

Committee: Special Conference on the Preservation of Cultural Heritage and art

Issue: The protection of Underwater Cultural Heritage

Student Officer: Ines Saltiel

Position: Deputy President

PERSONAL INTRODUCTION

Dear Delegates,

My name is Ines Saltiel, and I will be serving as the deputy president of SPECON. I am very excited to serve as a student officer for the first time, and I would like to welcome you to this year's DST MUN conference. I hope to inspire you, like I was inspired by my chairs, in the past five conferences. I'm passionate about helping others, making my voice heard and making a difference, which is why I am interested in global affairs and human rights. Through MUN, debate, a summer school at Columbia University, an internship in EPLO and competitions, I have met such inspiring and driven teenagers. Which is why I am dedicated to making youth voices heard, as I believe we should have an opinion on the future that we will live in.

In this study guide, you will find all the necessary information concerning the protection of underwater cultural heritage. Nevertheless, I encourage you to research, engage yourself and understand your country's stance so as to make this experience inspiring and fun for you and everybody else. If you need any clarifications about the study guide or have any questions you want to ask prior to the conference, feel free to contact me at inesnelly1776@gmail.com. I cannot wait to meet all of you!

Best regards,

Ines Saltiel

TOPIC INTRODUCTION

Underwater cultural heritage (UCH) embodies all historical and cultural prints of humanity that lie underwater, including three million shipwrecks (insert footnote), such as the Titanic and the thousands of sunken fleet of Kublai Khan. In addition, underwater heritage includes ruins and cities, such being the relics of the Pharos of Alexandria. Throughout history, ships, ruins, cities, have become immersed into the oceans, lying beneath its surface. In the 21st century, our history, culture and past is often neglected. People have been plagued with other incentives like economic growth, which is, of course, important. However, these cultural sites stand as an anthem for a country's past and culture. Sites also part of underwater cultural heritage are related to historical events, including the horrific slave trade, natural disasters, revolutions, peaceful exchange of knowledge and traces of historical holy pillars, are found in the bottom of oceans, rivers and lakes. For instance, the shipwreck of the Lepanto battles or the earthquakes of Port Roy. Historical sites can reveal aspects of history that are unknown, including the ancient trade between China and Africa, Indonesia and Australia, showing the interconnectedness thousands of years ago. Today, we can reach great depths, thus, accessing underwater sites for commercial and scientific use. However, there are adverse consequences to our ability to reach such sites as well. Some of the consequences is damaging the sites, overexploiting, affecting underwater nature due to over tourism etc.

DEFINITION OF KEY TERMS

Underwater Cultural Heritage (UCH)

According to the UCH Convention of UNESCO, Underwater cultural heritage includes "All traces of human existence having cultural, historical or archeological character, which have been partially or totally under water periodically, for at least 100 years, such as: (i) sites, structures buildings, artefacts and human remains, together with their archeological and natural context; (ii) vessels, aircraft, other vehicles, or any part thereof, their cargo or other contents, together with their archeological and natural context; (iii) objects of prehistoric character."¹

¹ "Definition of Underwater Cultural Heritage: United Nations Educational, Scientific and Cultural Organization." *Definition of Underwater Cultural Heritage | United Nations Educational, Scientific and Cultural Organization*, www.unesco.org/new/en/culture/themes/underwater-cultural-heritage/underwater-cultural-heritage/definition-of-underwater-cultural-heritage/.

Commercial exploitation

Artefacts are legally recovered from cultural heritage sites with the intention of selling them. Underwater archaeological sites are the most common places where this occurs. However, because they are primarily concerned with the recovery of valuable items, they frequently break scientific excavation norms at archaeological sites.

Marine Protected area

Those areas restrict human activities to conservation only activities to protect natural or cultural resources. Such areas are protected by local, state, national, and international authorities.

Pillage

Theft of historical artifacts from a heritage site without authorization and in violation of the law. This is unfortunately a common occurrence when it comes to historical shipwrecks or underwater artefact dumps.

Maritime Spatial Planning

Marine spatial planning is a method of bringing together a variety of ocean users – such as energy, industry, government, conservation, and recreation – to make educated and coordinated choices on how to use marine resources sustainably.

