

## **Implementation of UNESCO Convention on Protection of the Underwater Cultural Heritage in Lithuania**

**Vladas Žulkus**

Klaipėda University, H. Manto 84, 92294, Klaipėda, Lithuania. [vladas.maritime@gmail.com](mailto:vladas.maritime@gmail.com)

Protection of Underwater Cultural Heritage (UCH) and guarantees for its preservation are provided by effectual national legislation on protection of cultural heritage. On a global scale a real protection of the UCH is secured by international commitments - **UNESCO Convention on Protection of the Underwater Cultural Heritage**, the regional networks and non-governmental organizations. The necessity of joining to this Convention was emphasized by the Baltic Assembly in 2003: „*to initiate the ratification of or accession to the UNESCO Convention on Protection of the Underwater Cultural Heritage*“. Estonia and Latvia are still to join the Convention. Lithuania is one of 42 countries that signed UNESCO 2001 Convention. The Convention was ratified by the Republic of Lithuania in 2006 and came into force in 2009.

The Republic of Lithuania implemented the **Law on Protection of Immovable Cultural Heritage**. This national document delineates the protection of UCH, regulates its evaluation and the order of exploration.

Definition of UCH in the **Convention** and national **Law** of Lithuania differs. **UNESCO Convention** says: “*Underwater cultural heritage*” means all traces of human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least 100 years such as: (etc., etc.)“. The **Law on Protection of Immovable Cultural Heritage of Lithuania** suggests: Immovable Underwater Cultural Heritage is – “*the archaeological objects, sites and the items of immovable or movable property recognised as significant, which are totally or partially under water, where the only or one of the main sources of scientific data thereon is underwater research and findings*“. The national law withdraws from above age qualification for underwater objects (firstly, for wrecks). Consequently, entering of UCH into lists of protected heritage becomes more complicated, as each case requires a cultural evaluation. The cultural value of each object is defined by Cultural Heritage Assessment Board (Department of Cultural Heritage under the Ministry of Culture of the Republic of Lithuania). The national law also regulates the order in performance of scientific research of cultural heritage: “*The basic research of immovable cultural heritage shall be funded from the state budget and conducted according to state programmes by institutions of science and studies as well as other state research institutions. Applied and destructive scientific research shall be conducted by the institutions of the relevant field, scientists and the researchers certified in accordance with the procedure approved by the Minister of Culture*” (Article 18. 2). The same requirements are applied also for UCH.

New UCH objects are not always found by archaeologists. Very often the first wreck visitors are amateur divers. Only in rare cases after their visits the wrecks remain untouched. After several visits most of the artefacts disappear instead of being lifted. UCH is under real threat until legislative protection is applied. However, before this protection is applied, the wreck can lose many authentic elements. UNESCO Convention insistently recommends protecting underwater cultural heritage *“in situ”*. To stop the commercial excavation and pillaging salvaging part of the cargo and artefacts, de-accessioning of the artefacts is not recommended. The national law does not interdict from lifting of artefacts: *“In an object protected for scientific knowledge, territory thereof or a site, it shall be prohibited: without the consent of an institution in charge of protection, to move, research, lift underwater objects, separate parts thereof or archaeological findings in inland waters, the territorial sea and contiguous zone as defined in international treaties of the Republic of Lithuania”* (Article 17. 1, 4).

However, a real threat to UCH encourages discussion on strict observance of these prohibitions. We presume that in some cases, in order to pre-empt possible pillage and dispersion of collections it is required to salvage some of the artefacts from the wrecks. Salvaging wreck parts appears to be contrary to the Convention, but preserves the integrity of finds from the wrecks. This practice should be applied to accidental finds, but not to the cargo. The valuable cargo can be secured by covering the parts of the wreck with a protective metal net and blocking the openings in the wreck’s interior.

**Case studies.** “Lutra” wreck case. The wreck was discovered in 1997 and rediscovered in 2005 (Fig.1). This sailing vessel could drown in the early 20th century. Since 2011 it is often visited by divers. The ship’s bell was raised in May 2012 after consultations with archaeologists, since it could be stolen. The wreck is not legally protected. The robbery signs are obvious. In the summer time the archaeologists of Klaipėda University lifted a few artefacts from the wreck. These artefacts are now a part of a collection at Lithuanian Maritime Museum. Should they brought back and be exhibited *in situ*?



