

# BLUEMED

## **Activity 3.4**

Policy studies, consultation and recommendations

### **Deliverable 3.4.1**

Consultation report on prospective national/regional governance plans/actions  
/legal frameworks and development of innovative strategies

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## I. Foreword

This Deliverable's aim is to examine prospective national legal acts, regional strategies & action plans, and deliver specific policy recommendations for the BLUEMED pilot Countries and Regions, based on international good practices in UCH protection, promotion & tourism.

The 'Conclusions' paragraph of the Deliverable 3.3.1, where the national legal framework, strategies and policies of the Project State Parties related to the protection and enhancement of the UCH Sites were synthesized, is to be considered the starting point of the following considerations.

This Deliverable is composed by the following Chapters:

- Part One: the '2001 UNESCO Convention', general overview of which Project State Parties adopted it and for what extent it has been effectively translated in the National and Regional Laws, Policies and Strategies;
- Part Two: highlight of the advantages brought by each legal framework and UCH management strategies, of their main critical aspects, and release of specific recommendations related to each Project State Party.
- Conclusions: possible synergies and transnational actions to be implemented at a European level.

The data used for the present Deliverable have been collected through the consultation of the Project Partners occurred during the release of the Deliverables 3.2.1 and 3.3.1, both concerning legislative tools and management strategies of the UCH Sites.

The proposed recommendations for each Country and the Conclusions are based on the reliability of the collected data, at the time they were communicated.

## II. Part One: the ‘2001 UNESCO Convention’

### II.1 RATIFICATION OR ACCEPTANCE STATUS

As previously stated (Deliverable 3.2.1 and 3.3.1), most of the EU State Parties were glad, over time, to adopt the ‘2001 UNESCO Convention on the Protection of Underwater Cultural Heritage’, sharing its contents and overall aims.

So far, only 58 countries have ratified the “2001 UNESCO Convention”.

Among them we can find:

- **Croatia:** 1<sup>st</sup> December 2004 (the third State that ratified the UNESCO Convention, after Panama and Bulgaria; at that time both Croatia and Bulgaria were not yet EU State Parties).
- **Spain:** 6<sup>th</sup> June 2005 (right after Croatia, in fourth position); Spain is a EU Member State since 1<sup>st</sup> January 1986.
- **Italy:** 8<sup>th</sup> January 2010 (in 30<sup>th</sup> position); Italy is one of the six EU Founder Countries, since the 1<sup>st</sup> of January 1958 (at that time the Union had the name of European Economic Community).

About the two other Project State Parties, the situation is the following:

- **Greece:** member of the EU since the 1<sup>st</sup> of January 1981, so far it has not ratified the 2001 UNESCO Convention.
- **Cyprus:** member of the EU since 1<sup>st</sup> of May 2004, so far it has not ratified the 2001 UNESCO Convention.

Source: <http://www.unesco.org/eri/la/convention.asp?KO=13520&language=E>

## II.2 BASIC GENERAL PRINCIPLES AND THEIR APPLICATION BY THE PROJECT STATE PARTIES

According to the said Convention (Article 1 - Paragraph 1a), the UCH definition reads:

*“Underwater Cultural Heritage means all traces of human existence of cultural, historical or archaeological character, which has been partially or totally under the water, periodically or continuously, for at least 100 years”.*

The Convention “Objective and General Principles” stated at the Article 2, reads Rules from 1 to 11. The most relevant ones, with respect of the BLUEMED Project Objectives, are:

*Rule 4. States Parties shall, individually or jointly as appropriate, take all appropriate measures in conformity with this Convention and with international law that are necessary to protect underwater cultural heritage, using for this purpose the best practicable means at their disposal and in accordance with their capabilities.*

*Rule 10. Responsible non-intrusive access to observe or document in situ underwater cultural heritage shall be encouraged to create public awareness, appreciation, and protection of the heritage except where such access is incompatible with its protection and management.*

These Rules in particular, and the way they have been (or have not been) implemented in the National/ Regional legislative frameworks, policies and management strategies, play a fundamental role in the field of the valorisation and protection of underwater natural and cultural heritage.

Rule 4 is generally taken for granted, at least under the legislative and administrative point of view. The safeguarding of the cultural heritage, traditionally on land and in recent decades also underwater, is a National prerogative in all the Project State Parties ever since, managed by the Public Authorities in charge against every attempt of loss, damage or destruction.

Rule 10, instead, needs to be examined in depth, since its content has determined so far the majority of difficulties while being translated into heritage safeguarding laws or enhancement strategies and policies by the public sector authorities.

