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Factors affecting the ratification of the UNESCO Convention 2001 in the Asia and the Pacific region

Mark Staniforth

Adjunct Professor, Flinders University, Australia

Background

UNESCO has 195 member countries that are divided into five regions (see Table 1 below). These regions are not the same size, in terms of the numbers of countries, varying from 20 in the case of the Arab states to over 50 in the case of Europe and North America. In some cases countries are counted twice: for example, Algeria is counted once in the Arab states region and once in the Africa region. For the purposes of this paper I have arbitrarily assigned countries like Algeria and Egypt to the Arab states region and not included them in the Africa region. Finally as the regions have different numbers of countries within them I have indicated a percentage as well as a raw number of ratifications for each region.

Region	Countries	Ratifications
Africa	45	10 (22%)
The Arab states	20	9 (45%)
Asia & the Pacific	46	2 (5%)
Europe & North America	52	16 (30%)
Latin America & the Caribbean	32	19 (60%)

Table 1 – Ratifications of the UNESCO Convention (2001) in the five UNESCO regions.

These percentages vary from a very low 5% in the Asia and the Pacific region to a high of 60% in the Latin America and the Caribbean region.

The Asia and the Pacific region will be the focus of this paper, in particular the factors that affect ratification and, in the absence of ratification, how international co-operation can play a part in fulfilling the intent of the UNESCO Convention (2001) by considering a case study of one country in the region – Vietnam.

Factors affecting ratification of the UNESCO Convention (2001)

There are six recognized UNESCO cultural conventions as well as many others in areas of education, sport, copyright and others. Among the UNESCO cultural conventions, some are seen as "successful" and "popular" such as the World Heritage Convention (1972) that has been ratified by 193 of the 195 UNESCO members and the Intangible Cultural Heritage (ICH) Convention (2003) that has been ratified by 173 UNESCO members. Other conventions are perceived as less "popular" and have taken much longer to gain ratifications – the UNESCO Convention (2001) on the Protection of Underwater Cultural Heritage (the UCH Convention) with 57 ratifications to date (2017) is seen as such an example. It should be noted, however, that the UNESCO Convention on the Means of Prohibiting the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) also took also 16 years (until 1986) to reach 56 ratifications (that Convention now has 132 ratifications).

Many reasons (or excuses?) for non-ratification have been advanced. One is a lack of trained personnel ("we have no trained people" so we can't ratify). That suggestion fails to be convincing as international training programmes have been created and conducted by UNESCO and other organizations, throughout the world (Maarleveld *et al* 2013). Another is the poverty argument ("we are too poor" so we can't afford to ratify). That too fails to be convincing when countries like St. Vincent and the Grenadines, St. Kitts and Nevis, Grenada and Guinea-Bissau, which are all ranked among the twenty poorest nations in the world (by GDP) have ratified. Finally there is the "it takes time" argument, which is one that we hear regularly in Australia – that it takes time to get domestic state and federal legislation into line so that we can ratify the UCH Convention. Over long periods of time involving prolonged periods of inaction and a serious lack of progress this particular argument, too, fails to be convincing.

There are, of course, many political, cultural and economic factors which affect decisions about why any individual country chooses to ratify, or not, any particular UNESCO cultural convention. Some countries, such as Israel, have ratified very few UNESCO cultural conventions – Israel has only ratified the Hague Convention (1954) and the World Heritage Convention (1972). The US is another country that has only ratified those same two UNESCO cultural conventions and it took until 2009 (or more than 50 years) for the US to ratify the Hague Convention (1954).

I suggest that there are generally three inter-related factors that can affect a country's decision to ratify a particular convention and I have described these as:

- *The neighbourhood factor* (N) – where one or more of your immediate neighbours ratifies a Convention, which often prompts a country to consider, and sometimes actually, ratify.
- *The leadership factor* (L) – where a regional, or other, "leader" country ratifies and others then follow suit. Leadership might be in terms of economic or political power or simply leading by example. This often entails bilateral or multilateral support, such as training for countries that need it.
- *The common language/culture factor* (C) – where a group of countries that share a common language and/or a common cultural heritage ratify.

