

**Towards a future Maritime Policy for the Union: A European vision for
the oceans and seas**

COMMISSION OF THE EUROPEAN COMMUNITIES

**Response by
The Joint Nautical Archaeology Policy Committee**



June 2007

Introduction

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. The JNAPC is the 'umbrella' Non Governmental Organisation in the United Kingdom, with all the relevant cultural organisations, agencies and Government departments having representation on the Committee. Some summary information on the JNAPC and its members is attached in appendices 1 and 2.

The JNAPC appreciates that the draft policy set out in the Green Paper represents a laudable holistic approach to the maritime sector, embracing its economic, social, cultural and educational aspects. The JNAPC's expertise relates to maritime cultural heritage, the historic maritime environment and educational aspects thereof. The Committee's observations on the Green paper are therefore principally restricted to that context, although the Committee is mindful of the importance of other aspects of the draft Maritime Policy, especially the need for economic and social regeneration, particularly within the European Union's (EU) coastal communities.

As the Green Paper acknowledges, the EU has an extremely rich historic maritime heritage. Undoubtedly due to its geographical position, as an island, rich in resources, sitting astride natural maritime routes to and from the European continent, the United Kingdom has a particularly important and varied component of Europe's underwater cultural heritage (UCH). In English waters the latest estimate from English Heritage's¹ Maritime Record² is that there are up to 250,000 wreck sites of which 36,000 (ships and aircraft) have been recorded, 5,200 known wreck positions, of which only 70 are protected under one or other regime, and 27,400 wrecks recorded but whose positions have not been located. There are also 7,400 located fishermen's 'fastenings', which may indicate further wrecks. Possibly the oldest known shipwreck in the world, provisionally dated to 3,500BC and revealing trans European trading links from the Mediterranean (Scilly) to Northern Europe (France & the United Kingdom), is being investigated off the United Kingdom's south west coast.

Yet despite the richness of this UCH it could be said that underwater archaeology both in the United Kingdom and Europe overall lags its terrestrial counterpart by at least eighty years: the current state of knowledge is equivalent to early terrestrial provision in the nineteenth century and prior to the discoveries achieved by aerial photography from the 1920's onwards. There is an urgent need to catch up. It is therefore extremely important that any maritime development objectives, set out in a European Maritime Policy, are pursued with due regard being paid to the conservation of the natural and cultural heritage. If adequately resourced, the holistic principle underlying the proposals in this

¹ English heritage is the governmental agency responsible for protection of the cultural heritage in England. This function is discharged in Wales by CADW, in Scotland by Historic Scotland and in Northern Ireland by DOE(NI).

² The Maritime Record is a database of all historic marine assets in English waters. An equivalent database is maintained for Wales, Scotland and Northern Ireland.

Green Paper will also address what many in the archaeological community presently feel is a disproportionate emphasis upon protection of the natural environment, leading to the apparent exclusion of appropriate discussion and consideration of the archaeological environment in the development of coastal policy. In saying this, the JNAPC would not wish to be seen to be denying the importance rightly afforded to the conservation of the natural environment, but rather that appropriate protection must also be afforded to marine cultural heritage.

The United Kingdom's Joint Nautical Archaeology Policy Committee ("JNAPC") therefore congratulates the Commission on the publication of the Green Paper and welcomes the opportunity to respond to this consultation.

General Comments & Observations

The JNAPC welcomes the placing of sustainable development at the heart of the EU's agenda and endorses the recognition in the Green Paper of:

- The need for a holistic, integrated, inter-sectoral and multi-disciplinary maritime policy;
- The importance of Europe's maritime cultural heritage;
- The need to achieve economic and social regeneration and restore competitiveness in a process that ensures both the sustainability of that maritime heritage and the achievement of a balance between the economic, social and environmental dimensions;
- The part that the maritime cultural heritage can play in achieving that awareness of the European maritime identity, its cultural sense of being and through maritime cultural tourism economic and social regeneration³;

In particular the JNAPC believes that the establishment of a regulatory environment for the conservation of the maritime cultural heritage within a sustainable holistic development environment is essential.

