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Consultations Coordinator Defra
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Dear Sir/Madam

Consultation on the draft Joint Fisheries Statement

The Joint Nautical Archaeology Policy Committee (JNAPC) welcomes the opportunity to respond to this consultation on the draft Joint Fisheries Statement ('JFS').

The JNAPC was formed in 1988 from individuals and representatives of institutions who wished to raise awareness of the United Kingdom's underwater cultural heritage and to persuade Government that underwater sites of historic importance should receive no less protection than those on land. Some information on the JNAPC is shown in Appendix 1.

The JNAPC has a membership (see Appendix 2) that includes most of the governmental, museum, academic and voluntary organisations, and advisers concerned with submerged heritage assets, including the Nautical Archaeology Society, MAST, university professionals, various governing bodies for recreational diving and providers of professional archaeological services. The views expressed by the JNAPC do not necessarily represent the views of individual members and observers.

The JNAPC notes that the Fisheries Act 2020 ('the Act') recognises the necessity of mitigating or avoiding adverse impacts upon underwater cultural heritage ('UCH') occasioned by exploitation of sea fisheries resources. The definition of "*the marine and aquatic environment*" expressly includes "*features of archaeological or historic interest*" in marine or coastal areas (s.52). Furthermore, the Act confers a power on the Secretary of State to make provision by Regulations for a '*conservation purpose*' (s.36(1)) and such conservation purposes include "*the purpose of protecting the marine and aquatic environment from the effects of fishing or aquaculture, or of related activities*" (s.36(2)(b)). By virtue of s.42 and Schedule 8, corresponding powers are conferred on Scottish Ministers, the Welsh Ministers and the Northern Ireland department.

Joint Nautical Archaeology Policy Committee

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These provisions enable the Secretary of State and his counterparts in Devolved Administrations to make Regulations to protect UCH from adverse impacts occasioned by the exploitation of sea fisheries resources. The JNAPC would draw attention to the apparent considerable damage inflicted recently by trawling upon the site off Eastbourne in England of the historic wreck designated under the Protection of Wrecks Act 1973 as an example of the need for these provisions to be acted upon promptly across England and the Devolved Administrations. JNAPC would urge the Secretary of State and his counterparts in the Devolved Administrations to enter into immediate discussions with their relevant regulatory agencies to give effect to these provisions in the Act by introducing regulations for the protection of UCH from adverse impacts occasioned by fishing activity.

While the JNAPC welcomes the introduction of the statutory provisions referred to above, it notes with disappointment and some concern that no specific mention is made in the draft JFS of the necessity of protecting UCH from adverse impacts occasioned by fishing activity, while also noting that the comparable necessity of protecting specific habitats species through Marine Protected Areas (MPAs) is expressly addressed (para, 4.2.10.1 at p.47). It would appear that the draft JFS does not accord equality of treatment to cultural heritage as it does to natural heritage. The JNAPC would have expected a statement in the draft JFS equivalent to that in the UK Marine Policy Statement in respect of UCH (para. 2.6.6 at <https://www.gov.uk/government/publications/uk-marine-policy-statement>).

The JNAPC submits that this lacuna is a significant omission and is unjustified and would request that this inequality of status and protection for UCH in the draft JFS is rectified in the finalised JFS.

The JNAPC would welcome the opportunity to discuss further the above response and to assist Defra and the Devolved Administrations further in this matter.

Yours sincerely

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Chairman

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JOINT NAUTICAL ARCHAEOLOGY POLICY COMMITTEE

THE JNAPC - PAST, PRESENT AND FUTURE

The JNAPC was formed in 1988 from individuals and representatives of institutions who wished to raise awareness of Britain's underwater cultural heritage and to persuade government that underwater sites of historic importance should receive no less protection than those on land.

The JNAPC launched *Heritage at Sea* in May 1989, which put forward proposals for the better protection of archaeological sites underwater. Recommendations covered improved legislation and better reporting of finds, a proposed inventory of underwater sites, the waiving of fees by the Receiver of Wreck, the encouragement of seabed operators to undertake pre-disturbance surveys, greater responsibility by the Ministry of Defence and the Foreign and Commonwealth Office for their historic wrecks, proper management by government agencies of underwater sites, and the education and the training of sports divers to respect and conserve the underwater historic environment.

