



MINISTERIO  
DE CULTURA

**NATIONAL PROTECTION PLAN FOR  
UNDERWATER  
ARCHAEOLOGICAL HERITAGE**

Ministry of Culture

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## 1. GENERAL CONSIDERATIONS

### 1.1. Need for a National Protection Plan for Underwater Archaeological Heritage

Concern at the international level with underwater archaeological heritage was expressed through the adoption within the context of UNESCO of the Convention on the Protection of the Underwater Cultural Heritage, approved on 2 November 2001, and ratified by Spain on 6 June 2005. This Convention establishes, as a basic rule, a prohibition on the commercial exploitation of such heritage, and regulates standards regarding activities intended for the protection of this heritage, establishing the underwater archaeological technical guidelines applicable to exploration and extraction procedures.

In Spain, the magnitude of underwater cultural heritage and the evolution of the challenges to be faced in its protection require that efforts be combined by all competent public authorities, along with demarcation actions to maximise efficacy in safeguarding these assets.

The challenges faced would include in particular, as indicated in the preamble to the Convention on the Underwater Cultural Heritage, the current role of technology applied to underwater activities, regarding which it may be asserted that underwater cultural heritage is threatened by unauthorised activities seeking to plunder such sites in order to achieve aims intended for commercial exploitation, an ever-increasing phenomenon. In turn, cutting-edge technology is likewise used for lawful underwater activities (restructuring of ports, regeneration of beaches, laying of cables and pipelines, oil exploration, installation of marine wind farms, etc.), which could nonetheless affect the conservation of archaeological sites.

The aforementioned threats require cooperation among public authorities, professionals, archaeologists and other interested parties, as an essential element in protecting such heritage.

Meanwhile, recent events, such as that involving the company Odyssey Marine Exploration and its activity in Spanish waters, the "Black Swan" operation by the same company, apparently in international waters, but possibly involving a Spanish wreck; the operation undertaken by the Civil Guard in Cadiz to dismantle a gang that, under the cover of a beach regeneration permit, was attempting to plunder several sites; and the cancellation of operations by a French company that, with an authorisation to salvage the cargo of tin from a ship sunk decades ago, is performing such operations in waters off Galicia, close to the location where the ship Santo Cristo de Maracaibo sank, are just some of the examples prompting us to reflect as to the situation of this heritage and its fragility.

It is therefore held that now is the right time to coordinate all public authorities and, on the basis of the protective legislation in force in Spain, establish a series of basic lines of protection, with specific actions in order to achieve greater efficacy in this task.

As a result, the appropriateness of now generating a National Protection Plan for Underwater Archaeological Heritage corresponds to one single goal, namely to raise awareness in a coordinated manner among all public authorities and departments involved in such protection, adopting a series of specific measures for the safeguarding, conservation and dissemination of this rich heritage to be found in Spanish waters.

The intention is hereby to achieve the highest level of efficacy and coordination in this task, so as to avoid any type of plundering which could directly affect this heritage, while ensuring that legally authorised underwater activities have no negative impact on heritage conservation.

## **1.2. Definition of underwater archaeological heritage**

Spanish historical Heritage Act 16/1985, of 25 June 1985, indicates in Article 1.2 that Spain's historical heritage includes "movable and immovable properties of artistic, historical, palaeontological, archaeological, ethnographic, scientific and technical interest. It likewise includes documented and bibliographical heritage, archaeological zones and sites, and also natural sites, gardens and parks with artistic, historical or anthropological value."

Meanwhile, Title V of Act 16/1985, of 25 June 1985, enshrines the concept of archaeological heritage, including movable and immovable properties of a historic nature, with the potential to be studied through archaeological methodology, whether or not they have been extracted, and whether they are located on the surface or in the subsoil, in territorial waters or the continental shelf.

The Convention on the Protection of the Underwater Cultural Heritage defines underwater archaeological heritage as "all traces of human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least 100 years such as:

- (i) sites, structures, buildings, artefacts and human remains, together with their archaeological and natural context;
- (ii) vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archaeological and natural context; and (iii) objects of prehistoric character".

