

「オランダにおける水中遺跡の保護の取り組み」

海事プログラム：水中文化遺産のマネージメント：マネージメントの
基礎作りのための科学、政策、知識の共有

マータイン レネ マンダース（オランダ政府海事プログラム局長）

海事文化はオランダの歴史に大きな影響を与えてきた。水と人の関係の歴史は古く、水のマネージメントは早くから人々の日々の生活に結びついてきた。我々は水から恩恵を受け、時には憎み、そして、愛した。そのため、水中文化遺産は大きな意義を持つ。それは、オランダ国内だけでなく、世界各地でも同じことが言える。しかし、それでもなお 1988 年まで水中文化遺産に関する法律は文化財の法律に組み込まれてはいなかった。そのため、その日以来、水中文化遺産のマネージメントは重要となり着実に結果を残してきた。

2012 年現在（水中文化遺産の）保護とマネージメントの取り組みは、文化遺産全体からみると中心的存在ではなく、費用が掛かることや結果を出すまでに時間がかかることなどの批評を受け、未だに遅れている。そのため、オランダ国内と海外の海事・水中考古学のプロジェクトを専門で扱うプログラムの設立が計画され、科学、政策、キャパシティービルディングや知識の共有などを主な目的としている。このプログラムは現在 2 年目の活動が続けており、着実に結果を残している。このプレゼンでは、このプログラムの体制、活動内容、これまでの成果、今後のプラン、展望を報告する。最終的には、水中文化遺産のマネージメントは特別なプログラムではなく、ごく一般的な活動（仕事）として捉えられるべきである。現在、この考え方をもとに、海事プログラムを部分的に解体しつつ文化財行政全般の中に取り込む作業を行っている。ただし、国外で行われる共有遺産プロジェクトはこのプログラムを通して行われるべきであり、その他にも新しい技術・方法の開発や法律に関することは引き続き専門のプログラムが必要であろう。これらは海事プログラムの中心となる事業であると考えられる。このプログラムで行う事業は、単体で行うことはできない。水中遺跡の保護やマネージメントに関するすべての事業は他機関などの協力が成功のカギとなる。オランダにおける地方分権とはそれぞれの自治体がどのような文化遺産を管理するかを決める権利を有する。マルタ会議（ヴァレッタ条約）によると、建設会社や道路交通公団、海運局などがその権利を有するとされる。政府自体は考古学調査を行うわけではなく、発掘業者などが調査を行っている。この体制のもとでは政府の政策も変わってくる。現在我々は、法律や政策を巧みに利用しながら、これらの業者が行うべきフォーマットを作成し、迅速で効率の良い調査方法の確立を目指している。調査の質の標準を作成することにより、質の高い水中調査を可能としている。また、国のリサーチの方針によりどの遺跡が調査されるかも決定することがある。科学的な研究成果によると（少なくともヨーロッパにおいては）遺跡の現地保存とマネージメントとモニタリングが可能となっている。

現在の体制では、考古学者・スポーツダイバー・政治家・産業など様々な分野の人々がそれぞれの役割を果たす。それぞれの分野の区分（役割）を明確に定義することにより、それぞれ（の人々が水中文化遺産に対する）意識を高めることができる。この分野に関係するそれぞれの分野に対して取るべき行動を提示し、また、きちんと話し合いをもって合意することにより、反体勢力ではなくパートナーとなる。

このプレゼンでは、ここ数年行われたプロジェクトを通してこれらの点を示したいと思う。情報交換方法のためのインフラ整備作業（GIS・ウェブサイト・フェイスブック・電子マガジン）、科学的考古学調査（考古アセスメント・現地保存のモニタリング方法）、キャパシティービルディング（オランダ国内と国際プロジェクト）、共有文化遺産プログラム（特に日本の遺産マッピングプロジェクト）、法整備（ユネスコ条約について）などを紹介する。

最後になるがひとつ。水中文化遺産のマネージメントは真剣に議論されるべき対象である。ただ単に形式として現地保存を行うだけではなく、文化遺産の価値を吟味・共有し、それを（研究や個人の楽しみとして）活用していくことを考える。科学、キャパシティービルディング、知識の共有、政策などはそのゴールへ向けて実施されるべき作業である。しかし、それらの作業がただ単に作業としてだけ行われて終わってしまってはならない。

The maritime Programme: A focus on underwater cultural heritage management: combining science, policy and exchange of knowledge in order to create a basis for management.

Martijn Manders

(Head Maritime Programme, RCE, Ministry of Education, Culture and Science)

Maritimity has played an important role in Dutch history. This long relationship with water has led to early water management and the inclusion of it in daily life. We profit, fear and love the water. Subsequently underwater cultural heritage is enormous. Not only within our borders, but also in other places in the world. Still it took until 1988 before the protection of underwater cultural heritage was arranged in the monuments law. From that moment on management of UCH has been taken on with changing focus and results.


In 2012 the protection and management still lacked behind due to the fact that it was not in the heart of cultural heritage management but also due to the high costs and lack of fast results to convince the critics. It was therefore decided to set up a programme devoted to maritime and underwater archaeology dealing with sites in and outside the Netherlands, with science, policy, capacity building and exchange of knowledge. This maritime programme is now active for two years, with great results. This presentation will give you an insight in how the programme has been structured, how work is prioritized, what the results are at this moment and where we still want to go: our horizon. In the end, underwater cultural heritage management should not be taken on as a project or programme, but as a regular work process, a day in day out job. This means that we are now working towards restructuring and replacement of parts of this maritime programme into the line of regular work at the RCE.

Special jobs like collaboration projects outside the country in mutual heritage should be still taken up in programmes, like the development of new techniques or the ratification and implementation of new policies and laws. These will stay in the heart of the Maritime Programme in the future. All the work we do, we cannot do in isolation. Cooperation is the key for a successful protection and management of the underwater cultural heritage. Decentralisation of responsibility in the Netherlands means for example that municipalities have the right to decide on their own how they manage their cultural heritage. Malta archaeology (the disturber pays principle), means that construction companies or departments of roads, waterways and infrastructure have rights. Commercial Companies in archaeology are doing the excavation work in commercial archaeology, and not the government. These developments create a different setting and role for the national government. We may be able to steer in the background through policies, laws and by developing formats on how to do the work and new techniques on how to make that work better and faster. A Quality Norm in Maritime Archaeology makes it possible to steer on the work being done. A nation Research Agenda steers on which sites are being taken for research. Scientific research (often in European context) shows the possibilities for in situ protection, monitoring and overall management.

This whole set of measures creates a field with set boundaries in which everybody has to move: from the archaeologists to the sports divers, the politicians and the industries. By making them aware of these boundaries they become alert. By showing them the solutions and make sure that they have the opportunity to go in debate about it, they become partners instead of enemies.

In this presentation I will illustrate through some key projects what we have done in the last years: from building our knowledge exchange infrastructure (GIS, Websites, Facebook, E-Magazine, etc), to our archaeological science projects (archaeological assessment of sites, development of in situ and monitoring techniques, etc.), capacity building (in the Netherlands and internationally), mutual heritage programme (with a focus on the work we have done for Heritage Mapping Japan) and the legal and policy frameworks (like the implementation of the UNESCO Convention for the Protection of the Underwater Cultural Heritage 2001).