The fine line between ‘responsible non-intrusive access’ and ‘intrusive access’ is exactly where the legislative tools often falter, and where, without a proper management system, the safeguarding actions prevail over the valorization and dissemination needs to be declared.

The compatibility between public access and protection of the cultural heritage is still an open debate with respect to the archaeological sites open to the visitors on the ground, and difficulties increase spirally while talking about underwater sites.

Let us analyse how these conflicting issues, ‘protection’ and ‘promotion of public access’ have been addressed in the Project State Parties.

### II.3 CROATIA

The Croatian Heritage protection Law ‘Act on the protection and preservation of cultural goods’ states that ‘*Cultural objects within the meaning of this Act are as follows:*

- *movable and immovable objects of artistic, historical, palaeontological, archaeological, anthropological and scientific significance,*
- *archaeological sites and archaeological zones, landscape and the parts thereof which are a testament to the presence of man in space, and which have artistic, historical and anthropological value, [...]*

The ‘Register of Cultural Goods of the Republic of Croatia’ was created in 1999 according to the ‘Act on the protection and preservation of cultural goods’. The same year, a comprehensive list was drafted containing all cultural monuments which are under national protection.

The Register contains the following lists:

- List of protected cultural goods
- List of cultural goods of national significance
- List of preventively protected goods

To date, over 400 Underwater Cultural Heritage sites have been registered in the first and third Lists, from all historical periods; about 80 can be visited, some with expert guidance. Particular attention has been dedicated to the most threatened sites, protected *in situ* as recommended by the 2001 UNESCO Convention. Some hundred underwater archaeological sites have been registered in the Croatian Registry of Cultural Objects, ensuring them special legal protection and care<sup>1</sup>.

Early adopter of the 2001 UNESCO Convention, Croatia chose to protect *in situ* some of its most important UCH Sites using steel net cages, installed around the wrecks or artifacts on the seabed, in order to prevent any possible theft or damage caused by the diving visitors.

In the meantime, the openness to the private sector (diving centers and diving clubs) has been performed through the *“Regulations on the procedure and method of granting a permit for performing underwater activities in the internal waters and territorial sea of the Croatia which are protected as a cultural heritage”* (2009, amended in 2011 and 2014).

The permit release system for the allowing recreational underwater activities, under specific requirements, is being managed in ways that encourage private companies, both profit and non-profit, to participate to the monitoring, protection and dissemination of the UCH, through a virtuous system rewarding the ‘good’ companies and discarding the ‘bad’ ones.

These private actors, while achieving their own goals, provide *in situ* activities that can hardly be performed by a public authority, such as the day-by-day monitoring and the declararation

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<sup>1</sup> Source: International Center for Underwater Archaeology in Zadar <http://icua.hr/en/underwaterarchaeology>

of new discoveries, thus feeding the public system actions with an efficient network at a local level.

The awarding system requirements, among the basic clauses devoted to the respect of the UCH Sites, are also linked to the sustainability of the local economy, supporting the organizations that hire local personnel and promote the local cultural heritage.

The public authority, on the other hand, needs to check on a periodic base what is continuously reported by the 'local network', thus maintaining a direct relationship with the local communities.

The installation of the net cages around some wrecks of the highest importance, since the 1990<sup>s</sup>, "can be considered an interesting temporary solution for the in situ preservation of non-looted sites [...] since much attention must be been paid [...] to the cage maintenance and supervision.

The condition of some cages after more than a decade of installation shows that without careful maintenance and management supported by a long term management plan, serious problems could arise in the future<sup>2</sup>".

Apart from the use of the steel cages, whose effectiveness in the long term and suitability for other similar underwater sites requires further check, this system can be easily recognizable as a 'best practice'.

This implies that many of the issues related to the UCH management have already been successfully addressed by the Croatian Authorities; some of them have been identified as follows:

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<sup>2</sup> Irena Radic Rossi "Experience in current management of underwater cultural heritage in Croatia: the case of the Protective Cages", in *ARCHAEOLOGIA MARITIMA MEDITERRANEA - An International Journal on Underwater Archaeology* - Fabrizio Serra Editions, Pisa - Roma.