### **1.3. Principles of law and competency**

Article 46 of the Spanish Constitution establishes that the public authorities shall guarantee the conservation and promote the enrichment of the historical, cultural and artistic heritage of the peoples of Spain and its constituent assets, whatever the applicable legal structure and ownership.

Within this context, the regulation of archaeological heritage in general, and underwater heritage in particular, is structured in accordance with the principle of distribution of competencies established by the Spanish Constitution, and specified in Spanish Historical Heritage Act 16/1985, of 25 June 1985, in Article 6, a principal ratified by the Constitutional Court in Judgment 17/1991.

In general, it is the responsibility of the Autonomous Communities to exercise executive competencies in order to apply the Act with regard to archaeological heritage (declaration of Assets of Cultural Interest (or 'BIC'), inclusion in the Inventory, official authorisations for excavation or surveys, valuation of treasure trove, etc.). The Regional Authorities therefore play a lead role in the protection of archaeological heritage, both terrestrial and underwater.

Nonetheless, pursuant to Article 6(b) of Act 16/1985, of 25 June 1985, the General State Authority likewise enjoys extensive competencies in this field, such as those regarding:

- Exportation of archaeological assets.
  
- Plundering, in the strict sense defined in Royal Decree 111/1986, of 10 January 1986, in a partial development of Spanish Historical Heritage Act 16/1985, of 25 June 1985, and in accordance with the interpretation given thereto by the Constitutional Court in the aforementioned judgment.

- Archaeological heritage attached to public services administered by the General State Authority or corresponding to National Heritage.
- Generation and signature of International Conventions in this regard.
- Protection of Spanish archaeological interests beyond the country's borders. (e.g. Spanish wrecks sunk in the waters of third countries or international waters)

#### **1.4. Demarcation of the operational scope of this Plan**

This National Plan is based on a shared reflection by the General State Authority and the Regional Authorities within the context of the Historical Heritage Council as to the basic operational lines to be developed in order to implement an effective protection policy, in the broadest sense, for underwater archaeological heritage.

To this end, in order to demarcate the operational scope of the Plan, a twofold perspective must be considered: firstly, the determination of the authorities involved in order clearly to attribute responsibilities, and furthermore the definition of the operational lines set out in Subsection 2 of this Plan, deployed at two levels: internally, within national jurisdictional waters, and externally, in order to protect interests and rights regarding Spanish wrecks sunk in international or third country waters.

##### **1.4.1. Role of the Ministry of Culture**

As indicated in determining the competencies vested by Act 16/1985, of 25 June 1985, in the General State Authority, notwithstanding actions undertaken by the Autonomous Communities, the role of the Ministry of Culture, through the Directorate-General for Fine Arts and Cultural Assets will prove vital in this process. To this should be added the coordinating function which this Department can and must perform.

Specifically, with regard to underwater archaeological heritage, the Ministry of Culture enjoys the following competencies:

- Oversee compliance with Act 16/1985 and all other national regulations regarding underwater archaeological sites within its sphere of competency: official authorisations; gathering of information regarding any complaints filed by citizens in this regard; requesting of the corresponding technical reports on the basis of which official decisions are to be adopted, etc.
- Publicise the legal structure protecting such sites, both nationally and internationally, not only among the general public but also professionals engaged in underwater activities and persons working in this field.
- Active participation in the generation of regulatory International Law texts addressing Underwater Archaeology.

Emphasis should furthermore be placed on the role played by the National Centre for Underwater Archaeological research (MNAM-CNIAS). The Ministerial Order of 23 February 1983 establishes this as the institution of the Ministry of Culture "responsible at the national level for the direction and coordination of studies, inventories, treatment, restoration and conservation of maritime archaeological materials, both those drawn from the sea and those recovered on the surface, and also documents or reproductions connected with ancient seafaring routes".

It has its origins in the former Underwater Archaeological Excavation Board of the Maritime Province of Cartagena, created in 1970, and associated in 1973 with the Underwater Archaeology Centre of Cartagena, the intensive efforts of which over the years proved decisive in the creation in 1980 of the current Cartagena Museum.

