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The UNESCO Convention on the Protection of Underwater Cultural Heritage: how do we make it work?

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Wrecks of the WWI become officially cultural heritage in Finland

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Introduction

Shipwrecks from the First World War located within the Finnish territorial sea are "becoming of age". According to national heritage legislation, the wrecks that can be considered to have sunk over one hundred years ago, or parts thereof, are protected as ancient sites. There is also an increasing interest among divers to find and visit the WWI underwater cultural heritage. Therefore the defense and museum authorities need to cooperate closely in the management of such heritage. Beyond the territorial waters, however, the Finnish museum authorities have no official role since Finland has not yet ratified the UNESCO Convention on the Protection of Underwater Heritage.

Protected wrecks and objects in general

According to the Finnish Antiquities Act (1963/295) the wrecks that can be considered to have sunk over one hundred years ago, or parts thereof, are protected as ancient sites. Such wrecks belong to the state where it is evident that the owner has abandoned the wreck. Also objects found in such wrecks or originating from them belong to the state. The Act is applied only within the Finnish territorial waters. Therefore, wrecks found on the Finnish economic zone or beyond do not enjoy said national protection or fall under said proprietary control.

The state museum authority is the National Board of Antiquities who determines whether the find qualifies as a protected one according to the Antiquities Act. Help from the coastguard authorities and from volunteers is valuable since the maritime archaeological field work resources of the Board are scarce. The Board also stands for the state interest in cases of illegal excavations at protected sites or export of finds from such sites.

Scuba diving to and around protected wrecks is in general allowed in Finland. It is, however, forbidden to interfere with the wreck, let alone remove any parts or movable objects from it unless an excavation permit has been granted by the National Board of Antiquities. There are some exceptions from the general rules. Firstly, the protected wreck may be situated on a restricted area designated as such pursuant to Territorial Surveillance Act (2000/755). Diving on a restricted area is allowed only with a permit by the defense authorities. Restricted areas are marked on Finnish sea charts. Secondly, a vulnerable protected wreck may be surrounded by a specific exclusion area pursuant to the Antiquities Act. At the moment there are four wrecks with a specific exclusion area in the Finnish territorial sea, and diving to these areas is subject to a permit.

Finland ratified the United Nations Convention on the Law of the Sea in 1996. Therefore, Finland is bound by article 303 of said Convention and might control the removal of archaeological and historical objects even on the contiguous zone referred to in article 33 of the same Convention. However, Finland does not have a contiguous zone. Yet the Finnish Customs area extends two sea miles beyond the territorial sea permitting the

control of exports from said area. There is national legislation concerning the export of cultural objects from the Finnish territory, but no specific rules or case law on whether and how exactly it would apply to archaeological or historical objects found beyond the territorial sea but within the Customs area.

Wrecks of and objects from warships

Should the find, which is considered to be more than one hundred years old, be a wreck or any other object apparently belonging to the armed forces of Finland or of any other state, must the military authorities be involved before any action.

Above all, the find may be or contain a hazardous explosive. It is for the military authorities to judge if this is the case and how to deal with such a find. Diving to wrecks of warships known to be hazardous is not permitted.

Another important aspect is the nature of military wrecks as the last resting place of the crew, which too is a reason to restrict activities around them.

Also a wreck of warship is protected by the Antiquities Act when a hundred years have passed since the submersion. Apart from the questions of hazardous material and the sanctity of the grave, these are primarily objects of archaeological and historical interest. The specialized museum authority is the Finnish Military Museum who works closely with the National Board of Antiquities on matters concerning military underwater heritage.

The specific case of Åland

The Åland Islands is an autonomous region southwest of the Finnish mainland. According to the decision by the Council of the League of Nations in 1921, Åland must remain a neutralized zone and it is thus demilitarized.

Being a large group of islands, Åland is rich with underwater maritime heritage, including casual military heritage from former times. According to the Act on the Autonomy of Åland (1991/1144) the legislative authority of Åland includes the protection of nature and the environment, the recreational use of nature, water law, prehistoric relics and the protection of buildings and artifacts with cultural and historical value. Therefore, the Antiquities Act (1963/295) is not applied in Åland, which has its own specific Law on the Protection of Maritime Cultural Heritage (2007/19). In outline, the prerequisites for protection follow those of the mainland legislation. However, scuba diving as a rule is allowed only with a permission granted by Åland's government.

Beyond the legal protection

The Baltic Sea preserves wrecks well because it has no tide, it has low salinity and its deeps are oxygen-free. The visibility is often bad. In the Baltic Sea there are thousands of wrecks, and numerous divers are interested in finding and researching them. The most of the divers cooperate with the authorities.

Many interesting shipwrecks in the Finnish territorial sea are still too "young" to enjoy the national protection. Also the surveillance of the protected ones is a challenge to the authorities. Therefore, the divers interested in archaeological and historical sites bear a great responsibility and their cooperation with the authorities is highly appreciated.

The territorial limits of the Finnish jurisdiction or the fact that Finland is not party to the UNESCO Convention on the Protection of Underwater Heritage do not exclude occasional

cooperation with the authorities of other states or with responsible companies operating beyond the Finnish territorial sea.

One of the recent finds on the Finnish economic zone is the Russian armoured cruiser Pallada which was sunk in 1914 by a German U-boat. The wreck was found already in 2000 by divers, but its site was published much later. Soon after the publication, unfortunately, Pallada was reported to have become target of plunder.

The gas pipe project Nord Stream has in the recent years increased our knowledge of underwater maritime heritage in the Baltic Sea. For example, in May 2017 an American-made WWII bomber was found on the Finnish economic zone. The status of aircraft wrecks in general is a legislative question to be solved in the future, should such wrecks be found on the Finnish territorial waters.

National legislation

Antiquities Act (1963/295)

Customs Act (2016/304)

Territorial Surveillance Act (2000/755)

Act on the Finnish Economic Zone (2004/1058)

Act on Restrictions to the Export of Cultural Objects (2016/933)

Decree on Discovery and Salvation of Objects belonging to the Armed Forces (1983/84)

Act on the Safe Management of Hazardous Chemicals and Explosives (2005/390)

Act on the Autonomy of Åland (1991/1144)

Åland's Law on the Protection of Maritime Cultural Heritage (2007/19)

The English translations of the Finnish national legislative titles are not official.