In the end: the management of our underwater cultural heritage has to be put in place and taken seriously not for the sake of keeping sites in situ eternally and 'brushing them under the carpet' but to really appreciate the quality of it and therefore to use this resource for research and enjoyment. Science, capacity building, knowledge exchange and policy have to be directed to that goal and should not be a goal on their own.



Rijksdienst voor het Cultureel Erfgoed
Ministerie van Onderwijs, Cultuur en
Wetenschap

*The maritime Programme: A
focus on underwater cultural
heritage management*

*Combining science, policy and
exchange of knowledge in order to
create a basis for management.*

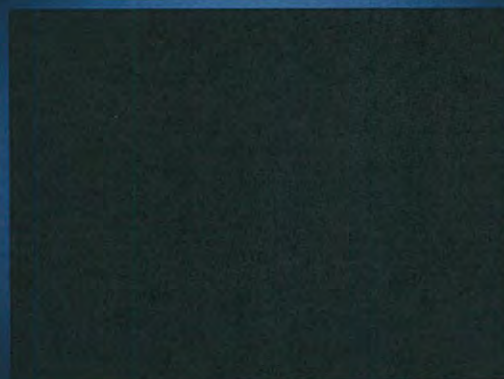
Drs. Martijn Manders
(Head Maritime Programme, RCE,
Ministry of Education, Culture and
Science)

With anything man has
done, he has left rubbish

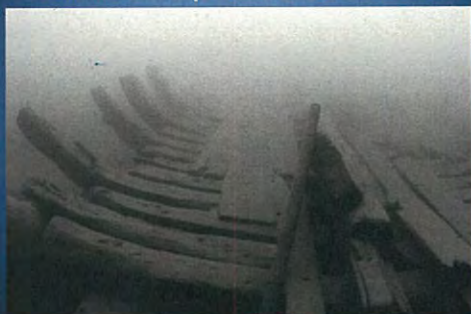
Sometimes on purpose...



...sometimes by accident



An archaeologist investigates
those physical things that are
left from previous times



And by doing so, he tries to recreate
the past, reconstruct it to the best he
can

- It is like putting
the pieces of a
puzzle together
and trying to see
the picture...



The more pieces you have, the better you can see the picture...



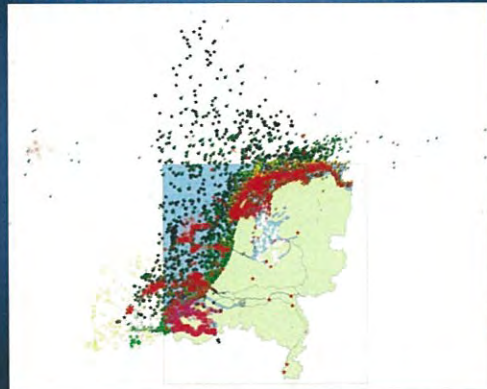
An underwater archaeologist does all that underwater...



UNESCO estimates that there are 3.000.000 shipwrecks on the bottom of the oceans. In the Netherlands alone we deal with 400 wrecks outside of the Netherlands



And 50.000 points within Dutch borders



The Netherlands, a maritime nation



With a cultural and economic tie to many other countries in Europe



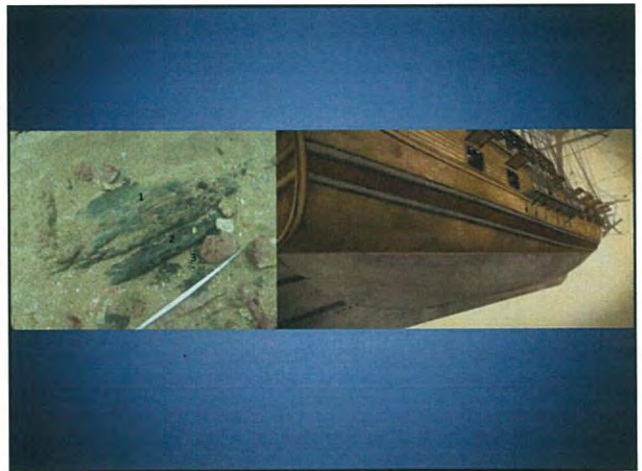
The Ghost wreck (17th Century), as an example of a Dutch wreck in European waters



....But outside there is even more...



The Utrecht (1648)



But there is also a material past that connects the Netherlands with Japan

Management plan of shipwreck de Liefde



Direction of the fleet de Liefde was part of

It is only through our past that we can understand who we are...

- Through it we can also understand what action and reaction does,
- We can foresee the future in a way
- It binds us with our culture and our place of being

But first let's go back to the Cultural Heritage Agency (RCE) of the Netherlands

The Netherlands a maritime nation.

And thus a strong maritime cultural heritage management?

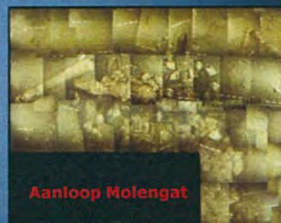
Not quite...

A bit of history (talking about)

- 1980 underwater archaeology
- Cry out public mid '80s
- Change legal system: Heritage Law for UCH also : 1988
- Focus on specializing scientific research: NISA
- Larger organisations, budget cuts and fragmentation of work



- 1980 underwater archaeology



Scheurrak SO1 16th century



- Cry out public mid '80s



Dutch Salvaging Contracts



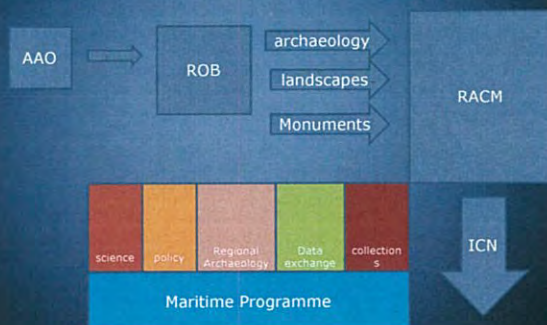
- Change of legal system: Heritage Law for UCH also : 1988
- Within 12 NM



- Focus on specializing scientific research: two excavations at the basis of underwater archaeology and the founding of the NISA

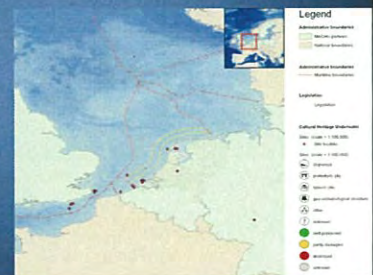


- Larger organisations, budget cuts and fragmentation of work



New Monuments law
2007:WAMZ

- Parts of Monuments law 1988 until 24 NM
 - Reporting
 - Excavation permit
- 
- An aerial photograph of a coastal region, likely in the Netherlands, showing a network of red lines that represent roads or canals. A red rectangle is drawn on the right side of the image, highlighting a specific area of interest, possibly a archaeological site or a protected monument. The surrounding landscape is a mix of blue water and light-colored land.



