canada (Appendix 2).

#### 2.2.2 Historic Battlefields in the UK

Historic battlefields have been studied as a special thematic group since the 1990s in England, with criteria established in 1995 leading to the designation of 43 English battlefield sites. The criteria have since been refined and become more detailed (English Heritage, 2012). The register specifically considers sites of military battles conducted by formed bodies of armed men under formal command. Sites of skirmishes or civil unrest are not included, whilst sites of sieges and defence positions are often protected through listing or scheduling. In Scotland, the Inventory of Historic Battlefields introduced with the Scottish Historic Environment Policy (2009) includes 39 sites that are considered to be of national importance.



In England, most current knowledge on battlefields stems from the Middle Ages onwards, with limited archaeological evidence of pre-fifteenth century battlefield sites. Although battle sites will date back to prehistory, and in England the Roman invasion, there is too limited evidence to precisely locate sites. Of 43 designated sites, 23 relate to the Civil Wars of the mid-seventeenth century, largely because there is greater body of written accounts, there is a better understanding of the historic landscape of this period enabling topographic interpretations, and battlefield debris are still easily recoverable (English Heritage, 2012).

### 2.2.3 Listing criteria and considerations

The following criteria are those adopted by English Heritage for the inclusion of sites on the Register of Historic Battlefields (English Heritage, 2012):

**Historic Significance:** This relates to the significance of the battle, and often its role as a turning point in history and political impact. In Scotland a site needs to be of 'national importance' to be considered for the inventory.

**Location:** The physical location of the battle needs to be known with some level of accuracy for a boundary to be established around it. In addition to the designated area, there may be other areas or sites that are related to it, such as encampments, areas of mass burials and the like that may also be included in the designation as long as they can be identified on the ground. In Scotland only sites for which an accurate boundary can be drawn are included in the inventory.

Other considerations, include:

**Topographic integrity:** The topography of the landscape will have played an important role in the way in which the events of the battle unfolded. 'Contours, woodland, rivers, roads, field boundaries, buildings and settlements will all contribute to this character', and understanding and appreciation of the battle. Furthermore, the landscape is likely to have played a role in the selection of a site for a battle. While a level of change in the landscape, and/or encroachment might be expected, sites where the integrity of the landscape has been significantly compromised are not included on the Register.

**Archaeological potential:** Within a battlefield site there will be potential archaeological evidence of graves, earthworks, scars, assemblages of bullets or arrowheads and personal effects. These can now be surveyed and documented through systematic studies to determine the archaeological significance of a site that will also lead to a better understanding of the sequence of events.

**Documentation:** Documentation is crucial in locating and understanding of battle sites, and can range from contemporaneous written accounts to letters, memoirs and more recent archaeological and academic studies. Documentation also supports the determination of the significance of a site.

**Military innovations:** Battle sites where new military innovations, technology or a change in tactic were employed.

**Biographic associations:** The link of a site to an important political figure and their career.

**Commemoration:** Battlefields will also be places where there has been a significant loss of life for which they will also be places of memorials, either erected formally or reflected in various forms of remembrance events or surrounding place names.

#### 2.2.4 Battlefield Sites in Jersey

The most notable battle known to have taken place in Jersey is the Battle of Jersey of 1781, which took place in Royal Square. Unlike most battlefield sites discussed above, the location of this battlefield is in the centre of St Helier. The battle is commemorated in the square as well as in the names of buildings and places around the square. The square is not, however, formally designated as a place of historic and archaeological significance.

There are likely to be several other sites on the island that might be linked to conflicts or skirmishes, but these have not been formally identified and are probably unlikely to produce sufficient evidence of location and artifacts to justify designation in their own right.

In more recent history, the German Occupation during the Second World War, has created a new layer of conflict archaeology on the island. Many of the sites related to the occupation are already protected under Jersey Law as listed buildings or places.

### 2.3 Management and Interpretation

The biggest threat to battlefields sites is often development pressures and encroachment. In England for example, six of 43 registered sites are considered to be 'at risk'. Management of sites can often depend on local planning authorities' willingness to incorporate sites into local planning and development frameworks and actively safeguard them from development.

Battles took place in landscapes that were living and working environments, which have continued to evolve over time, and may need to continue to do so. However, with a growing awareness of the heritage value of battlefield sites there are a number of management practices such as agri-environment schemes the formation of Friends' or local community groups who can take a proactive role in managing and promoting sites.

The interpretation of sites to general public can also be difficult, especially as there will limited visual relics in-situ at the sites and much of the significance can be intangible by nature. At many battlefields sites management and interpretation measures linked to archaeological sites and cultural landscapes (including historic urban landscapes) will need to be combined.



## 3 Recommendations

### 3.1 Recommendations concerning Underwater Cultural Heritage in Jersey

#### Research

There is a recognised potential for close to 400 wreck sites around the island of Jersey, only a small number of which have been identified and recorded. The first step towards building a more accurate picture of this cultural heritage asset would be to undertake further research that in the first instance would identify known and potential underwater sites of cultural and historic significance.

Information sources relating to possible wrecks have been listed in Section 1.5 of this report. While some of this research will need to be undertaken by specialists, there is a scope to involve various community groups and volunteers to undertake the initial research, such as the Société Jersiaise or the Channel Islands Occupation Society, amongst others.

A further line of enquiry will relate to prehistoric sites. There are a number of ongoing research projects in this area that could be built on or consulted. These include:

- Quaternary Environments and Archaeology of Jersey (Pope et al., 2012)
- Neolithic Stepping Stones (<http://www.neolithicsteppingstones.org>) for which Guernsey Museum and Galleries is a partner.

#### Inventory and database

Once a clearer picture emerges from the various lines of enquiry an initial inventory can be established. Ideally, the inventory should then be transferred to the standard Historic Environment Record.

It is unlikely that all the vessels identified or sites will have survived and the next step will be to establish where sites are and link information available on sites that are already known with the HER. At this stage the significance and condition of the wrecks can also be entered on the HER.

#### Protection and Management

The effective protection and management of historic wreck sites around Jersey is dependent on the necessary policies for their designation places of historic and archaeological significance, their protection as such, and licencing of access to and salvage obtained. This is urgently needed.

#### Legal implications

Based on the experience of the UK and Guernsey, and given the increasing risk to underwater cultural heritage sites, it is important that the States of Jersey as a matter of priority engage in developing appropriate legislation to protect the underwater cultural heritage. This should be based on the 2001 UNESCO Convention and could also follow the example set by the UK with the 2009 Maritime and Coastal Access Act and the 2002 amendment to the National Heritage Act. The Bailiwick of Guernsey 'The Wreck and Salvage Law, 1986' (amended 1991) should also be noted and the formation of a Maritime Heritage Trust or similar extension to an existing body considered.