The JNAPC strongly endorses:

1. The concept of a 'European Centre of Excellence', to act as a focal point for assimilation of knowledge of the maritime environment.
2. The establishment of a single European Internet portal.
3. The establishment of an EU wide mechanism for comparative analysis and exchange of best practice. Such analysis and exchange should encompass, inter alia, the management of the historic maritime environment and the management of maritime cultural tourism.
4. The establishment of an annual conference on best practice in maritime governance for different layers of government and stakeholders, which would facilitate comparative analysis and exchange of best practice.

³ The Committee notes but is not surprised at the estimation of a turnover of 72m. Euros for marine tourism in Europe in 2004. It believes that maritime cultural tourism has significant potential to deliver further economic yields.

5. The establishment of a comprehensive system of spatial planning for European littoral waters.
6. The establishment of a comprehensive and integrated Historic Environment Records (HERs) as a component of a spatial planning system.
7. An essential precondition to the establishment of a 'European Centre of Excellence', a mechanism for comparative analysis, a comprehensive system of spatial planning and comprehensive HERs is the harmonisation of existing data across the EU and the assimilation of reliable data where there are existing deficiencies. Consequently the JNAPC attaches the strongest importance to the imperative of comprehensively mapping the seabed of European coastal waters. This should take the form of a unified, co-ordinated multi-beam programme for European seas, to at least the limits of Member State's EEZ's and Continental Shelves. Only reliable, harmonised data, including comprehensive HERs can inform and underpin both an effective spatial planning system and decision making in a sustainable development process. The urgency and importance of acquiring such data cannot be over-stated. The knowledge of maritime cultural heritage actually facilitates and enables sustainable development. Where its existence is known appropriate avoidance or mitigation strategies can be planned ab initio. It is the unexpected discovery of cultural heritage that impedes and disrupts development, adding to its cost.
8. The establishment of an 'Atlas' of EU littoral waters would be a valuable tool in terms of education and raising public awareness of the importance of the coastal environment, including the maritime cultural environment. However, such an 'Atlas' is unlikely to be in a format and contain sufficient level of data to effectively inform the decision making process in terms of sustainable development. The compilation of such an 'Atlas' should therefore remain a secondary objective to the establishment of harmonisation, reliable and comprehensive data systems relating to the EU's coastal waters.
9. The principle of multi- and bi-lateral agreements for the protection of UCH. The United Kingdom has already entered into a multi-lateral agreement for the protection of the sunken ferry *Estonia* and is in the early stages of assessing the potential of a multi-lateral agreement to prohibit interference with the wrecks of British and German naval vessels from the Battle of Jutland in the North Sea. Given the apparent reluctance of European governments to sign the UNESCO Convention for the Protection of Underwater Cultural Heritage, a multi-lateral European agreement for the protection of UCH in EU littoral waters would be an excellent interim step to providing protection for the UCH.
10. The encouragement of Member States to accede to both the Council of Europe's 'Valletta' Convention⁴ and the UNESCO Convention for the Protection of Underwater Cultural Heritage. The United Kingdom ratified the 'Valletta' Convention in 2001 and the Convention had been extremely influential in ensuring that the development process in the maritime environment takes account of the need to conserve the historic maritime heritage. Indeed, the United Kingdom accession to that Convention could justifiably be described as the single most important development for the protection of maritime cultural heritage in

