

JOINT NAUTICAL ARCHAEOLOGY POLICY COMMITTEE

Wrecks in International Waters

The JNAPC's position is that historic wrecks in international waters should not be salvaged or excavated for commercial gain. Only if a wreck is under severe threat, or there is a clear research objective, should excavation take place. Otherwise the wreck should be left *in situ*. Most of these wrecks lie in very deep water and excavation techniques at depth using remote operated vehicles (ROV's) are in their infancy. Salvage today will almost certainly lead to the unnecessary loss of irreplaceable historical information. There is only one opportunity to gather the unique evidence of our past from these 'time-capsules' of history and this should not be squandered for short-term financial gain.

The cost of deep water archaeological excavation is tens of thousands of pounds sterling (or US dollars) per day and problematically the imperatives of commercial salvage are inconsistent with the methodical and painstaking requirements of proper archaeological excavation. Furthermore commercial salvage relies on the sale of the recovered artefacts to profit from the exercise.

The sale of artefacts from historic wrecks is, however, contrary to the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001 (the UNESCO Convention) which came into force on the 2nd January 2009. This is specifically stated in Article 2.7 and Rule 2 of the Annex.

Although the UK Government has been unwilling to ratify the UNESCO Convention, it has publicly endorsed the Annex and general principles of the Convention and stated that it should be followed as best practice.

The JNAPC believes that the UK Government should not therefore enter into any agreement, contract or salvage arrangement which does not comply with the principles of the Annex to the UNESCO Convention. The Annex specifically prohibits the sale of artefacts from the wrecks of historic vessels. It also requires that proper respect is given to human remains: the loss of a major warship was often accompanied by the loss of hundreds of service personnel whose last resting place may be the wreck itself.

If a wreck proves to be a sovereign immune vessel, such as a British warship in the case of HMS Victory sunk in 1744, it is a well settled point of international law that the finder has no claim to salvage rights or ownership of the recovered finds, as demonstrated in the case of the Juno and La Galga¹.

¹ Seahunt and Commonwealth of Virginia versus the unidentified shipwreck vessel or vessels: US Court of Appeal, 4th circuit 21 July 2000.