BACKGROUND INFORMATION

Reaching Underwater sites

In 1942, Jacques-Yves Cousteau and Emile Gagnan invented the aqualung, hence, enabling us to reach sites present at deeper sea depths. In the twenty-first century, even open circuit divers can reach 100 meters and more. In 1989, Shinkai 6500, the Japanese research submarine, dove even to 6,527 metres underwater in the Trench off Sanriku, Japan. Moreover, in 1995, the Japanese unmanned probe Kaiko reached a record depth of 10,911 metres. Additionally, Vescovo's trip to the Challenger Deep, at the southern end of the Pacific Ocean, Mariana Trench, was the deepest manned sea dive ever recorded, at 10,927 meters.

COVID-19 impact

The current pandemic reduces the chances of underwater cultural heritage specialists to meet, exchange knowledge so as to find effective measures to preserve

Underwater Cultural Heritage (UCH). Furthermore, due to the lockdown measures, events to support the preservation of UCH, including the International Congress on Underwater Archeology were cancelled.

The continuous threats to underwater cultural heritage, including pillage, looting and trafficking, are on the increase. The suspension of funding has also constituted a major problem. Some projects are at risk of neglecting the need to note the UCH found in different areas, leading to a significant loss of knowledge of the heritage in these sites.

Due to the pandemic, privately funded entities, NGOs, and individual volunteers supporting UCH have endured financial issues, leading to drastic setbacks regarding their preservation.

The crisis emphasises the vitality of constructing novel paths to support the UCH, by the United Nations Decade for Ocean Science, to reinstate respect to our planet and history.

Underwater cultural Heritage and World War I/II

Underwater cultural heritage has been severely affected by the developments in our world, leading to a constant change and necessity for preservation. World War I and II have left behind significant historical evidence including UCH, especially in the Mediterranean Sea. Damages as well as new pieces of heritage have been pervasive during such periods. Exploration of these measurements uncovers issues that need to be solved and sets a more all-encompassing UCH research and approach for acquiring more information. Complementary research and information is required to fully comprehend the story of the Mediterranean during WWI and WWII and how it affected Underwater cultural Heritage whilst metamorphosing the UCH to a respected, culturally enriched area. The two World Wars have left their trace, leaving more than 10,000 shipwrecks lying at the bottom of our oceans. More specifically, nearly 250 British ships and 850 auxiliary vessels were sunk, while similarly, Germany lost 2000 navy submarines, which are currently shipwrecks in the ocean. Furthermore, a common phenomenon is metal scraps being taken from WWI & WWII sunken ships. A case in point is the S/S Oria, a shipwreck at the bottom of the ocean in the island of Patroklos near Attica Region. The ones that remain untouched are predominantly sunken vessels in deep waters or submerged aircrafts. Such procedure allows reuse of a now saturated material, namely metal. In addition, the biggest base for the U.S Navy was Fremantle Harbour. There, people lost unfathomable numbers of their cultural heritage, which cannot be restored or replaced. As villages and towns changed radically because of bombings and other mass destructions, long stretches of coral reefs were destroyed, ships sunk, planes crashed, and bombs contaminated the water. The locations of those sites have yet to be found, and it is believed few are intact.

Nonetheless, there are possible environmental problems with the hazardous materials on the WWI & WWII shipwrecks and plane crashes, therefore a clean-up would be necessary. The potential pollution come from oil spills and unexploded ordnance However, the question of finding an equilibrium between a clean-up and respect towards UCH still remains.