1 -	<b>National Law protecting in situ archaeological evidences on land, underground or underwater.</b>	Act on the Protection and Preservation of Cultural Goods', 1999
2 -	<b>Official UCH List or Inventory</b>	List of the 'Registered' or 'Preventively Protected' UCH Sites, 1999
3 -	<b>Official guidelines for the protection of the listed UCH Sites</b>	No official guidelines for the protected underwater archaeological sites are available yet
4 -	<b>Legal framework ruling the release of recreational diving permits</b>	The 'Five Year Program' - "Regulations on the procedure and method of granting a permit for performing underwater activities in the internal waters and territorial sea of the Croatia which are protected as a cultural heritage" (2009)
5 -	<b>Public managing authority network structured in order to effectively protect the UCH heritage and oversee the diving permit system</b>	The Directorate for the Protection of Cultural Heritage of the Ministry of Culture, through the local offices of the Ministry of Culture

These 'Basic Requirements' are considered not exhaustive but highly relevant for the implementation of good practices in the UCH Sites management, and their presence, or absence, will be investigated in all the examined Countries.

All those requirements, when met, can provide not only a solid administrative and legal framework to the Public Authorities , but the successful management of n. 4 could also help facing the budget issues, that very often affect the effectiveness of the public safeguarding action.

## II.4 SPAIN

Another '2001 UNESCO Convention' early adopter Country, Spain protects its Cultural Heritage through the 'Law 16/25 on the Spanish Historical Heritage (1985), whose Article 1 states:

1. *'The purposes of this Law are the protection, promotion and transmission to future generations of the Spanish Historical Heritage.*
2. *The Spanish Historical Heritage is made up of movable and immovable objects of artistic, historical, palaeontological, archaeological, ethnographic, scientific or technical interest. It also comprises documentary and bibliographical heritage, archaeological sites and areas as well as natural sites, gardens and parks having artistic, historical or anthropological value.*
3. *The most relevant property forming part of the Spanish Historical Heritage shall be inventoried or declared of cultural interest in the terms of this Law.*

*The Law also has the necessary formulae to make evaluation possible because the defence of a nation's Historical Heritage must not be carried out exclusively through regulations prohibiting certain actions or restricting certain types of usage, but should be based on clauses encouraging preservation and therefore allowing enjoyment and facilitating promotion'<sup>3</sup>.*

Spain, however, hasn't fully applied the contents of the Preamble and of the Convention Rule 10 with regards to its UCH Sites. In Spain, recreational diving and public access to UCH Sites is indeed not systematically organized through a legal framework and dedicated policies. This experience is possible only during in situ excavation, survey and restoration campaigns.

The visitors, then, are always accompanied by an archaeologist, and on one hand, this is the most interesting kind of experience a diver can get. On the other hand, only a few sites, of

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<sup>3</sup> Source: 'Law 16/25 dated 25 June, on the Spanish Historical Heritage (Official State Bulletin of 29 June 1985) [http://www.unesco.org/culture/natlaws/media/pdf/spain/spa\\_law\\_16\\_1985\\_engtof.pdf](http://www.unesco.org/culture/natlaws/media/pdf/spain/spa_law_16_1985_engtof.pdf)

the vast Spanish UCH, are open for the visits, and only in specific timeframes. No diving permit release system has been set up.

Moreover, without any strong link to the touristic private sector, this kind of tourism does not provide any significant benefit for the local economy. The creation of Diving Parks is strongly encouraged in the Green Paper document, to 'promote the responsible access of citizens to this important part of Cultural Heritage' and with the submission of this guideline, Spain is committed to take this direction for the future of its UCH Sites.

With respect of the Basic Requirements mentioned at the end of the previous paragraph, the Spanish UCH management system can be described as follows:

1 -	<b>National Law protecting in situ archaeological evidences on land, underground or underwater.</b>	Law 16/25 on the Spanish Historical Heritage (1985)
2 -	<b>Official UCH List or Inventory</b>	Implemented only in the Andalusia Region (started in 2004, in progress)
3 -	<b>Official guidelines for the protection of the listed UCH Sites</b>	Present in the Andalusia Region only (Order of April 20, 2009, declaring 42 underwater areas as Archaeological Reserves - Decree 285/2009, of 23 June, declaring 56 underwater areas as Archaeological Zones)
4 -	<b>Legal framework ruling the release of recreational diving permits</b>	Recreational diving is still forbidden in the majority of Archaeological Underwater Sites. Only Andalusia Region lifted the restriction, allowing public access in the listed UCH Sites
5 -	<b>Public managing authority network structured in order to effectively protect the UCH heritage and oversee the diving permit system</b>	Ministry of Culture - General Subdirectorate for the Protection of Historical Heritage - Local Offices of the Ministry of Culture

With respect of the UCH Inventory and the Listed UCH preservation guidelines, Andalusia Region is a step ahead, thanks to the UCH Inventory, implemented in 2004, and the Regional Laws concerning the definition of Archaeological Reserves and Zones, issued in 2009.

