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Committee Secretary
Joint Standing Committee on Treaties
PO Box 6021
Parliament House
Canberra ACT 2600

By email: jsct@aph.gov.au

Dear Madam/Sir

UNESCO Convention on the Protection of the Underwater Cultural Heritage (Paris, 2 November 2001)

On behalf of Australia ICOMOS, I write to provide a submission to the Joint Standing Committee on Treaties strongly supporting Australia ratifying the 2001 *UNESCO Convention on the Protection of the Underwater Cultural Heritage*.

ICOMOS – the International Council on Monuments and Sites – is a non-government professional organisation that promotes expertise in the conservation of cultural heritage. ICOMOS is also an official Advisory Body to the World Heritage Committee under the World Heritage Convention. Australia ICOMOS, formed in 1976, is one of over 100 national committees throughout the world. Australia ICOMOS has over 750 members in a range of heritage professions. We have expert members on a large number of ICOMOS International Scientific Committees, as well as on expert committees and boards in Australia, which provides us with an exceptional opportunity to see best-practice internationally. Underwater cultural heritage is an important part of Australia's heritage.

As a nation, Australia has a strong history of responsible management of underwater cultural heritage and it has had a prominent role in the evolution of the discipline of maritime archaeology, commencing in Western Australia, and now extended throughout the States and Territories. It has also played an active role in development of the wording in the Convention. That wording was supported by Australia and 86 other countries – the largest number of nations supporting a cultural convention up to that time.

Since the 1970s, Australian government heritage officials and independent heritage specialists have actively represented and promoted Australia's legislative framework and management programs at national and international forums. It is noted that the Australian Government has enacted the *Underwater Cultural Heritage Act 2018* that provides compatibility with the 2001 Convention. This is seen as a resounding endorsement of the importance of the Convention as a model of best practice in the region. Australia ICOMOS notes that Australian States and Territory heritage management systems also reference the principles of the Convention – some formally adopting them through their Heritage Councils (eg. the NSW Heritage Council).

New technologies and access to deeper water means that the remains of Australian underwater cultural heritage in international waters is increasingly vulnerable to exploitation and dispersal. Permits can be issued by other nations without any reference to Australia. As a leader in the field of underwater cultural heritage management, Australia can promote adoption of the Convention by other nations in the region. Increasing the responsible and respectful treatment of this important source of information about our collective past opens up many areas of valuable research into the history of commerce, defence, evolution of technology and individual achievements. When sites are subjected to sophisticated treasure orientated exploitation, irreplaceable information and research potential is lost through a combination of minimal site documentation, poor conservation of the relics and irretrievable dispersal of site contents. The 2001

Convention sets in place principles and guidelines to protect against irresponsible exploitation and promotes appropriate consultation between State Parties and relevant cultural groups.

Ratification of the 2001 Convention is in keeping with the intentions of the 1982 *United Nations Convention on the Law of the Sea* (UNCLOS) which Australia ratified in 1994. Articles 149 and 303 of the UNCLOS state that States Parties have an obligation to protect underwater cultural heritage without identifying the mechanism for this to be implemented. Article 303, paragraph 4, recognised that specific regulations for underwater cultural heritage would be needed and these are provided through the 2001 Convention. Importantly, the 2001 Convention confirms total control for ratifying countries over their internal waters, archipelagic waters, territorial seas and contiguous zones. It does not amend the regulations of the UNCLOS or any other international law – nor does it regulate ownership of wrecks or change the sovereignty rights of State Parties.

Australia ICOMOS strongly believes that ratification of the 2001 *UNESCO Convention on the Protection of the Underwater Cultural Heritage* is in Australia's interest in continuing to develop best practice heritage management for our nation. Accordingly, it urges the Joint Standing Committee on Treaties to recommend ratification of the Convention by the Australian Government.

Yours sincerely



**Professor Tracy Ireland, M.ICOMOS, FSA
President**