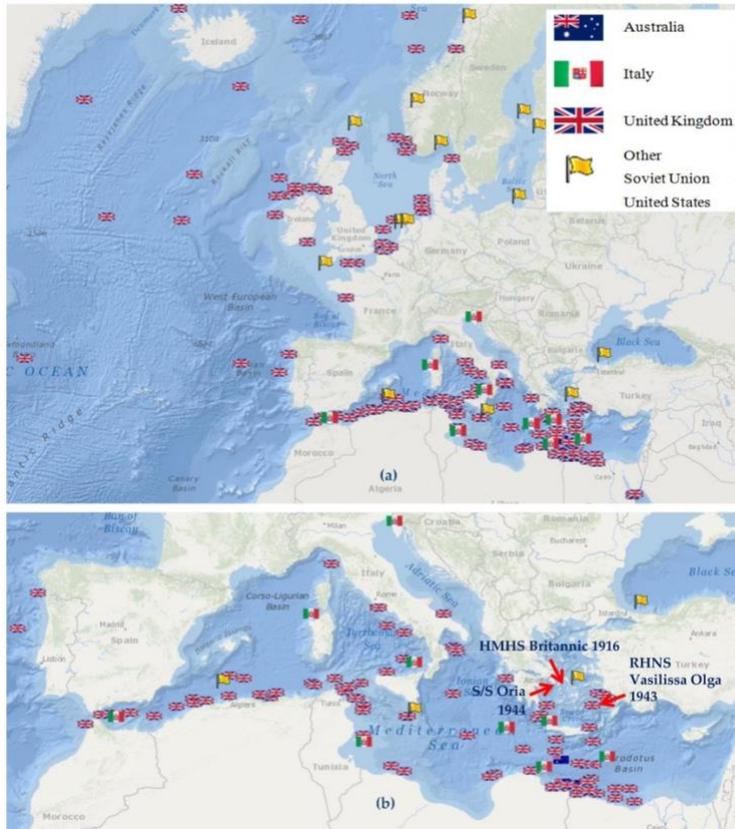


Figure 1: Map highlighting shipwrecks in WWII, underwater.²

Threats

The increased access to underwater sites allows scientists and archeologists to better comprehend underwater cultural heritage, which we admire, as well as economic benefits and increased tourism. Nonetheless, there are consequences following these advancements allowing us to reach underwater sites, due to natural phenomena and manmade disasters.

Industrial Construction

In the modern day, oceans are exploited and used for economic gain. Although necessary for the economy, infrastructure can have adverse effects

² : “The Route from Discovery to Engagement—Open Issues in the Mediterranean.” *Heritage*, vol. 2, no. 2, 2019, pp. 1588–1613., doi:10.3390/heritage2020098.

on UCH. Including environmental consequences, by creating pollution, erosion or changing currents, whilst affecting these sites, such as sunken cities or ancient shipwrecks.

The UNESCO 2001 Convention article 5 says that each party should do its utmost to protect UCH.

An example of industrial construction and its effect on UCH is Angra bay, the Azorean harbour that served Angra city, where at least 96 shipwrecks are found. Although recognized as an archeological preserve, the bay also serves as the Transatlantic Cruising Ship Pier, impacting the historical wrecks not previously discovered. The danger of impacting negatively historical wrecks and other finding is significant both due industrial and tourist development that especially in the past engaged in activities without the necessary framework for protection as well as the actual tourism activity

Commercial Exploitation

Underwater sites are threatened by pillage, exploitation and the sale of the objects found in them. More than 160 large vessels have been exploited for commercial use in the past 30 years; a majority of wrecks present in accessible depths in the Mediterranean Sea have been exploited. For example, Galderma's, and of course the Titanic; threatening the state of the ruins.

While measuring both the positive and negative effects of commercial exploitation; it can be argued that the loss of our heritage, outweighs the small financial gains a nation receives.

In 2015, the UNESCO Scientific and Technical Advisory Body cooperated with the Panamanian authorities to investigate the San José shipwreck, in which treasure-hunters created holes in the seabed and recovered all artefacts in the area without much documentation research.

In the past due to limited legal frameworks to protect our heritage exploitation has occurred, however, that does not mean we should fully ban access.

Especially in countries where tourism is the main source of financial development such as Greece. In order to effectively utilize commercially the invaluable cultural property, mapping sites is essential. Then, as long as there is a national level established legislative framework to tackle all issues related to the management and protection of UCH limiting harmful practices is possible.

Environmental threats & Climate Change

Climate change is a significant factor in the damage of cultural sites and the environment. This includes physical threats like erosion, biological threats such as fungi and bacteria as well as chemical threats, including low pH and corrosion of Iron. When coming to environmental factors, climate change is the most prominent example. Sea levels rising and other factors drastically affect underwater cultural heritage. Underwater cultural heritage sites may be threatened by environmental changes such as climate change, greater erosion, and current shift. Underwater cultural legacy, on the other hand, can reveal a great deal about previous climatic change that influenced our history. Tsunamis, coastal erosion, and rising sea levels are all threats to submerged cultural heritage sites today. In Florida the National Park service managers say that the water will rise three feet by the end of 2021. Most of the ships are made by metal. The more the temperature rises and the more acidic that environment is, the faster the ships will deteriorate.

The plan to execute archaeological surveys on the continental shelf, it is necessary to account for variations in sea levels. Due to changes in conservation patterns, currents, and the introduction of new animal species in oceans, climate change has the potential to destroy numerous sites. Furthermore, climate change attributes to the spread of water-worms eating away wooden shipwrecks.

Development of the Seabed

Sand and gravel extraction has an influence on many UCH sites, particularly ancient, submerged landscapes. When the minerals are removed, the flint stones and bones are retrieved at the same time. Collaboration between archeologists and industries is essential to develop the seabed to allow the protection of underwater cultural heritage, which could be under the auspices of the UN and UNESCO.