Change

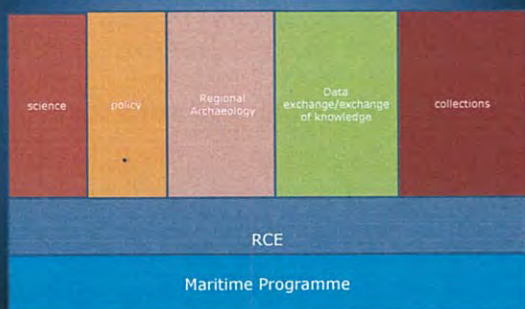
- New law, Malta archaeology, lack of interest from other cultural resource managers, problems arising and being invisible
- SHOUTED for a change in management of UCH

Maritime Programme

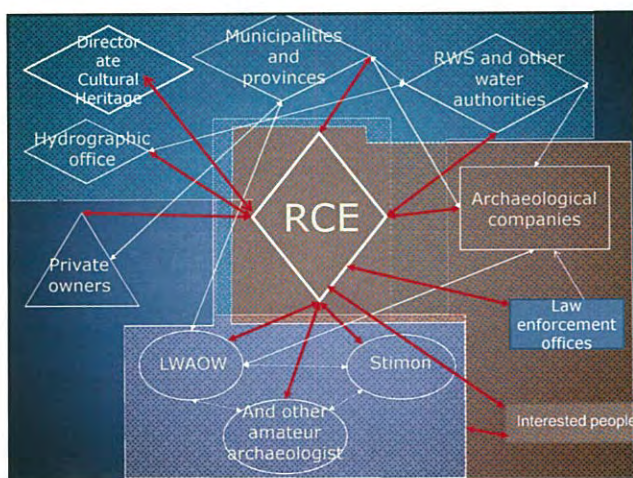
- Since 2012
- All-in one hand: policy, science, etc.
- Connecting Stakeholders
- High on political agenda
- Visualizing is priority
- Awareness raising
- Improving quality



Maritime Programme back into the line In 2016



Management = Cooperation



Taking notion of important developments

- Decentralizing archaeology (politically): from state to municipalities
- People start to realise that there is not 1 cultural heritage (it is what a society wants to preserve...)



Four project lines

- 1. Management Maritime Heritage Netherlands
- 2. Capacity building
- 3. Knowledge Infrastructure
- 4. Management shipwrecks outside Dutch Territory



Aiming

- To have the process of UCH management in place
- To have developed good formats for management
- To have built up capacity
- To make sure that everybody has access to the right data
- To use the resource as a source for information about our past and
- To raise awareness about the importance of this heritage.
- To manage (with others) not only UCH within our borders, but also outside of it.

Some Projects

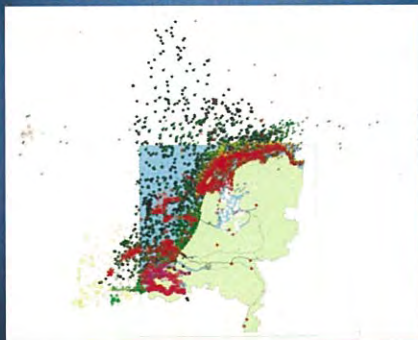


Dutch Archaeology Quality Standards (KNA)

- KNA Land archaeology
- KNA underwater archaeology



Management sites: known resources: 50.000



Unknown Resources:
prediction of sites and quality of sites

Indicative Maps
Archaeological Values
and the Historical
Geomorphological set
of maps



A group of people, including men and women of various ages, are performing a community dance in a large hall. They are arranged in a circle, holding hands or performing synchronized movements. The floor is polished and reflects the overhead lights. The background shows a large, open space with other people and structures.



- MACHU GIS basis for all maritime archaeology
- MACHU-GIS integrated in 'land system' ARCHIS 3 (?)
- MACHU-GIS for overseas territories: Dutch Caribbean
- MACHU-GIS as platform for projects (EU)
- Integration systems RWS, amateur archaeologists and Hydrographic Office
- Wrecks In Situ (WIS) as open platform for exchange
- For Japan?

Knowledge Exchange Infrastructure (digital)



- Students and professionals in the Netherlands
- Students and professionals abroad (mainly priority countries Mutual Heritage)

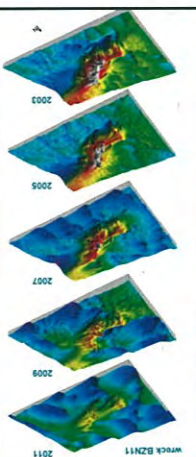
Capacity building Netherlands

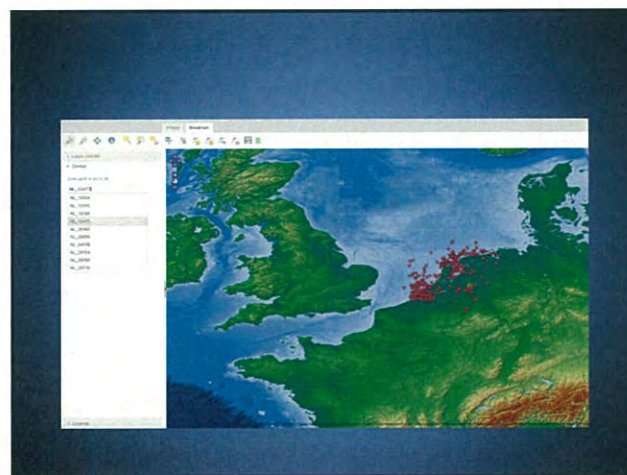
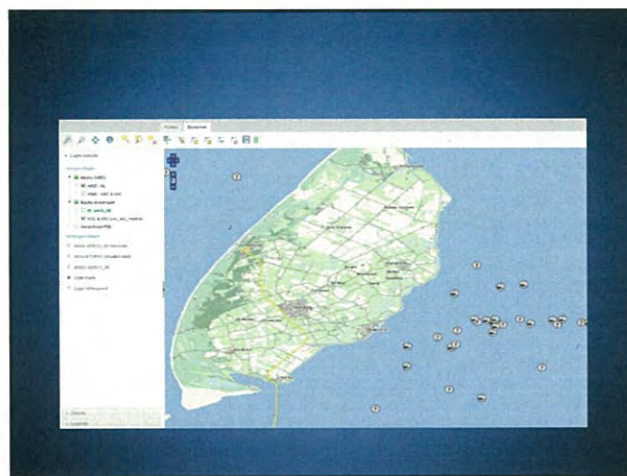
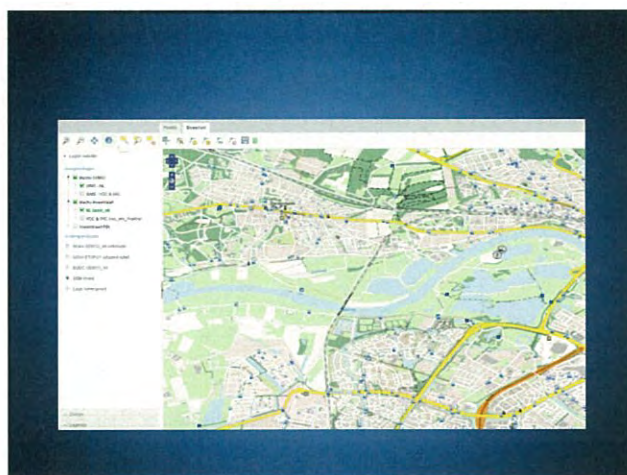
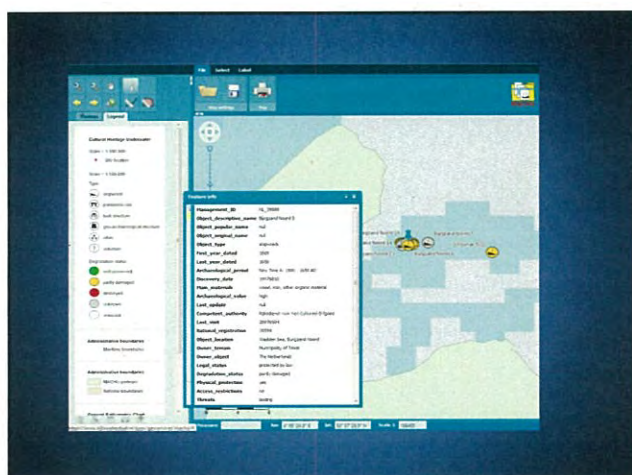
- University leiden
- University of applied sciences Saxion
- IFMAF fieldschool
- MP Fieldschool
- But also for other people: amateur archaeologists, law enforcement agencies, etc