Perhaps the best example of all three factors working together is Latin America and the Caribbean where 19 countries (60%) have ratified. Four Spanish-speaking countries of Central America have ratified (Panama in 2003, Mexico -- a significant regional leader -- in 2005, Honduras 2010 and Guatemala 2015). The islands of the Caribbean were early adopters of the UCH Convention and many of their neighbours have followed suit (St. Lucia in 2007, Barbados and Cuba in 2008, Grenada, Haiti and St. Kitts & Nevis in 2009, Trinidad & Tobago and St. Vincent & the Grenadines in 2010, Jamaica in 2011, Antigua & Barbuda in 2013). Then in South America where Spanish is the official language in four of the five countries to have ratified - Paraguay and Ecuador (2006), Argentina (2010), Guyana (2014) and Bolivia (2017), which complete the 19 ratifications in the region to date. In addition to the neighbourhood factor, the common language/culture factor of Spanish and the leadership of Spain (2005) on the world stage and Mexico (2005) at a regional level have all played significant roles.

The neighbourhood factor has also been working in the area of the Mediterranean and the Black Sea basin, which is slightly disguised by the fact that countries in this area fall into two separate UNESCO regions (the Arab states and Europe and North America).

Nevertheless 19 countries in this area have ratified which is a very high percentage of the countries with a coastline on the Mediterranean or Black Sea.

Finally there are countries where none of these factors appear to have had any bearing on the decision to ratify. Here there are two notable examples – Lithuania, which is alone of all the Scandinavian and Baltic area countries, and Cambodia, which is alone of all of the countries in the South Asia, South-east Asia, East Asia and the Pacific area.

Africa – to ratify or not to ratify, that is the question...

Africa has the second lowest rate of ratification (in percentage terms) of the UCH Convention – just 22% (or 10 of the 45 countries) of that region. I spent some time in South Africa in the late 1990s and one of the comments made to me on more than one occasion was that generally speaking most black Africans do not identify as "maritime people", they have a "limited" seafaring tradition and that it was "very unlikely" that any African nation, particularly South Africa, would support the existing ICOMOS Charter on the Protection and Management of Underwater Cultural Heritage (1996) nor would they ratify the (at that stage still forthcoming) UNESCO UCH Convention.

The first African country to ratify the UNESCO Convention (2001) was, in fact, Nigeria in 2005 and for five years (until 2010) Nigeria was the only African nation to have ratified. In many respects for five years Nigeria looked very like Lithuania and Cambodia – an isolated case of ratification in an area where no other countries were ratifying.

Nevertheless Nigeria stood as a regional leader for West Africa and the leadership factor, and subsequently the neighbourhood factor, came into play with ratifications by three adjoining countries– Benin (2011), Togo (2013) and Ghana (2016). In addition, both Benin and Togo are former French colonies that share a common official language – French – and they may well have also been affected by the ratification by two other neighbouring, former French colonies in 2010 (Gabon and the DR of the Congo). The African ratifications are rounded out by neighbouring Namibia (2011) and South Africa (2015), another former French colony in Madagascar (2015) and former Portuguese colony Guinea-Bissau (2016). I would suggest that South Africa, as a powerful economic and political entity in Africa, could play a significant leadership role in Africa in the future.

I would argue that Africa demonstrates that these three factors have affected ratifications of the UNESCO Convention (2001). Nevertheless there is still a long way to go in West Africa with at least another eight countries with Atlantic coastlines that still have to ratify. The situation is much better there, however, than in East Africa where not a single one of the eight countries with an Indian Ocean or Red Sea coastline has ratified. Not one of the mainland countries of East Africa, north of South Africa, has yet ratified and this is in an area that actually does have a significant indigenous seafaring tradition. So it has to be acknowledged that sometimes these three factors have a limited, or indeed, no effect, particularly when faced with internal issues such as warfare in the Horn of Africa (Sudan, Eritrea and Somalia) and external economic and political pressure exerted by China in East Africa (Kenya and Tanzania).

