



14 March 2022

**The Sydney Project Incorporated**

c/o: AJ Moore

For:

**Committee Secretary**

**Joint Standing Committee on Treaties**

By email: [jsct@aph.gov.au](mailto:jsct@aph.gov.au)

**RE: In support of Australia ratifying the  
UN Convention on the Protection of the Underwater Cultural Heritage  
(Paris, 2 November 2001)**

**Summary:**

- The Sydney Project is a collective of elite technical and recreational divers, cultural heritage advocates, boating, marine and ocean sports enthusiasts, established in 2004
- Membership is comprised of divers who come from a range of vocations including professional services, medicine, telecommunications, information technology, business, engineering, teaching and healthcare
- We are mainly NSW based, with members also in the ACT and VIC
- We have personally experienced specific challenges relating to uncertainty around underwater cultural heritage, and we find that the Convention directly addresses these issues
- Our collective view is a hearty endorsement of the UN Convention on the Protection of the Underwater Cultural Heritage
- We strongly recommend ratifying the UN Convention on the Protection of the Underwater Cultural Heritage

## **INTRODUCTION**

The Sydney Project proudly supports the ratification of the UN Convention on the Protection of the Underwater Cultural Heritage. Our members are a diverse group of people from a range of personal and professional backgrounds, education and qualifications, age ranges and genders, who share a passion and interest in underwater cultural heritage and maritime activities. We have been on the frontline of experiencing the conditions of Australia's underwater cultural heritage and have long recognised the need to extend protections to this unique resource.

We each personally and as a group, believe that both natural environmental and socio-cultural heritage be accessible, sustained, protected and preserved, for both present and future generations. With Australia's rich maritime history as an island nation, we are committed to ensuring the same protections and conservation of heritage to stories and artefacts under the sea, as that already granted to heritage on land.

On detailed and collective review of the Convention: we believe that ratification will achieve this accessibility, sustainability, protection and preservation of our underwater cultural heritage.

## **BACKGROUND**

As members of the Sydney Project, we are all divers trained and certified through various international certification authorities, are each actively engaged in multiple dive-related networks, with significant exposure to both local and international dive community concerns, while staying abreast of the narrative around underwater cultural heritage in the broader society.

The common issues we have faced in relation to underwater cultural heritage have included:

1. Ambiguity around what constitutes underwater cultural heritage, as well as the areas, activities and types of vessels and aircrafts this includes
2. Uncertainty around different countries/states having different approaches to underwater cultural heritage
3. How any regulation may relate to/supersede the established global regulations we know
4. Defining what is authorised for salvage vs protected for conservation

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5. What our obligations and opportunities might be around greater international collaboration
6. How any rules might be applied closer to home
7. Where our regions of responsibility would lie
8. How to establish some standards or baselines in regards to reporting
9. How we can support our broader community to learn, experience and appreciate our underwater cultural heritage
10. Crafting guidelines around what activities are acceptable, safe and sustainable around underwater sites, including establishing some common ground around managing projects, safety, reporting and management.

## THE PROBLEMS

These common and pertinent questions and ambiguities have caused confusion in regards to people's obligations and subsequent inconsistencies with behaviours, and have also stunted research, restricted collaboration and delayed information sharing.

The uncertainty has led to duplication in effort and redundancies in resources, as many people have re-invented many wheels in the clearly collective bid to bring the approach to *underwater* heritage in line with the approach afforded to *above water* heritage.

## THE SOLUTION = RATIFICATION

Our drive for supporting ratification stems from the opportunity which the Convention brings, to:

1. Even the scales between the treatment of above water and below water cultural heritage
2. Address those several specific issues we have personally faced and experienced in the diving community and broader society

The articles of the Convention actively, constructively and clearly provide answer and definition to those challenges outlined, which we as the Sydney Project collectively, as well as members personally, have experienced firsthand.