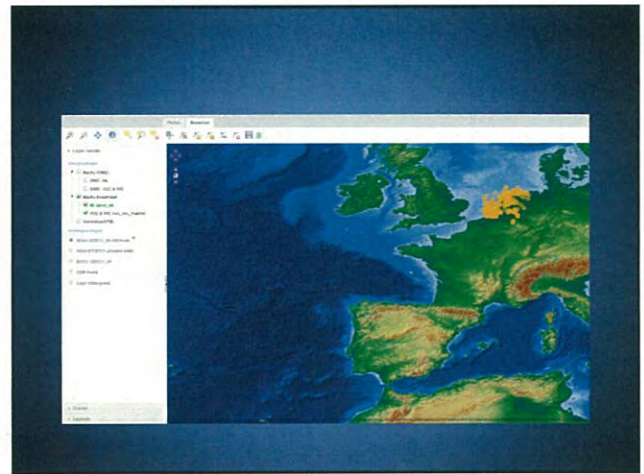
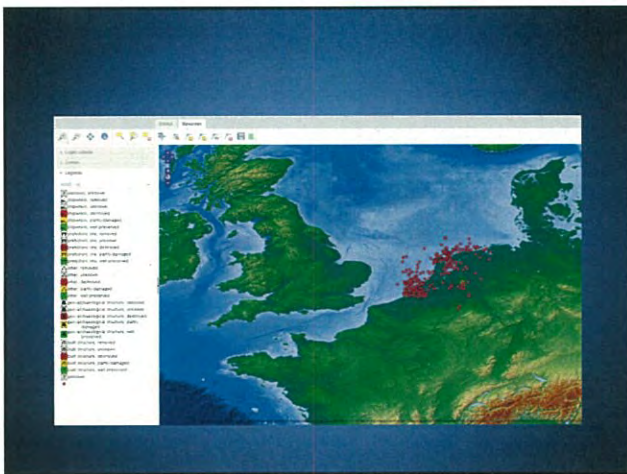


NOAA

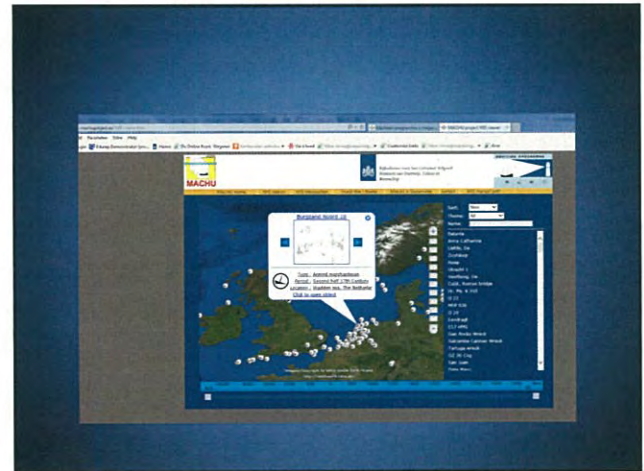
- Making a National Research Agenda for cultural heritage including maritime and underwater cultural heritage

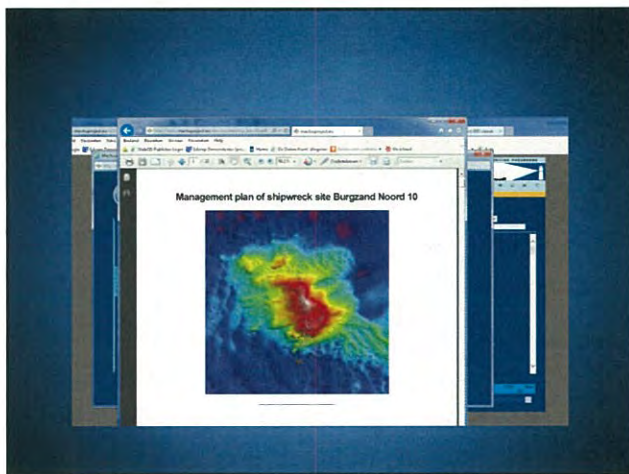






Wrecks In Situ (WIS)





European Union: Atlas of the Seas



Management shipwrecks with Dutch 'ownership' claim

- VOC claim
- Admiraliteit
- WIC



Countries with 'Dutch Shipwrecks'



Some projects abroad



New Project: Heritage Mapping Japan

a project within the Shared Cultural Heritage Programme

- Museums
- Built Heritage
- Maritime Cultural Heritage
- Archives

Shared Cultural Heritage Program

- Since 2000: Dutch policy to enhance the international cultural network with countries that have a shared history with the Netherlands.
- Led to "Shared Cultural Heritage Program 2013-2016."
- One of the new priority countries is Japan.
- Heritage mapping of the shared cultural heritage between Japan and the Netherlands is currently underway.

73

Heritage Mapping

Goals:

- Exploring potential cooperation on management cultural heritage
- Knowledge exchange

Achieved by:

- Creating an overview of shared cultural heritage (SCH)
- Exploring and expanding a network of experts and relations on Dutch-Japanese SCH
- Understanding the Japanese legislation and policy on cultural heritage care

74

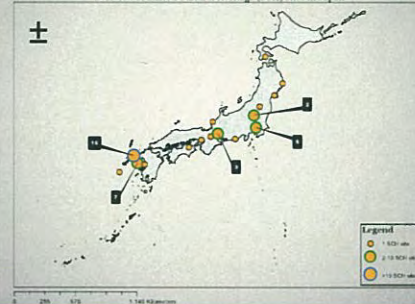
The mapping discusses the following themes:

1. The *Liefde*: the premise of the Dutch-Japanese relations (1600-1609)
2. Dutch-Japanese relations through the Dutch trade post at Hirado (1609-1641)
3. Dutch-Japanese relations through the Dutch trade post on Dejima (1641-1853)
4. Roles of the Dutch during the Bakumatsu (1853 – 1867)
5. Roles of the Dutch during the Empire of Japan (1867-1941)
6. Dutch-Japanese relations during WWII (1941 – 1945)
7. Dutch-Japanese post-war relations (1945-now)

75

Interim Result

Overview of Shared Cultural Heritage (SCH) sites in Japan



76

Built Heritage

Interim Result: number of built heritage sites

- 8 VOC related sites → 6 at Hirado, 2 at Nagasaki (1609-1798)
- Water wells
- Walls
- More...