Factors affecting ratification of the 2001 Convention in the Asia and the Pacific region

Unfortunately these three factors are simply not working in the Asia and the Pacific region. Cambodia (2004) was an "early adopter" of the UCH Convention but the neighbourhood factor never got going as Cambodia's two coastal neighbouring countries

– Thailand and Vietnam – did not, and still have not, ratified. As far as leadership goes, of the four countries with potential for "leadership" in this region – India, China, Japan and Australia – none have ratified. I would put in a comment here that I have heard from several knowledgeable sources in New Zealand that New Zealand will only consider ratifying the UCH Convention after Australia has ratified. Indeed if Australia did ratify then New Zealand would almost certainly be forced to consider ratification by the Cultural Minister's Council.

Finally common culture/language is not widespread with many mutually unintelligible languages, and a wide variety of written scripts, being a feature of the region.

You do hear poverty given as a reason for non-ratification in the region but the facts that, a) Cambodia is among the poorest countries there, and b) the rapidly growing GDP in many countries, make this argument unsustainable. This is much more a question of government priorities than poverty.

In countries which lack trained and experienced underwater archaeologists and underwater cultural heritage managers, which is true of most countries in the Asia and the Pacific region, capacity building is considered critical. UNESCO has spent considerable amounts in the Asia and the Pacific region on training, at least $5 million dollars (funded by the Royal Government of Norway) on training programmes such as the Regional capacity-building training courses on Underwater Cultural Heritage that ran in Sri Lanka (2007-2008) and then in Thailand (2009-2012) (Favis 2011; Manders & Underwood 2012 and 2015). In addition SEAMEO-SPAFA has conducted training courses in Underwater Archaeology, conservation and the management of UCH for more than thirty years in the ASEAN region. These courses usually run for four to six weeks and provide basic, and sometimes advanced, training across a range of theoretical and practical areas. Flinders University ran a six-week mid-career professional training programme in 2009 called the Flinders University Intensive Programme in Underwater Cultural Heritage Management (FUIPUCHM) that involved ten participants from 5 countries of the region (Staniforth 2011). A significant difference between the Flinders programme and the UNESCO training is that it was very specifically aimed at individuals already working in the field.

So there has been no shortage of training but training alone is not enough. Real, full-time, permanent jobs as underwater archaeologists or underwater cultural heritage managers are needed. More than 250 people in the region have been trained over the years but only a small number have full-time, permanent jobs in underwater archaeology or underwater cultural heritage management have been created. Anecdotally it seems that there is a pervasive view in the region that these training courses are a "perk" and provide an opportunity to go shopping or simply to visit another country. Many of those sent on these courses already have a full-time, permanent job and rarely utilize any of the knowledge or skills that they gain from this training.

One reason that has been suggested for the lack of interest in the UCH Convention has been that countries are more concerned with Intangible Cultural Heritage than Underwater Cultural Heritage. The figures for ratification might seem to support this idea with 36 of the 46 countries (nearly 80%) of the region having ratified the ICH Convention (2003). Closer examination shows that at least two of the three factors have had some influence in regard to the ICH Convention. Leadership - the very first nation in the region to ratify the ICH Convention was Japan (2004) closely followed by China (2004) and then India (2005) but Australia still has not ratified. Three of the four "leadership" nations of the region were early adopters of the ICH Convention. Furthermore the pattern of

ratification of the ICH Convention among the Pacific nations also shows the neighbourhood factor at work where there was not a single Pacific nation in the first 100 ratifications (in 5 years). Then in 2008 Papua-New Guinea ratified, then Fiji, Tonga and Vanuatu in 2010, Palau (2011), in 2013 Micronesia (Federated states of), Nauru and Samoa, the Marshall Islands (2015), the Cook Islands and Tuvalu in 2016. So among the Pacific nations it went from zero to eleven ratifications in just eight years.

