

HEADLINE STRATEGY FOR THE CONSERVATION AND PROTECTION OF UNDERWATER CULTURAL HERITAGE IN THE BRITISH ANTARCTIC TERRITORY



Ernest Shackleton's vessel *Endurance* before her sinking in the Antarctic ice



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SUMMARY

The Government of the British Antarctic Territory will work in partnership with the Foreign and Commonwealth Office, the United Kingdom Antarctic Heritage Trust, the British Antarctic Survey, and other stakeholders as appropriate, to:

- Identify and help protect sites of Underwater Cultural Heritage of significant heritage value across the British Antarctic Territory;
- Ensure that, where appropriate, management plans are developed for each such site and their integral artefacts;
- Communicate the significance of these heritage sites, and the wider context of the history of the British Antarctic Territory; and
- Maintain a record on the status and condition of all such sites of significant heritage value in the British Antarctic Territory

Underwater Cultural Heritage in British Antarctic Territory

1. British Antarctic Territory (BAT) includes a significant marine space [*see Annex 1*]. Within this space there will be material and structures comprising Underwater Cultural Heritage (UCH) of significance to the history of mankind and also to the legacy of UK endeavour and scientific curiosity, which have formed the backbone of UK presence in the BAT since the heroic age.
2. UCH comprises all traces of human existence having a significant cultural, historical or archaeological character such as sites, structures, buildings, artefacts and human remains, together with their archaeological and natural context.
3. Within this marine space there are known locations of potential UCH, known but as yet not located UCH and unknown UCH. As technology for exploration of the deep seas advances, the threat of unauthorised disturbance and removal of such UCH increases. We have already reached the point where, given the resources and determination, very little UCH remains undetectable, as recent discoveries have repeatedly demonstrated.
4. It is essential that such significant UCH is protected and, where possible and resources permit, it is recorded and conserved for future generations. Paramount to achieving this is a full understanding and awareness of that history. While people may have differing views on what is and what is not heritage and what is significant in this context, it is important that where appropriate and resources permit, such known sites are protected, recorded and conserved.
5. The UK will review, as a desk based exercise, the known sites of potential UCH to assess their potential significance. Where resources permit, these sites will be surveyed and recorded. If a sufficient degree of significance is established such sites will be considered

for protection and management as British sites of heritage value or be proposed for listing as Historic Sites and Monuments under Annex V of the Protocol on Environmental Protection to the Antarctic Treaty.

6. These sites will be included in a register of UCH, which are present within the BAT.
7. To support this process, a set of heritage assessment criteria will be utilised to provide a more standardised approach to the assessment of heritage value underwater.
8. In considering any new proposals for listing a British heritage site as a new Historic Site and Monument under the Antarctic Treaty, the Government of the British Antarctic Territory will consult with interested stakeholders to assess the historic significance of the site, the material state of any structures or artefacts, and any risks to the conservation of the site.
9. Similarly, if it is assessed that any site has degenerated, or has been damaged and can no longer be supported as a heritage site, the Government of the British Antarctic Territory will consult with interested stakeholders on whether a site should be delisted and/or removed (ensuring compliance with the provisions of the Environmental Protocol to the Antarctic Treaty).
10. Where it is determined that a site can no longer be supported as a heritage site the delisting or removal of the site should be preserved by ensuring there is a written record prior to such delisting and / or removal.

Key Management Principles

11. The *Guidelines for the designation and protection of Historic Sites and Monuments*, as appended to Resolution 3(2009), agreed at the Antarctic Treaty Consultative Meeting XXXII, and any future amended guidelines, will be the minimum requirement for the long-term management of UCH by the BAT Government. The BAT Government will also take note of and apply any new guidelines or other appropriate material produced as part of the Committee for Environmental Protection's heritage review.
12. A key objective is to improve public awareness and understanding of the significance of these historic sites, and the broader history of the BAT. This will be addressed in a number of ways including by creating well-maintained online materials, working with partner organisations on engagement activity, by providing interpretative material, where appropriate, nearby the sites themselves and the use of emerging technologies such as Virtual Reality and Augmented Reality.

Principles of Site Management

13. The United Kingdom has adopted the Rules of the Annex to the 2001 Convention as best practice in marine archaeology¹. In managing UCH in the BAT, the BAT Government will apply the Rules of the Annex. In particular, any application for consent for any activity which may impact upon such sites will require compliance with the Rules of the Annex. The Rules of the Annex to the 2001 Convention are reproduced in Annex 2 hereto.