Dutch stairs and quay at Hirado

Overview of SCH Built Heritage locations



Built Heritage

Interim Result: number of built heritage

- 11 Industrial Heritage Sites related to Dutch Hydraulic Engineers
- Harbours
- Breakwaters
- Dams
- More...

Overview of SCH Built Heritage locations



Maritime Heritage

(potential) SCH shipwreck sites



Interim result: Number of Dutch shipwrecks in Japan

- Location known within Japanese waters: 16 shipwrecks
- En route towards or from Japan: 13

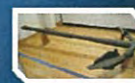
Maritime Heritage

(potential) SCH shipwreck sites



Interim result: Number of Dutch shipwrecks in Japan

- So far no shipwreck found?
- Many salvaged by the VOC and broken up for scrap
- Only anchors (4) and cannon (2) found
- Potentially preserved wood at wreck sites



Maritime Heritage

(potential) SCH shipwreck sites



Interim result: Number of Dutch shipwrecks in Japan

- Where is the "Liefde"?
- Wrecked in Uraga Bay somewhere between 1600 and 1603
- Not certain if salvaged or left at the bottom
- Locating potential → multi beam or side scan sonar techniques

Museum collections



Several Japanese museums with Dutch collections

- Almost all objects from the Edo-period (1600-1868)
- Hirado Dutch Trade Post (Hirado)
- Nagasaki Museum of History and Culture
- Dejima Restoration Office
- Siebold Memorial Museum (Nagasaki)
- Kobe City Museum
- Objects include: paintings, porcelain, ceramics, historic documents, Dutch books on varying subjects.

Museum collections

Overview of Dutch Museums with SCH collections



Several Dutch museums with Japanese collections

- Most objects are from the Edo-period.
- Rijksmuseum (Amsterdam)
- Scheepvaartmuseum (Amsterdam)
- Maritiem Museum (Rotterdam)
- Dutch Institute for Military History (The Hague)
- Volkenkunde (Ethnology) (Leiden)
- Groninger Museum
- Images, books, ceramics, porcelain, netsuke, clothing, surimono (woodblock prints), scroll paintings, books.

Archives in Japan and the Netherlands

Archives in Japan with Dutch documents

- JACAR (Japan Center for Asian Historical Records)
 - ~1700 documents, including treaties between Japan and the Netherlands.
 - Historiographical Institute (Tokyo)
 - Approximately 900 letters that were sent from Batavia (Dutch Indies) to Japan between 1621-1792.
 - About 250 books on Dutch influences in Japan such as trade and medicine, and dictionaries.

Archives in The Netherlands with Japanese documents

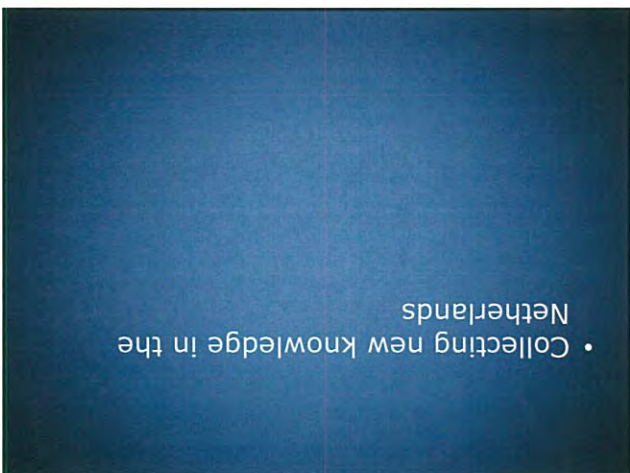
- National Archives (The Hague)
 - Around 500 Japan related archives. Mostly
 - political documents from consulates in Nagasaki and Kobe, and those discussing the Dutch Trade Post.
 - Institute for war documentation studies (NIOD) in Amsterdam
 - Descriptions, images concerning European
 - ministries, Japanese objects from the Dutch
 - Indies (matches, medals, sleeve bands).