At present, there are 120 sites registered in the Management and Information System of Cultural Assets of Andalusia (MOSAICO), and further 900 potential heritage sites are now under examination.

Regarding the public access allowance policy, in response to concern that the implementation of these registrations could prohibit diving to certain sites, the regional government of Andalusia decided not to implement any restrictions, to encourage site visit by both diving clubs and private individuals.

These measures of inscription and declaration of underwater archaeological sites, besides being aimed at guaranteeing the protection and in situ conservation of the underwater archaeological heritage of Andalusia, are previous and necessary measures to promote responsible and non-intrusive access of the public to this heritage<sup>4</sup>.

For this reason, Andalusia Region (plus three Spanish distinct wreck sites) has been included in the Register of Good Practices of the Underwater Cultural Heritage of UNESCO.

## II.5 ITALY

The Italian National Law 42/2004 for the 'Protection of Cultural Heritage and Landscape', in its Annex 'A' – Part A (Cultural Heritage Categories), defines as Archaeological Cultural Assets:

- *'Archaeological finds older than 100 years coming from terrestrial or underwater excavations and discoveries'*.

The Article 94 refers directly to the 2001 UNESCO Convention, declaring under the Law protection *'The historical and archaeological objects found on the seabeds within 12 marine miles off the external border of the National Waters'*.

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<sup>4</sup> <http://www.unesco.org/new/en/culture/themes/underwater-cultural-heritage/underwater-cultural-heritage/best-practices-of-underwater-cultural-heritage/andalusias-underwater-archaeological-heritage-spain/>  
Programme cofinancé par le Fonds de Développement Régional  
Programme co-financed by the European Regional Development Fund

This article, without any need of listing one by one the Italian UCH Sites, extends the Law protection over all the UCH Sites and Objects, including the new discovered ones within the said sea area, as well as the law prescribes for the terrestrial archaeological finds.

The creation of two Archaeological Underwater Parks, both located in the Naples area (Baia, in the Pozzuoli Gulf, and Gaiola, in the Neaples Gulf) established through the Law 388/2000, bears great importance for the National policies related to the management of UCH Sites, creating a 'best practice' example for the institution of further Archaeological Underwater Protected Areas.

Although still no guidelines are governing at a national level the touristic activities and the recreational diving experiences in the Italian archaeological underwater sites, in the two cited Underwater Archaeological Parks and in the Sicily Region, an allowance policy similar to the Croatian permit release system is adopted.

The Local Offices of the Italian Ministry of Cultural Heritage, Activities and Tourism are responsible for managing the local diving centers activities, ensuring both the non-intrusive public access and the awareness raising on the submerged heritage.

Among the Local Safeguarding Authorities, only the Autonomous Region of Sicily is equipped with a dedicated Underwater Archaeological Office (Soprintendenza del Mare), directly managing the release of the permits for the recreational touristic activities related to the 23 Listed Archaeological Diving Trails present in Sicily.

Concerning the protection and safeguarding of the Italian UCH Sites, the conservation actions are managed at a national Level by the Underwater Archaeology Operation Unit (NIAS) of MIBACT-ISCR. Its activities range from the setup of innovative methodologies, products and techniques for the documentation and the restoration of the underwater artifact and sites, to the management of important *in situ* restoration campaigns.

Speaking about the UCH Inventory, probably Italy has done its homeworks well, through the Archeomar Project (2004-2011), a register of all archaeological submerged evidences along the coastlines of the Italian southern and central regions. <http://www.archeomar.it/>

1 -	<b>National Law protecting in situ archaeological evidences on land, underground or underwater.</b>	Law 42/2004 for the 'Protection of Cultural Heritage and Landscape' (2004)
2 -	<b>Official UCH List or Inventory</b>	Archeomar Project (2004-2011)
3 -	<b>Official guidelines for the protection of the listed UCH Sites</b>	No official guidelines are available yet
4 -	<b>Legal framework ruling the release of recreational diving permits</b>	Established in Sicily Region and in the Bay of Naples Archaeological Diving Parks.
5 -	<b>Public managing authority network structured in order to effectively protect the UCH heritage and oversee the diving permit system</b>	Ministry of Cultural Heritage, Activities and Tourism - Directorate for Archaeology, Fine Arts and Landscape - Local Offices of the Ministry

## II.6 GREECE

Although not having yet ratified the 2001 UNESCO Convention, Greece protected integrally its hundreds of UCH Sites, so far closing the doors to the private initiative, and managing every conservation aspect through the public sector's personnel.