Although these sectors are becoming more regulated under national and international frameworks, cultural sites require security to balance interests while conserving the seabed

Pillage

Underwater archaeology is made easier by modern technology and technical instruments, but treasure hunting is increasing. Even deep-sea sites have been subjected to artefact retrieval. Divers may engage in impulsive souvenir searching, as well as specialist treasure-seeking companies. Pillage frequently dishonors the sites found on shipwrecks. For example, in 2012, a significant 10,000 year old ancient skeleton vanished from a cenote in Mexico's Yucatán Peninsula. Investigations of the

skeletons showed a shared genealogy with Indonesians and South Asians, as such the skeleton is valuable. This is in contrast to the widely held belief that the first humans to colonize North and South America crossed a land bridge connecting Siberia and Alaska on their way from Asia to North America, emphatic of the importance of UCH in shedding light into how the world has become what it is today.

Tourism

Underwater Cultural Heritage unavoidably leads to tourism, as 37% of tourism is due to cultural desires, leading to financial gain and development, as well as constituting motive and capital for the site's preservation. Tourism, however, negatively impacts sites. Building of coastal promenades, water pollution, pillaging, and sand recovery associated with the construction of new tourist hotels can all pose a threat to sites. A vast number of countries are basing their economy in tourism, some of those are very much depended also in underwater archeology such as Greece, Italy, Egypt, Turkey etc.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

Spain

Andalusia, located in the far south of the Iberian Peninsula, features one of Spain's longest coastlines (1100 km), which includes Atlantic and Mediterranean shoreline as well as inland bodies of water. Along with its favorable geographic location, Spain's hegemonic position in modern history and the nature of its colonial trade with the Americas resulted in a surge in maritime activity in ports like Cádiz and Seville. As a result, the coast of Andalusia has been the site of several shipwrecks, indicating that there is now a substantial amount of underwater heritage to safeguard and preserve. There are now 120 sites recognized in Andalusia's Management and Information System of Cultural Assets (MOSAICO). There is also the possibility of more unknown treasures, as documented sources have revealed information on 900 historical shipwrecks in Andalusia's waters, 638 of which are in the Gulf of Cádiz. These undiscovered sites highlight the need for historical recording and protection in the area.

Switzerland

The Swiss Confederation's Federal Office of Culture has agreed to help UNESCO's efforts to conserve underwater cultural assets by donating 45,000 Swiss francs as a voluntary financial contribution (USD 51,195). This donation will go to the UNESCO Convention on the Protection of Underwater Cultural Heritage Fund, which helps States Parties to the Convention identify, protect, and manage underwater

cultural heritage while also fighting commercial exploitation. The Confederation of Switzerland is the first State Party to the Convention to contribute to the Fund financially. In 2019, it ratified the Convention.

USA

The Pacific region, which accounts for around one-third of the Earth's total surface area, has a lengthy history of human migration and settlement. Ancient, buried settlements, traditional fish traps of indigenous populations, and shipwrecks of missionaries and explorers can all be found beneath the Pacific Ocean's surface. The General Maritime Law, the Abandoned Shipwreck Act, and the Marine Protection, Research, and Sanctuaries Act, all apply to UCH (mostly historic shipwrecks) in the United States coastal zone, depending on where the resource is located and subject to specific and individual requirements. Over the years, UNESCO Office for the Pacific States has been assisting Pacific member states to build capacity for UCH management and promoting the UNESCO Convention for the Protection of the Underwater Cultural Heritage in the region.

Greece

While legislation relating to underwater heritage was introduced at an early date in Greece, the same was not true for the establishment and development of underwater archaeology \ to a professional level and standards to those introduced by maritime archaeology centers in other countries. In Greece, underwater archaeology grew slowly through the winding paths of chance discovery and salvage to reach only recently an acceptable level of method investigation and proper archaeological excavation.

Egypt

After many years of individual attempts to explore the underwater cultural heritage (UCH) of Egypt, the Supreme Council for Antiquities (SCA) established a department specializing in the field during the last decade of the twentieth century. The collaboration between this department and foreign missions led to the discoveries of a number of underwater sites and projects focusing on their protection, including mitigation work.

Malta

Malta is known for having rich underwater ruins, therefore Malta added three new sites to their Underwater Cultural Heritage Unit. Although that initiative was helpful to the preservation of these ruins, countries should take action collectively.

