

2001 Convention and UNESCO's Capacity Building in Asia-Pacific

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ABSTRACT

The topic of this paper fits best within this Session 18: Revisiting the UNESCO Foundation and Advanced Courses for Asia-Pacific: Status, Development, and Challenges because it reviews UNESCO's capacity building efforts and activities with an aim to identify challenges and propose future course of action relating to underwater cultural heritage in the region.

2001 CONVENTION

The Convention on the Protection of the Underwater Cultural Heritage (the 2001 Convention) was adopted in 2001 by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to fight against commercial exploitation of underwater cultural heritage (UCH). According to the Convention, UCH is "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" (UNESCO 2001: Preamble), and provides vital evidence and information about human history and the interaction of civilizations with all kinds of waters, e.g. oceans, lakes, rivers, flooded caves and swamps.

The 2001 Convention aims to assure UCH protection and sustainability at the same level as those provided to land-based heritage. To this end, the 2001 Convention regulates site protection measures and obliges its States Parties to impose sanctions in cases of violations of the measures. It also provides ethical principles such as in situ preservation and the respect of all human remains located in maritime waters. The 2001 Convention moreover underlines the importance of research, information and education to the protection and preservation of underwater cultural heritage and contains, in its Annex, 36 rules for activities directed at UCH, providing practical guidelines for underwater scientific and archaeological interventions. Today the rules have become internationally recognized scientific standards for underwater archaeology and research, applied by many specialized institutions and universities.

UNESCO regional meetings and training workshops

The 2001 Convention entered into force with 20 ratifications in 2009. To promote the principles of the 2001 Convention and help countries develop capacity in the protection and management of underwater cultural heritage in line with the objectives of the Convention, UNESCO organized a series of regional meetings and technical workshops. For Southeast Asia, UNESCO organized, between 2009 and 2011, extensive training workshops in underwater archaeology to build regional capacity in identification, research and protection of underwater cultural heritage, owing to the generous financial contribution from Norway. Five UNESCO training workshops, including three foundation courses and two advanced training courses, took place at the regional training centre on UCH in Chanthaburi, Thailand. The workshops all together trained nearly 100 underwater archaeologists from over 15 countries in Asia (UNESCO 2013b). Building on the training workshops, UNESCO further published the Training Manual for the Foundation Course on the Protection and Management of Underwater Cultural Heritage in Asia and the Pacific in 2012, to facilitate the development of capacity building programmes in underwater archaeology for the region (UNESCO 2012).

At the same time, UNESCO organized regional policy meetings (Ko Kong, Cambodia in 2012, Indonesia in 2017 and 2019 in cooperation with ASEAN) to gain support for the 2001 Convention

and enhance its ratification in the region. Several large-scale conferences were also undertaken at the initiatives of governments, universities and non-governmental stakeholders, including the Asia-Pacific Conference on Underwater Cultural Heritage (APCONF) in Manila (2011), Honolulu (2014), Hong Kong (2017), and Taiwan (2020) which provided a regional platform for academic exchange and information dissemination regarding underwater archaeology and UCH (Kimura and McCann 2019).

While the 2001 Convention has progressively gained its influence and recognition as the international scientific standard and effective legal instrument for UCH protection, its ratification in Asia-Pacific remains the smallest among all regions, with only four countries¹ having ratified the Convention. In Southeast Asia, only one state, Cambodia, has ratified the Convention in 2007.

Table 1: Number of States Parties and ratification rate by UNESCO regional groups (electoral)²Source: UNESCO

	Europe & North America	Latin America and Caribbean	Asia and Pacific	Africa	Arab States	Total
Number of States Parties	20	21	4	15	12	72
Number of Member States	50	33	44	47	19	193
Ratification rate (%)	40	63	9	31	63	37