Government responded to *Heritage at Sea* in its White Paper *This Common Inheritance* in December 1990 in which it was announced that the Receiver's fees would be waived, the Royal Commission on the Historical Monuments of England would be funded to prepare a Maritime Record of sites, and funding would be made available for the Nautical Archaeology Society to employ a full time training officer to develop its training programmes. Most importantly the responsibility for the administration of the 1973 Protection of Wrecks Act was also transferred from the Department of Transport, where it sat rather uncomfortably, to the then heritage ministry, the Department of the Environment. Subsequently responsibility passed to the Department of National Heritage, which has since become the Department for Digital, Culture, Media and Sport.

The aim of the JNAPC has been to raise the profile of nautical archaeology in both government and diving circles and to present a consensus upon which government and other organisations can act. *Heritage at Sea* was followed up by *Still at Sea* in May 1993 which drew attention to outstanding issues, the *Code of Practice for Seabed Developers* was launched in January 1995, and an archaeological leaflet for divers, *Underwater Finds - What to Do*, was published in January 1998 in collaboration with the Sports Diving Associations BSAC, PADI and SAA. The more detailed explanatory brochure, *Underwater Finds - Guidance for Divers*, followed in May 2000 and *Wreck Diving – Don't Get Scuttled*, an educational brochure for divers, was published in October 2000.

The JNAPC continues its campaign for the education of all sea users about the importance of our maritime heritage. The JNAPC will be seeking better funding for nautical archaeology and improved legislation, a subject on which it has published initial proposals for change in *Heritage Law at Sea* in June 2000 and *An Interim Report on The Valletta Convention & Heritage Law at Sea* in 2003. The latter made detailed recommendations for legal and administrative changes to improve protection of the UK's underwater cultural heritage.

The JNAPC played a major role in English Heritage's (now Historic England) review of marine archaeological legislation and in DCMS's consultation exercise *Protecting our Marine Historic Environment: Making the System Work Better*, and was represented on the DCMS Salvage Working Group reviewing potential requirements for new legislation.

The JNAPC has also been working towards the ratification of the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage with the preparation of the *Burlington House*

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Declaration, which was presented to Government in 2006 and the Seminar on the Protection of Underwater Cultural Heritage in International Waters Adjacent to the UK in November 2010.

In 2013 the JNAPC was officially accredited as an NGO to the Meeting of States Parties and to the Scientific and Technical Advisory Body (STAB) of the 2001 UNESCO Convention.

The JNAPC endorses the report published in February 2014 by the UK UNESCO 2001 Convention Review Group entitled *The UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001 – An Impact Review for the United Kingdom*.

The JNAPC also endorses *2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage - The case for UK ratification* and *Key facts about the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage* published in March 2014 and May 2016 respectively by the Honor Frost Foundation Steering Committee on Underwater Cultural Heritage.

The JNAPC continues to advocate the improved protection of underwater cultural heritage in both territorial and international waters and is working to persuade the UK Government to ratify the 2001 UNESCO Convention.

All JNAPC publications may be seen on www.jnapc.org.uk . Other publications may be accessed by the following links:

<http://www.jnapc.org.uk/UNESCO%20Impact%20Review%20February%202014.pdf>

<http://honorfrostfoundation.org/wp/wp-content/uploads/2016/04/2001-Convention-The-Case-for-Ratification-FINAL.pdf>

<http://honorfrostfoundation.org/wp/wp-content/uploads/2016/11/Key-Facts-about-the-2001-UNESCO-Convention-050516.pdf>

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Joint Nautical Archaeology Policy Committee

Chairman

Secretariat - Nautical Archaeology Society

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Mark Beattie-Edwards

Member Organisations

Association of Local Government Archaeological Officers
 British Sub Aqua Club
 Centre for Maritime Archaeology, University of Southampton
 Honor Frost Foundation
 Maritime Archaeology Sea Trust (MAST)
 Maritime Archaeology Trust
 Mary Rose Trust
 National Maritime Museum
 National Museum of the Royal Navy
 Amgueddfa Cymru - National Museum Wales
 Nautical Archaeology Society
 Professional Association of Diving Instructors
 RESCUE
 Shipwreck Museum, Hastings (Nautical Museums Trust)
 Society for Nautical Research
 Sub Aqua Association
 The Honourable Company of Master Mariners
 United Kingdom Maritime Collections Strategy & ICOMOS
 Wessex Archaeology

Rebecca Loader
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 Mark Redknap
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 Suzanne Smith
 Robin Densem
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 Council for British Archaeology
 The Crown Estate
 Department for Communities (Northern Ireland), Historic
 Environment Division
 Department for Digital, Culture, Media and Sport
 Department for Transport
 Foreign, Commonwealth & Development Office
 Historic England
 Historic Environment Scotland
 Maritime and Coastguard Agency, Receiver of Wreck
 Ministry of Defence

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