The MNAM-CNIAS began to undertake an intensive programme of systematic prospecting of the case, while also performing training initiatives specialising in so-



called Site Schools, training much of the current generation of Spain's underwater archaeologists. The Water-Saturated Archaeological Wood Laboratory was furthermore established, and the Centre undertook significant research and documentation activity, greatly extending the inventory of underwater archaeological sites, and creating the microfilm and bibliographical cartographic archive of the MNAM-CNIAS.

Protection and research activities undertaken during this period were accompanied by an intensive and advanced programme pursued at the water-saturated archaeological wood treatment laboratory, which will allow the remains of Phoenician ships to be exhibited in the museum.

With the development of the competencies of the Autonomous Communities, some of which have created their own centres, but above all the approval of the Convention on the Protection of the Underwater Cultural Heritage, the MNAM-CNIAS is called on to redefine its mission and objectives, establishing appropriate channels for cooperation internationally and with the Autonomous Communities for the study, evaluation, research, conservation, dissemination and protection of Spain's Underwater Cultural Heritage.

#### **1.4.2. Other Ministries**

In addition to the competencies attributed to the Ministry of Culture, there are other ministerial departments performing hugely important functions within their sphere of competency in connection with maritime archaeology, and these are vital for the effective safeguarding of Spain's underwater heritage:

##### **Ministry of the Interior**

Within the context of the competencies of this Department, particular mention should be made of the efforts of the State Law Enforcement Agencies in the protection of

Historical Heritage, both the Historical Heritage Group of the Civil Guard and the Historical Heritage Brigade of the National Police, in combating offences against Historical Heritage in the broadest sense, and therefore including underwater archaeological heritage.

While with regard to terrestrial archaeology mention should be made of the efforts of the Civil Guard's SEPRONA (Nature Protection Service), in the field of maritime archaeology the lead role is played by the Civil Guard's Maritime Service. Its operational sphere covers territorial waters, containing many underwater archaeological sites. It currently has numerous vessels, and its personnel include a detachment of professional divers. It should be clarified that the Maritime Service has other essential tasks, in addition to the oversight of the conservation and protection of underwater archaeological sites, including the combating of drugs trafficking, illegal immigration, etc.

### **Ministry of Defence**

Organic National Defence Act 5/2005, of 17 November 2005, and Royal Decree 787/2007, of 15 June 2007, in development thereof in terms of operational structure, assign to the Armed Forces the permanent mission of oversight and security of sovereign maritime areas, on the high seas and any other places where this would be lawful in accordance with international law.

Meanwhile, the Navy and its Naval Command Units enjoys competency for the granting of permits for the surveying and location of sunk objects.

As regards underwater archaeology, this Department plays a vital role for three reasons:

- Firstly, because of the extensive documented information and historical archives it holds regarding many Spanish ships, the routes covered, shipbuilding methods, artillery, and above all with regard to shipwrecks, etc. Alongside the Archive of the Indies, the Historical Navy Archives are a

required reference point in documenting the actions to be undertaken, but above all in order to source the information required so as to protect Spanish wrecks in third country waters.

- It should furthermore be emphasised that some underwater archaeological sites lie within the waters of the Navy Ports, and in this regard they will likewise be required to safeguard the conservation thereof.
- *Meanwhile, wrecks comprising Navy ships sunk over the course of history for more than 100 years, whatever maritime space they may lie within, form a part of Spanish Historical Heritage, as they have the status of State-owned vessels, which is forfeited only when they are sold at public auction. As a result, only the Ministry of Culture, in coordination with the Ministry of Defence (Spanish Navy) may authorise underwater archaeological campaigns involving such wrecks.*
- There is, however, another reason why it is held that the Ministry of Defence must play a significant role in the protection of Underwater Cultural Heritage. The Ministry of Defence, as it has appropriate means and accredited experience, will be in a position to collaborate in the fulfilment of the aims of this Plan.