⁴ European Convention for the Protection of the Archaeological Heritage (Revised), Valletta, 16.01.1991

three decades. The United Kingdom's experience with the Valletta Convention has convincingly demonstrated that if the conservation of the historic maritime environment is incorporated from the outset as an integral part of the planning of a development there is actually a saving in terms of timescale and cost to a developer. Delay and costs tend to accumulate only when such conservation is not taken into account. The United Kingdom, in common with most European maritime States has declined to sign the UNESCO Convention and appears unlikely to do so in the near future. An alternative course of action would be for a multi-lateral agreement for the protection of the UCH to be concluded amongst EU member States. Such an agreement has a precedent in the agreement relating to the sunken ferry *Estonia* and such an agreement could incorporate the principles of the 'Valletta' Convention and those elements of the UNESCO Convention that have not proved controversial. Such a step would also help to reassert the pre-eminence of the EU in the protection of the historic maritime environment. The Valletta Convention has proved to be extremely effective in those States that have implemented its provisions and has allowed the Council of Europe to be credited as the principle protector of the European maritime heritage. The JNAPC believes that such pre-eminence should properly lie with the EU.

As can be seen from the above comments the JNAPC welcomes the principles and proposals contained in the Green Paper. However, the JNAPC has a number of concerns or reservations.

1. The JNAPC is extremely concerned that the Commissioner for Education & Culture is not represented on the Maritime Task Force and this seems a curious omission, given the important contribution cultural heritage can play in delivering economic benefits, through tourism, educational benefits, in helping to develop a sense of maritime identity within the EU, bio-diversity, through providing diverse habitats on the seabed, and adding to the quality of life for citizens in member States. The stated mission of the EU Culture Programme is to promote "*a cultural area common to European peoples while preserving their national and regional diversity*"⁵. It is difficult to envisage how the cultural heritage component of an integrated maritime policy can be adequately addressed without the active participation of the Directorate-General for Education and Culture.
2. It is unclear to the JNAPC whether the European Parliament's Education & Culture Committee will have an input into the draft Marine Policy.
3. It is unclear to the JNAPC what relationship the 'Inspire' Directive on spatial planning will have to the Marine Policy.
4. The JNAPC notes with concern that the Green Paper links conservation with the generation of wealth, but does not expressly incorporate or articulate a cultural sense of identity for its own sake. There is a danger that, as presently drafted, the Green Paper may unintentionally create the impression that the maritime cultural heritage should be conserved purely for the economic benefit that can result, rather than for its cultural value. The JNAPC is confident that any such

⁵ http://ec.europa.eu/dgs/education_culture/index_en.html

impression is indeed unintentional but believes that in order to avoid such a mistaken interpretation it is essential that the Maritime Policy should expressly endorse the necessity of conserving the maritime heritage for its cultural value and not solely for the economic benefits that can be derived from its conservation. For the same reason it is also essential that as far as possible the Maritime Policy is developed in the context of international measures to protect the UCH e.g. the Valletta and the UNESCO Conventions.

Specific Questions & Responses

In relation to the specific questions asked the JNAPC wishes to make the following responses to those questions that are relevant to the maritime heritage and fall within its expertise.

1. Should the EU have an integrated maritime policy? How can the EU add value to the many national, local and private initiatives which already exist in the maritime field?

In so far as the maritime policy relates to the maritime cultural heritage, the JNAPC believes that there is considerable merit in an integrated maritime policy. By its very nature the European maritime heritage is about trans European and trans-global trading and political links from past epochs. Given that conservation of UCH in territorial waters is a matter for each Member State, only an integrated EU maritime policy, incorporating the principles of international agreements on UCH conservation, can address the problem of the conservation of UCH beyond territorial waters and across regions of the EU. It is in such areas that the EU can 'add value'. The EU can also add value by providing the context and momentum for harmonisation of existing data and the assembly of further data relating to the littoral waters of the EU. This is an essential precursor to sustained maritime development. The EU can also add value by facilitating the exchange of experience and good practice in relation to the management of both sustained development and management of the maritime historic environment. *See further comments 1,2,5,6,7,8 & 9 above.*

2. How can maritime development policy contribute to maintaining our ocean resources and environment? How can maritime further what mechanisms should be in place to ensure that new maritime development is sustainable?

