

Recommendation 1486 (2000)^[1]

Maritime and fluvial cultural heritage

1. The Assembly is aware of the historical significance of the sea and inland waterways as routes of cultural transmission and exchange in the development of Europe and its contacts with the rest of the world.
2. In 1978, the Assembly adopted [Recommendation 848](#) on the underwater cultural heritage.
3. However, the Committee of Ministers failed to bring to fruition one of the main proposals, namely the elaboration of a European convention on the protection of the underwater cultural heritage.
4. Nevertheless, certain elements of [Recommendation 848](#) were included in the [revised European Convention on the Protection of the Archaeological Heritage](#) (1992).
5. The Assembly observes that recent technological advances in deep-sea diving now render vulnerable many well-preserved wrecks in international waters that were previously inaccessible.
6. Their commercial exploitation is encouraged by the publicity given to spectacular achievements such as the location and recoveries from the *Titanic*, and the associated success of the recent film.
7. There is also a threat to the maritime and fluvial heritage from irresponsible exploitation of the oceans and commercial and industrial operations in inland waters, on the coasts and in inland waterways.
8. The Assembly recognises that the past twenty years have witnessed the emergence of Europe-wide interest in the maritime and fluvial heritage, and sees the need for co-ordination and co-operation and for the encouragement of

networks of experts and non-governmental bodies in such related fields as underwater archaeology, shipping, maritime museums or scientific laboratories.

9. The Assembly observes the varying degrees of success with which defunct maritime and fluvial installations are being converted to alternative uses.
10. The Assembly further observes the increased attraction of traditional maritime and fluvial vessels for interest and for leisure activities.
11. The Assembly notes with approval the Memorandum of Understanding on the mutual recognition of certificates for the safe operation of traditional ships, signed by the maritime authorities of seven European nations on 8 September 2000.
12. The Assembly notes, however, with concern that in some countries vessels of great historic value are at risk of being lost for want of resources for their maintenance.
13. The Assembly therefore recommends that the Committee of Ministers:
 - i. encourage European co-operation for the protection of the maritime and fluvial heritage with regard to sunken wrecks and associated objects, the immovable heritage and the documentary record with emphasis on collaboration between the public authorities and interested non-governmental bodies and persons from the commercial, academic, sports voluntary or private sectors;
 - ii. provide the necessary resources for the European Foundation for Heritage Skills (FEMP) to make a meaningful contribution to this co-operation;
 - iii. ensure that the cultural dimension is fully incorporated in any European maritime agency set up as proposed in Assembly [Resolution 1168](#) and [Recommendation 1387](#) on future challenges in European maritime science and technology (1998);
 - iv. associate the Council of Europe with the elaboration by Unesco of an international convention on the underwater cultural heritage and in the preparation at European and international level of any other legal instruments relating to the maritime and fluvial heritage;

- v. encourage states to ensure that the underwater cultural heritage is protected from commercial recovery operations from the high seas;
- vi. encourage member states to legislate to protect the underwater cultural heritage from commercial and/or unauthorised recovery operations in their internal waters, territorial seas, contiguous zones, continental shelves and exclusive economic zones, and to take such measures as are in their power to thwart such operations by their own nationals or by nationals of other countries seeking to sail under their maritime flags or to use their territory as bases or ports of landing;
- vii. encourage regional co-operation on the underwater cultural heritage between countries (whether member states of the Council of Europe or not), bordering on the same sea or part sea, by sharing information or by concluding bilateral or multilateral agreements which may be more stringent than global agreements;
- viii. in particular to encourage the conclusion of such agreements as will mitigate the sovereign immunity which states retain over vessels of war and other state-owned vessels wherever they are sunk, with particular regard to the high proportion of such vessels which are of significant historic value and to the high proportion which contain human remains and especially those which are war graves;
- ix. encourage local and regional co-operation to protect the maritime and fluvial heritage from commercial developments such as construction, cable or pipe laying, oil and gas prospecting and recovery, mining of coal or minerals, sand or gravel extraction and waste and spoil disposal;
- x. encourage the protection of fixed installations of maritime and cultural heritage from destruction by property developers who are interested only in land values;
- xi. encourage the control and assistance of the conversion of such installations to useful alternative purposes without undue sacrifice of their essential character;
- xii. encourage the conservation of such installations as have heritage value but which are not suitable or attractive for redevelopment, and, where demolition is unavoidable, the preservation of a proper documentary record;

- xiii. encourage the restoration and preservation of historic inland waterways and waterfront locations, as far as possible, for public access and amenity and commercial use;
- xiv. encourage support and co-operation in the capturing of the original working character of these installations in maritime and waterways museums in the form of displays of artefacts, pictures and photographs, video- and audio-tapes, literary and graphic documents, electronic retrieval, interactive displays or live (including interactive) presentations;
- xv. support and encourage public and private bodies and voluntary associations which preserve historic vessels, or life-size or large scale replicas, in working order;
- xvi. encourage the display and use of these vessels for the education and enjoyment of the general public,
- xvii. encourage further development of a system of mutual acceptability by the maritime authorities of nation states of standards for the safe operation of traditional vessels in European waters.

[\[1\]](#) *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 9 November 2000.*