The argument about interest in intangible cultural heritage rather than tangible (underwater) cultural heritage might be more compelling if some of the countries of the region had been less enthusiastic about World Heritage listing of tangible (terrestrial) cultural heritage sites. World Heritage listing, of course, comes with some extremely economically valuable spinoffs such as increased tourism (Imon *et al.* 2008). China with 50 World Heritage listed sites, India with 34, Japan with 20 and Australia with 19 (133 World Heritage listed sites in a total of four countries (2%) with more than 12% of all the World Heritage listed sites) show that the "leadership" countries of the region are very keen on the protection of terrestrial cultural heritage, as well as the tourism dollars that this generates, but are less interested in the protection of underwater cultural heritage.

Vietnam Maritime Archaeology Project – International cooperation

Since 2008, a varying group of international researchers and trainers, mainly from the US, Canada, Japan and Australia, and now working under the banner of the "Vietnam Maritime Archaeology Project" (VMAP) have operated in Vietnam in association with the Institute of Archaeology (IA), a Vietnamese national government research organization based in Hanoi.

Between 2011 and 2016, VMAP and IA operated under the terms of a Memorandum of Understanding (MOU) that covered collaborative research projects and training. As a result VMAP has provided:

- "on-the-job" training including the use of high technology field equipment on-going since 2009;
- Nautical Archaeology Society (NAS) Introduction (1 day) and Part 1 (2 day) training in Vietnam since 2011;
- SCUBA diving training since 2014; and
- Vietnam Underwater Archaeology Training (VUAT) – a four-week training programme in 2015.

From its inception VMAP, and the individual participants involved have worked with the premise that "training alone is not enough" and that to be effective our training efforts needed to be carried out in association with research projects and other activities such as awareness raising (Staniforth 2014a, 2014 b and 2014c). VMAP has been involved, and participated, in joint research projects (such as projects at Bach Dang, Van Don and, more recently, Hoi An) that have allowed our Vietnamese colleagues to put some of the above training into practice in a context where learning takes place as part of "purposeful action" (O'Toole 2011:30).

The MOU also specified that IA would make a commitment to providing jobs and finding funding in the area of underwater archaeology. As a result the number of IA staff has steadily increased from 1 in 2009, 2 in 2011, 3 in 2013 to 4 in 2015. IA has established a Department of Underwater Archaeology (2013), conducted an International Conference on Underwater Cultural Heritage in Quang Ngai (2014) and then upgraded the

Department to a Centre of Underwater Archaeology in 2016. In 2017 they have been granted more than $0.5 million for equipment from the Vietnamese national government.

We believe that for capability building to be effective, a congruence of values is necessary between the international team and the host organisation. With shared values, capability building can achieve a mutual understanding of maritime archaeology and underwater cultural heritage as long-term sustainable (and sustained) assets, rather than as short-lived non-renewable resources (Staniforth & O'Toole 2017). Our notion of capability building is based on a programme taking place over an extended period of time – now nine years. The extended time period is necessary to achieve long-term change, or at least critical reflection, on the part of the host organisation. This process causes a direct exposure to the ethical and disciplinary tenets of maritime archaeology on the part of the host organisation. The programme is based on principles of commitment to empowerment, participative learning, learning reinforcement mechanisms, and intensive communication with the stakeholders of the host organisation.

The work in Vietnam may be best described as what Gideon Koren described on the first day of this symposium as "ad-hoc cooperation". Our international team has been characterized by many individuals participating in the work in their own right as opposed to on behalf of an institution. This has consequences in terms of limited access to institutional support but has many benefits in terms of flexibility. Our efforts have been funded from a wide range of sources including a significant benefactor, universities, government agencies, non-government organizations, crowd funding and participant fees. Because our support for IA is conditional on IA committing staff and resources, we believe that this has been a successful model for international collaboration

Conclusion

In this paper I have argued that there are three factors that affect decisions about ratification – the neighbourhood, leadership and common language/culture factors. I also suggest that these factors are currently not working in the Asia and the Pacific region. Capacity building is seen as essential but training alone is not enough. Targeting mid-career professionals already working in underwater archaeology or the management of underwater cultural heritage for training is seen as one effective solution. Finding ways to encourage countries to provide jobs for suitably trained and qualified people is critically important. Combining training with research and awareness raising activities over lengthy periods of time is also needed.

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