## 3.2 Recommendations concerning Battlefield Sites

### Research

Research into most historic periods in up until the Second World War Jersey will include some element of conflict archaeology. It is most likely that any unknown battlefield sites will emerge from ongoing historic research and archaeological investigations on the island.

### Inventory and database

Given the small number of battlefield sites in Jersey and the different nature of the various conflict sites, it is probably not necessary to retain an exclusive inventory or list of historic battlefield sites. It would, however, be advisable to generate a category on the Historic Environment Record to clearly note sites related to conflict and clarify their boundaries of significance in relation to the conflict/battle on the GIS maps.

### Protection and Management

In accordance with current Jersey laws on the listing of buildings and places of historic significance.

### Legal implications

We assume that the protection of battlefield sites or areas that are not already protected through the HER in Jersey can be protected as 'historic places', in the way that historic landscapes are now being registered.

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## Appendix 1: UNESCO Convention on Underwater Cultural Heritage

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 15 October to 3 November 2001, at its 31st session,

**Acknowledging** the importance of underwater cultural heritage as an integral part of the cultural heritage of humanity and a particularly important element in the history of peoples, nations, and their relations with each other concerning their common heritage,

**Realizing** the importance of protecting and preserving the underwater cultural heritage and that responsibility therefor rests with all States,

**Noting** growing public interest in and public appreciation of underwater cultural heritage,

**Convinced** of the importance of research, information and education to the protection and preservation of underwater cultural heritage,

**Convinced** of the public's right to enjoy the educational and recreational benefits of responsible non-intrusive access to in situ underwater cultural heritage, and of the value of public education to contribute to awareness, appreciation and protection of that heritage,

**Aware** of the fact that underwater cultural heritage is threatened by unauthorized activities directed at it, and of the need for stronger measures to prevent such activities,

**Conscious** of the need to respond appropriately to the possible negative impact on underwater cultural heritage of legitimate activities that may incidentally affect it,

**Deeply** concerned by the increasing commercial exploitation of underwater cultural heritage, and in particular by certain activities aimed at the sale, acquisition or barter of underwater cultural heritage,

**Aware** of the availability of advanced technology that enhances discovery of and access to underwater cultural heritage,

**Believing** that cooperation among States, international organizations, scientific institutions, professional organizations, archaeologists, divers, other interested parties and the public at large is essential for the protection of underwater cultural heritage,

**Considering** that survey, excavation and protection of underwater cultural heritage necessitate the availability and application of special scientific methods and the use of suitable techniques and equipment as well as a high degree of professional specialization, all of which indicate a need for uniform governing criteria,

**Realizing** the need to codify and progressively develop rules relating to the protection and preservation of underwater cultural heritage in conformity with international law and practice, including the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 14 November 1970, the UNESCO Convention for the Protection of the World Cultural and Natural Heritage of 16 November 1972 and the United Nations Convention on the Law of the Sea of 10 December 1982,

**Committed** to improving the effectiveness of measures at international, regional and national levels for the preservation in situ or, if necessary for scientific or protective purposes, the careful recovery of underwater cultural heritage,



**Having** decided at its twenty-ninth session that this question should be made the subject of an international convention,

Adopts this second day of November 2001 this Convention.

#### **Article 1 – Definitions**

For the purposes of this Convention:

1. (a) “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 such as:

- (i) sites, structures, buildings, artefacts and human remains, together with their archaeological and natural context;
- (ii) vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archaeological and natural context; and
- (iii) objects of prehistoric character.

(b) Pipelines and cables placed on the seabed shall not be considered as underwater cultural heritage.

(c) Installations other than pipelines and cables, placed on the seabed and still in use, shall not be considered as underwater cultural heritage.

2. (a) “States Parties” means States which have consented to be bound by this Convention and for which this Convention is in force.

(b) This Convention applies *mutatis mutandis* to those territories referred to in Article 26, paragraph 2(b), which become Parties to this Convention in accordance with the conditions set out in that paragraph, and to that extent “States Parties” refers to those territories.

3. “UNESCO” means the United Nations Educational, Scientific and Cultural Organization.

4. “Director-General” means the Director-General of UNESCO.

5. “Area” means the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.

6. “Activities directed at underwater cultural heritage” means activities having underwater cultural heritage as their primary object and which may, directly or indirectly, physically disturb or otherwise damage underwater cultural heritage.

7. “Activities incidentally affecting underwater cultural heritage” means activities which, despite not having underwater cultural heritage as their primary object or one of their objects, may physically disturb or otherwise damage underwater cultural heritage.

8. “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.

9. “Rules” means the Rules concerning activities directed at underwater cultural heritage, as referred to in Article 33 of this Convention.

#### **Article 2 – Objectives and general principles**

1. This Convention aims to ensure and strengthen the protection of underwater cultural heritage.

2. States Parties shall cooperate in the protection of underwater cultural heritage.

3. States Parties shall preserve underwater cultural heritage for the benefit of humanity in conformity with the provisions of this Convention.
4. States Parties shall, individually or jointly as appropriate, take all appropriate measures in conformity with this Convention and with international law that are necessary to protect underwater cultural heritage, using for this purpose the best practicable means at their disposal and in accordance with their capabilities.
5. The preservation in situ of underwater cultural heritage shall be considered as the first option before allowing or engaging in any activities directed at this heritage.
6. Recovered underwater cultural heritage shall be deposited, conserved and managed in a manner that ensures its long-term preservation.
7. Underwater cultural heritage shall not be commercially exploited.
8. Consistent with State practice and international law, including the United Nations Convention on the Law of the Sea, nothing in this Convention shall be interpreted as modifying the rules of international law and State practice pertaining to sovereign immunities, nor any State's rights with respect to its State vessels and aircraft.
9. States Parties shall ensure that proper respect is given to all human remains located in maritime waters.
10. 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.
11. No act or activity undertaken on the basis of this Convention shall constitute grounds for claiming, contending or disputing any claim to national sovereignty or jurisdiction.

**Article 3 – Relationship between this Convention and the United Nations Convention on the Law of the Sea**

Nothing in this Convention shall prejudice the rights, jurisdiction and duties of States under international law, including the United Nations Convention on the Law of the Sea. This Convention shall be interpreted and applied in the context of and in a manner consistent with international law, including the United Nations Convention on the Law of the Sea.

