



The Protection of the  
Underwater Cultural Heritage

## The History of the 2001 Convention on the Protection of the Underwater Cultural Heritage

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### ANTECEDENTS:

As far back as 1956, UNESCO's Recommendation on International Principles Applicable to Archaeological Excavations applied to underwater sites situated inside territorial waters. However, the protection of this heritage wherever it might be, i.e. also in international waters, still called for a specific and wider-reaching international legal instrument.

The 2001 UNESCO Convention was therefore elaborated. It adopted the principles developed by the *ICOMOS Charter on the Protection and Management of the Underwater Cultural Heritage* (Sofia, Bulgaria, 1996). It is also complementary to the *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* (1970).

### CHRONOLOGY:

- 1976** - The Culture and Education Commission of the Council of Europe undertakes a study of the subject of the protection of underwater cultural heritage. Despite several years of work, no text is adopted.
- 1994** - Adoption of the draft Convention on the Protection of the Underwater Cultural Heritage by the plenary session of the International Law Association (ILA) at Buenos Aires and transmission to UNESCO, recognized as the appropriate body responsible for this matter.
- 1996** - The General Assembly of the International Council of Monuments and Sites (ICOMOS) meets in Sofia, Bulgaria (5-9 October) where it adopts the International Charter on the Protection and Management of the Underwater Cultural Heritage.
- 1997** - At its 29th session, the UNESCO General Conference decides that the protection of the underwater cultural heritage should be regulated at the international level by an international convention. It invites the Director-General to convene a group of governmental experts for this purpose (Doc. 29C/Resolution 21).
- 1998 -2001** Several meetings of Governmental Experts on the Draft Convention on the Protection of the Underwater Cultural Heritage take place.

**2001** - The UNESCO Convention on the Protection of the Underwater Cultural Heritage is adopted on 2 November by the Plenary Session of the 31st General Conference (Doc. 31C/24) with 88 votes in favour, 4 against and 15 abstentions. Commission IV (Culture) of the General Conference had previously recommended (94 votes in favour, 5 against and 19 abstentions) the adoption of the draft Convention (Doc. 31C/Resolutions, XV, par. D).

The 2001 Convention becomes UNESCO's fourth convention protecting cultural heritage.

The next step to be taken is the **ratification** by Member States of UNESCO by depositing an instrument of ratification, acceptance or approval. States that are not members of UNESCO as well as independent territories may accede to the Convention.