### **Ministry of Infrastructure Development**

The Ministry of Infrastructure Development has many bodies that perform their operations, in many cases tangentially or on occasion more directly connected with underwater archaeology, such as Maritime Salvage, the public agency responsible for the administration of operations of this type; the State Ports Agency, responsible for coordinating all Spain's Port Authorities (which are in turn autonomous public agencies), and which, under the waters they administer, contain numerous

underwater archaeological sites requiring conservation. Port works, in other words the remodelling of ports, represent large-scale operations which will require considerable sensitivity as regards the archaeological sites to be found in their waters.

### **Ministry of the Environment**

It should here be emphasised that the Directorate-General for Coasts is the executive centre administering the public maritime/terrestrial domain. All coastal adaptation initiatives, beach regeneration, all maritime extraction activities, laying of underwater cables, etc. must be authorised by the Directorate-General for Coasts and its peripheral units. Although not all these activities are directly connected with underwater archaeology, they could directly or indirectly affect archaeological sites.

## **2. OBJECTIVES AND BASIC LINES**

This National Plan establishes the basic operational lines of the Spanish Government in order to implement, in coordination and in permanent collaboration with the Autonomous Communities, an effective and comprehensive protection policy for Spain's Underwater Archaeological Heritage.

It sets out the guidelines which are to focus the actions of various Ministerial Departments with competency, in collaboration with the Regional Authorities, for the protection of Spanish Underwater Archaeological Heritage, identifying for this purpose the required measures so as to protect it within Spanish jurisdictional waters, and for the purpose of defending Spanish interests in international or third country waters.

## **2.1. Protection of archaeological sites in Spanish jurisdictional waters**

The protection of archaeological sites within Spanish jurisdictional waters is structured by means of the specific functions detailed below.

a) "Ad hoc" legal protection for underwater archaeological sites as Assets of Cultural Interest, in the corresponding category in accordance with the regional regulations (in the case of national law, this would be as an Asset of Cultural Interest, Archaeological Zone).

The protective action of the Autonomous Communities, through declarations of Assets of Cultural Interest ('BIC') is highly significant, although most such declarations focus on Historical Ensembles and Monuments, with few declarations as yet of Archaeological Zones, and of the few which do exist, most refer to terrestrial sites. All competent authorities must therefore become involved in the legal protection as BICs of the most significant underwater sites, beginning with the General State Authority, which may and must issue declarations of Assets of Cultural Interest as relevant within the context of State Ports and the Spanish Navy. One beacon in this regard is the declaration issued in the past by the Panamanian Government, protecting all its archaeological sites, in both the Caribbean and the Pacific, and applying cast-iron legal protection to practically the entire coastline, establishing coastal demarcations of archaeological zones with protected environments.

These BRIC declarations applied to underwater archaeological sites will serve to strengthen the protective mechanisms currently in place, as with terrestrial sites, as the Act allows for a structure of special legal protection for all archaeological sites, whether or not they are declared to hold BIC status.

b) Generation of Archaeological Charts. Archaeological Charts are living, dynamic documents, open to modification and the updating of their contents as new finds are

made. Some Autonomous Communities have already made considerable progress or have completed their archaeological coastal maps, while others have not yet finished this task. Furthermore, given the technology now available, consideration will be given to the requirements to update or re-do all archaeological charts previously generated, but with the survey work limited to a depth of around 30 metres. Archaeological charts can now be produced down to 100 metres.

The General State Authority must therefore support the Autonomous Communities in question in the generation, in collaboration with the MNAM-CNIAS if so required, of the archaeological map of their entire coastline and inland waters. This aspect must be reflected in Underwater Archaeological Charts wherever coastal sites are to be found.

Cooperation between the General State Authority and Autonomous Communities may be crystallised through bilateral collaboration agreements in which the former could act both through the Ministry of Defence and the Ministry of Culture. The Ministry of Defence could provide nautical resources to perform the process, along with the information it holds, while the Ministry of Culture could, where applicable, participate by providing some of the funding and technical support. The Autonomous Communities would provide financial and technical resources and would direct the work.

The result of these documentation tasks should generate a considerable database of underwater archaeological sites at the national level, accessible by each Autonomous Community.