**Article 4 – Relationship to law of salvage and law of finds**

Any activity relating to underwater cultural heritage to which this Convention applies shall not be subject to the law of salvage or law of finds, unless it:

- (a) is authorized by the competent authorities, and
- (b) is in full conformity with this Convention, and
- (c) ensures that any recovery of the underwater cultural heritage achieves its maximum protection.

**Article 5 – Activities incidentally affecting underwater cultural heritage**

Each State Party shall use the best practicable means at its disposal to prevent or mitigate any adverse effects that might arise from activities under its jurisdiction incidentally affecting underwater cultural heritage.

**Article 6 – Bilateral, regional or other multilateral agreements**

1. States Parties are encouraged to enter into bilateral, regional or other multilateral agreements or develop existing agreements, for the preservation of underwater cultural

heritage. All such agreements shall be in full conformity with the provisions of this Convention and shall not dilute its universal character. States may, in such agreements, adopt rules and regulations which would ensure better protection of underwater cultural heritage than those adopted in this Convention.

2. The Parties to such bilateral, regional or other multilateral agreements may invite States with a verifiable link, especially a cultural, historical or archaeological link, to the underwater cultural heritage concerned to join such agreements.

3. This Convention shall not alter the rights and obligations of States Parties regarding the protection of sunken vessels, arising from other bilateral, regional or other multilateral agreements concluded before its adoption, and, in particular, those that are in conformity with the purposes of this Convention.

#### **Article 7 – Underwater cultural heritage in internal waters, archipelagic waters and territorial sea**

1. States Parties, in the exercise of their sovereignty, have the exclusive right to regulate and authorize activities directed at underwater cultural heritage in their internal waters, archipelagic waters and territorial sea.

2. Without prejudice to other international agreements and rules of international law regarding the protection of underwater cultural heritage, States Parties shall require that the Rules be applied to activities directed at underwater cultural heritage in their internal waters, archipelagic waters and territorial sea.

3. Within their archipelagic waters and territorial sea, in the exercise of their sovereignty and in recognition of general practice among States, States Parties, with a view to cooperating on the best methods of protecting State vessels and aircraft, should inform the flag State Party to this Convention and, if applicable, other States with a verifiable link, especially a cultural, historical or archaeological link, with respect to the discovery of such identifiable State vessels and aircraft.

#### **Article 8 – Underwater cultural heritage in the contiguous zone**

Without prejudice to and in addition to Articles 9 and 10, and in accordance with Article 303, paragraph 2, of the United Nations Convention on the Law of the Sea, States Parties may regulate and authorize activities directed at underwater cultural heritage within their contiguous zone. In so doing, they shall require that the Rules be applied.

#### **Article 9 – Reporting and notification in the exclusive economic zone and on the continental shelf**

1. All States Parties have a responsibility to protect underwater cultural heritage in the exclusive economic zone and on the continental shelf in conformity with this Convention.

Accordingly:

(a) a State Party shall require that when its national, or a vessel flying its flag, discovers or intends to engage in activities directed at underwater cultural heritage located in its exclusive economic zone or on its continental shelf, the national or the master of the vessel shall report such discovery or activity to it;

(b) in the exclusive economic zone or on the continental shelf of another State Party:

(i) States Parties shall require the national or the master of the vessel to report such discovery or activity to them and to that other State Party;

(ii) alternatively, a State Party shall require the national or master of the vessel to report such discovery or activity to it and shall ensure the rapid and effective transmission of such reports to all other States Parties.

2. On depositing its instrument of ratification, acceptance, approval or accession, a State Party shall declare the manner in which reports will be transmitted under paragraph 1(b) of this Article.

3. A State Party shall notify the Director-General of discoveries or activities reported to it under paragraph 1 of this Article.

4. The Director-General shall promptly make available to all States Parties any information notified to him under paragraph 3 of this Article.

5. Any State Party may declare to the State Party in whose exclusive economic zone or on whose continental shelf the underwater cultural heritage is located its interest in being consulted on how to ensure the effective protection of that underwater cultural heritage. Such declaration shall be based on a verifiable link, especially a cultural, historical or archaeological link, to the underwater cultural heritage concerned.

**Article 10 – Protection of underwater cultural heritage in the exclusive economic zone and on the continental shelf**

1. No authorization shall be granted for an activity directed at underwater cultural heritage located in the exclusive economic zone or on the continental shelf except in conformity with the provisions of this Article.

2. A State Party in whose exclusive economic zone or on whose continental shelf underwater cultural heritage is located has the right to prohibit or authorize any activity directed at such heritage to prevent interference with its sovereign rights or jurisdiction as provided for by international law including the United Nations Convention on the Law of the Sea.

3. Where there is a discovery of underwater cultural heritage or it is intended that activity shall be directed at underwater cultural heritage in a State Party's exclusive economic zone or on its continental shelf, that State Party shall:

(a) consult all other States Parties which have declared an interest under Article 9, paragraph 5, on how best to protect the underwater cultural heritage;

(b) coordinate such consultations as "Coordinating State", unless it expressly declares that it does not wish to do so, in which case the States Parties which have declared an interest under Article 9, paragraph 5, shall appoint a Coordinating State.

4. Without prejudice to the duty of all States Parties to protect underwater cultural heritage by way of all practicable measures taken in accordance with international law to prevent immediate danger to the underwater cultural heritage, including looting, the Coordinating State may take all practicable measures, and/or issue any necessary authorizations in conformity with this Convention and, if necessary prior to consultations, to prevent any immediate danger to the underwater cultural heritage, whether arising from human activities or any other cause, including looting. In taking such measures assistance may be requested from other States Parties.

5. The Coordinating State:

(a) shall implement measures of protection which have been agreed by the consulting States, which include the Coordinating State, unless the consulting States, which include the Coordinating State, agree that another State Party shall implement those measures;

(b) shall issue all necessary authorizations for such agreed measures in conformity with the Rules, unless the consulting States, which include the Coordinating State, agree that another State Party shall issue those authorizations;

(c) may conduct any necessary preliminary research on the underwater cultural heritage and shall issue all necessary authorizations therefore, and shall promptly inform the Director-

General of the results, who in turn will make such information promptly available to other States Parties.

6. In coordinating consultations, taking measures, conducting preliminary research and/or issuing authorizations pursuant to this Article, the Coordinating State shall act on behalf of the States Parties as a whole and not in its own interest. Any such action shall not in itself constitute a basis for the assertion of any preferential or jurisdictional rights not provided for in international law, including the United Nations Convention on the Law of the Sea.