In the Pacific, two countries, Federated States of Micronesia (FSM) and Niue, have ratified the Convention respectively in 2018 and 2019. Moreover, UCH in the Pacific has begun to gain attention and has been increasingly integrated in the regional policies and initiatives such as the Small Island Developing States (SIDS) Accelerated Modalities of Action (SAMOA) Pathway, Climate Change, Disaster Resilience and Environmental Protection of the United Nations Pacific Strategy 2018–2022, and the Regional Culture Strategy: Investing in Pacific Cultures 2010–2020. With numerous unexplored submerged sites, ranging from sunken villages, prehistorical dwellings to the shipwrecks from World War II, UCH is increasingly researched and recognised as a driver for sustainable development and as an effective means for community engagement and economic incentive through tourism (UNESCO 2017). In September 2014, UNESCO organized a side event on Underwater Cultural Heritage and Small Island Developing States (SIDS) during the SIDS Conference. It published two publications related to UCH in Oceania (2010) and related legislation and programmes in the five countries in Micronesia (2018) in collaboration with UCH experts from the region. The recent ratification of FSM and Niue is likely to be followed by other Pacific states, including Australia currently working toward the ratification³ and potentially the Solomon Islands and the Republic of the Marshall Islands for which UNESCO carried out studies on the gap analysis between their national legislations and the 2001 Convention in 2021, the preparatory work towards the ratification.

¹ Cambodia, Federated States of Micronesia, Iran, and Niue

² According to UNESCO Executive Board groupings https://pax.unesco.org/cp/ListeMS_Indicators.asp

³ See: [Australia must do more to prevent 'looting and destruction' of underwater heritage, report says | Oceans | The Guardian](#)

In Asia where a series of trainings and workshops were conducted between 2009 and 2011, no other states have joined the Convention since Cambodia's ratification in 2007. To take stock of the development and progress made to safeguard UCH in the region, UNESCO held a meeting in Jakarta, Indonesia in 2019 in cooperation with the ASEAN Secretariat inviting the representatives and experts of eight Southeast Asian countries (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Thailand and Vietnam)⁴. Most underwater archaeology experts at the meeting, notably from Cambodia, Indonesia, Malaysia and Thailand, were the beneficiaries of the UNESCO trainings conducted between 2009 and 2011. During the meeting, the national reports on the status of safeguarding UCH were presented by the country representatives, which clearly showed that some progress have been made in the region to fight against commercial exploitation through various measures, e.g. the adoption of national laws to ban commercial salvage or to reinforce national capacity building and awareness-raising activities of the submerged cultural heritage (UNESCO 2019c). For example, underwater heritage is part of the policy for integrated coastal zone management in Indonesia today, and since 2010, the country has stopped UCH salvaging activities by imposing a moratorium on Ministerial Decree No. 30/200013 which permits commercial salvage of UCH in the country.⁵ A marine heritage gallery is permanently held inside the Ministry of Marine Affairs and Fisheries of Indonesia, open to the public and used for awareness-raising seminars and activities. In Thailand, the Underwater Archaeology Division of the Fine Arts Department in the Ministry of Culture, established in 1974, systematically undertakes a series of underwater archaeological surveys according to proper scientific and archaeological standards. The Southeast Asian Ministers of Education Organization, with its Regional Centre for Archaeology and the Fine Arts (SEAMEO-SPAFA) in Bangkok, Thailand, has been actively promoting regional cooperation in underwater protection and archaeology and organising technical and policy workshops on UCH issues. Malaysia introduced three legislations affecting UCH, i.e. Merchant Shipping Ordinance 1952, Antiquities Act of 1976 and National Heritage Act 2005. The 2005 National Heritage Act defines underwater heritage and authorises the Heritage Commissioner to regulate salvage or excavation activities. In Vietnam where a great number of UCH was commercially salvaged and most archaeological sites had been seriously damaged and deformed over the years, the government has established the Department of Underwater Archaeology in 2013, which was later changed to the Centre of Underwater Archaeology at the Institute of Archaeology in 2016 to enhance its capacity in underwater archaeology and management of submerged historical sites. The Vietnamese government officials are more conscious of the historical and cultural value of its UCH (Dissanayake 2014).

While certain positive developments to protect UCH have been observed and the national legislative measures to halt commercial exploitation have begun to be put in place, there still remains many challenges to overcome in Southeast Asia. Despite the increasing recognition of the importance and the potential attached to this heritage in recent years, there is the general absence of political will and adequate financial support to research and protect UCH in the region. Many countries still lack the capacity and expertise to undertake systematic research on their own with the exception of a few countries that have adequately trained national underwater archaeologists such as Thailand, Indonesia and the Philippines, albeit with limited financial means. Lacking funding and expertise, certain countries have also chosen to work with commercial salvage companies to carry out archaeological research and excavation in exchange for a share of recovered artefacts, which are then distributed to the commercial companies and eventually to auction sales. There are also issues with legal legislation and law enforcement which are not always strictly applied in practice, leaving room for unlicensed excavation and commercial exploitation. Even today, 15th century Vietnamese ceramics from the Hoi An shipwreck or 19th century Chinese porcelain bowls from the Tek Sing shipwreck can be purchased through commercial websites. In the southern coast of Cambodia, a man was arrested in 2020 for illegally collecting and possessing some 281 ancient jars recovered from the sea. In Vietnam, many artefacts were clandestinely recovered from the 7th to 8th century Châu Tân

⁴ The author attended the meeting.