In short, this would serve to establish a calendar allowing the Spanish coastline in the short or medium term to be properly catalogued and registered with regard to underwater archaeological sites. Furthermore, where possible, the entire coastline would be catalogued by means of the same documentation system and the same computerised record format.

c) Promotion of the role of specialist Underwater Archaeology Centres. In addition to the MNAM-CNIAS, centres have for some years existed in a number of Autonomous Communities, including Catalonia, Andalusia and Valencia. The presumption is that further centres could in the future be established in other Autonomous Communities. These centres will be called upon to play a much more prominent role in the future. The wealth of underwater archaeological heritage along the Spanish coastline and technological progress, along with the pursuit of new forms of stimulation and promotion on the cultural landscape in general, and museums in particular, will make them even more active in the future, thereby requiring an increase in the provision of human and financial resources as levels of activity are ramped up.

With regard to the MNAM-CNIAS, it will need to coexist with the National Maritime Archaeology Museum, but it should not be forgotten that the latter will essentially be based on the activities of the former, in particular with regard to temporary exhibitions. The MNAM-CNIAS, separate from the Museum but with the same director, will need to have an appropriate staff in order to perform its activities with regard to excavation/surveys, conservation, restoration, training, research, documentation, etc.

The execution of campaigns by the MNAM-CNIAS along the Spanish coastline, in collaboration with the Autonomous Communities, in particular those that do not have their own Research Centre, whether in the generation of archaeological coastline maps or otherwise individual excavations, must be compatible with its presence in countries with historic ties and which are the site of Spanish wrecks. As for training, it must become a national flagship for the training of underwater archaeologists, museum specialists in the sector, conservators and all other professional categories associated with this activity (botanists, oceanographers, divers...) in all disciplines, ranging from archaeology itself to the handling of materials, museography and museology. This training aspect must have an international profile: there are many Latin American and North African countries, around the Mediterranean Basin, requesting such training for their professionals, and Spain must gradually establish

itself as a global beacon in this field. One may rightly assert that Spain is the leading global power in terms of this type of heritage.

There are likewise plans to provide the MNAM-CNIAS with the technological material and instruments required in order to perform its work. We should not rule out in the future the possibility that the MNAM-CNIAS could have an underwater archaeology ship or vessel of a maximum length of some 30 m, operational, manageable, effective, and in short useful, equipped with the very latest technology available in the marketplace for underwater archaeological surveying and excavation. This type of vessel is available to commercial companies, and is owned by all leading treasure hunters. Although the cost is high in absolute terms, given the huge volume of work it could perform, it is less so in relative terms.

The Ministries of Defence and Culture will, with the available resources, structure collaboration mechanisms for surveys of the seabed and subsoil, for the location, identification and potential extraction of submerged wrecks and cultural assets, in order to provide them with effective protection, conservation and showcasing.

d) In accordance with a logical operational sequence, once the archaeological coastline charts have been completed (or at the same time), and given the existence and activity of the specialist centres, survey and excavation campaigns will need to be performed, with the MNAM-CNIAS potentially also collaborating with the Autonomous Communities. We will by this point be employing archaeological methodology to perform this type of action, with proper official authorisation in order to achieve a greater understanding of these sites, so as then duly to document and disseminate them.

As regards the potential extraction of materials, it should be indicated that this will occur only if the conditions are available to provide effective conservation treatment at the corresponding laboratories or centres.



If such conservation infrastructure is not available, it is better not to remove them from the sea, as there could be irreversible negative consequences. Much has been written as to whether it is desirable or not to remove materials from archaeological sites, and in particular underwater sites. It is held that if conservation is guaranteed, extraction could lead to greater protection, and above all greater dissemination among the general public.