7. Subject to the provisions of paragraphs 2 and 4 of this Article, no activity directed at State vessels and aircraft shall be conducted without the agreement of the flag State and the collaboration of the Coordinating State.

#### **Article 11 – Reporting and notification in the Area**

1. States Parties have a responsibility to protect underwater cultural heritage in the Area in conformity with this Convention and Article 149 of the United Nations Convention on the Law of the Sea. Accordingly when a national, or a vessel flying the flag of a State Party, discovers or intends to engage in activities directed at underwater cultural heritage located in the Area, that State Party shall require its national, or the master of the vessel, to report such discovery or activity to it.

2. States Parties shall notify the Director-General and the Secretary-General of the International Seabed Authority of such discoveries or activities reported to them.

3. The Director-General shall promptly make available to all States Parties any such information supplied by States Parties.

4. Any State Party may declare to the Director-General its interest in being consulted on how to ensure the effective protection of that underwater cultural heritage. Such declaration shall be based on a verifiable link to the underwater cultural heritage concerned, particular regard being paid to the preferential rights of States of cultural, historical or archaeological origin.

#### **Article 12 – Protection of underwater cultural heritage in the Area**

1. No authorization shall be granted for any activity directed at underwater cultural heritage located in the Area except in conformity with the provisions of this Article.

2. The Director-General shall invite all States Parties which have declared an interest under Article 11, paragraph 4, to consult on how best to protect the underwater cultural heritage, and to appoint a State Party to coordinate such consultations as the “Coordinating State”. The Director-General shall also invite the International Seabed Authority to participate in such consultations.

3. All States Parties may take all practicable measures in conformity with this Convention, if necessary prior to consultations, to prevent any immediate danger to the underwater cultural heritage, whether arising from human activity or any other cause including looting.

4. The Coordinating State shall:

(a) implement measures of protection which have been agreed by the consulting States, which include the Coordinating State, unless the consulting States, which include the Coordinating State, agree that another State Party shall implement those measures; and

(b) issue all necessary authorizations for such agreed measures, in conformity with this Convention, unless the consulting States, which include the Coordinating State, agree that another State Party shall issue those authorizations.

5. The Coordinating State may conduct any necessary preliminary research on the underwater cultural heritage and shall issue all necessary authorizations therefor, and shall promptly inform the Director-General of the results, who in turn shall make such information available to other States Parties.

6. In coordinating consultations, taking measures, conducting preliminary research, and/or issuing authorizations pursuant to this Article, the Coordinating State shall act for the benefit of humanity as a whole, on behalf of all States Parties. Particular regard shall be paid to the preferential rights of States of cultural, historical or archaeological origin in respect of the underwater cultural heritage concerned.

7. No State Party shall undertake or authorize activities directed at State vessels and aircraft in the Area without the consent of the flag State.

#### **Article 13 – Sovereign immunity**

Warships and other government ships or military aircraft with sovereign immunity, operated for non-commercial purposes, undertaking their normal mode of operations, and not engaged in activities directed at underwater cultural heritage, shall not be obliged to report discoveries of underwater cultural heritage under Articles 9, 10, 11 and 12 of this Convention. However States Parties shall ensure, by the adoption of appropriate measures not impairing the operations or operational capabilities of their warships or other government ships or military aircraft with sovereign immunity operated for non-commercial purposes, that they comply, as far as is reasonable and practicable, with Articles 9, 10, 11 and 12 of this Convention.

#### **Article 14 – Control of entry into the territory, dealing and possession**

States Parties shall take measures to prevent the entry into their territory, the dealing in, or the possession of, underwater cultural heritage illicitly exported and/or recovered, where recovery was contrary to this Convention.

#### **Article 15 – Non-use of areas under the jurisdiction of States Parties**

States Parties shall take measures to prohibit the use of their territory, including their maritime ports, as well as artificial islands, installations and structures under their exclusive jurisdiction or control, in support of any activity directed at underwater cultural heritage which is not in conformity with this Convention.

#### **Article 16 – Measures relating to nationals and vessels**

States Parties shall take all practicable measures to ensure that their nationals and vessels flying their flag do not engage in any activity directed at underwater cultural heritage in a manner not in conformity with this Convention.

#### **Article 17 – Sanctions**

1. Each State Party shall impose sanctions for violations of measures it has taken to implement this Convention.

2. Sanctions applicable in respect of violations shall be adequate in severity to be effective in securing compliance with this Convention and to discourage violations wherever they occur and shall deprive offenders of the benefit deriving from their illegal activities.

3. States Parties shall cooperate to ensure enforcement of sanctions imposed under this Article.

#### **Article 18 – Seizure and disposition of underwater cultural heritage**

1. Each State Party shall take measures providing for the seizure of underwater cultural heritage in its territory that has been recovered in a manner not in conformity with this Convention.

2. Each State Party shall record, protect and take all reasonable measures to stabilize underwater cultural heritage seized under this Convention.

3. Each State Party shall notify the Director-General and any other State with a verifiable link, especially a cultural, historical or archaeological link, to the underwater cultural heritage concerned of any seizure of underwater cultural heritage that it has made under this Convention.

4. A State Party which has seized underwater cultural heritage shall ensure that its disposition be for the public benefit, taking into account the need for conservation and research; the need for reassembly of a dispersed collection; the need for public access, exhibition and education; and the interests of any State with a verifiable link, especially a cultural, historical or archaeological link, in respect of the underwater cultural heritage concerned.

#### **Article 19 – Cooperation and information-sharing**

1. States Parties shall cooperate and assist each other in the protection and management of underwater cultural heritage under this Convention, including, where practicable, collaborating in the investigation, excavation, documentation, conservation, study and presentation of such heritage.

2. To the extent compatible with the purposes of this Convention, each State Party undertakes to share information with other States Parties concerning underwater cultural heritage, including discovery of heritage, location of heritage, heritage excavated or recovered contrary to this Convention or otherwise in violation of international law, pertinent scientific methodology and technology, and legal developments relating to such heritage.

3. Information shared between States Parties, or between UNESCO and States Parties, regarding the discovery or location of underwater cultural heritage shall, to the extent compatible with their national legislation, be kept confidential and reserved to competent authorities of States Parties as long as the disclosure of such information might endanger or otherwise put at risk the preservation of such underwater cultural heritage.

