

Underwater Cultural Heritage Management and Capacity Building in the Pacific Islands

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Abstract

This paper begins with introducing UNESCO's Conventions focusing on different forms of heritage, namely land-based, underwater, movable, immovable, tangible and intangible, including the UNESCO Convention on the Protection of the Underwater Cultural Heritage (UCH Convention) adopted in 2001. The paper then presents progress in activities under the three key Conventions, namely, the UCH Convention, the Convention for the Protection of the World Cultural and Natural Heritage (World Heritage Convention) and the Convention for the Safeguarding of the Intangible Cultural Heritage Convention (ICH Convention), in the Pacific Small Island Developing States (SIDS). Notable progress in UCH-related activities includes the enhanced awareness of the importance of UCH to SIDS sustainable development through the explicit reference to UCH in the SIDS Accelerated Modalities of Action (SAMOA) Pathway outcome document of the 3rd UN SIDS Conference (Samoa, 2014) and a call for the development of comprehensive strategies to raise awareness of the natural and cultural significance of the ocean at the UN Conference to Support the Implementation of Sustainable Development Goals (SDG) 14: Conserve and Sustainably use the oceans, seas and marine resources for sustainable development (NY, September 2017). Taking into account of these developments and based on good practices identified through the promotion and implementation of the World Heritage Convention and the ICH Convention in Pacific SIDS, the paper aims to present an implementation strategy for the effective support to UCH-related activities and the promotion of the UCH Convention among Pacific SIDS as a way forward.

Key words: UNESCO, UCH Convention, World Heritage Convention, Intangible Cultural Heritage Convention, The 2030 Agenda for Sustainable Development, SDGs

Introduction

The United Nations Educational, Scientific and Cultural Organization (UNESCO) is one of the Specialized Agencies of the United Nations (UN). Among its broad mandate, UNESCO is recognized as a leader in the international cooperation in culture. The Culture Programme of UNESCO consists of two pillars of Heritage and Creativity. By safeguarding heritage in all forms, namely, land-based, underwater, movable, immovable, tangible and intangible, and promoting arts and cultural/creative industries, the Culture Programme of UNESCO aims to protect and promote the diversity of cultural expressions for sustainable development and peace in the world.

Over the years, UNESCO adopted seven conventions in culture. All together, they provide a comprehensive coverage of the culture sector. Among them, the following five Conventions directly concern cultural heritage;

- i) Convention for the Safeguarding of the Intangible Cultural Heritage (2003),
- ii) Convention for the Protection of the Underwater Cultural Heritage (2001),
- iii) Convention for the Protection of the World Cultural and Natural Heritage (1972),
- iv) Convention on the Means of Prohibiting and Preventing the Illicit Traffic of Cultural Property (1970),

- v) Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its first Protocol (1954) and the 2nd Protocol (1999).

It must be noted that these Conventions provide important guidelines and principles for the heritage safeguarding that could help member states build and develop the national systems – policy, strategy, management tools such as heritage registers and inventories, infrastructure, capacities, etc. – necessary for heritage safeguarding. Some of the Conventions establish international lists through intergovernmental process. The World Heritage List established by the World Heritage Convention is one of the examples. The objective of this listing system is to enhance the protection and visibility of heritage that meet specific criteria set out in the operational guidelines of the respective Convention through international cooperation.

The Convention for the Protection of Cultural Property in the Event of Armed Conflicts adopted in The Hague in 1954 is the first Convention that UNESCO adopted after World War II. It is the first international treaty addressing the cultural property protection both at peace time and during conflicts. The definition of cultural property under the Hague Convention is broad, covering both movable and immovable, including not only cultural heritage sites, but also cultural institutions such as libraries, museums, and archives. After the end of the Cold War in 1990s, cultural heritage became a target of intentional attack and some iconic heritage such as Mostar Bridge in Bosnia and Herzegovina was destroyed during the civil war. At the request of member states calling for more effective heritage protection, UNESCO launched a process to elaborate the 2nd Protocol to the Hague Convention, which was adopted in 1999. The 2nd Protocol establishes the Enhanced Protection system. The Hague Convention played a pioneering role in promoting the concept of “Cultural

heritage of all mankind” and in entrusting the international community with the responsibility for its protection.

With the increasing number of thefts and pillage of archaeological sites and museums as background, the Convention on the Means of Prohibiting and Preventing the Illicit Traffic of Cultural Property was adopted in 1970. The 1970 Convention regards cultural property as an embodiment of cultural identity and aims to facilitate their return to the countries of origin. This Convention, however, does not apply to the cases of illicit traffic that occurred before 1970. Therefore, the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (ICPRCP) was established in 1978 with the aims to provide an international forum to promote the return and restitution of cultural property for the cases before 1970 and in the process of colonization.