⁵ However, this moratorium was revoked in Indonesia through the Jobs Creation Law in March 2021. By reversing course, Indonesia has allowed treasure hunting by private investors and foreigners again. See <https://www.southeastasianarchaeology.com/>.

shipwreck and kept by a private collector (Kimura 2016). Low visibility of this heritage and the lack of public awareness and ethical conscience are also factors to overcome while more awareness-raising efforts are generally necessary at local and national levels to gain public support to safeguard this heritage for future generations.

Future course of action

During the past decade, Latin America and the Caribbean, which possesses extremely rich underwater cultural heritage as Asia-Pacific, had continuously suffered from commercial exploitation and destruction of the heritage by treasure hunters. However, the region today has been most successful in the ratification and implementation of the 2001 Convention with reinforced human capacity and infrastructure, owing to growing awareness and efforts made by states to enhance the regional collaboration and adopt a roadmap to prioritize the protection of underwater cultural heritage through the ratification of the 2001 Convention (UNESCO 2015).

As such, many courses of action can be envisaged and should be reinforced in line with the principles and rules contained in the 2001 Convention. To protect and establish a good management of underwater cultural heritage in Asia, the provision of adequate trained underwater heritage specialists are prerequisite. It will further help the establishment of competent national authorities, establishment of national research agenda and national inventories, public awareness raising and development of solid research and training programmes. To ensure the long-term preservation and use of this heritage, the elaboration of the national need assessments and capacity building strategies should be elaborate. In this vein, UNESCO launched a series of new initiatives, including the first Regional Meeting on the protection of the underwater cultural heritage and the UNESCO 2001 Convention in Central Asia and the Caspian Sea Region. The meeting took place in Almaty, Kazakhstan, participated by the representatives of 8 countries (Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan, and Uzbekistan) which highlighted the existing potential of the cultural heritage in the region. Following the recommendations of the meeting, a “Capacity Building Strategy” was developed for the region with an aim to help develop the necessary skills and knowledge for researching and managing the underwater archaeological sites found in the region. As a follow-up to the Almaty meeting in 2019, national policy consultations took place in 2021 with Kazakhstan, Kyrgyzstan, Mongolia, Tajikistan, and Uzbekistan on the legal framework of the 2001 Convention. In cooperation with the International Centre for Underwater Archaeology in Zadar, Croatia, technical workshops were organized for the Central Asian countries in May and September 2023, to help states develop their capacity in underwater archaeology and conservation and restoration of underwater archaeological finds.

In Southeast Asia, a training workshop on conservation and restoration of underwater archaeological finds took place in June 2023, attended by heritage experts from ASEAN countries. This workshop was realized thanks to the first tripartite collaboration among UNESCO, SEAMEO Regional Centre for Archaeology and the Fine Arts (SEAMEO-SPAFA) and Underwater Archaeological Division (UAD) of the Fine Arts Department, Thai Ministry of Culture. This model of regional and international cooperation should be further reinforced to develop capacity and raise experts in underwater cultural heritage. With huge potential for development with underwater cultural heritage and as seen in the case of Latin America and the Caribbean, Asia-Pacific states further invest in the UCH protection, develop regional cooperation and adopt a roadmap to prioritize its protection and the ratification of the 2001 Convention.

In recent years, the contribution of UCH to sustainable development began to be underlined in the Development Agenda, such as the 2030 Sustainable Development Goals (SDG), in particular SDG 14 setting up ten targets to conserve and sustainably use the oceans, and the UN Decade of Ocean Science (2021-2030). To better respond to the emerging global challenges and safeguarding UCH for future generations, it is about time that UCH protection should be prioritized in the national agenda of the Asian-Pacific countries with the legal framework provided by the 2001 Convention.

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