4. Each State Party shall take all practicable measures to disseminate information, including where feasible through appropriate international databases, about underwater cultural heritage excavated or recovered contrary to this Convention or otherwise in violation of international law.

#### **Article 20 – Public awareness**

Each State Party shall take all practicable measures to raise public awareness regarding the value and significance of underwater cultural heritage and the importance of protecting it under this Convention.

#### **Article 21 – Training in underwater archaeology**

States Parties shall cooperate in the provision of training in underwater archaeology, in techniques for the conservation of underwater cultural heritage and, on agreed terms, in the transfer of technology relating to underwater cultural heritage.

#### **Article 22 – Competent authorities**

1. In order to ensure the proper implementation of this Convention, States Parties shall establish competent authorities or reinforce the existing ones where appropriate, with the aim of providing for the establishment, maintenance and updating of an inventory of underwater cultural heritage, the effective protection, conservation, presentation and management of underwater cultural heritage, as well as research and education.

2. States Parties shall communicate to the Director-General the names and addresses of their competent authorities relating to underwater cultural heritage.

#### **Article 23 – Meetings of States Parties**

1. The Director-General shall convene a Meeting of States Parties within one year of the entry into force of this Convention and thereafter at least once every two years. At the request of a majority of States Parties, the Director-General shall convene an Extraordinary Meeting of States Parties.

2. The Meeting of States Parties shall decide on its functions and responsibilities.

3. The Meeting of States Parties shall adopt its own Rules of Procedure.

4. The Meeting of States Parties may establish a Scientific and Technical Advisory Body composed of experts nominated by the States Parties with due regard to the principle of equitable geographical distribution and the desirability of a gender balance.

5. The Scientific and Technical Advisory Body shall appropriately assist the Meeting of States Parties in questions of a scientific or technical nature regarding the implementation of the Rules.

#### **Article 24 – Secretariat for this Convention**

1. The Director-General shall be responsible for the functions of the Secretariat for this Convention.

2. The duties of the Secretariat shall include:

- (a) organizing Meetings of States Parties as provided for in Article 23, paragraph 1; and
- (b) assisting States Parties in implementing the decisions of the Meetings of States Parties.

#### **Article 25 – Peaceful settlement of disputes**

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention shall be subject to negotiations in good faith or other peaceful means of settlement of their own choice.

2. If those negotiations do not settle the dispute within a reasonable period of time, it may be submitted to UNESCO for mediation, by agreement between the States Parties concerned.

3. If mediation is not undertaken or if there is no settlement by mediation, the provisions relating to the settlement of disputes set out in Part XV of the United Nations Convention on the Law of the Sea apply mutatis mutandis to any dispute between States Parties to this Convention concerning the interpretation or application of this Convention, whether or not they are also Parties to the United Nations Convention on the Law of the Sea.

4. Any procedure chosen by a State Party to this Convention and to the United Nations Convention on the Law of the Sea pursuant to Article 287 of the latter shall apply to the settlement of disputes under this Article, unless that State Party, when ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, chooses another procedure pursuant to Article 287 for the purpose of the settlement of disputes arising out of this Convention.

5. A State Party to this Convention which is not a Party to the United Nations Convention on the Law of the Sea, when ratifying, accepting, approving or acceding to this Convention or at any time thereafter shall be free to choose, by means of a written declaration, one or more of the means set out in Article 287, paragraph 1, of the United Nations Convention on the Law of the Sea for the purpose of settlement of disputes under this Article. Article 287 shall apply to



such a declaration, as well as to any dispute to which such State is party, which is not covered by a declaration in force. For the purpose of conciliation and arbitration, in accordance with Annexes V and VII of the United Nations Convention on the Law of the Sea, such State shall be entitled to nominate conciliators and arbitrators to be included in the lists referred to in Annex V, Article 2, and Annex VII, Article 2, for the settlement of disputes arising out of this Convention.

**Article 26 – Ratification, acceptance, approval or accession**

1. This Convention shall be subject to ratification, acceptance or approval by Member States of UNESCO.

2. This Convention shall be subject to accession:

(a) by States that are not members of UNESCO but are members of the United Nations or of a specialized agency within the United Nations system or of the International Atomic Energy Agency, as well as by States Parties to the Statute of the International Court of Justice and any other State invited to accede to this Convention by the General Conference of UNESCO;

(b) by territories which enjoy full internal self-government, recognized as such by the United Nations, but have not attained full independence in accordance with General Assembly resolution 1514 (XV) and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General.

**Article 27 – Entry into force**

This Convention shall enter into force three months after the date of the deposit of the twentieth instrument referred to in Article 26, but solely with respect to the twenty States or territories that have so deposited their instruments. It shall enter into force for each other State or territory three months after the date on which that State or territory has deposited its instrument.

**Article 28 – Declaration as to inland waters** When ratifying, accepting, approving or acceding to this Convention or at any time thereafter, any State or territory may declare that the Rules shall apply to inland waters not of a maritime character.

**Article 29 – Limitations to geographical scope**

At the time of ratifying, accepting, approving or acceding to this Convention, a State or territory may make a declaration to the depositary that this Convention shall not be applicable to specific parts of its territory, internal waters, archipelagic waters or territorial sea, and shall identify therein the reasons for such declaration. Such State shall, to the extent practicable and as quickly as possible, promote conditions under which this Convention will apply to the areas specified in its declaration, and to that end shall also withdraw its declaration in whole or in part as soon as that has been achieved.

**Article 30 – Reservations**

With the exception of Article 29, no reservations may be made to this Convention.

**Article 31 – Amendments**

1. A State Party may, by written communication addressed to the Director-General, propose amendments to this Convention. The Director-General shall circulate such communication to all States Parties. If, within six months from the date of the circulation of the communication, not less than one half of the States Parties reply favourably to the request, the Director-General shall present such proposal to the next Meeting of States Parties for discussion and possible adoption.

2. Amendments shall be adopted by a two-thirds majority of States Parties present and voting.

3. Once adopted, amendments to this Convention shall be subject to ratification, acceptance, approval or accession by the States Parties.

4. Amendments shall enter into force, but solely with respect to the States Parties that have ratified, accepted, approved or acceded to them, three months after the deposit of the instruments referred to in paragraph 3 of this Article by two thirds of the States Parties. Thereafter, for each State or territory that ratifies, accepts, approves or accedes to it, the amendment shall enter into force three months after the date of deposit by that Party of its instrument of ratification, acceptance, approval or accession.