To some extent these questions overlap with Q.1 above and reference should be made to the response to that question. Sustainable development in terms of the conservation of the cultural heritage is rarely about the 'recovery' of UCH. Almost invariably it is about the avoidance of disturbance or the mitigation of disturbance. Consequently, a sustainable maritime development programme needs the data, the knowledge, the skills and the resources to deliver these outcomes of avoidance and mitigation (*See further response to Q.1 above*). Development led survey and investigation of UCH not only reduces development costs, it also enhances the overall output of the project, using leading edge technology the data from development led investigation can make the resultant knowledge accessible to the public, whereas previously it was only accessible to heritage professionals and a recreational diving minority. In this manner the development can deliver ancillary economic benefits through application of technology, the enhancement

of local museums and heritage centres, increased employment and tourism, educational opportunities and the fostering of a community maritime identity. There is a powerful synergy between sustainable development and marine cultural heritage can deliver social and economic benefits beyond the immediate development. Underpinning development should be an EU wide policy, committed to such sustainability, incorporating SEA, EIA and the principles that international agreements, such as the Valletta & UNESCO Conventions are based upon, i.e. the principle of preservation in situ wherever possible, of a precautionary approach, of the integration of conservation into the initial stages of the development process, of the public dissemination of survey and research results etc. EU funded support for the application of these principles can help deliver a sustainable development policy and add considerable value to national regulatory cultural regimes.

3. What mechanisms can best turn knowledge into incomes and jobs? In what ways should stakeholders be involved??

In so far as the maritime policy relates to the maritime cultural heritage this development can be achieved by the establishment of:

- (i) a 'European Centre of Excellence', to act as a focal point for assimilation of knowledge of the maritime environment,
- (ii) the establishment of a single European Internet portal.
- (iii) the establishment of an EU wide mechanism for comparative analysis and exchange of best practice. Such analysis and exchange should encompass, inter alia, the management of the historic maritime environment and the management of maritime cultural tourism.
- (iv) the establishment of an annual conference on best practice in maritime governance for different layers of government and stakeholders, which would facilitate comparative analysis and exchange of best practice.
- (v) the establishment of a comprehensive system of seabed mapping and spatial planning for European littoral waters;
- (vi) the harmonisation of existing data across the EU and the assimilation of reliable data where there are existing deficiencies;
- (vii) the establishment of an 'Atlas' of EU littoral waters;

3. How can the EU promote synergies between interrelated sectors?

The establishment of a comprehensive system of spatial planning for European littoral waters.

4. What data needs to be made available for planning in coastal regions?

In relation to the maritime cultural heritage, a comprehensive data set of the Historic Environment, which has been ground truthed, and data on the condition of the natural marine environment and its stability.

5. How can innovation in services and products related to coastal tourism be effectively supported?

Museums embrace the latest technology and there are direct links to be encouraged between those developing marine survey systems and the archaeological and museum

communities. The use of technology provides both access to UCH that was formerly the preserve of a minority who pursued professional or recreational diving. Advances such as multi-beam surveying and recording now bring UCH to the majority of the public in a detail that even physical presence cannot. Such technology also has considerable educational potential. The following innovations by the EU would materially support the development of coastal tourism:

- (i) an ‘European Centre of Excellence’, to act as a focal point for assimilation of knowledge of the maritime environment,
- (ii) the establishment of a single European Internet portal;
- (iii) the establishment of an EU wide mechanism for comparative analysis and exchange of best practice. Such analysis and exchange should encompass, inter alia, the management of the historic maritime environment and the management of maritime cultural tourism;
- (iv) the establishment of an annual conference on best practice in maritime governance for different layers of government and stakeholders, which would facilitate comparative analysis and exchange of best practice;

6 Is there a need for better data on coastal regions and on marine activities ?

Yes. As we have stated above harmonised existing and comprehensive reliable data underpins both the management of the historic maritime environment and management of sustainable development. The JNAPC considers the acquisition and dissemination of data to be one of the most important aspects of an integrated maritime policy for the EU. It is impossible to understate its importance and priority should be given to:

- (i) the establishment of a ‘European Centre of Excellence’, to act as a focal point for assimilation of knowledge of the maritime environment;
- (ii) the establishment of a comprehensive and integrated Historic Environment Records (HERs) as a component of a spatial planning system;
- (iii) the harmonisation of existing data across the EU and the assimilation of reliable data where there are existing deficiencies;
- (iv) the establishment of an ‘Atlas’ of EU littoral waters;

7 How can an integrated approach to maritime affairs be implemented in the EU? What principles should underlie it? Should an annual conference on best practice in maritime governance be held? What action should the EU take to support maritime education and heritage and to foster a strong sense of maritime identity?

As indicated above, the JNAPC endorse the holding of an annual conference, as a mechanism for engagement with stakeholders and exchange of ideas and best practice. In relation to an integrated approach to maritime affairs and cultural heritage, the principles of an integrated approach are already well set out. In terms of sustainable development the requirements in EU regulation for EIA and SEA, the principles enshrined in the Valletta and UNESCO Conventions (including the Annexe to the latter) all indicate how the conservation of UCH can be integrated into the development process. However, since not all Member States are signatories to either or both these Conventions consideration

may need to be given as to how the principles enshrined in both Conventions could be incorporated into an integrated maritime policy.

In relation to the integration of public cultural education and the fostering of a maritime identity into maritime policy it is more difficult to see how this could be achieved. The most appropriate vehicle for this would appear to be museums and maritime cultural centres, which are also the most appropriate vehicle for developing the economic benefits of the maritime heritage tourism. This is especially true of regional and local, rather than national, museums. The former play a vital role in fostering and sustaining a regional identity, they diversify the maritime employment market, which is especially valuable given the decline of traditional coastal industries associated with fishing, they provide an advanced technological application for local employment markets and input economic benefits from tourism and employment directly into economically disadvantaged coastal communities. Given that the conservation of UCH remains a national responsibility, the support for local and regional museums and heritage centres is probably the most direct way the EU can add value to coastal communities in terms of cultural heritage.

Another valuable resource for developing stakeholder engagement in the European maritime heritage is local community involvement in foreshore and nautical archaeology. The Nautical Archaeology Society, a UK based charity, has pioneered a vocational training and participation regime, which is now being adopted world wide, in countries such as the USA, Canada, Argentina, Uruguay and others. EU funded support for public access to the maritime heritage through museums and stakeholder initiatives such as the NAS Training Scheme, for purposes of both tourism and education, would seem to form a synergy and a valuable component of an integrated maritime policy.

The JNAPC would also draw your attention to the observations previously made in relation the requirement for harmonised and comprehensive data sets, which are publicly accessible, and a 'European Centre of Excellence' and EU Atlas of the Sea.

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Appendix 1

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 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 nautical 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 has played a major role in English Heritage's 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 UNESCO Convention with the preparation of the *Burlington House Declaration*, which was presented to Government in 2006.

Appendix 2

Joint Nautical Archaeology Policy Committee

Members

Chairman

Robert Yorke

Organisations

Association of Local Government Archaeological Officers
 British Sub Aqua Club
 Council for British Archaeology
 Hampshire & Wight Trust for Maritime Archaeology
 Institute of Conservation
 Institute of Field Archaeologists, Maritime Affairs Group
 ICOMOS
 National Maritime Museum
 National Museums & Galleries of Wales
 National Trust
 Nautical Archaeology Society
 Professional Association of Diving Instructors
 Shipwreck Heritage Centre
 Society for Nautical Research
 Sub Aqua Association
 United Kingdom Maritime Collections Strategy
 Wessex Archaeology
 Wildlife and Countryside Link

Paul Gilman
 Jane Maddocks
 Gill Chitty
 Garry Momber

 Julie Satchell
 Chris Dobbs
 Gillian Hutchinson
 Mark Redknap
 David Thackray
 George Lambrick
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 Peter Marsden
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