¹ <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-10-31/HCWS208/>

14. The aim is, where resources allow, to make a survey of each site at suitable intervals to determine the condition of the structures and the artefacts. This will be carried out within the limits of available finance and the logistics of access.
15. Priority will be accorded to those sites listed as Historic Sites and Monuments under the Antarctic Treaty for which the UK is a Party undertaking management. Preservation of all UCH sites in-situ shall be considered as the first option.
16. Conservation measures, where deemed appropriate, will be prioritised on the basis of the historic significance of the site, the material state of any remaining structures or artefacts, any risks to the protection of the site, the feasibility of undertaking conservation measures and the availability of resources.
17. It will be the ambition of the BAT Government to see Conservation Management Plans (CMP) developed for each site based upon detailed surveys of the sites and their integral structures and artefacts. These will be developed drawing on expertise from a range of sources to ensure the sites are managed to appropriate internationally recognised standards.
18. To allow for the effective protection, conservation, presentation and management of underwater cultural heritage within the BATa Maritime Historic Environment Record for the Territory will be established and maintained. This will be an inventory of all known and potential underwater cultural heritage within the BAT and British Antarctic maritime cultural heritage located elsewhere in the world, including in the rest of Antarctica.
19. Where material is planned to be removed from an UCH site it will be treated in accordance with the Rules of The Annex to the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001 and any acquisitions and disposals of the site assemblage or any part thereof shall only be undertaken to the standards set out by Museum Accreditation and in the PAS 197:2009 Code of practice for cultural collections management.

Historic State Vessels & Aircraft

20. The BAT Government takes the view that the remains of naval warships, state vessels, aircraft owned or operated by them for non-commercial purposes and their associated artefacts are entitled to enjoy protection through Sovereign Immunity. This means that they are not subject to the jurisdiction of any other State. Sovereign Immune vessels cannot have salvage services conferred upon them without the consent of their Flag State at the time of their loss or any successor thereto.
21. The BAT Government is also of the view that unless expressly relinquished or abandoned by the Flag State, the Sovereign Immunity of the wreck of any such vessels remains in place, regardless of where the wreck in question is located and that the approval of the relevant Flag State must be obtained for any activities directed at such Sovereign Immune sites.
22. Where a UCH site in BAT is entitled to such Sovereign Immunity the BAT Government shall manage the site in accordance with that principle of International Law.
23. The Protection of Military Remains Act 1986 will apply to British controlled ships or British nationals within BAT. Military aircraft are automatically designated under the Act, while

vessels that were sunk while in military service have to be specifically identified and designated, by means of a statutory instrument, for the Act to apply to them.

24. The 1986 Act provides for criminal sanctions for doing without authority certain prohibited actions or taking part in prohibited operations. Liability goes beyond those who actually carry out the prohibited actions to those who permit or cause another person to carry them out. The Act confers on an authorised person wide powers of boarding, search and seizure. The Act also gives discretionary power to confiscate equipment used or intended for use to commit an offence under the Act. This can be taken to include not just diving gear but also the vessel. Where any prohibited act or operation referred to above occurs in international waters, no offence is committed unless the act is committed either on board a British controlled ship or essentially by a British national.
25. Outside of British Antarctic Territory waters, in the rest of Antarctica, anyone who may discover a British Military wreck should refer to Department of Digital, Culture, Media and Sport and Ministry of Defence guidance document *Protection and Management of Historic Military Wrecks outside UK Territorial Waters*²

