

Heritage today, gone tomorrow:  
*in situ* preservation of underwater  
cultural heritage in law and practice

Debra G. Shefi

PhD

Flinders University

Department of Archaeology

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For my father,  
Ron M. Shefi

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# Abstract

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Reflecting current trends in practice and research toward a universally recognised best practice for underwater cultural heritage (UCH) management, international guidelines encourage the utilisation of *in situ* preservation as the ‘first option’ in securing these non-renewable resources. *In situ* UCH management is identified as the prime standard by both the 2001 United Nations Educational, Scientific and Cultural Organization’s (UNESCO) *Convention on the Protection of the Underwater Cultural Heritage* and the 1996 International Council on Monuments and Sites’ (ICOMOS) *Charter on the Protection and Management of Underwater Cultural Heritage*. At present, however, neither UNESCO nor ICOMOS explicitly define the suggested ‘first option’. As such, the scope and context of *in situ* preservation is open to interpretation, and can be construed to exclude a number of *in situ* management techniques currently employed by heritage practitioners – including relocation and underwater repositories. As many practitioners rely on the 2001 Convention and its Annex to support domestic legislation, or as the stand-alone reference in lieu of domestic law, it is imperative that the interpretation of the ‘first option’ is not at once inclusive and unequivocally defined. This study therefore examines whether an assessment of international conventions and guidelines, domestic laws inclusive of heritage materials and practitioners’ publications relating to UCH, with a specific focus on *in situ* preservation, can identify discordance between practitioners interpretation of the law and applied practice. The analysis occurs with the examination of three genres of literature forming the basis of UCH management (international and domestic laws enacted as of July 2012 and practitioner publications) and an assessment of five case studies applying various *in situ* preservation techniques within site management. The data and discussion of results will demonstrate if and how managerial terminology requires clarification within the assessed literature. More specifically, conclusions will aid in the development of a more robust and well-supported definition of *in situ* preservation, which can be applied as a global best practice for UCH management.

## **DECLARATION**

I certify that this thesis does not incorporate without acknowledgement any material previously submitted for a degree or diploma in any university; and that to the best of my knowledge and belief it does not contain any material previously published or written by another person except where due reference is made in the text.

Debra G. Shefi

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# Abbreviations

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AHSPP	Australian Historic Shipwreck Preservation Project
CAME	Conference of Allied Ministers of Education
CCS	Convention on the Continental Shelf
Ch	Chapter
CHS	Convention of the High Seas
CISMAS	Cornwall and Isle of Scilly Maritime Archaeology Society
CTSCZ	Convention on the Territorial Sea and the Contiguous Zone
DOALOS	United Nations Division for Ocean Affairs and the Law of the Sea
EEZ	Exclusive Economic Zone
EU	European Union
fHPL	former Hovell Pile Light
GPS	Global Positioning System
ICOMOS	International Council of Monuments and Sites
ICUCH	International Committee on Underwater Cultural Heritage
ILA	International Law Association
ISA	International Seabed Authority
MAAV	Maritime Archaeology Association of Victoria
MAU	Victorian Archaeological Survey, Maritime Archaeology Unit
MoSS	Monitoring, Safeguarding and Visualising North-European Shipwreck Sites
NOAA	National Oceanic and Atmospheric Administration
NSW	New South Wales
OLOS	A Historic Perspective' on Oceans and Law of the Sea
RAAR	The Reburial and Analyses of Archaeological Remains project
SCUBA	Self-Contained Underwater Breathing Apparatus
Sec	Section
SP	State Party
Sub-s	Sub-section
TBTO	Tri-butyl-tin oxide
UCH	Underwater cultural heritage

UK	United Kingdom
UN	United Nations Organisation
UNCLOS I	1958 United Nations Convention on the Law of the Sea
UNCLOS II	1960 United Nations Convention on the Law of the Sea
UNCLOS III	1982 United Nations Convention on the Law of the Sea
UNESCO	United Nations Educational, Scientific and Cultural Organization
US	United States of America
USOCS	United States Office of Coast Survey
VOC	Dutch Vereenigde Oost-Indische Compagnie
WAM	Western Australian Museum
WWI	First World War
WWII	Second World War
YILC	Yearbook of the International Law Commission