Knowledge
Early 1600's shipwreck



Oostvoornsemeer,
Rotterdam



- Collecting new knowledge in the Netherlands



Knowledge
Roman Quay, Cuijk

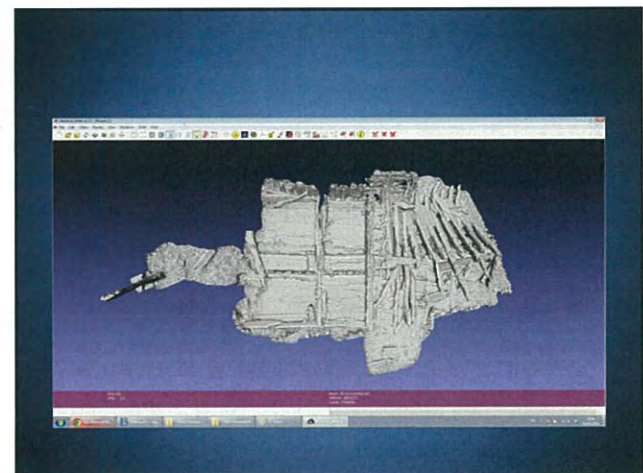
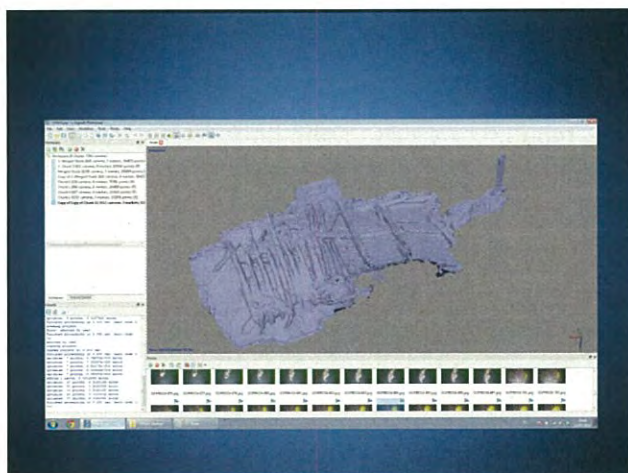
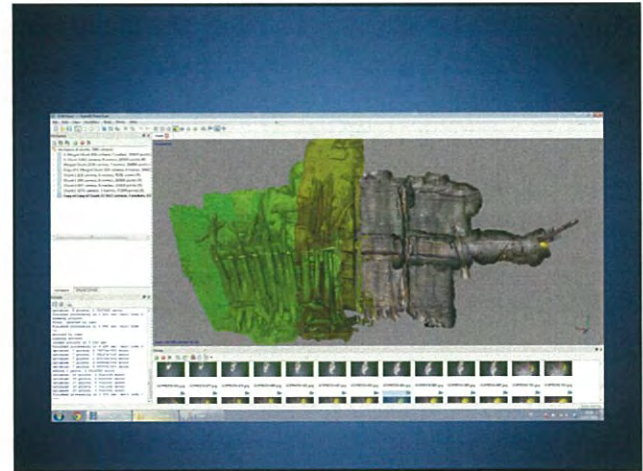
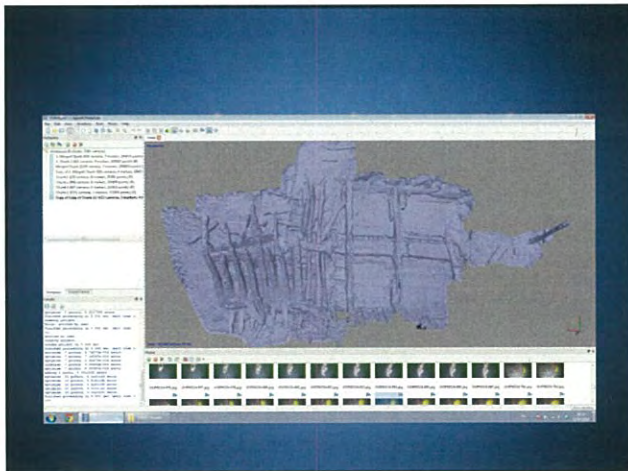
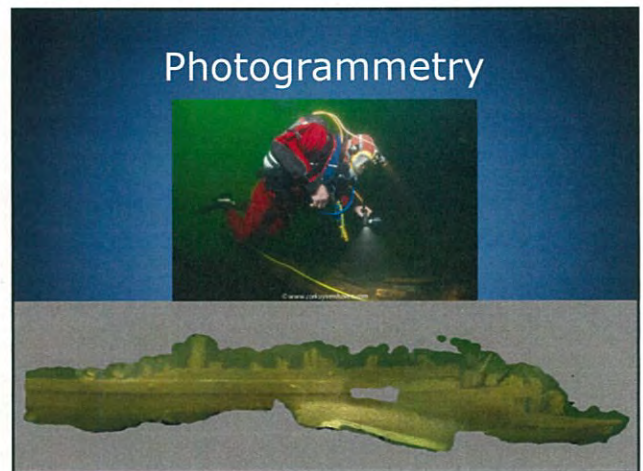
Searching for experts

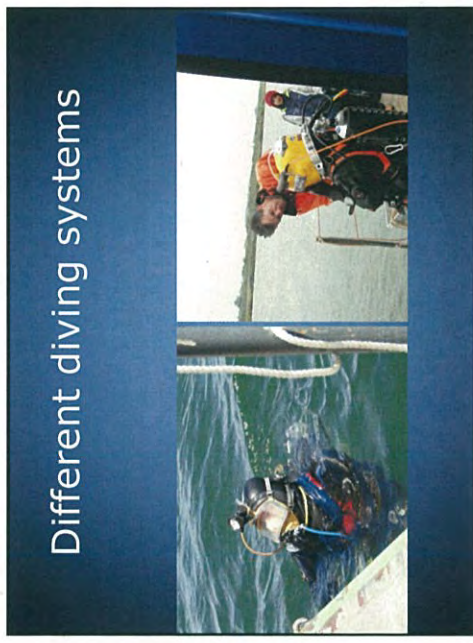
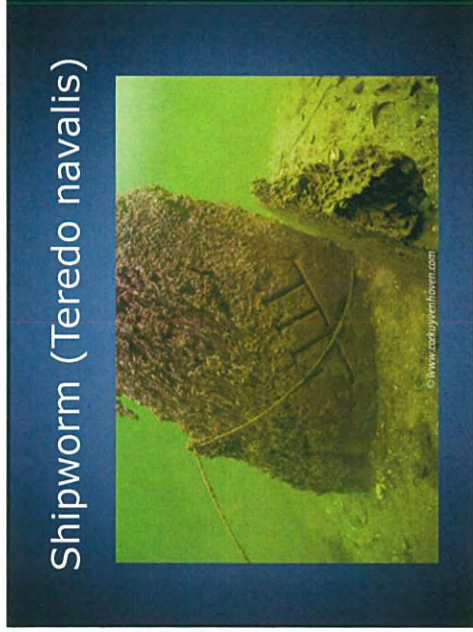
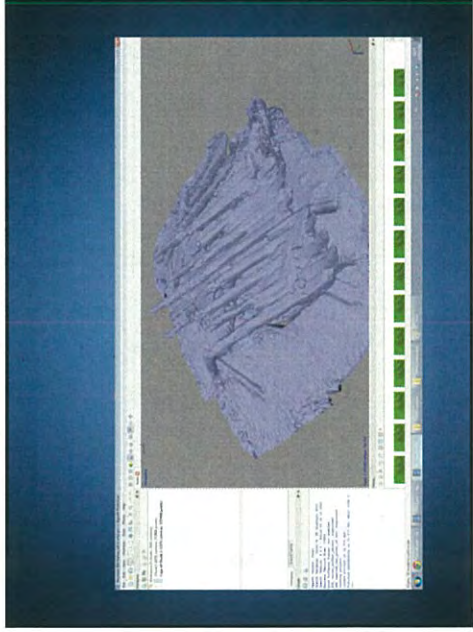
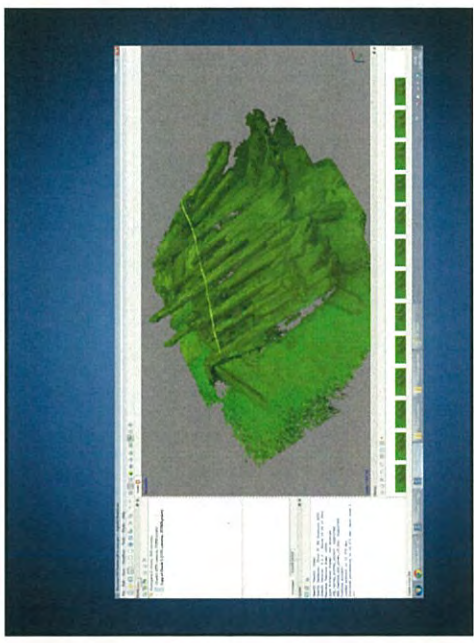
Looking for experts

- Do you wish to contribute to the project?
- Do you know an individual or an organization who might want to contribute to the project?
- please contact: Marike Klos (also in Japanese) m.klos@cultureelerftgoed.nl Or marike.klos@gmail.com

Final report

- Due for August 2014
- For specific questions, tips or advice regarding the project please contact: Marike Klos (also in Japanese)
- E-mail: m.klos@cultureelerftgoed.nl or marike.klos@gmail.com





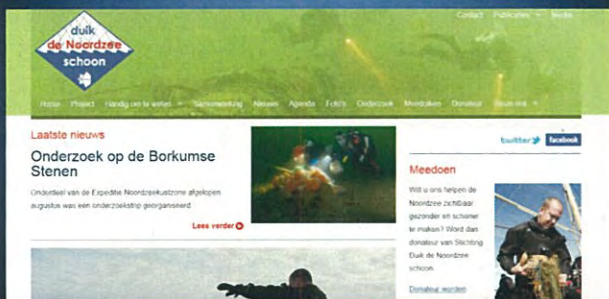
Drone



In Situ Protection



Working with Private organisations



The eyes and ears...