Advisory Council on Underwater Archaeology (ACUA)

The ACUA is an international advisory group for underwater archaeology, conservation, and management of submerged cultural heritage. Its goal is to raise awareness of underwater archaeology and the protection of undersea resources among academics, governments, sport divers, and the general public. Underwater archaeological projects range from the exploration of World War II tanks in the Pacific to 19th-century shipwrecks sunk below the ice of Canada’s Arctic Sea, and from surveys of artificial islands in Polynesian Ponape to inundated springs and caves in Florida and Mexico containing the oldest physical remains of humans in the New World, to prehistoric hunter’s sites at the bottom of glacially formed lakes.



Figure 2: Underwater archeological project

United Nations Educational Scientific and Cultural Organization (UNESCO)

UNESCO assists Member States in the ratification and national implementation of the 2001 Convention, strengthening international collaboration to improve the preservation of underwater cultural heritage around the world. The Secretariat of the 2001 Convention organizes training workshops with underwater cultural heritage officials in all parts of the world on the Convention and the conservation of undersea heritage in order to foster high ethical standards. It also actively aids states in harmonizing their legal systems. Member States have access to the practical instruments offered in Resources to assist their efforts. To ensure sufficient protection, conservation, and research of underwater heritage, UNESCO collaborates with experienced professionals who conserve the places in question in compliance with the necessary legal frameworks. Furthermore, UNESCO has developed awareness-raising activities targeting all these stakeholders - members of the scientific community, heritage managers, the general public and local communities.

TIMELINE OF EVENTS

Date	Description of event
1942	In 1942, Jacques-Yves Cousteau and Emile Gagnan invented the aqualung, hence, enabling us to reach sites present at deeper sea depths
1956	First Conference on the Law of the Sea which aims to establish a feasible legal framework concerning contiguous

	zones, fishing limitations and conservation of living resources.
1973	In 1973, a new UN conference was called to address several remaining concerns, the Law of the Sea Convention was born out of the specific conference.
1982	The Law of the Sea Convention, took place in Montego Bay, Jamaica in 1982, setting forth a legal framework for the protection of the sea.
2001	UNESCO Convention on the Protection of Underwater Cultural Heritage adopted by UNESCO's General conference, aiming to respond to looting and destruction of UCH.
2013	European commission conference - underwater cultural heritage
2015	EU-UNESCO information meeting on underwater cultural heritage - protection and opportunities

RELEVANT RESOLUTIONS, TREATIES AND EVENTS

Customary International Law and UNCLOS I-III

Jurisdictional Maritime Zones Coastal States have exercised jurisdictional rights and authority over operations in their coastal seas since at least the seventeenth century, when a three-nautical-mile territorial sea was acknowledged as the limit of a coastal State's control. Some trace this recognition to the range of cannons in the seventeenth century, and it is known as the "Cannon Shot Rule." The need for a comprehensive legal framework became more apparent, the United Nations held its first Conference on the Law of the Sea (UNCLOS I) in 1956, which resulted in four conventions regarding contiguous zones, fishing limitations and conservation of living resources. In 1973, a new UN conference was called to address several remaining concerns (UNCLOS II). The LOSC was born out of the specific conference, which took place in Montego Bay, Jamaica in 1982.

2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage

Adopted in 2001 by UNESCO's General Conference, and entered into force on January 2, 2009, the 2001 UNESCO Convention represents an international response to the concerns of looting and destruction of UCH. The 2001 UNESCO Convention is built upon four main principles. Firstly, the obligation to protect UCH; the preservation policies and scientific rules for research and recovery; a prohibition on commercial exploitation of this heritage. Lastly, the cooperation among States to protect this heritage, particularly with regard to training, education, and outreach. The established purpose of the 2001 UNESCO Convention is to protect UCH by controlling activities that may directly or incidentally harm it and by authorizing activities directed at UCH only when they are conducted in accordance with international archaeological standards.

United Nations Sustainable Development Goals aiming to preserve heritage

First of all, the Sustainable Development Goal 11.4 aims to strengthen efforts to protect and safeguard the world's cultural and natural heritage. In addition to that, SDG 14.4 intends to effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time possible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics, by 2020. Furthermore, SDG 14.5 has the purpose to conserve at least 10% of coastal and marine areas, consistent with national and international law and based on the best available scientific information, by 2020. Finally, SDG 14.7 tries to increase the economic benefits by 2030 to SIDS and LDCs from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and tourism.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Law of the Sea Convention

The LOSC sets forth a comprehensive legal framework for the use and protection of the sea, the seabed and subsoil, and the marine environment, including both natural and cultural heritage resources. The LOSC establishes clear standards for states' navigational rights, marine zones, boundaries, and economic jurisdiction through a variety of provisions, as well as providing member states with a platform for international cooperation and dispute settlement.