This approach, absolutely correct on the safeguarding side of the issue, proved not fully realistic in the long term and not too beneficial for the touristic sector and the sustainable development of the many coastal areas and islands involved.

Moreover, the private stakeholders have seen the find of a wreck or archaeological artifacts as a threat against their current touristic activities, often preferring to avoid an official declaration of the new underwater discoveries.

An Official Inventory of the Greek UCH sites is not yet available, and its launch is highly desirable, with respect of the number and importance of this immense heritage, partly still undeclared to the Authorities.

For all these reasons, the Greek Authorities recently committed to change this situation in favor of a step-by-step collaboration between public and private sector, lifting the previous allowance restrictions in some specific UCH Sites.

The new policy for the Marine Archaeological Sites Open to Visitors, that foresees the management of the touristic aspect at a local level (Municipalities), will soon allow divers to visit some of the most enchanting Greek UCH Sites, in the full respect of their integrity.

This new policy, if blessed with the expected success, could bring great benefits to the local communities living on touristic revenues, increasing the appeal of many islands and coastal areas all over Greece with this new attraction, enjoyable also in low season periods.

Regarding the ‘Modifications on Law 3409/2005 upon recreational diving and other provisions’, some considerations need to be reported.

On one hand, it is clarified and it is set clear that the protection of antiquities and monuments in the underwater archaeological sites open to visitors still remains and exercised exclusively by the state through its constitutionally authorities, services and institutions (Ministry of Culture, Coast Guard).

On the other hand, there are restrictions and additional strict conditions, which allow diving only in Underwater Archaeological Sites Open to Visitors, due to the particularity of their underwater environment, which requires increased supervision of the visits being implemented in the locations. Thus, while in the archaeological sites located on land, non-escorted private visits are generally allowed, that is not the case in the underwater archaeological sites.

There, only the escorted and guided diving visits (meaning diving with obligatory escorting services provided by certified professional divers working for accredited diving centers or associations), are allowed.

These accredited diving centers or associations need to be registered in the state records and supervised by the relevant Ministry of Merchant Marine, as provided by article 8, Law 3409/2005 (certified diving services).

In addition, unlike land-based archaeological sites open to visitors, whereas the professionals' activities are based there, are not supervised by the relative Archaeological Authorities or any other relevant authorities whatsoever, while in the underwater archeological sites, even the qualified diving professionals may provide services only if:

- a) they have received specific training on the particular safety requirements needed for the Underwater Archaeological Sites Open to Visitors and they are able to provide the correct information to the visitors;
- b) they have been formally approved and registered in the relevant Registry of the Ministry of Culture and Sports, where they are constantly monitored and supervised for the proper performance and execution of their duties. Their approval by the Ministry of Culture and Sports can be achieved through passing specific exams and tests confirming their adequate training and consequently their adequacy for the specific tasks.

Considering the regulation axis and the reporting, the new formulation of the law rationalizes the operation and the sustainability of the underwater archaeological sites, which due to the vague and inapplicable previous regulation could not be sustained for 11 years (since the adoption of the Law 3409/2005 so far) to operate nowhere in the country.

At the same time, the diving staff of the Ministry of Culture and Sports remains available for the adequate preservation of the Underwater Archaeological Sites Open to Visitors, as it is

said that they cannot be used as a private escort to tourists, as it is, of course, something which occurs in the land-based archaeological sites.

The second segment of paragraph 4 of Article 13 of Law 3409/2005 has been abolished and replaced by Article 10 of Law 4296/2014. It concerns the abolishment of the rule stating that diving parks cannot be established at a distance less than three (3) nautical miles from a declared underwater archaeological site.

The creation of diving parks, as it is now established, does not threaten the underwater antiquities but, on the contrary, can contribute to their protection.

More specifically, the prohibition of recreational diving activities within the 3 nautical miles caused the exclusion of wide sea areas of the country, especially around the small islands, which basically are the ones needing the Diving Parks in order to grow and develop in a sustainable manner with minimal investments.

In addition, the prohibition created over time an unnecessary investment disincentive, since any discovery of antiquities closer to 3 nm from the Diving Park, already established and operating, raised the issue of revoking its license with the loss of its investment and business.