UNESCO Convention 2001

- Ratification End of 2014?
- Some issues we have/had to tackle...

Compatibility with UNCLOS?

• From early on the Netherlands has had serious hesitations as far as the compatibility with UNCLOS

• main issues:

• UNESCO 2001 will change the division of maritime jurisdiction at sea (i.e. giving the coastal state more jurisdiction than UNCLOS): article 9 and 10 of the Convention.

• Article 9 has been deliberately been written in a way that more than one interpretation is possible (constructive ambiguity)

110

2009: Unesco 2001 convention in to force

a new moment to reconsider the Dutch position:

- 'Convention comes closer'
- Meetings of State Parties
- Dutch experts are asked to advise the UNESCO, State Parties and Advisory Committee
- Operational guidelines are made, without any official Dutch involvement...
- More 'neighbour countries' ratify



2011: Things really start to move

Minister of Education Science Culture asks National Unesco Committee for advice on the Unesco 2001 convention

NatCom organizes an International expert meeting in The Hague and comes with a position paper

summer 2011:
positive advice to Minister



2011: Advisory committee on issues of International Law

• Ministers of Foreign Affairs and Education, Culture and Science seek legal advice on the UNCLOS issue

• Questions:

1. Is the division of competences in the Unesco 2001 convention compatible with UNCLOS?

2. Will the convention set a precedent for the division of maritime jurisdiction at sea? If so, to what extent?

113

Main conclusions

The main conclusions of the committee :

1. The Unesco 2001 convention will lead to a certain shift in competences in favour of the coastal state. However this would be a minor shift and the coastal state would not act on its own behalf but on behalf of the States Parties as a whole.

2. It unlikely that the convention will set a precedent for the division of jurisdiction at sea in other areas, however the wording of the Convention is unclear in a number of places


full document can be found on:

<http://www.rijksoverheid.nl/documenten-en-publicaties/rapporten/2011/12/20/cavv-advies-nr.-21-cultureel-erfgoed-onder-water.html>

114

2011: Demolition of British WWI vessels

- raises a lot of publicity and anger
- NGO "Protect a Wreck" hands over a petition to our Minister
- protection of UCH is put higher on the agenda with policy makers and coastal guard
- voices to sign the Unesco 2001 underwater convention become stronger



115

Three English battle ships WW1

Heritage Matters 2011-2012 Member pdf - Article Reader

Saturday, October 22, 2011

The Royal Gazette

Page 11

WEEKENDER

The second destruction of the HMS Aboukir

NOW

HERITAGE MATTERS
DR EDWARD HARRIS

HMS ABOUKIR

HMS Aboukir, a Cressy Class cruiser, launched in 1900, pictured about 1905.

116

Ministry of Education, Culture and Science wants to make a political decision on this matter.

Steps to be taken:

1. Consultation document
2. Consultation round
3. Impact analysis
4. Political Decision

117

Impact Analysis

Has to answer the following questions:


1. Why do we want to sign the convention (benefits)?
2. What obligations imposes the convention ("costs")?
3. What role do we want to fulfil once we have signed the convention?

118

Step 1: Consultation Document

- Discussion document has been drafted by the Department for Cultural Heritage and the Cultural Heritage Agency
- Basis for consultation round
- Contains preliminary conclusions on benefits and costs of the Unesco 2001 Convention, after an internal inventory

done



119

Main benefits for the Netherlands

- it offers a way of protection for illegal salvage outside of territorial waters
- it will benefit international cooperation
- it will guarantee that we will be involved in the decision making and management of underwater cultural heritage with which we have a verifiable link
- it strengthens the (international) position of Dutch organisations and professionals in the field of UCH management.



120

Obligations/Costs

- Legal issues
- Financial costs
- Consequences for the workload

121

Legal issues

March 2011: quick scan of legal consequences (by Lieke van Schouwenburg)

• In general the existing legislation is adequate to meet the obligations of the UNESCO convention. Some changes in legislation are required, but nothing major.

• Some of the changes necessary will be made even without the Unesco 2001 Convention.

However: law enforcement!!!



Financial consequences

- For the management of underwater cultural heritage in territorial waters/contiguous zone no extra costs will have to be made
- Implementing measures in EEZ, in the area that are agreed upon by states with a verifiable link can lead to extra costs.
- It is not expected that these costs will occur very often, also these costs can be shared.
- budgets for the management of Dutch shipwrecks abroad are already into place. For the most part expenses that result from the implementation of the Unesco 2001 convention are covered by these budgets.

123

Consequences for the workload

- Increased workload for the Dutch Heritage Agency
 - Increased workload for coastguard, customs
 - Increased regulations for captains of ships sailing under Dutch flags (obligation to report)
- All three are expected to have limited impact



124

Step 2 consultation round

Other Departments

(such as Ministry of Foreign Affairs, Ministry of Environment and Infrastructure, Ministry of Defence, Ministry of Justice)

Dutch Overseas Territories (Aruba, Curacao, Sint maarten)

When the Netherlands sign the Unesco 2001 convention, the Overseas Territories may choose for themselves if they want to accede to the convention or not.

Stakeholders

Diving groups, NGO's, shipping companies..



125

Step 3 and 4

Consultation document + input from consultation will lead to Impact analysis

➡ Political Decision (end of 2014)



126

Conclusion

- The issues of friction with UNCLOS seems to be solved
- The support for the Unesco 2001 Convention has increased
- Signing will have consequences for legislation, finances and workload, but these are expected to be limited
- The benefits in protecting and managing our maritime heritage are clear to us

But...in the end it will be upon the politics to make a decision

127

Some specific legal issues

128

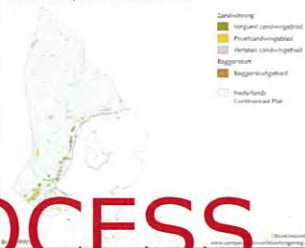
Legal issues: article 5

prevention or mitigation of adverse effects from activities incidentally affecting underwater cultural heritage

At sea a number, but not all, activities under Dutch jurisdiction have to take underwater Cultural Heritage into account.

This means that we do not comply to the Valletta Convention either.

Gebiedsfuncties op het Nederlands Continentaal Plat



The intention is to realize this in the coming period. We do not have the UNESCO convention in mind.

IN PROCESS

129

Legal Issues: article 7

Management of underwater cultural heritage in internal waters, archipelagic waters and territorial sea

The Netherlands has legislation to authorize activities directed at underwater cultural heritage in the territorial waters and Contiguous zone (excavation license). But only if these activities involve disturbing the subsoil. The Unesco Convention speaks of ALL activities that are directed at UCH and may damage it.



A change in legislation is necessary to be able to authorize all these activities. (This will probably happen even without signing the Unesco 2001 convention).