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Specifically:

Issues we have experienced (from pages 2-3)	The Convention
1. Ambiguity around what constitutes underwater cultural heritage, as well as the areas, activities and types of vessels and aircrafts this includes	<b>Article 1 – Definitions:</b> Clearly answers what constitutes underwater heritage, as well as defining the areas, activities, vessels, parties and rules.
2. Uncertainty around different countries/states having different approaches to underwater cultural heritage	<b>Article 2 – Objectives &amp; general principles:</b> Provides concise definition around a collective, unified, consistent approach to underwater cultural heritage.
3. How any regulation may relate to / supersede the established global regulations we know	<b>Article 3 – Relationship between this Convention and the United Nations Convention on the Law of the Sea</b> Direct explanation of how this new Convention will operate with consistency within International Law.
4. Defining what is authorised for salvage vs protected for conservation	<b>Article 4 - Relationship to law of salvage and law of finds</b> Clear delineation of what is and isn't subject to salvage
5. What our obligations and opportunities might be around greater international collaboration	<b>Article 6 - Bilateral, regional or other multilateral agreements</b> Advocacy and encouragement of agreements and relationships in support of the Convention, with an endorsement supporting the opportunity of greater collaboration
6. How any rules might be applied closer to home	<b>Article 7 – Underwater cultural heritage in internal waters, archipelagic waters and territorial sea</b> Clear guidance around how nations are to handle heritage in domestic waters
7. Where our regions of responsibility	<b>Article 8 – Underwater cultural heritage in the</b>

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would lie	<p><b>contiguous zone, &amp;;</b></p> <p><b>Article 9 – Reporting and notification in the exclusive economic zone and on the continental shelf, &amp;;</b></p> <p><b>Article 10 – Protection of underwater cultural heritage in the exclusive economic zone and on the continental shelf</b></p> <p>Defined geographic zones and the express responsibilities for each nation at each level</p>
8. How to establish some standards or baselines in regards to reporting	<p><b>Article 11 – Reporting and notification in the Area; &amp;;</b></p> <p><b>Article 19 – Cooperation and information-sharing</b></p> <p>Clear reporting process and statement on dissemination of information.</p>
9. How we can support our broader community to learn, experience and appreciate our underwater cultural heritage	<p><b>Article 20 – Public awareness, &amp;;</b></p> <p><b>Article 21 – Training in underwater archaeology, &amp;;</b></p> <p><b>Article 22 – Competent authorities</b></p> <p>Practical, actionable structure around engaging the broader community and establishing effective management capabilities.</p>
10. Crafting guidelines around what activities are acceptable, safe and sustainable around underwater sites, including establishing some common ground around managing projects, safety, reporting and management.	<p><b>Annex</b></p> <p><b>Rules concerning activities directed at underwater cultural heritage</b></p> <p>Clear and defined rubrics and instructions around behaviours and activities relating to underwater cultural heritage.</p>

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Demonstrably, The Convention specifically addresses and provides a solid framework for the challenges we have seen and experienced firsthand in relation to underwater cultural heritage.

In implementing the Convention, we strongly support that reasonable, non-intrusive access to wreck sites and other underwater cultural heritage sites for observation, study and enjoyment be maintained; that finds be reported, information shared, collaboration encouraged and respect and appreciation for the unique underwater artefacts of lived history be advocated.

The Convention is more than a philosophy or concept, but rather a practical answer to the common underwater cultural heritage issues being faced in Australia even today.

## CONCLUSION

As active members of society, with expert knowledge in and a uniquely close relationship with the challenges relating to underwater cultural heritage: The Sydney Project passionately recommends ratifying the UN Convention on the Protection of Underwater Cultural Heritage.

We commend the 70+ other countries who have already recognised the importance of this Convention.

We provide our assurances to the *Joint Standing Committee on Treaties* tasked with reviewing this proposal, that we believe the Convention is in the best interests of Australia's underwater cultural heritage and, specifically, best serves the broader society who stand to benefit from protecting this heritage through ratification.

Thank-you for reviewing our submission,