Increasing needs of the protection of movable cultural property were identified not only for land-based heritage but also underwater heritage. For a long time, historical and cultural objects that were found in submerged shipwrecks have been dispersed due to the application of the law of finds to sunken and abandoned vessels under which the finder is granted ownership of the objects. The advancing technology has increasingly made the access to submerged shipwrecks easier, making them more vulnerable to commercially driven “treasure hunting” activities. The United Nations Convention on the Law of the Sea (UNCLOS) adopted in 1982 includes two provisions concerning UCH. However, these provisions were felt by cultural experts to be incomplete without providing details of the protection measures. With this as background, the UNESCO Convention for the Protection of the Underwater Cultural Heritage was adopted in 2001. Article 4 of the UCH Convention states that “Any

activities relating to UCH to which this Convention applies shall not be subject to the law of salvage or law of finds, unless it; (a) is authorized by the competent authorities, and (b) UCH Convention protects UCH from being commercially exploited for trade or speculation, and (c) ensures that any recovery of the UCH achieves its maximum protection”. In this way, the UCH underlined the importance of *in situ* preservation of UCH, prohibiting UCH from being commercially exploited for trade or speculation.

The Convention for the Protection of the World Cultural and Natural Heritage, known as the World Heritage Convention, was adopted in 1972. Behind its adoption was the global interest in and movement for the protection of environment. The World Heritage Convention combined the protection of cultural heritage and natural heritage, establishing a more comprehensive system for international cooperation for the heritage safeguarding. The World Heritage Convention presents the concept of “Common heritage of humanity”, and the responsibility for future generations.

The World Heritage Convention primarily addresses issues related to tangible cultural heritage and natural heritage. The Intangible Cultural Heritage (ICH) Convention was adopted some 30 years after the adoption of the World Heritage Convention. The ICH Convention addresses the need of the urgent safeguarding of ICH or “the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artifacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their heritage.” (Article 2 of the ICH Convention). The ICH Convention underlined the importance of the participation of community and ICH holders/practitioners in establishing community-based ICH inventories

with “Free, Prior, and Informed Consent”. The ICH Convention is characterized by the respect for the communities’ decision, and equality among diverse cultures. Despite the initial issues over its coherence with the existing heritage concept, the ICH Convention has received growing support of member states in particular in Africa and Asia.

UNESCO Office for the Pacific States based in Samoa is one of some 50 field offices of UNESCO. The Office in Apia is in charge of 16 member states and 1 associate member. The priority group is the Small Island Developing States (SIDS) in the Pacific, most of them are young nations and facing development challenges that are specific to SIDS. The key objective of the culture programme of the Office in Apia is to assist Pacific SIDS to develop and upgrade their national systems based on the guidelines provided by the Conventions to strengthen the culture sector through technical assistance and capacity building.

Progress related to UCH Convention

At present, most of Pacific SIDS are parties to the World Heritage Convention and the ICH Convention, while none of them are parties to the UCH Convention. Despite slow progress in terms of ratification, however, there have been progress in the awareness raising on the importance of UCH for SIDS sustainable development. UNESCO organized a series of activities on UCH during the 3rd UN International Conference on Small Island Developing States (SIDS) (Samoa, 1 – 4 September 2014). These activities resulted in a partnership with the Pacific Island Forum (PIF) and its Pacific Ocean Alliance (POA). The goals of POA are to reinvigorate the commitment to and implementation of the Pacific Island Regional Ocean Policy composed of six areas of cooperation including “Culture and Identity”.

A new network called Pacific UCH Partnerships (PUCHP) was also agreed upon at the expert meeting held during the SIDS Conference as an open-ended network with universities, regional intergovernmental agencies, specialized institutions and centres, NGOs and other civil society organizations in the areas related to UCH protection and management. As its first assignment, and in response to the request by Pacific member states and in cooperation with UNESCO, PUCHP carried out a research project in 2015 with the following objectives; i) to have a better understanding of issues surrounding WWII remains in the Pacific, ii) to identify good practices in the protection and management of these remains to reduce the impact on the environment and human safety, and iii) to identify areas of international cooperation. A final report is expected to be available before the end of 2017.

Importantly, the outcome of the SIDS Conference titled Samoa Accelerated Modality of Action (SAMOA) Pathway reaffirms that SIDS remain a special case for sustainable development, recognizing SIDS's ownership and leadership in overcoming challenges specific to SIDS. The SAMOA Pathway paragraph 54 supports SIDS's efforts to conserve their UCH and paragraph 58 (j) supports States to consider becoming parties to the UCH Convention. This was the first time that UCH was mentioned in the outcome documents of the SIDS Conference. The summary of UCH-related activities at the SIDS Conference was published by UNESCO as an e-document (UNESCO 2014). The document was officially launched at the inaugural POA Meeting held in Suva in May 2015.



Fig.1: Flyer on Pacific Ocean Alliance. (© PIF)

Another important document was adopted at the UN Conference to support the implementation of Sustainable Development Goal (SDG) 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development (the UN Ocean Conference) at the UN in NY (New York) in June 2017. The Conference's outcome document is titled "Our Ocean, our future: call for action" and paragraph 13 (d) in the document states "develop comprehensive strategies to raise awareness of the natural and cultural significance of the ocean, as well as of its state and role...".