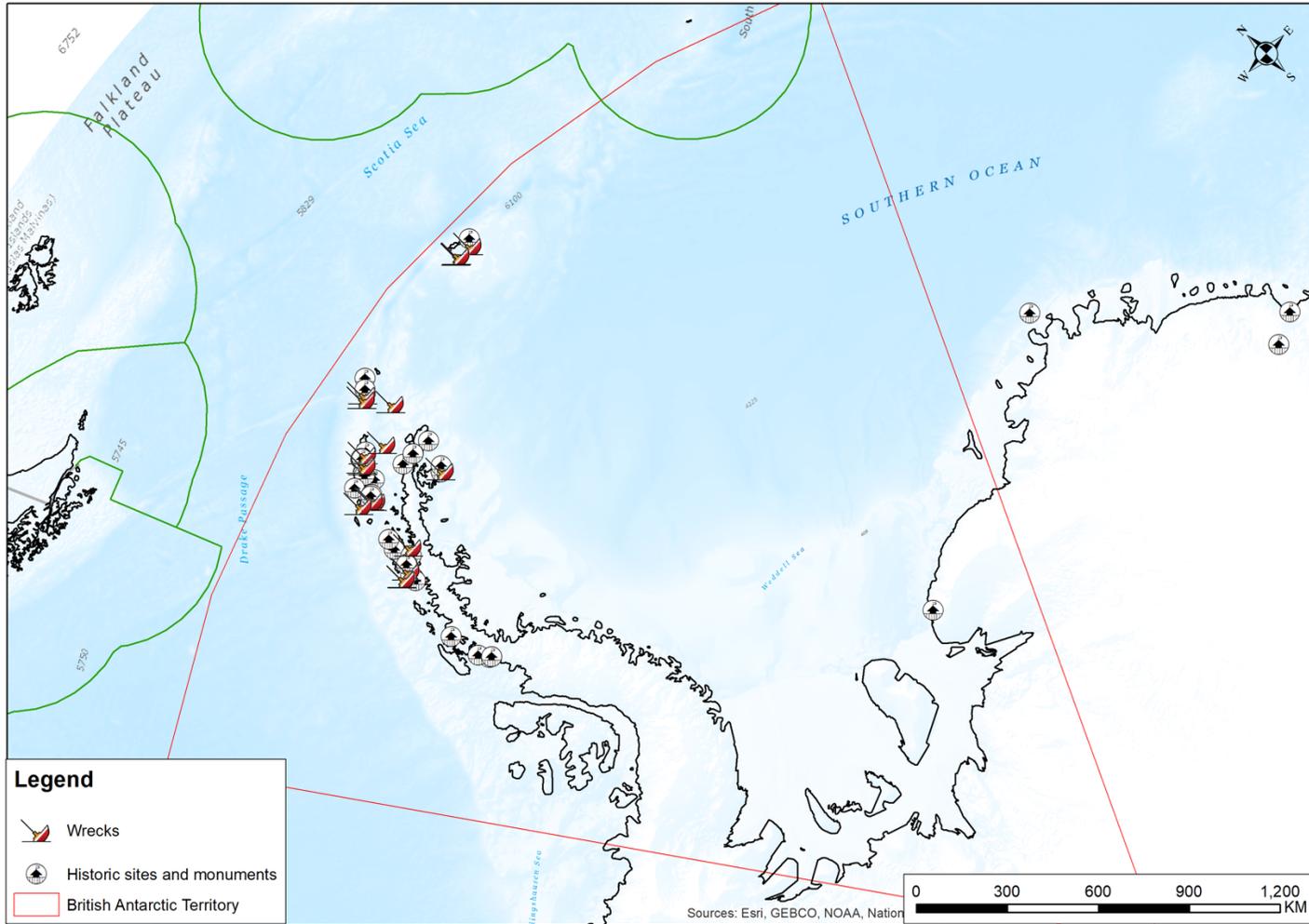
BAT UCH Strategy

26. Informed by a British Antarctic Territory Maritime Historic Environment Record, a Research Framework will be formulated which will set out a vision for the future of research and management of underwater cultural heritage within the Territory.
27. This strategy will review the existing state of knowledge of the UCH within BAT and present a series of research priorities that would help shape research and management of the resource.
28. The BAT Government will seek to further this Research Framework as resources permit.

² <https://www.gov.uk/government/publications/protection-and-management-of-historic-military-wrecks-outside-uk-territorial-waters>

Annex 1

Below is a table of known wreck sites and locations and a chart showing known sites and locations and historic sites and monuments



WreckID	Latitude	Longitude	ObjectName	Status	LastAmendment	CategoryOfObstruction	CategoryOfWreck	WaterLevelEffect
85002	60 45.11 S	44 42.54 W			20160513	foul ground		always under water/submerged
73358	64 48.46 S	63 29.746 W			20090421	foul ground		always under water/submerged
56949	64 46.5 S	64 6.1 W			20130725	foul ground		always under water/submerged
56742	64 32.48 S	61 59.77 W	GOUVERNAREN		20111018		wreck showing any portion of hull or superstructure	covers and uncovers
80544	62 5.92 S	58 21.97 W			20130813	foul ground		always under water/submerged
56747	62 11.5 S	58 54.417 W		dead	19880718		wreck showing any portion of hull or superstructure	covers and uncovers
56746	62 15.1 S	58 56.7 W			20130725	foul ground		always under water/submerged
57765	64 13.57 S	56 32.22 W			19990930	foul ground		always under water/submerged
79135	64 47.88 S	64 5.25 W			20120417			always under water/submerged
56743	62 59.9 S	60 33.4 W	SOUTHERN HUNTER		20111018		wreck showing any portion of hull or superstructure	covers and uncovers
56744	62 56.347 S	60 36.103 W			20130725		wreck showing any portion of hull or superstructure	covers and uncovers
70903	62 24.293 S	57 11.775 W	EXPLORER (PROBABLY)		20140918		non-dangerous wreck	always under water/submerged
56748	61 9.5 S	55 22.0 W	ENDURANCE (POSSIBLY)		20040513		distributed remains of wreck	covers and uncovers
56640	60 42.683 S	45 39.617 W	TIOGA		20050314		wreck showing any portion of hull or superstructure	covers and uncovers
71134	61 57.5 S	54 51.0 W			20080108			always under water/submerged
74471	61 12.79 S	55 36.81 W			20091117	foul ground		always under water/submerged
56938	64 46.853 S	64 5.795 W	BAHIA PARAISO		20120417		wreck showing any portion of hull or superstructure	covers and uncovers
56672	60 42.622 S	45 35.75 W			19990209		wreck showing any portion of hull or superstructure	covers and uncovers
56685	60 42.65 S	45 35.842 W			19990209		wreck showing any portion of hull or superstructure	covers and uncovers
56745	62 43.1 S	61 12.1 W	ZAPIOLA		19831010		dangerous wreck	always under water/submerged