5. A State or territory which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention by that State or territory, be considered:

(a) as a Party to this Convention as so amended; and

(b) as a Party to the un-amended Convention in relation to any State Party not bound by the amendment.

#### **Article 32 – Denunciation**

1. A State Party may, by written notification addressed to the Director-General, denounce this Convention.

2. The denunciation shall take effect twelve months after the date of receipt of the notification, unless the notification specifies a later date.

3. The denunciation shall not in any way affect the duty of any State Party to fulfil any obligation embodied in this Convention to which it would be subject under international law independently of this Convention.

#### **Article 33 – The Rules**

The Rules annexed to this Convention form an integral part of it and, unless expressly provided otherwise, a reference to this Convention includes a reference to the Rules.

#### **Article 34 – Registration with the United Nations**

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General.

#### **Article 35 – Authoritative texts**

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authoritative.

#### **Annex Rules concerning activities directed at underwater cultural heritage I. General principles**

**Rule 1.** The protection of underwater cultural heritage through in situ preservation shall be considered as the first option. Accordingly, activities directed at underwater cultural heritage shall be authorized in a manner consistent with the protection of that heritage, and subject to that requirement may be authorized for the purpose of making a significant contribution to protection or knowledge or enhancement of underwater cultural heritage.

**Rule 2.** The commercial exploitation of underwater cultural heritage for trade or speculation or its irretrievable dispersal is fundamentally incompatible with the protection and proper management of underwater cultural heritage. Underwater cultural heritage shall not be traded, sold, bought or bartered as commercial goods. This Rule cannot be interpreted as

preventing: (a) the provision of professional archaeological services or necessary services incidental thereto whose nature and purpose are in full conformity with this Convention and are subject to the authorization of the competent authorities; (b) the deposition of underwater cultural heritage, recovered in the course of a research project in conformity with this Convention, provided such deposition does not prejudice the scientific or cultural interest or integrity of the recovered material or result in its irretrievable dispersal; is in accordance with the provisions of Rules 33 and 34; and is subject to the authorization of the competent authorities.

**Rule 3.** Activities directed at underwater cultural heritage shall not adversely affect the underwater cultural heritage more than is necessary for the objectives of the project.

**Rule 4.** Activities directed at underwater cultural heritage must use nondestructive techniques and survey methods in preference to recovery of objects. If excavation or recovery is necessary for the purpose of scientific studies or for the ultimate protection of the underwater cultural heritage, the methods and techniques used must be as non-destructive as possible and contribute to the preservation of the remains.

**Rule 5.** Activities directed at underwater cultural heritage shall avoid the unnecessary disturbance of human remains or venerated sites.

**Rule 6.** Activities directed at underwater cultural heritage shall be strictly regulated to ensure proper recording of cultural, historical and archaeological information.

**Rule 7.** Public access to in situ underwater cultural heritage shall be promoted, except where such access is incompatible with protection and management.

**Rule 8.** International cooperation in the conduct of activities directed at underwater cultural heritage shall be encouraged in order to further the effective exchange or use of archaeologists and other relevant professionals.

## **II. Project design**

**Rule 9.** Prior to any activity directed at underwater cultural heritage, a project design for the activity shall be developed and submitted to the competent authorities for authorization and appropriate peer review.

**Rule 10.** The project design shall include: (a) an evaluation of previous or preliminary studies; (b) the project statement and objectives; (c) the methodology to be used and the techniques to be employed; (d) the anticipated funding; (e) an expected timetable for completion of the project; (f) the composition of the team and the qualifications, responsibilities and experience of each team member; (g) plans for post-fieldwork analysis and other activities; (h) a conservation programme for artefacts and the site in close cooperation with the competent authorities; (i) a site management and maintenance policy for the whole duration of the project; (j) a documentation programme; (k) a safety policy; (l) an environmental policy; (m) arrangements for collaboration with museums and other institutions, in particular scientific institutions; (n) report preparation; (o) deposition of archives, including underwater cultural heritage removed; and (p) a programme for publication.

**Rule 11.** Activities directed at underwater cultural heritage shall be carried out in accordance with the project design approved by the competent authorities.

**Rule 12.** Where unexpected discoveries are made or circumstances change, the project design shall be reviewed and amended with the approval of the competent authorities.

**Rule 13.** In cases of urgency or chance discoveries, activities directed at the underwater cultural heritage, including conservation measures or activities for a period of short duration, in particular site stabilization, may be authorized in the absence of a project design in order to protect the underwater cultural heritage.

### **III. Preliminary work**

**Rule 14.** The preliminary work referred to in Rule 10 (a) shall include an assessment that evaluates the significance and vulnerability of the underwater cultural heritage and the surrounding natural environment to damage by the proposed project, and the potential to obtain data that would meet the project objectives.

**Rule 15.** The assessment shall also include background studies of available historical and archaeological evidence, the archaeological and environmental characteristics of the site, and the consequences of any potential intrusion for the long-term stability of the underwater cultural heritage affected by the activities.

### **IV. Project objective, methodology and techniques**

**Rule 16.** The methodology shall comply with the project objectives, and the techniques employed shall be as non-intrusive as possible.

### **V. Funding**

**Rule 17.** Except in cases of emergency to protect underwater cultural heritage, an adequate funding base shall be assured in advance of any activity, sufficient to complete all stages of the project design, including conservation, documentation and curation of recovered artefacts, and report preparation and dissemination.

**Rule 18.** The project design shall demonstrate an ability, such as by securing a bond, to fund the project through to completion.

**Rule 19.** The project design shall include a contingency plan that will ensure conservation of underwater cultural heritage and supporting documentation in the event of any interruption of anticipated funding.

### **VI. Project duration – timetable**

**Rule 20.** An adequate timetable shall be developed to assure in advance of any activity directed at underwater cultural heritage the completion of all stages of the project design, including conservation, documentation and curation of recovered underwater cultural heritage, as well as report preparation and dissemination.

**Rule 21.** The project design shall include a contingency plan that will ensure conservation of underwater cultural heritage and supporting documentation in the event of any interruption or termination of the project.

### **VII. Competence and qualifications**

**Rule 22.** Activities directed at underwater cultural heritage shall only be undertaken under the direction and control of, and in the regular presence of, a qualified underwater archaeologist with scientific competence appropriate to the project.

**Rule 23.** All persons on the project team shall be qualified and have demonstrated competence appropriate to their roles in the project.

### **VIII. Conservation and site management**

**Rule 24.** The conservation programme shall provide for the treatment of the archaeological remains during the activities directed at underwater cultural heritage, during transit and in the

long term. Conservation shall be carried out in accordance with current professional standards.