As background, SDGs are the goals that the international community agreed to achieve towards 2030 in the 2030 Agenda for Sustainable Development adopted in November 2014. The 2030 Agenda has 17 SDGs and 169 targets. Culture plays a transversal role in achieving all the SDGs, and directly concerns some of the SDGs, notably, SDG 11 on

Sustainable Cities and Communities to protect worlds' cultural/natural heritage (Note that Government budget per year for heritage safeguarding is mentioned as a basis to provide SDG Indicator 11.4.1), SDG 4 on Quality Education through the education and appreciation of cultural diversity, SDG 8 on Decent Work and Economic Growth through employment in the sector of cultural and creative industries and tourism.

Progress related to other Conventions in Culture

With regard to the World Heritage Convention, the Pacific member states managed to meet at a Pacific World Heritage Workshop on a regular basis with funding from development partners and UNESCO (UNESCO 2012 and 2014). This allowed the region to develop a medium-term Pacific World Heritage Action Plan since 2000. The Action Plan identifies priority actions; both at national and regional levels and currently Pacific SIDS are implementing the Pacific World Heritage Action Plan 2016-2020. Thanks to this successful regional cooperation, all Pacific SIDS except two countries are now parties to the World Heritage Convention and over ten sites in Pacific SIDS are inscribed on the World Heritage List.

As for the ICH Convention, UNESCO launched a global capacity building programme in 2011. Under this programme, UNESCO trained a corps of trainers, developed learning materials and standard programmes of workshops focusing on ratification, implementation, community-based ICH inventorying, safeguarding plan development, and nomination development. This programme was benefitting from a significant amount of voluntary contributions from member states and development partners.

Mention should be made about so called “ratification workshop” and its impact. This category of workshop is a multi-stakeholder workshop bringing together government officials, ICH practitioners and holders,

community leaders, NGOs, researchers and academics involved in ICH safeguarding. The government officials participating in this workshop typically come not only from the cultural authorities but also from other Ministries such as the Ministry of Foreign Affairs which is usually a focal point for international conventions and the UN-related matters, Attorney General's Office that provides legal advice when countries make a decision on ratification, the Ministry of Commerce which is in charge of the Intellectual Property Rights (IRP) protection of cultural production. Participants in this workshop have the opportunity to learn the history and background of the adoption of the ICH Convention to learn why this Convention was needed, examine the key provisions of the Convention to learn what the benefits and obligations are as well as the national process towards ratification. The workshop creates a group of ICH champions who would continue to engage in the safeguarding activity in each country. The government officials trained in this workshop have obtained an ability to prepare an information paper to a Minister for his/her submission to the cabinet for a decision, or, depending on governance system, to a relevant committee attached to the parliament for its presentation at the parliament. The ratification workshops were held both at national level and also regional level. The regional ratification workshops were attended by delegates both from states parties and state-non-parties so that delegates could have an opportunity for information sharing and mutual learning among themselves.

Conclusion

As underlined at the beginning, the UNESCO Culture Conventions provide internationally recognized guidelines for developing national systems for heritage safeguarding and for the culture sector. Ratification of these Conventions itself should not be considered as the end in itself.

Pacific SIDS are relatively young nations and most of them are still in the process of developing their own national systems for heritage safeguarding. The guidelines and principles enshrined in these Conventions are useful in their efforts in developing national systems.

The progress and experience in the promotion and implementation of the key Conventions illustrated above provide good practices in UNESCO's normative actions for Pacific SIDS which might be applied to the promotion of the UCH Convention among Pacific SIDS. The good practices identified so far are the following;

- i) The advocacy for cultural heritage, its historical, cultural and scientific significance and its contribution to sustainable development through the participation in multi-sectoral platform and regional policy development,
- ii) The preparation of a medium-term strategy and action plan both at national and regional levels for prioritization and coordination,
- iii) The organization of a regional forum on regular basis for information sharing and mutual learning,
- iv) The development of a capacity building programme addressing the specific needs under different phases of the life cycle of the Conventions.

Obviously, the heritage safeguarding is a long-term process, and the success stories in the past have owed their success to the commitment of member states and stakeholders as well as the support of funding from development partners. Therefore, it is also critically important to

strengthen resource-mobilizing efforts for the promotion of the UCH Convention by all parties involved.

As a way forward, UNESCO in Apia is organizing the next regional workshop that will take place in Koror from 30 August to 1 September 2017 as “Pacific Heritage Workshop”. The focus of this Workshop remains the information sharing on the implementation of the Pacific World Heritage Action Plan 2016-2020, but the Workshop will include a session dedicated to the UCH Convention and the Hague Convention as well. It will bring together not only government officials in charge of heritage but also, UCH experts as resource person and partners in Asia and the Pacific region. It is hoped that this first “Pacific Heritage Workshop” will be an effective forum, leading to the concrete result of ratifications of the UCH Convention by Pacific SIDS.

Endnote

For the Hague Convention and the 1970 Convention, UNESCO in Apia organized the Melanesia Workshop on the Illicit Trafficking in Cultural Property (Vanuatu, 2015) and the first ever Pacific Workshop on the Hague Convention and its Protocols (Fiji, 2016). Final reports of these workshops were published as an e-document and available online.

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Biography



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