Annex 2

Annex to the UNESCO 2001 Convention on the Protection of Underwater Cultural Heritage **Rules concerning activities directed at underwater cultural heritage**

I. General principles

Rule 1. The protection of underwater cultural heritage through in situ preservation shall be considered as the first option. Accordingly, activities directed at underwater cultural heritage shall be authorized in a manner consistent with the protection of that heritage, and subject to that requirement may be authorized for the purpose of making a significant contribution to protection or knowledge or enhancement of underwater cultural heritage.

Rule 2. The commercial exploitation of underwater cultural heritage for trade or speculation or its irretrievable dispersal is fundamentally incompatible with the protection and proper management of underwater cultural heritage. Underwater cultural heritage shall not be traded, sold, bought or bartered as commercial goods.

This Rule cannot be interpreted as preventing:

(a) the provision of professional archaeological services or necessary services incidental thereto whose nature and purpose are in full conformity with this

Convention and are subject to the authorization of the competent authorities;

(b) the deposition of underwater cultural heritage, recovered in the course of a research project in conformity with this Convention, provided such deposition does not prejudice the scientific or cultural interest or integrity of the recovered material or result in its irretrievable dispersal; is in accordance with the provisions of Rules 33 and 34; and is subject to the authorization of the competent authorities.

Rule 3. Activities directed at underwater cultural heritage shall not adversely affect the underwater cultural heritage more than is necessary for the objectives of the project.

Rule 4. Activities directed at underwater cultural heritage must use non-destructive techniques and survey methods in preference to recovery of objects. If excavation or recovery is necessary for the purpose of scientific studies or for the ultimate protection of the underwater cultural heritage, the methods and techniques used must be as non-destructive as possible and contribute to the preservation of the remains.

Rule 5. Activities directed at underwater cultural heritage shall avoid the unnecessary disturbance of human remains or venerated sites.

Rule 6. Activities directed at underwater cultural heritage shall be strictly regulated to ensure proper recording of cultural, historical and archaeological information.

Rule 7. Public access to *in situ* underwater cultural heritage shall be promoted, except where such access is incompatible with protection and management.

Rule 8. International cooperation in the conduct of activities directed at underwater cultural heritage shall be encouraged in order to further the effective exchange or use of archaeologists and other relevant professionals.

II. Project design

Rule 9. Prior to any activity directed at underwater cultural heritage, a project design for the activity shall be developed and submitted to the competent authorities for authorization and appropriate peer review.

Rule 10. The project design shall include:

- (a) an evaluation of previous or preliminary studies;
- (b) the project statement and objectives;
- (c) the methodology to be used and the techniques to be employed;
- (d) the anticipated funding;
- (e) an expected timetable for completion of the project;
- (f) the composition of the team and the qualifications, responsibilities and experience of each team member;
- (g) plans for post-fieldwork analysis and other activities;
- (h) a conservation programme for artefacts and the site in close cooperation with the competent authorities;
- (i) a site management and maintenance policy for the whole duration of the project;
- (j) a documentation programme;
- (k) a safety policy;
- (l) an environmental policy;
- (m) arrangements for collaboration with museums and other institutions, in particular scientific institutions;
- (n) report preparation;
- (o) deposition of archives, including underwater cultural heritage removed; and
- (p) a programme for publication.

Rule 11. Activities directed at underwater cultural heritage shall be carried out in accordance with the project design approved by the competent authorities.

Rule 12. Where unexpected discoveries are made or circumstances change, the project design shall be reviewed and amended with the approval of the competent authorities.

