



Part-financed by the European Union  
(European Regional Development Fund)



## Maritime Spatial Planning as Tool for Underwater Cultural Heritage Management in the Baltic Sea

Baltic Environmental Forum - Latvia

3-4 June, 2013,

The Ministry of Environmental Protection and Regional Development

Peldu street 25, Riga, Latvia, Room 409

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### Goals of the workshop:

- To initiate pan-Baltic multi-sectoral stakeholder discussion on maritime spatial planning (MSP) establishment as management tool for underwater cultural heritage (UCH).
- To introduce participants with objectives, problems and undertaken activities of MSP and UCH sector with the goal to initiate common understanding on UCH sector integration within MSP at pan – Baltic level.
- To discuss and identify impacts on UCH protection and management interests, existing and potential conflicts and synergies with other sea space users and interests
- To start discussion on possible spatial solutions using MSP as tool balancing interests and providing sustainable UCH protection and management.
- To introduce and discuss examples of UCH integration in MSP in several Baltic Sea Region (BSR) states and two different examples from other EU member states.
- To discuss and identify necessary practical aspects towards the UCH sector integration in MSP in the Baltic Sea region (consultations, data, zoning of UCH areas).

**Participants:** In total 36 persons participated in the workshop.

From BSR:

Estonia	Marine Systems Institute, Tallinn University of Technology
Finland	National Board of Antiquities
Germany	A Foundation of National Museums of Schleswig-Holstein; Federal Maritime and Hydrographic Agency
Latvia	Ministry of the Environmental Protection and Regional Development; State Inspection for Heritage Protection; State Border Guard ; Latvian Institute of Aquatic Ecology; Baltic Environmental Forum-Latvia; Cultural Heritage and Historical Landscape Protection Society; Riga Planning Region; Dive Club Poseidon
Lithuania	Klaipeda University; Ministry of Culture
Poland	The Maritime Institute in Gdańsk; Maritime Office in Szczecin
Sweden	National Heritage Board; Swedish National Maritime Museum
BSR organisations	VASAB secretariat; CBSS working group on underwater cultural heritage

Outside BSR:

The Netherlands	Cultural Heritage Agency
United Kingdom	English Heritage

## 1. Very brief information on what was presented at the workshop

The workshop started with background information on the MSP process, goals and principles adopted in EU and activities carried out aiming at coherent maritime spatial planning in the BSR. After this introduction part the workshop was structured into two sessions:

### Session 1: Underwater cultural heritage and preservation measures

Participants were introduced to policy goals for protection and management of UCH and developments in the world as well as with Pan-Baltic initiatives within the UCH sector and differences in protection measures between BSR countries. Existing common problems in balancing interests between protecting UCH, tourism, research and security were presented and discussed.

### Session 2: Integration of underwater cultural heritage in MSP

The session focused on practical examples of BSR countries (Poland, Lithuania, Sweden) and two examples outside the BSR (The Netherlands and United Kingdom) having two different approaches for protection and management of UCH and its integration within MSP. The session concluded with discussions on the UCH sector expectations towards the MSP sector and several practical topics: consultation process with MSP planners, designation of UCH areas/zones, data availability, missing knowledge etc.

## 2. Overview on governance/protection of underwater cultural heritage (UCH):

Governance and protection of UCH in the Baltic Sea differs from state to state, because each state has rights to establish its own UCH protection regimes in its territorial waters / the 12 nautical miles zone (except Denmark and Lithuania, which regulates UCH protection within 24 nautical miles contiguous zone). There are differences regarding age of monuments/wrecks to become protected, ownership of wrecks, protection of single (movable) cultural objects and financial incentives for finders and other resulting differences. As a common problem in all BSR states was noted that UCH is protected only within the territorial waters and protection of a wreck depends often on registration and/or declaration, although in all states wrecks are specified in the laws as technical and/or cultural monuments and in all heritage legislations UCH objects are included.

There are three main international conventions and one charter related to UCH protection and management regimes in Exclusive Economic Zones (EEZ).