The prohibition is not necessary for the protection of the underwater antiquities, since according to article 13 par. 9c, as it is currently valid based on article 10 of law 4296/2014, for the declaration of a Diving Park, the Ministry of Culture is responsible. Furthermore, as previously declared, the existence of a diving park protects the underwater antiquities and provides continuous monitoring activities.

Indeed, according to the article 11 of Law 3409/2005, recreational dives are permitted throughout the marine region of the country except the declared underwater archaeological sites, so that anyone may dive legally outside each underwater archaeological site which is under the supervision of the Coast Guard, and may enter into it underwater.

On the contrary, in the Diving Parks the private diving activities are prohibited. Only organized diving activities carried out by specialized diver escorts registered and recognized in accordance with the provisions of Law 3409/2005 are allowed, and can provide an additional surveillance service against illicit visits.

Authorized visitors and escorts, as well as the entire marine area of the Diving Park, are monitored by the Coast Guard (par. 17 of article 13 of law 3409/2005) and in-situ guards of the authorities, legally entitled to immediate self-defense and protection under Articles 985 and 997 of the Civil Code (Articles 13,15 and 18 of law 3409/2005).

The patrolling activities are scheduled on a mandatory 24-hour basis, and any illicit activity can be punished with the revocation of the diving license. Therefore, it is virtually impossible and extremely difficult for a single or unattended visitor-diver to enter into the Diving Park, or for a visitor to leave from its boundaries.

For all these reasons, the underwater archaeological sites do not have to be far away from Diving Parks but on the contrary, it is in their interest being close to them.

Apart from the above, the 3 nautical miles prohibition increased enormously the distances for the diving trips, and in particular those between Diving Parks and Underwater Archaeological Sites increase without any excuse and disproportionately, resulting to the fact that combined diving excursions become excessively time consuming and costly, unpleasant for divers - tourists and less profitable for diving and related services.

This creates a major weakness in dealing in a realistic and profitable way with the organizational design of diving and creating a default in the sustainability of diving businesses and hence of Diving Parks and Underwater Archaeological Sites Open to Visitors.

The policy of Diving Parks and Underwater Archaeological Sites Open to Visitors, in order to achieve operational sustainability, must involve at least five sites thus giving the possibility to the tour operators to create a 'weekly product' attractive for the visitors coming from abroad, especially for those coming from other continents and wanting to visit Greece and its treasures for several days.

According to the requirement chart, the situation of Greece can be summarized as follows:

1 -	<b>National Law protecting in situ archaeological evidences on land, underground or underwater.</b>	Law 3028/2002 on the Protection of Antiquities And Cultural Heritage In General
2 -	<b>Official UCH List or Inventory</b>	Not yet available
3 -	<b>Official guidelines for the protection of the listed UCH Sites</b>	Law 4179/2013, art. 44: definition of 'Marine Archaeological Sites Open to Visitors'
4 -	<b>Legal framework ruling the release of recreational diving permits</b>	Recreational diving is regulated by law 3409/2005 and still forbidden in the majority of Archaeological Underwater Sites; the establishment of 'Marine Archaeological Sites Open to Visitors' is currently in progress
5 -	<b>Public managing authority network structured in order to effectively protect the UCH heritage and oversee the diving permit system</b>	Ministry of Culture and Sports, Ephorate of Underwater Antiquities

## II.7 CYPRUS

According to the Antiquities Law CAP.31 (and its recent amendments of 2014 and 2017) the following definitions are established:

*'Antiquities': any object, both movable or part of immovable property, which is considered a work of architecture, sculpture, art, painting, or any other form of art produced by humans and which needed to be carved, painted or generally man-made. Also includes material discovered or excavated in Cyprus, dated at least 100 years, as well as materials found in the maritime zones of Cyprus, and this applies to any object or part thereof which was added, rebuilt, replaced or adjusted to it.*

*'Maritime antiquity': any antiquities found, discovered, or excavated within the maritime zones of Cyprus.*

*'Zones for protection of maritime antiquities': zones designated by national decree. Regarding the maritime zones, this applies to the territorial sea, the contiguous zone, the Exclusive Economic Zone and the continental shelf of the Republic. This designation is established when there is sufficient justification of the existence or the possible existence of antiquities, which will require to be protected, due to their important historical, archaeological or artistic value.*

Cyprus has not ratified yet the 2001 UNESCO Convention, but is committed to protect its valuable UCH sites ever since, thanks to the Antiquity Law (1905, and following amendments). Due to the very recent legislative tool 'Regulations on the Protection of Underwater Cultural Heritage (KDP. 218/2016), the Public Authorities of the Republic has not designated any 'zone for protection of maritime antiquities' yet.