Fig1“Lutra” wreck from the early 20th century. The room in the back of the ship. Photo by V. Žulkus

“U-580” wreck case. June 24, 2013. *Wikipedia* information: „A group of Lithuanian diving enthusiasts found German submarine U-580. November 11, 1941: U-580 collided with the target ship SS Angelburg and sank in the Baltic Sea, 14 km South West of Memel (currently Klaipėda, Lithuania) (12 casualties, 32 survivors)“. The submarine was discovered by the hydrographic vessel „Varūna“ (Lithuanian Maritime Safety Administration) in the March. Archaeologists of Klaipėda University learned about the discovery only at the end of June. On July 02, 2013 the Department of Cultural Heritage sent letters to the Ministry of Transport and Communications, State Border Guard Service, Lithuanian Maritime Safety Administration and Klaipėda University, forbidding very fast shipping and diving in the area. Meanwhile, on August 16 the German



Fig2“U-580” wreck. The top of the observation scope, used to scan the sky, is already destroyed. Photo by V. Žulkus

Embassy sent a note, requesting to treat this warship as a soldiers grave and ban diving, satisfying curiosity and the pursuit of profit. Attempts were also made to remove the wreck's parts (Fig.2).

How can we avoid similar cases? How to improve the protection of UCH in territorial waters of Lithuania? What is to be done to make Lithuania a model Member State of the Convention?

In compliance with different international agreements Lithuania may employ different sources about finds on the seafloor. UNCLOS primarily: *“States have the duty to protect objects of an archaeological and historical nature found at sea and shall cooperate for this purpose“* (Article 303. 1). The practice shows that the Department of Cultural Heritage receives no information about above finds or receives it either too late or indirectly. The Department is directly responsible for the prosecution of requirements of the Convention. However, the Convention was ratified by the Parliament of Lithuania and the State is responsible for its execution. In compliance with the governmental order the Department of Cultural Heritage ought to have priority in receiving information about discovered underwater objects from all institutions, involved in underwater explorations within Lithuanian territorial waters and EZ (Lithuanian Maritime Safety Administration, Ministry of Environment, Port of Klaipėda, Lithuanian Naval Forces, etc.). These activities could be coordinated by Lithuanian State Cultural Heritage Commission (an authority, subordinate to Lithuanian Parliament). Information about underwater finds should be confidential and expeditiously sent to the Department of Cultural Heritage. After evaluation of the object by specialists legal protective measures should be taken. However, the period of time between discovery of a find and employment of protection measures remains to be too long.

UCH is to be respected in all documents and strategies, related to protection of the marine environment. Unfortunately, this is not true. In *“Lithuanian Proposals for the EU Baltic Sea Strategy“* it is impossible to trace a single word about protection of UCH. What about designation of UCH areas and restrictions for other marine space users?

Exploration of UCH and its preservation is not possible without cooperation with neighbouring countries. In 2009 the University organized a joint underwater archaeological expedition with Estonian Maritime Museum (gratitude to a colleague Vello Mäss) and searched for Lithuanian Warship - "Prezidentas Smetona", which sank at the end of WWII off the coast of Estonia. Cooperation with Germany is necessary for identification of ships that sank in Lithuanian territorial waters during WWI and WWII.

While realizing requirements of the Convention education of society and introduction of the role of UCH in sustainable development is essential. UCH must be accessible to the society and sustainable underwater tourism concept and principles are to be developed. Measures should also be taken to prevent any further cases of looting and to fight against the destruction of UCH. A very

efficient method to preserve UCH is to educate divers and the public. In all cases the UCH objects require periodic monitoring, competence and resources.

### **Literature**

Lithuanian Proposals for the EU Baltic Sea Strategy. Draft: 30-05-2008.

Resolution on the Maritime Cultural Heritage in Estonia, Latvia and Lithuania. The Baltic Assembly. Vilnius, 29 November 2003.

The Law on Protection of Immovable Cultural Heritage of Lithuania (28/09/2004, No. IX - 2452) in 1994. As last amended on 2008 – No X-1531).

UN Convention on the Law of the Sea from December 10, 1982. UNCLOS.

UNESCO Convention on the Protection of Underwater Cultural Heritage 2001.

<http://www.militaryphotos.net/forums/showthread.php?228343-Lithuanian-divers-found-wreck-of-German-U-580>