- *United Nations Convention on the Law of the Sea* (1982) signed by all BSR states. Convention lays down a comprehensive framework of law and order in the world's oceans and seas establishing rules governing all uses of the oceans and their resources. In relation to UCH the convention gives to the coastal states the right to regulate the removal of UCH located in the contiguous zone (12-24 nm) (for example, for ensuring traffic security), but imposes also as a general duty on states to protect UCH in all sea areas and to cooperate for that purpose.
- *UNESCO Convention for the Protection of the Underwater Cultural Heritage* (2001) covers all necessary aspects for UCH protection and management. From all BSR states this convention is ratified only by Lithuania. Reasons why the convention is not ratified are different, but two main are: the convention conflicts with national laws and states have insufficient funds for implementation of the convention.
- *European Convention on the Protection of the Archaeological Heritage* (1992) signed by all BSR states except Russia. This convention lays down that archaeological heritage includes also objects and other traces of mankind situated under water, which have to be protected and maintained.

There are two transnational initiatives to promote UCH protection and management:

- Worldwide International Committee on the Underwater Cultural Heritage (ICUCH) (1996) in the frame of the International Council on Monuments and Sites (ICOMOS), where individual and institutional membership is possible.
- Pan-Baltic working group on UCH (WG) established under the Council of the Baltic Sea States (CBSS). The WG serves as a joint platform for pan-Baltic cooperation and information exchange to promote protection and management of UCH as well as for implementation of joint research and education projects. In 2008 the WG developed a Code of Good Practice for the Management of the Underwater Cultural Heritage in the Baltic Sea Region (COPUCH) which is an agreed set of principles that seeks to establish a common ground for the protection, recognition, understanding and management of the UCH in the BSR.

### 3. Specific nature of conflicts / synergies with other sectors and interests in the Baltic Sea:

Within the presentations and group discussion the sectors conflicting with protection and maintenance of UCH were highlighted, as well as the spatial solutions and necessary contribution from UCH sector considered (See Table 1.)

Table 1

Sector	Conflict	Spatial solutions	Contribution from UCH sector
Fishery	In case if bottom trawling	Designated areas free of trawlers; sometimes the UCH sites might overlap with nature protection areas and other sectors where trawling is not allowable	Spatial information on UCH, where trawling is not allowable
	If fisherman are losing fish nets	Designated areas with recommendation not to fish because of UCH in the area. Both sectors might benefit from such regulation.	Spatial information about UCH sites, threatened by fishing nets
Offshore industry	Wind parks, oil drilling, gas pipelines, extraction of sand and minerals, dredging, dumping, shipping lines, aquaculture	Designation of areas where investigations of UCH is needed before starting new activities.	UCH statement and investigations might be foreseen as: <ul style="list-style-type: none"> <li>• a part of environmental impact assessment (EIA)</li> <li>• request before issuing the permits for new developments,</li> </ul>
		Taking into account that wrecks might sometimes be moved, designation of locations, where some relicts can be stored (e.g. underwater museums)	Information needed about specific environmental conditions for potentially movable UCH artefacts
Tourism	Not in all BRS states diving tourism is regulated by laws, it may lead to looting of wrecks (even ship as such is interesting as a resource for metal). Also system of security is weak to protect UCH because of missing regulations especially in some of countries.	Designation of areas where diving tourism: <ul style="list-style-type: none"> <li>• is not possible</li> <li>• possible but with special restrictions</li> </ul>	Information about sites/areas: <ul style="list-style-type: none"> <li>• where tourism activities are not allowed,</li> <li>• requirements for specific areas or specific kinds of UCH</li> </ul>

Ecological and natural processes	Due to climate change and shipping activities an alien species - shipworm ( <i>Teredo Navalis</i> ) has invaded the Baltic Sea, particularly in its southern part, threatening wooden artefacts.	Designation of areas for storing some relicts, that can be removed from its original location (e.g. underwater museums) with different environmental conditions.	Spatial information about already threatened areas and potentially threatened areas within near future. Information needed about specific environmental conditions for potentially movable UCH artefacts
	Artefacts are also threatened by pollution, especially in dead zones where oxygen is missing.		
	Artefacts located in coastal areas, especially partly submerged artefacts, are threatened by waves.		
Military activities	Military trainings and mine as well as chemical weapon clearance operations.	Designation of UCH areas and military areas, ensuring that information is available for both sectors.	Spatial information about UCH and potential risk assessment from military activities.