**Rule 25.** The site management programme shall provide for the protection and management in situ of underwater cultural heritage, in the course of and upon termination of fieldwork. The programme shall include public information, reasonable provision for site stabilization, monitoring, and protection against interference.

#### **IX. Documentation**

**Rule 26.** The documentation programme shall set out thorough documentation including a progress report of activities directed at underwater cultural heritage, in accordance with current professional standards of archaeological documentation.

**Rule 27.** Documentation shall include, at a minimum, a comprehensive record of the site, including the provenance of underwater cultural heritage moved or removed in the course of the activities directed at underwater cultural heritage, field notes, plans, drawings, sections, and photographs or recording in other media.

#### **X. Safety**

**Rule 28.** A safety policy shall be prepared that is adequate to ensure the safety and health of the project team and third parties and that is in conformity with any applicable statutory and professional requirements.

#### **XI. Environment**

**Rule 29.** An environmental policy shall be prepared that is adequate to ensure that the seabed and marine life are not unduly disturbed.

#### **XII. Reporting**

**Rule 30.** Interim and final reports shall be made available according to the timetable set out in the project design, and deposited in relevant public records.

**Rule 31.** Reports shall include: (a) an account of the objectives; (b) an account of the methods and techniques employed; (c) an account of the results achieved; (d) basic graphic and photographic documentation on all phases of the activity; (e) recommendations concerning conservation and curation of the site and of any underwater cultural heritage removed; and (f) recommendations for future activities.

#### **XIII. Curation of project archives**

**Rule 32.** Arrangements for curation of the project archives shall be agreed to before any activity commences, and shall be set out in the project design.

**Rule 33.** The project archives, including any underwater cultural heritage removed and a copy of all supporting documentation shall, as far as possible, be kept together and intact as a collection in a manner that is available for professional and public access as well as for the curation of the archives. This should be done as rapidly as possible and in any case not later than ten years from the completion of the project, in so far as may be compatible with conservation of the underwater cultural heritage.

**Rule 34.** The project archives shall be managed according to international professional standards, and subject to the authorization of the competent authorities.

#### **XIV. Dissemination**

**Rule 35.** Projects shall provide for public education and popular presentation of the project results where appropriate.

**Rule 36.** A final synthesis of a project shall be: (a) made public as soon as possible, having regard to the complexity of the project and the confidential or sensitive nature of the information; and (b) deposited in relevant public records.



## **Appendix 2: Vimy Declaration for the Conservation of Battlefield Terrain** (draft, 2000)

### **Preamble**

Battlefields are poignant landscapes where physical geography has been transformed into symbolic space through war, pilgrimage, memorialization and tourism, and by its ambiguity as a living tomb for the missing. The vivid, visceral imagery of battlefields, cemeteries and memorial monuments has impressed itself on historical consciousness and on our cultural memory of war.

Battlefields are significant on a number of levels: as places where major geo-political issues were decided through conflict; as places of triumph and tragedy; and as the source or inspiration for tactical or technological advances. Places like the Somme, Verdun and Gettysburg are historic sites, sacred places, and the focus of complex issues surrounding cultural heritage and the commemoration and presentation of the past. At sites where authentic battlefield terrain has been preserved, such as Vimy Ridge or Vicksburg, the visitor stands in a trench, or at the edge of a shell hole or crater, or deep inside subterranean tunnels, and there is an emotional sense of place, of intersecting the lives of the soldiers. Such locations offer a reaffirmation of personal ties, a way of remembering, and of exploring individual and collective identities.

Yet time casts its own shadow. Commemorative layers and the infrastructure required to accommodate visitors may be laid over the terrain; natural processes erode the features of the land, softening the traces of battle. The modern world brings cultural change: different attitudes and new pressures come to bear on these fragile landscapes, rendering them endangered resources. How should they be treated? How can change be managed? How will the textures of memory be presented to an ever-changing audience with a weakening personal connection to the battle?

Building on the Charter of Venice (1964), the Vimy Declaration for Conservation of Historic Battlefield Terrain<sup>1</sup> reflects a multi-disciplinary exploration of the challenges associated with protecting, presenting and managing the physical remains of historic sites of conflict. The goal is to protect the fabric and meaning of these complex cultural resources and in doing so to partly discharge the debt which the present owes the past.

### **Definitions**

A Battlefield is a landscape associated with military conflict superimposed on pre-existing natural and cultural forms, and comprises a variety of features and cultural resources, including vegetation, topography, circulation and settlement patterns, view planes, archaeological layers, built structures, battlefield terrain and earthworks. Battlefields retain multiple layers of meaning and evoke different responses in different people. Cultural, social

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<sup>1</sup> The Vimy Declaration for Conservation of Historic Battlefield Terrain was drafted by participants at the First International Workshop on Conservation of Battlefield Terrain, held in Arras, France, on March 1-3, 2000 at the invitation of Veterans Affairs Canada. Participating organizations included Veterans Affairs Canada; Heritage Conservation Program, Real Property Services for Parks Canada, Public Works and Government Services Canada; United States National Park Service; Parks Canada; the National Battlefield Commission of the Department of Canadian Heritage; English Heritage; the Durand Group (United Kingdom); University College London; City of Arras, France; American Battle Monuments Commission; Ministry of Culture and Communication (France); and the Commonwealth War Graves Commission.



and political perceptions and interpretations and personal responses to battlefields evolve over time.

Battlefield Terrain is a component of a battlefield landscape, and for the purposes of this charter includes the physical evidence of the battle or of preparations for the operations of war; tactical features, fortifications, trenches, dugouts and other subterranean works, shell-holes, craters and other scarring of the landscape, burials, and associated artifacts including obstacles, ordnance and equipment.

Commemorative Layers are features added to a battlefield to commemorate the event and the participants, such as monuments and designed landscapes, and may have value not only for their design but also as an expression of changing social and political perceptions of the event. Commemorative layers may meet or overlay battlefield terrain.

Archaeological Layers refer to the surface and subsurface remains that exist in a continuum with, and form an integral part of the battlefield landscape.

## **Objectives**

Article 1.

This charter applies to the conservation of battlefields and associated resources as defined above.

Article 2.

Battlefield terrain is subject to natural and human processes that cause change over time. Certain features, particularly earthworks and landscape scarring, will gradually disappear. The objective of battlefield conservation is to reconcile the goals of commemoration, conservation, presentation, visitor safety, and site management in such a way that battlefield terrain and related features are protected and contribute to visitor understanding and appreciation of the site. As perceptions of the battle will also change with the passing of time, a related objective is to preserve the site in such condition that future generations of visitors and scholars may measure new hypotheses and insights against authentic vestiges of the battle.

