



Recommendation 848 (1978)¹

Underwater cultural heritage

Parliamentary Assembly

The Assembly,

1. Welcoming the report on the underwater cultural heritage, presented by its Committee on Culture and Education ([Doc. 4200](#)) ;
2. Recognising the historical and cultural significance of this heritage, but aware that positive action is urgently needed on both national and European levels in order to ensure its proper protection ;
3. Noting with satisfaction the growing public interest in the underwater heritage, and anxious that this interest be channelled into a better realisation of the potential value of the heritage rather than lead rapidly to its unauthorised destruction ;
4. Stressing the essential unity of land and underwater archaeology, and its contribution to a greater understanding of the history and culture of the peoples of Europe ;
5. Particularly concerned by the lack of professional experts competent in the field of underwater archaeology, by the small scale of government funding, and by the inadequacies of existing legislation and administrative practice in most member states,
6. Recommends that the Committee of Ministers :

Action at European level

- a. draw up a European convention on the underwater cultural heritage, open to all member states of the Council of Europe and also to all non-member states bordering on seas in the European area ;
- b. negotiate agreement between member states on the declaration of national cultural protection zones up to the 200-mile limit, wherever that limit is in keeping with geographical realities, as a basis for the implementation of the proposed convention ;
- c. encourage, in co-operation with UNESCO and ICOM, the administration of the application of the convention at regional level, by agreement between states bordering on the same sea or part-sea ;
- d. express its support for the setting up of a European Group for Underwater Archaeology, which, among other things, could prepare and keep up to date a series of European manuals (supplemented where appropriate with visual material) on :
 - existing legislation and administrative regulations concerning the underwater heritage ;*
 - underwater archaeological techniques ;*
 - basic procedures to be followed on locating finds ;*

1. Assembly debate on 4 October 1978 (18th Sitting) (see [Doc. 4200](#), report of the Committee on Culture and Education). Text adopted by the Assembly on 4 October 1978 (18th Sitting).



e. bring the report of the Committee on Culture and Education (Doc. 4200) to the attention of interested expert committees in the Council of Europe, with the following proposals for further action at European level :

1. in the field of culture and education, for encouraging training of technicians and archaeologists in underwater questions, for scientific research, and for responsible public education (both inside and outside educational institutions) in the significance of the underwater cultural heritage ;
2. in the field of environmental protection, for co-ordination of action being taken in favour of the natural and cultural underwater heritage ;
3. for inclusion of protection of the underwater cultural heritage where appropriate in any future Council of Europe conventions or agreements ;
4. to the European Youth Centre and European Youth Foundation, for encouraging seminars of young people interested in this field ;

Action at national level

f. urge member governments, on the basis of proposals set out in the Annex to this recommendation :

1. to revise where necessary existing legislation ;
2. to take further action for the underwater cultural heritage, if possible in concertation amongst themselves, in the areas calling for priority attention.

ANNEX

Minimum legal requirements

There should be no loopholes in the system of protection. The definition of underwater objects and sites should extend up to what is covered by land antiquities legislation.

Protection should cover all objects that have been beneath the water for more than 100 years, but with the possibility of discretionary exclusion of less important objects (or of less important antiquities) once they have been properly studied and recorded, and the inclusion of historically or artistically significant objects of more recent date.

Individual, and apparently isolated, underwater objects should be protected to the same extent as wrecks or sites.

National jurisdiction should be extended up to the full 200-mile limit, with an international agreement providing for reciprocal treatment of cultural finds landed in countries other than those in whose cultural zones they were found.

Existing salvage and wreck law should not apply to any items protected under ii and iv above.

Reporting of finds to the appropriate authorities should be compulsory.

A single authority should be given primary responsibility for dealing with both land and underwater finds, and determining their significance.

A standard system of fixed finder's monetary rewards should be established, related to each identification of an object or site and not necessarily linked to the commercial value of the find. It should differentiate between an individual object and a site, and be heavily weighted in favour of the latter.

Provision should be made for appropriate enforcement measures.

Priority areas for further action at national level

The establishment of stocks of equipment for underwater research, including mobile laboratories and support vessels.

The training of more technicians and underwater archaeologists and the improvement of career possibilities for those working in this field.

The setting up of centres for the analysis and treatment of underwater material, for research and for training.

The systematic preparation of inventories of underwater sites.

The more effective protection and policing of known underwater sites.

Increased financial support for rescue excavations and for the careful scientific excavation of really significant sites.

Encouragement of the responsible presentation of the underwater heritage to the public (in particular by television, by publishers and by museums).

Assistance to the efforts made by local authorities for the display of underwater finds of cultural importance.