However, the representatives of UCH protection sector noted that it would not be the right approach to designate special areas for protection of UCH, leaving other areas without or more softer requirements. The protection requirements cannot be spatially specific – UCH artefacts can be found everywhere, therefore areas which are not yet investigated, should not be left without regulation. A solution could be the development of general rules/guidelines how to act, in case an UCH artefact is found and what implications it has on other sea uses as well as development of methods for balancing conflicting interests and rules/regulations when issuing permits are needed and when UCH impacting activities/developments are being planned.

**Synergies and co-operation**

It was stressed that actually with all sectors cooperation is possible with regard to information exchange and even new investments in case of development of new sectors in the sea space. The UCH sector might be also flexible and UCH assets could be removed, if other solutions are not possible anymore. Special synergies might develop with nature protection in the sea. Common requirements with regard to use of the sea space shall be developed, which would allow to overlap areas important for protection of UCH with other sea uses.

**4. Expectations of sector/ topic towards Maritime Spatial Planning**

The importance of MSP as a multi-sectoral management tool was stressed, but not only as tool for balancing different interests in the sea space, but also as cooperation tool between different sectors and all BSR states.

UCH maintenance interests are equal to interests of other sea space user and UCH sector should be involved in MSP at the same development stage as other sectors.

Despite that the Baltic Sea is a common space for all the BSR states, there exist a lot of differences with regard to UCH management regulations and not only between states but also between territorial waters and EEZ. Therefore pan- Baltic permanent consultations for UCH integration in MSP

are needed. In order to ensure participation of all BSR countries (also Russia) and exchange of experience and knowledge, consultations could be provided by the two pan- Baltic sectorial initiatives - CBSS working group on UCH and VASAB. Consultations at national or regional level (depends from state to state) should be foreseen for solving of particular conflicts.

Since UCH assets are very different - from a small single artefact until underwater cultural landscape, different opinions on possible types of marine areas/ zones were mentioned, which should be established in order to express better the interest of the UCH protection in MSP. A problem is also that not all UCH assets are still discovered, and these sites cannot be fixed in MSP.

The two opinions expressed by participants:

- In general zoning is NOT a tool for protection of all UCH. Zoning or designation of UCH protection areas could be applicable just in some cases for example, for protection of prehistoric landscapes and sandbanks with a lot of wrecks. Instead methods or strict rules have to be developed, how to consider UCH, when issuing permits for new and UCH impacting activities in the sea.
- At least three large zones could be estimated in maritime space 1) UCH protection zone; 2) investigation zone; 3) UCH free zone. Depending from the characteristic of the concrete UCH and natural conditions, special regulations or methods or order of UCH integration in environmental impact assessment for balancing conflicting interests in a particular site have to be developed as part of MSP.

Before selection of UCH protection sites or zoning, the UCH sector has to be more informed about other sea space users and their spatial interests. Within the UCH sector goals and criteria have to be discussed as well. The UCH sector stressed also that there is a lot of missing knowledge not only about all existing UCH in the Baltic Sea but also about potential impacts from existing and new activities in the sea. There is need to provide a holistic view on further research and co-operation between different branches of science as well.

## **5. Overall conclusions/key findings**

1. UCH sector was not considered and involved in MSP development projects up to now at equal extent compared to other sea use sectors.
2. UCH sector has to be involved and considered in MSP development at pan- Baltic scale taking into account the different legal situations and natural conditions in BSR region.
3. UCH sector in BSR has already cooperation platform at pan- Baltic level - working group on UCH established under CBSS. In future cooperation between CBSS WG on UCH and VASAB working on MSP issues at pan-Baltic level is recommended.
4. UCH protection goals conflict almost with all sectors but at the same time the co-operation and synergies with other sectors are possible. However, a system for information exchange between UCH sector and other sectors has to be developed and MSP could be used as a tool for such cooperation.
5. Spatial solutions (such as zoning / sites designation) to present UCH interests in MSP have to be more discussed within the sector and with planners at pan-Baltic level.
6. There is no information about all existing UCH assets under the water, since they are not all discovered and scientific research on potential impact from newly developing sectors in the sea, like offshore wind parks and particular infrastructure, aquaculture, pipelines etc. is missing or not sufficient. Therefore the precautionary principle has to be taken into account.