IN PROCESS

130

Legal Issues: article 9 and 10

Reporting of finds in the EEZ and in the Area

Dutch legislation imposes an obligation to report archaeological finds from territorial waters and the Contiguous zone.

Additional legislation necessary to oblige for ships sailing under Dutch Flags to report finds outside these zones



131

Legal Issues: article 10 and 12

Protection of UCH in the EEZ and in the Area

The Netherlands has legislation to authorize activities directed at underwater cultural heritage in the territorial waters and Contiguous zone (excavation licence)

Additional legislation necessary to authorize activities directed at UCH in EEZ and in the Area when conducted by ships sailing under Dutch Flags

132

Legal Issues: article 14

Prevention of illegal import, trade and possession of UCH that was illicitly exported and /or recovered

Netherlands has implemented UNESCO 1970. Dutch legislation deals with goods that were illegally exported from the territory of another member state. It does not regulate the import, possession of or trade in objects that come from the EEZ or the Area.

Additional legislation necessary to prevent import, trade and possession of UCH that was recovered from the EEZ and or Area, contrary to the convention

133

So why UNESCO Convention?

- Continuing salvage
- Legislation insufficient
- Lack of possibilities to cooperate with other countries
- One set of rules for all



What has to be done? The implications ratification will have on the country's legislation, obligations, (new) responsibilities and capacity needed for off-shore industries

- Legislation needs to be changed
- Larger area to be covered
- No salvaging contracts anymore (in practice already stopped)
- More underwater archaeologists needed
- Platform for international exchange needed
- More international cooperation needed
- Well functioning 'commercial archaeology' market needed
- Simply more people involved...



The benefits of ratifying for Netherlands

- it offers a way of protection for illegal salvage outside of territorial waters
- it will benefit international cooperation
- it will guarantee that we will be involved in the decision making and management of underwater cultural heritage with which we have a verifiable link
- it strengthens the (international) position of Dutch organisations and professionals in the field of UCH management.

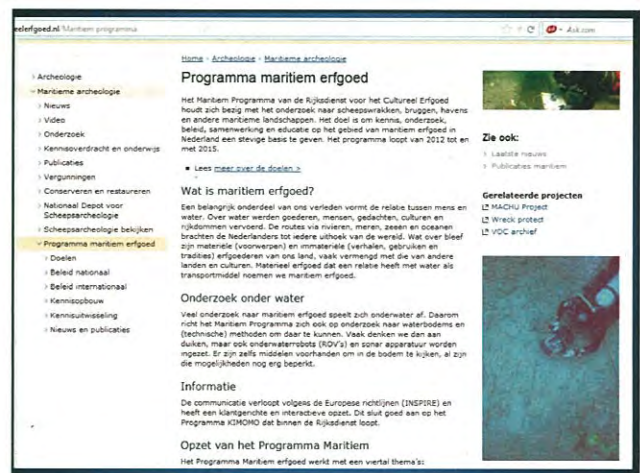
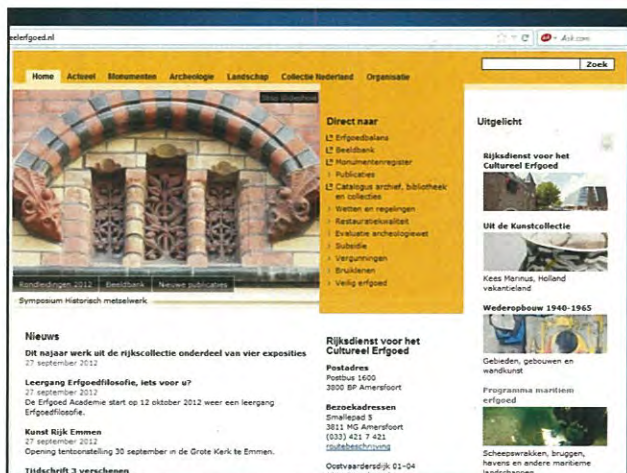


More info

- www.maritiemprogramma.nl

E-magazine





- Thank you
- Martijn Manders
- M.manders@cultureelerfgoed.nl

SUMMARY

Maritimty has played an important role in Dutch history. This long relationship with water has led to early water management and the inclusion of it in daily life. We profit, fear and love the water. Subsequently underwater cultural heritage is enormous. Not only within our borders, but also in other places in the world. Still it took until 1988 before the protection of underwater cultural heritage was arranged in the monuments law. From that moment on management of UCH has been taken on with changing focus and results. In 2012 the protection and management still lacked behind due to the fact that it was not in the heart of cultural heritage management, but also due to the high costs and lack of fast results to convince the critics. It was therefore decided to set up a programme devoted to maritime and underwater archaeology dealing with sites in and outside the Netherlands, with science, policy, capacity building and exchange of knowledge. This maritime programme is now active for two years, with great results. This presentation will give you an insight in how the programme has been structured, how work is prioritized, what the results are at this moment and where we still want to go: our horizon. In the end, underwater cultural heritage management should not be taken on as a project or programme, but as a regular work process, a day in day out job. This means that we are now working towards restructuring and replacement of parts of this maritime programme into the line of regular work at the RCE.

Special jobs like collaboration projects outside the country in mutual heritage should be still taken up in programmes, like the development of new techniques or the ratification and implementation of new policies and laws. These will stay in the heart of the Maritime Programme in the future.

All the work we do, we cannot do in isolation. Cooperation is the key for a successful protection and management of the underwater cultural heritage. Decentralisation of responsibility in the Netherlands means for example that municipalities have the right to decide on their own how they manage their cultural heritage.

Malta archaeology (the disturber pays principle), means that construction companies or departments of roads, waterways and infrastructure have rights. Commercial Companies in archaeology are doing the excavation work in commercial archaeology, and not the government. These developments create a different setting and role for the national government. We may be able to steer in the background through policies, laws and by developing formats on how to do the work and new techniques on how to make that work better and faster. A Quality Norm in Maritime Archaeology makes it possible to steer on the work being done. A nation Research Agenda steers on which sites are being taken for research. Scientific research (often in European context) shows the possibilities for in situ protection, monitoring and overall management.

This whole set of measures creates a field with set boundaries in which everybody has to move: from the archaeologists to the sports divers, the politicians and the industries. By making them aware of these boundaries they become alert. By showing them the solutions and make sure that they have the opportunity to go in debate about it, they become partners instead of enemies.

In this presentation I will illustrate through some key projects what we have done in the last years: from building our knowledge exchange infrastructure (GIS, Websites, Facebook, E-Magazine, etc), to our archaeological science projects (archaeological assessment of sites, development of in situ and monitoring techniques, etc.), capacity building (in the Netherlands and internationally), mutual heritage programme (with a focus on the work we have done for Heritage Mapping Japan) and the legal and policy frameworks (like the implementation of the UNESCO Convention for the Protection of the Underwater Cultural Heritage 2001).

In the end: the management of our underwater cultural heritage has to be put in place and taken seriously not for the sake of keeping sites in situ eternally and 'brushing them under the carpet' but to really appreciate the quality of it and therefor to use this resource for research and enjoyment. Science, capacity building, knowledge exchange and policy have to be directed to that goal and should not be a goal on their own.