## **Research and Documentation**

Article 3.

In addition to ongoing research and documentation of the battle and of the experience of individual combatants within the broader historical, cultural, social and geo-political context, research of the terrain features themselves and of the larger physical context is critical to understanding the spatial and temporal relationships between the various layers and features that make up battlefield landscapes. Research (historical, archaeological, biological, cartographical and other) provides vital information for the understanding, evaluation, management and presentation of these sites.

Article 4.

Resource inventories, mapping and other forms of documentation are essential for identifying and understanding resources, for devising effective management strategies and for informing future research. It is appropriate to set aside particularly significant areas of battlefield terrain specifically for research and study, and limit visitation to these zones accordingly.

## **Authenticity and Integrity**

### Article 5.

While time and nature will change battlefield terrain, the authentic place has the ability to evoke powerful emotional responses in visitors that a facsimile cannot. Authenticity of place and its evocative power are enhanced by retaining the integrity of the landscape and the battlefield terrain.

### Article 6.

Battlefields have integrity when evidence of the battle or of preparation for it is legible, coherent and protected, when significant views and spatial relationships of significant features are retained, and when significant concealed features are correlated to the visible terrain. Integrity also resides in evidence of the passage of time and the patina of age resulting from natural processes.

### Article 7.

Integrity and authenticity are protected through preventive conservation, which includes careful planning to minimize the impact of operations, visitor facilities and maintenance regimes, and retaining original material and form to the extent that nature will allow. The remnants of military activity left on the battlefield following military conflict, and the patterning of these artifacts, comprise important documentation of military engagement. Where possible they should be maintained in situ and the integrity of the archaeological record protected.

### Article 8.

Interventions that alter battlefield features compromise their integrity. Integrity of compromised features may be enhanced through treatments that are compatible with the character of adjacent terrain.

### Article 9.

While reconstructing missing features may be an effective interpretive method in some contexts, reconstructed terrain lacks authenticity and should not be imposed on authentic battlefield remains. Reconstruction of missing battlefield terrain features must be preceded by a thorough planning process that includes appropriate research and documentation.

## **Planning, Treatment, and Conservation**

### Article 10.

Treatment is defined as an intervention to conserve, stabilize, protect or otherwise delay the loss of battlefield terrain. The primary objective of treatment will be the conservation of battlefield resources for future generations.

### Article 11.

Decisions about treatment will be based on multi-disciplinary research, investigation and long-term planning. Disciplines and interest groups that contribute to understanding battlefield terrain include, but are not limited to, conservation professionals, cultural resource managers, natural resource managers, landscape architects, mapping and survey specialists, veterans, military historians and engineers, ordnance specialists, presentation specialists, anthropologists, archaeologists, soil and forestry scientists, arborists, horticulturalists, ecologists and site managers. Specialist knowledge of battlefield landscapes is rare and its development is encouraged.

### Article 12.

Appropriate research, planning, testing or monitoring must precede any treatment of battlefield terrain, in order to ensure compatibility with site conditions. Where possible, treatments should first be tested on non-historic fabric.

Article 13.

Battlefield terrain is part of a living landscape which is subject to natural processes. Treatment will be based on a sound understanding of these processes.

Article 14.

All conservation treatments must be sustainable. The decision to implement a treatment that will require ongoing maintenance must include a commitment to ensure that resources will be available in the future.

Article 15.

Treatment and presentation choices must ensure long-term protection. Choices will not only affect the character of the site, but may also affect the visitor's response, and the degree of protection from natural processes and human impacts. In all cases, treatment choices should be guided by established planning objectives.

**Repairs and Maintenance**

Article 16.

Minor repairs (e.g., patching windthrow damage, desire paths or animal activity) are carried out in a manner that does not compromise adjacent resources, and are subtly distinguishable through archaeological evidence.

Article 17.

Major repairs (e.g., reprofiling eroded forms) are documented, and are distinguishable through archaeological evidence, through contrasting maintenance regimes, or through presentation programming. As a minimum, it should be possible for a specialist to distinguish repairs from original materials and forms.

Article 18.

Personnel responsible for maintenance of battlefield terrain and earthworks are oriented to their value, are included in the process of decision-making about treatment, are trained in appropriate methods, and use least-damaging tools and techniques.

**Commemorative layers**

Article 19.

The battlefield terrain and any commemorative layer will be distinguishable from each other, yet mutually supportive and complementary. Commemorative features will be taken into consideration when defining the values of battlefield landscapes.

**Use (Education, Tourism, Commemoration)**

Article 20.

By reason of its nature and history, battlefield terrain is conducive to reflection, contemplation and learning. Appropriate activities are those which respect and promote these priorities and respect the evidence of the battle on the terrain.

Article 21.

The pressures of visitation are managed in such a way that the meaning of the sites and the fragility of the resources are acknowledged and protected. Access to battlefield terrain is managed in relation to the size and vulnerability of the site. It may be appropriate to limit the nature, frequency or schedule of access to a battlefield, or portions thereof, in order to protect fragile features.

Article 22.

It is appropriate for the names given to battlefield sites to convey a sense of history, and promote visitor understanding and appropriate use. It is acknowledged that the term 'park' suggests a recreational focus that may conflict with the appropriate conservation and presentation of battlefield terrain.

### **Visitor Understanding and Response**

Article 23.

Presentation and interpretative methods and devices protect battlefield features by using solutions that simultaneously meet the goals of understanding, and minimize impact on the terrain.

Article 24.

The presentation and interpretation of battlefields shall include and make reference to the larger historic, cultural and physical contexts of the battle(s) which occurred there.

Article 25.

Presentation and interpretation should also assist visitors to appreciate the value of the battlefield terrain and minimize their impact on it.



### **Appendix 3: List of supplementary documents**

- I. Hampshire & Wight Trust for Maritime Archaeology: A Year in Depth 2009/10
- II. Hampshire & Wight Trust for Maritime Archaeology: A Year in Depth 2010/11
- III. Hampshire & Wight Trust for Maritime Archaeology: A Year in Depth 2011/12
- IV. Hampshire & Wight Trust for Maritime Archaeology: Warship *Hazardous* Investigating a Protected Wreck  
Archaeological Atlas of the 2 Seas: A Cross-border Maritime Archaeology Project Final Report 2009-2012