e) Once the site has been excavated or surveyed, an operational approach focused on physically protecting site will need to be instigated. Although the safeguarding of terrestrial archaeological sites in principle seems straightforward (fencing around the site), in the case of underwater archaeological sites these traditional methods are complicated by the contextual setting. Alternatives must be sought out, and these do exist. There are three main approaches: gigantic safes, intended for relatively small-scale sites, which comprise the installation of a safe over the site, divided into quadrants which are progressively opened depending on the zone of the site which is to be worked on, but which is left completely closed upon conclusion of work on the site. This technique has been experimented with successfully by the MNAM-CNIAS at the Mazarrón Phoenician ship site in Murcia. A follow-up and evaluation study will now be performed, almost 10 years later, in order to ascertain how this has affected the conservation of the site and how the safe has evolved, its usefulness years later, etc. The results will provide indications as to how to approach this type of site. Protection by safe is more challenging for highly scattered sites. One further element to be developed would be a system of surveillance buoys, equipped with radar to detect unlawful activity (plundering) of a site.

Satellite surveillance should thirdly be developed. This is technically possible and could allow large maritime zones of considerable archaeological potential to be kept under surveillance. This project is being undertaken by the Department of Research and Science of the Regional Government of Andalusia, with the involvement of the Ministry Culture. The aim is for the project being developed to be applied to the surveillance of underwater archaeology.

A police presence is meanwhile important at those sites with a location close to the coastline making this possible. For more distant sites, the Civil Guard Marine Service will patrol with its vessels.

f) All this activity must be accompanied by an effective training policy for the personnel working in this field. This training would be intended not only for underwater archaeologists but for all professionals working together on this type of operation. Sound training offers the greatest guarantee of effective action. And in this type of operation, involving people with very different training backgrounds, each in their own segment, it is desirable to have comprehensive training courses on which they learn about the entire process of archaeological excavation, and what their colleagues are doing within that process.

g) Lastly, another fundamental aspect would be awareness-raising and dissemination campaigns addressing the general public with regard to such heritage. Visitor centres, guided tours of sites, publications and temporary exhibitions could prove successful vehicles in this regard.

## **2.2. Protection of Spanish wrecks in international or third country waters.**

a) In those countries where the legal structure upholds the principle of ownership of the States under the flags of which those ships which are now sunk sailed, Spanish rights will need to be defended before the courts up to the very last instance.

The operational approach began in 1997 and must be further extended. By that point the San Diego and the Virgen de Atocha had already been plundered, along with other wrecks sunk in third country waters.

It was discovered in 1997 that the wrecks of the Juno and La Galga had been located off the coast of Virginia, USA, and the Ministry of Culture then began, in collaboration with the Spanish Embassy in Washington, a lawsuit to assert the rights of the

Spanish State over these wrecks. Following long and complex litigation, the United States Supreme Court handed down a judgment upholding the Spanish interests, and recognising all Spain's rights.

The USA, Canada, the United Kingdom and Australia are countries where legal protection before the courts could achieve a degree of success. At present, given the ruling by the US Supreme Court, the Spanish Government is about to embark on a further legal battle against Odyssey, in the event that it is confirmed that the wreck in the Black Swan operation was Spanish.

Following the recognition of Spanish rights by the US courts, the Spanish State needs to sign agreements with authorities, companies or cultural institutions in the USA for the archaeological excavation of these sites, the treatment of the materials extracted and their exhibition at appropriate museums. We here refer to archaeological excavations, and of course not of commercial operations. Such initiatives must comply with Spanish regulations, or at least the spirit thereof, along with the legal framework established by the UNESCO Convention. Priority should perhaps only be given to action regarding those sites which are liable to be harmed, either because of the action of the sea or ease of access to human agents (treasure hunters; fishermen using fishing apparatus; professional or amateur divers; tourist beach areas, etc.). Those sites located in less accessible regions could await excavation at a future date.

b) In those countries where the legal system does not allow Spain to assert its rights as the owner of the wreck or where it is argued that, although the vessel was Spanish, the cargo it was carrying originated in other countries, channels for cooperation will be established. This is precisely the approach indicated in the UNESCO Convention on the Protection of the Underwater Cultural Heritage. Framework or bilateral collaboration agreements would be signed to establish a general context of cooperation (technical and financial assistance, information, documentation, publication of excavations, etc.) and within the context of these framework agreements specific arrangements will be required with regard to the

archaeological study of a particular site, detailing which party is to perform which tasks, with a specified scientific project including all relevant details: calendar, methodology, material resources, human resources, official permits, etc.

c) However, Spain's international role does not end here. It is essential that training actions begin for foreign professionals (above all from Latin America) to make them true experts in underwater archaeology courtesy of the MNAM-CNIAS and in collaboration with the Autonomous Communities (training courses, bursaries, professional placements, technical support, etc.). It is held that the future of the MNAM-CNIAS lies in becoming a beacon for underwater archaeology not only at the national level, but above all internationally.