This law rules the maritime activities related to the finding, excavation or damaging of maritime antiquities, with no mention to the recreational diving activities in such areas, subject to accessibility restrictions and prohibitions similar to those applied to the Greek UCH Sites. An inventory of the UCH Sites is also not yet available.

The Cyprus requirement charts can be summarized as follows:

1 -	<b>National Law protecting in situ archaeological evidences on land, underground or underwater.</b>	'Antiquities Law' (1905)
2 -	<b>Official UCH List or Inventory</b>	Not yet available
3 -	<b>Official guidelines for the protection of the listed UCH Sites</b>	'Regulations on the Protection of Underwater Cultural Heritage', KDP. 218/2016
4 -	<b>Legal framework ruling the release of recreational diving permits</b>	Not yet available
5 -	<b>Public managing authority network structured in order to effectively protect the UCH heritage and oversee the diving permit system</b>	Ministry of Transport, Communication and Works - Department of Antiquities

### **III. Part Two: management issues and recommendations**

#### **III.1 CROATIA**

Despite the ‘best practice’ management system described in the Part One, in Croatia only nine archaeological underwater sites are covered by protection cages, as of today. To increase that number, the Ministry of Culture is continuously implementing projects to protect these valuable sites. For thirty-one underwater archaeological sites / zones there is a program concerning recreational underwater activities (twenty-one of which are archaeological wrecks, while the others are modern ones). There are numerous preliminary proposals for the realization of underwater archaeoparks and underwater itineraries for touristic, professional and educational use.

The problems related to the sustainable touristic use of the underwater archaeological heritage are mainly linked to poor resources, and can be summarized as follows:

- Lack of a database (archaeological topography) related to the archaeological sites (land and underwater) for the whole Croatian territory.
- Lack of skilled staff and funding for the data collection related to the underwater archaeological heritage (the territorial sea area is 50% bigger than the mainland).
- Insufficient infrastructure for the widespread acceptance of visitors of underwater archaeological heritage and poor resources for the restoration and exhibit (the necessity of engaging external resources increases the costs for bringing the cultural assets in a suitable state for a proper valorization and culture dissemination).
- Lack of management plans for archaeological sites, on land and underwater, containing components of conservation and sustainable use (cultural tourism, entrepreneurship based on the archaeological heritage, cultural industries, etc.).
- Low level of awareness of the citizens, of the local and regional governments, and of the educational institutions on the value of the archaeological heritage as a carrier of

identity, recognition, sense of belonging and its potential for a sustainable use.

Therefore, to improve the sustainable use of archaeological heritage, it is highly recommended to:

- Systematically build a database of terrestrial and underwater archaeological sites and include it in a database of cultural heritage of Croatia.
- Define educational profiles and skills, and personnel structure with the basic role of economic use of land and underwater archaeological heritage (with knowledge of the principles of preservation of archaeological heritage).
- Develop management plans for archaeological heritage (sites / parks).
- Ensure participation of conservationists at all stages of project development and management plans for archaeological heritage.
- Conduct strategic planning and selective preparation (from resources to attractions) of underwater cultural heritage for sustainable use.
- Ensure participation of all entities that by their work effect on the preparation and development of projects with economic (particularly tourism), cultural and educational potential (protection service, local and regional governments, tourist boards).
- Include more subjects (heritage protection, local governments, tourist board) in activities to promote the sustainable use of archaeological heritage as a development resource region and the entire country.

### III.2 SPAIN

According to the excellent results achieved in the Andalusia Region, the other maritime Regions of Spain will need to list and spatially define which underwater archaeological areas and UCH assets are to be considered of great historical or archaeological value.

Subsequently, the terms 'Underwater Park', 'Diving Park' and 'Underwater Museum' should be defined in detail through dedicated legislative tools.

Information regarding the access to the maritime antiquities by organized diving groups and the criteria those groups/clubs should meet is also important to be defined by law, and a policy of dissemination and awareness raising about the Spanish UCH should be set up accordingly.

Lastly, management measures regarding the monitoring of those areas should also be defined through regulation.

### III.3 ITALY

The Italian legislative framework related to the protection and enhancement of the Cultural Heritage so far includes non-specific reference to 'Underwater Archaeological Park', 'Diving Park' and 'Underwater Museum': these concepts should be defined in detail, as well as the official definition of 'Archaeological Park' or 'Outdoor Museum'.

