

Underwater Cultural Heritage and International Law

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The UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001, which entered into force internationally in 2009, is designed to deal with threats to underwater cultural heritage arising as a result of advances in deep-water technology. However, the relationship between this new treaty and the UN Convention on the Law of the Sea is deeply controversial. This study of the international legal framework regulating human interference with underwater cultural heritage explores the development and present status of the framework and gives some consideration to how it may evolve in the future. The central themes are the issues that provided the UNESCO negotiators with their greatest challenges: the question of ownership rights in sunken vessels and cargoes; sovereign immunity and sunken warships; the application of salvage law; the ethics of commercial exploitation; and, most crucially, the question of jurisdictional competence to regulate activities beyond territorial sea limits.

Contents

1. The evolution of international law on underwater cultural heritage; 2. Defining underwater cultural heritage; 3. Ownership and other interests in underwater cultural heritage; 4. Sunken state vessels and aircraft; 5. Application of salvage law and the law of finds; 6. Commercial exploitation of underwater cultural heritage; 7. Rights, jurisdiction and duties under general international law; 8. UNESCO Convention 2001: jurisdictional mechanisms; 9. UNESCO Convention 2001: implementation issues; 10. UNESCO Convention 2001: further matters; Final reflections.

Praise

'This book is an excellent treatise by one of the most prolific writers in the field of international law regarding underwater cultural heritage ... The law pertaining to underwater cultural heritage is relatively new and involves a weave of domestic and international law, including the law of the sea, maritime law, property law, sovereign immunity, historic preservation law and the standards and practices of archaeology ... Professor Dromgoole untangles all of this to help the reader understand the law and controversies regarding the protection of Underwater Cultural Heritage (UCH), particularly in the context of the 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage and its relationship with the 1982 UN Convention on the Law of the Sea.' Ole Varmer, *International Journal of Maritime and Coastal Law*



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