In this regard, the collaboration of the Ministry of Foreign Affairs and Cooperation is essential, with the need for all Spanish embassies in coastal countries which could have Spanish wrecks in their waters (the Americas, Philippines, Equatorial Guinea...) to pay close attention to any news or information emerging with regard to Spanish wrecks, in the interests of prompt notification allowing dissuasive measures to be adopted so as to protect Spanish interests and rights.

d) Meanwhile, Spain has ratified the Convention on the Protection of the Underwater Cultural Heritage of UNESCO, approved by the General Assembly in October 2001, establishing the general operational framework set out in a series of basic principles which must be respected by all; the non-commercial nature of any assets found; legal protection; the inalienable nature of Underwater Cultural Heritage; the obligation of conservation; scientific treatment of sites; collaboration and cooperation among countries; and furthermore no prejudging of the potential ownership rights or rights of coastal States over their jurisdictional waters.

UNESCO considers signature by Spain to be an example to follow, and has requested the country's collaboration to participate in a number of sub-regional

meetings (Algeria, Ecuador) to explain our position in this regard, so as to encourage other countries to ratify the Convention.

### **3. OPERATIONAL MEASURES**

Following an analysis of the fundamental approaches for the national protection of underwater archaeological sites, it is necessary to establish and adopt basic measures to guide an effective policy for the protection of underwater archaeological heritage.

These measures are divided into five types: documentation and inventory measures; physical and legal protection; training; coordination and dissemination; and awareness-raising measures.

#### **3.1.DOCUMENTATION AND INVENTORY**

##### **1. Generation of Underwater Archaeological Charts for the entire Spanish coastline.**

The Ministry of Culture will, through the Sectoral Culture Conference and the Historical Heritage Council, promote the conclusion of archaeological charts in those Autonomous Communities where they have already been commenced, and will supplement the information provided by those already generated through the application of new remote detection technologies, so as to obtain data at greater depths, thereby providing much more complete archaeological information.

In order to facilitate the development of these measures, the Ministry of Culture, through the National Maritime Archaeology Museum - National Centre for Underwater Archaeological Research, within the context of the partnership agreement signed with the Fundación Aurora S.L. Trust, will develop survey campaigns in deep waters, using for this purpose the advanced remote detection documentation techniques now

available, and will continue to conduct the Archaeological Survey Programme begun in 2007 through the remote detection and documentation of wrecks at depth (100 metres).

## **2. Design and implementation of an integrated Geographical Information System for Underwater Cultural Heritage ('SIG - PCS').**

Notwithstanding the databases created by each Autonomous Community, the Ministry of Culture will, in collaboration with the regional authorities, establish a Programme serving to integrate within one single database all cartographic and documented information on all sites in existence in Spain, in both inland and coastal waters off the mainland and also the islands, Ceuta and Melilla, including sites located on the continental shelf.

## **3.2. PHYSICAL AND LEGAL PROTECTION**

### **3. Declaration of Assets of Cultural Interest.**

In order to afford underwater archaeological heritage the highest level of protection established in Spanish law, and also to raise public awareness as to its outstanding historical and archaeological value, the Ministry of Culture, through the Sectoral Culture Conference, will promote the instigation by the competent public authorities of the corresponding procedures for declaration as Assets of Cultural Interest (BIC) or a similar category for the most representative Underwater Archaeological Zones of the Spanish coastline.