Greek Law passed 1834 (amended 2002)

The first Greek law that governed antiquities was passed in 1834 and amended in 2002. The law was amended and covered national heritage, both tangible and intangible, of all periods of time. The law also provides regulations on the preservation and management of the Greek monumental heritage, the most important being the introduction of protection zones for assets found both on land and in the sea. Two kinds of protection zoning were introduced. This helps a lot to define where one can establish commercial activity and where people can have access to the cultural heritage of a country.

Protection zone A is the zone of absolute protection. Within this zone, all kinds of interventions and constructions are prohibited. Protection zone B is the buffer zone, extending to such a distance as to include areas that interact with the monument and its surrounding landscape. According to the provisions of law, in zone B, planning must include land-use restrictions and regulations, ensuring that the monument is protected from any kind of visual, aural, and olfactory nuisance, created by inappropriate action and excessive construction activity. In short, including a clear spatial dimension (planning tools and zones) was certainly a breakthrough in Greek cultural heritage legislation. However, what is more important than designating monuments and then delimitating protection zones is how to be consistent with the spirit of the cultural heritage legislation and the objective of preservation, without suppressing the need of areas to grow and develop, and the necessity of generations to evolve socially and economically.

POSSIBLE SOLUTIONS

Citizens

Member states are obligated to protect heritage; therefore, they should encourage responsible and public access to underwater cultural heritage while respecting UCH. Increasing public awareness, appreciation and protection of heritage is of the utmost importance when reaching out to citizens. This could be done by educational campaigns, school trips and lessons, and speeches from influential members of society. Furthermore, promoting (friendly) tourism is crucial, as it will allow for funding for the preservation of UCH, as well as motive to avoid constructing ports over them.

Security

It is important for member states to implement frameworks for the protection of UCH, such as utilizing modern technology to track sites more efficiently or using cameras in those sites for proper persecution. In the San Jose shipwreck shipwrecks were exploited as there hadn't been extensive security to prevent treasure hunters', hence increased security is critical in the sense of documentation and granting access

to such sites, which links to the principle of maritime protection zones below. Accordingly, the Great Barrier Reef is more protected from tourism and regulated. Applying security and regulations similar to the Great Barrier Reef could be beneficial to preserving the sites.

Business

Commercial exploitation is a significant threat to UCH, therefore, setting limits on the selling of artefacts, including quantity as well as value is of the utmost importance. Industries should also maintain the condition of artefacts to its original condition, and not polish and renew them, as it takes out the historical value of such artifacts; they must also limit access to such sites for commercial purposes or tighten the protective measures in case they're open to the public, e.g., for touristic purposes.

Maritime Spatial Planning

Commercial exploitation is a significant threat to UCH, therefore, setting limits on the selling of artefacts, including quantity as well as value is of the utmost importance. Industries should also maintain the condition of artefacts to its original condition, and not polish and renew them, as it takes out the historical value of such artifacts; they must also limit access to such sites for commercial purposes or tighten the protective measures in case they're open to the public, e.g., for touristic purposes. The Great Barrier Reef Marine Park Authority (GBRMPA) has established a zoning plan. This plan provides maps of the entire marine park area and sets out the activities that are allowed to take place in each area.

There are varying levels of protection for these different zones on the reef, from a ban on all activities save for boating, diving, and photography in the Marine National Park Zone, to varying levels of permissions for fishing in other zones. For instance, trawling is allowable in the General Use Zone but not the Habitat Protection Zone.

Communities

Communities local, regional, or transnational – is always an important driver and in that case can be one of the key forces to bring people together towards the protection of underwater heritage (UCH). UCH forms an ideal test case for exploring governance solutions without reliance on the state and also provides a long-term and stronger commitment. It is also an area where communities are increasingly integrated within governance models.

In site preservation

The preservation of underwater cultural heritage in situ should be considered as a first option. Public access should be encouraged. Non-destructive techniques, non-intrusive survey and sampling should be encouraged in preference to excavation. Investigation must not impact the underwater cultural heritage more than is necessary. And must avoid unnecessary disturbance of human remains or venerated sites. Also, strict control of all documentation is necessary.

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