With regard of the UCH inventory, it is highly desirable that the 'Archeomar Project' results are made easily available, continuously updated and disseminated in the correct way in order to raise awareness on the Italian underwater heritage sites.

Accordingly, a legislative tool regarding the access to the maritime antiquities by organized diving groups and the criteria those groups/clubs should meet is also important to be defined by law. Lastly, management measures regarding the monitoring of those areas should also be defined through regulation.

### III.4 GREECE

The first critical aspect is the ratification of the 2001 UNESCO Convention, still lacking in the current Greek legislative system. Concerning the UCH safeguarding, Greece has been very strict in forbidding access to the archaeological underwater sites, yet not meeting the UCH needs related to the cultural growth of the Nation and the sustainable local economy, in a Country definitely committed to its millennial history and highly depending on the cultural tourism sector.

The need to list and spatially define underwater archaeological areas and UCH assets is to be considered of the maximum importance in a Country mainly composed by coastlines and islands, and with an enormous underwater heritage.

Some of the problems related to the sustainable touristic use of the underwater archaeological heritage reported for Croatia are affecting Greece as well. For instance:

- Lack of management plans for archaeological sites, on land and underwater, containing components of conservation and sustainable use (cultural tourism, entrepreneurship based on the archaeological heritage, cultural industries, etc.).
- Low level of awareness of the citizens, of the local and regional governments, and of the educational institutions on the value of the archaeological heritage as a carrier of identity, recognition, sense of belonging and its potential for a sustainable use.

### III.5 CYPRUS

The first critical aspect is, as for Greece, the ratification of the 2001 UNESCO Convention, still lacking in the current Cypriot legislative system.

Taking into consideration that no maritime zones for the protection of maritime antiquities have been designated yet, it is of utmost importance to set this as a governmental priority.

Following the relevant legislations linked to this, as for example the requirements set by the European Directive 2014/89/EE on maritime spatial planning, the Republic of Cyprus will need to spatially define and list which areas are considered of great historical or archaeological value.

Article 9 of the national decree KDP 218/2016 on allowing the general public access the maritime antiquities should be expanded, including information on the listed areas where this can be applied or not, in order to ensure the best protection of the maritime antiquities.

On the other hand, information regarding the access to the maritime antiquities by organized diving groups and the criteria those groups/clubs should meet is also important to be defined by law. Lastly, management measures regarding the monitoring of those areas should also be defined through regulation, since limited information is provided regarding this.

Ums and DPs: currently, no specific guidelines and regulations are applied on the subject, since Cyprus currently has no Diving Parks or Underwater Museums.

If the steps already applied in other similar situations are taken into consideration, then it is clear that an initial review of all the relevant policies, governmental plans and actions (if exist) is required, as is also the preparation of a Strategic Environmental Assessment prior to such development. The suggestions and policy recommendations stated above could also be taken into consideration.

## IV. Conclusions

This non-exhaustive synthesis of the National strategies and management / legislative tools for the safeguarding and enhancement of UCH Sites reveals that the best practices to be recommended for an effective UCH public safeguarding action should also include the responsible access and the active involvement of citizens and private entities.

Due to the difficulties encountered by some of the Countries in establishing ‘good practice’ legal and administrative frameworks in order to rule the UCH Sites recreational use and their sustainable monitoring strategies, a sort of ‘road map’ should be proposed at a European level, starting from the ‘best practice’ strategies highlighted in this document.

This could allow gathering an enlarged vision of the whole UCH sector, while saving those Countries some money and time, and ensuring to the adhering Countries the highest level of protection for their UCH Sites. Illegal behaviors could be avoided or reduced through a sane regulation of the relationships with the local private institutions, the local touristic activities, the dissemination of culture and the sustainable development of the coastal areas and islands involved would be enhanced.

For the same reasons, in addition to the urge of National Inventories, a European Register of UCH Sites would be strongly recommended.

Another fundamental tool for the safeguarding of the Underwater Archaeological Sites could be represented by the SASMAP ‘Guidelines, Vol. 1 and 2’, highly valuable result of the SASMAP European Project ‘*Tools and Techniques to Survey, Assess, Stabilise, Monitor and Preserve Underwater Archaeological Sites*’ worth to be adopted at a national or transnational level.

Source:

[http://sasmap.eu/fileadmin/user\\_upload/temasites/sas\\_map/pdf/SASMAP\\_guideline\\_01\\_LR.pdf](http://sasmap.eu/fileadmin/user_upload/temasites/sas_map/pdf/SASMAP_guideline_01_LR.pdf)

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