Rule 13. In cases of urgency or chance discoveries, activities directed at the underwater cultural heritage, including conservation measures or activities for a period of short duration, in particular site stabilization, may be authorized in the absence of a project design in order to protect the underwater cultural heritage.

III. Preliminary work

Rule 14. The preliminary work referred to in Rule 10 (a) shall include an assessment that evaluates the significance and vulnerability of the underwater cultural heritage and the surrounding natural environment to damage by the proposed project, and the potential to obtain data that would meet the project objectives.

Rule 15. The assessment shall also include background studies of available historical and archaeological evidence, the archaeological and environmental characteristics of the site, and the consequences of any potential intrusion for the long-term stability of the underwater cultural heritage affected by the activities.

IV. Project objective, methodology and techniques

Rule 16. The methodology shall comply with the project objectives, and the techniques employed shall be as non-intrusive as possible.

V. Funding

Rule 17. Except in cases of emergency to protect underwater cultural heritage, an adequate funding base shall be assured in advance of any activity, sufficient to complete all stages of the project design, including conservation, documentation and curation of recovered artefacts, and report preparation and dissemination.

Rule 18. The project design shall demonstrate an ability, such as by securing a bond, to fund the project through to completion.

Rule 19. The project design shall include a contingency plan that will ensure conservation of underwater cultural heritage and supporting documentation in the event of any interruption of anticipated funding.

VI. Project duration – timetable

Rule 20. An adequate timetable shall be developed to assure in advance of any activity directed at underwater cultural heritage the completion of all stages of the project design, including conservation, documentation and curation of recovered underwater cultural heritage, as well as report preparation and dissemination.

Rule 21. The project design shall include a contingency plan that will ensure conservation of underwater cultural heritage and supporting documentation in the event of any interruption or termination of the project.

VII. Competence and qualifications

Rule 22. Activities directed at underwater cultural heritage shall only be undertaken under the direction and control of, and in the regular presence of, a qualified underwater archaeologist with scientific competence appropriate to the project.

Rule 23. All persons on the project team shall be qualified and have demonstrated competence appropriate to their roles in the project.

VIII. Conservation and site management

Rule 24. The conservation programme shall provide for the treatment of the archaeological remains during the activities directed at underwater cultural heritage, during transit and in the long term. Conservation shall be carried out in accordance with current professional standards.

Rule 25. The site management programme shall provide for the protection and management in situ of underwater cultural heritage, in the course of and upon termination of fieldwork. The programme shall include public information, reasonable provision for site stabilization, monitoring, and protection against interference.

IX. Documentation

Rule 26. The documentation programme shall set out thorough documentation including a progress report of activities directed at underwater cultural heritage, in accordance with current professional standards of archaeological documentation.

Rule 27. Documentation shall include, at a minimum, a comprehensive record of the site, including the provenance of underwater cultural heritage moved or removed in the course of the activities directed at underwater cultural heritage, field notes, plans, drawings, sections, and photographs or recording in other media.

X. Safety

Rule 28. A safety policy shall be prepared that is adequate to ensure the safety and health of the project team and third parties and that is in conformity with any applicable statutory and professional requirements.

XI. Environment

Rule 29. An environmental policy shall be prepared that is adequate to ensure that the seabed and marine life are not unduly disturbed.

XII. Reporting

Rule 30. Interim and final reports shall be made available according to the timetable set out in the project design, and deposited in relevant public records.

Rule 31. Reports shall include:

- (a) an account of the objectives;
- (b) an account of the methods and techniques employed;
- (c) an account of the results achieved;
- (d) basic graphic and photographic documentation on all phases of the activity;
- (e) recommendations concerning conservation and curation of the site and of any underwater cultural heritage removed; and
- (f) recommendations for future activities.

XIII. Curation of project archives

Rule 32. Arrangements for curation of the project archives shall be agreed to before any activity commences, and shall be set out in the project design.

Rule 33. The project archives, including any underwater cultural heritage removed and a copy of all supporting documentation shall, as far as possible, be kept together and intact as a collection in a manner that is available for professional and public access as well as for the curation of the archives. This should be done as rapidly as possible and in any case not later than ten years from the completion of the project, in so far as may be compatible with conservation of the underwater cultural heritage.

Rule 34. The project archives shall be managed according to international professional standards, and subject to the authorization of the competent authorities.

XIV. Dissemination

Rule 35. Projects shall provide for public education and popular presentation of the project results where appropriate.

Rule 36. A final synthesis of a project shall be:

- (a) made public as soon as possible, having regard to the complexity of the project and the confidential or sensitive nature of the information; and
- (b) deposited in relevant public records.