#### **4. Protective actions**

The Ministries of Culture and the Interior, in collaboration with the other Ministerial Departments affected and the Autonomous Communities, will promote the following protective actions: :

- a) "In situ" protection of noteworthy small-scale sites through standard protection and covering systems:
  
- b) Generation, in coordination with the Law Enforcement Agencies, of a surveillance programme in order to avoid the plundering and destruction of underwater archaeological sites. In those cases where the site is located close to the coastline, the signature of individual agreements with local police forces to guarantee on-site surveillance will be promoted.
  
- c) Development in the medium term of a satellite surveillance system for those maritime zones with high archaeological potential, serving to centralise within each Autonomous Community information as to the movement of ships in the zones and to detect any unjustified anomalous activity, so as to be able to notify the Marine Civil Guard in order for it immediately to perform the corresponding investigation.

### **3.3.TRAINING**

#### **5. Development of training plans.**

The Ministry of Culture will, in collaboration with the Autonomous Communities, promote the development of national and international Underwater Archaeological Heritage training plans, involving specialists in the research and conservation of Underwater Cultural Heritage from both Spain and abroad, in particular Latin America

and the countries of the Mediterranean Basin, to provide sufficient information about new sites.

To this end, the National Maritime Archaeology Museum - National Centre for Underwater Archaeological Research will, in the medium term, become a flagship training institution at the national and international levels to ensure that all professionals working in this sphere have the multidisciplinary training they need to assist them in their daily tasks (protection, legal aspects, diving, safety, conservation, restoration, archaeology...).

### **3.4. COORDINATION**

#### **6. Interdepartmental coordination commission.**

The Government, on the initiative of the Ministry of Culture, will within a period of three months establish an Interdepartmental Commission for the coordination of all actions within territorial waters or on the continental shelf conducted by the competent Ministries so as to guarantee that such operations will in all cases take into consideration the protection of Underwater Cultural Heritage.

#### **7. Generation of an archaeological operational protocol for port infrastructure.**

The Ministries of Culture and Infrastructure Development will, through the port authority and, in the case of general interest port infrastructure, through the State Ports Agency, establish within a period of three months an archaeological operational protocol for port infrastructure works. This protocol will include the execution of archaeological impact studies in collaboration with the Autonomous Communities prior to the execution of such infrastructure, along with any preventive measures deemed necessary so as to prevent all remodelling and civil engineering expansion works at State ports from having any negative impact on the underwater archaeological heritage to be found within their waters.



The underwater archaeological operational protocol will likewise be standardised at the national level, as set out in the Annex to the UNESCO Convention on the Protection of the Underwater Cultural heritage.

#### **8. Usage of Spanish Navy resources.**

The Ministries of Defence and Culture will sign the **relevant collaboration agreements to structure mechanisms for cooperation in the interests of the proper** protection of Underwater Cultural Heritage.

#### **9. Agreements with third countries.**

The Government will, through the Ministry of Foreign Affairs and Cooperation, promote the signature of Collaboration Agreements with third countries for the protection of such heritage.

### **3.5. DISSEMINATION/AWARENESS-RAISING**

#### **10. Awareness-raising campaigns.**

The Ministry of Culture will develop an awareness-raising, dissemination and showcasing campaign for Spanish Underwater Cultural heritage with the aim of informing all citizens, so they can understand, enjoy and enrich their lives through these historical and archaeological treasures.

This campaign will include, among other aspects, the following actions:

- Creation of maritime archaeological heritage trails.
- Development of public awareness-raising campaigns dealing with treasure trove and archaeological research.
- Staging of temporary exhibitions of Underwater Cultural Heritage, and the publication of catalogues and other instructional books.
- Showcasing of Underwater Cultural Heritage in situ and at museums; consideration of the possibility of adapting archaeological sites to open them to visitors; creation of underwater archaeology parks; underwater archaeology galleries at various museums, or the creation and promotion of visitor centres focused on this type of heritage.

#### **4. FOLLOW-UP AND EVALUATION**

Within one year of the approval of the Plan, the Directorate-General for Fine Arts and Cultural Assets will present before the Interdepartmental Commission established in this Plan and the Sectoral Culture Conference a report on the implementation of the measures set out in the above subsection.