

Can tourism exploitation of Underwater Cultural Heritage (UCH) be incompatible with the UNESCO 2001 Convention?

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Abstract

Tourism is a major factor of economic growth in many countries especially in developing countries. In 2010, tourism accounted for about 6% of Thailand's GDP. In a way tourism is commercial exploitation. But is it against Annex Rule 2 of the UNESCO *2001 Convention on Protection of the Underwater Cultural Heritage* (2001 Convention)? In the Annex, only active commercial exploitation –trading, selling, buying and bartering– of cultural material is obviously forbidden. Yet, there might be other passive commercial exploitations like tourism which are not stated.

Can tourism be an alternative source of funds that can be utilised for UCH site protection and management? Because of the country's commercial benefits gained from promoting tourism, it can be argued that tourism exploitation is one of the commercial exploitations implied in Annex Rule 2. Additionally, for tourism, the sites have to be opened for public which may cause the tension to in situ preservation and physical protection of sites. Also, it could create direct effects, such as damage to the sites by divers souvenir hunting and treasure hunting, etc.

On the other hand, tourism can be a successful tool to get people involved and raise awareness which is essential in safeguarding UCH. Furthermore, under Rule 7 of the Annex, it allows knowledge sharing with the public but only when it is not incompatible with the proper protection and management of the sites. In other words, public approach could possibly be applicable only in appropriate ways. However, it does not expressly mention exploitation through tourism.

Tourism can bring good fortune to countries as well as many advantages for UCH. Therefore, the prohibition may lead to absurd and even contradictory results. Countries may find it difficult to find financial subsidy and raise public awareness for sustainable protection of UCH. Simultaneously, the public is unable to enjoy leisure activities and gain knowledge from the conserved sites.

The commercial exploitation of underwater cultural heritage for trade or speculation or its irretrievable dispersal is fundamentally incompatible with the protection and proper management of underwater cultural heritage. Underwater cultural heritage shall not be traded, sold, bought or bartered as commercial goods—Annex Rule 2, UNESCO 2001 Convention.

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UCH in Concern

Underwater Cultural Heritage (UCH) was, a long time ago, a cargo or passenger vessel, village, primitive fish trap, dike or any other human trace. Many of them were faced tragic moments like sinking, inundation, and ultimately destruction. Until, they were swallowed by water and lying undisturbed in some cases for centuries. All of them contain some cultural, historical or archaeological values of human existences. In the case of the ship, it was sailing between continents on a sea route. Then, it was hit by an unavoidable disaster like heavy storms, or sometimes overweight cargo made the ship lose its balance so that it was capsized. After the chaotic moment of trying to survive, no one could ever see it again. It had been sleeping on the sea-floor calmly and undisturbed since then. A century later², it becomes a significant evidence of human history. It is full of the story of the past. For example, what was the purpose of the finds? How was it built? Why did people have to make the journey? What was the cause of the wreck?

Generally, there are some precious objects left behind. These sites attract those who are hunting for treasure among the remains. Classically, the salvage companies encourage individuals from all over the world to invest in the venture promising high financial returns. Although the careless salvage activity can be dangerous and expensive, it is still often worthwhile to do so. The treasure hunters traditionally only expose the site for its pricey items and lack of concern for human history. Their actions result in an irretrievable loss of knowledge. This is not what we, as heritage protectors use to define the value of cultural objects by the price. They are priceless! This legacy reflects the traces of human link with on-land heritage. Therefore, these priceless inheritances should be preserved as and for the benefits of mankind and the completion of human history.

Besides, an unavoidable natural disaster, there is also, undeniably human impacts on UCH. Even though the heritage, located under water, is more difficult to access than a land site; it does not mean it is impossible to do so. By the wisdom of mankind, more sophisticated diving equipment has been developed, so that, they can widen the possibility of accessibility to the UCH. In other words, it is easier to get to the site and be able to stay longer under water with modern diving gear. Therefore, it is no longer possible for the site to remain undisturbed but it is now easier to be interfered with. More people are able to reach the sites, not only the treasure hunters, but also recreational divers, researchers, archaeologists, scientists and so on. So the intrusive activities are slightly growing.

Among recreational divers, they can create two kinds of impacts on UCH sites; those who care for and are respectful to where and what they are visiting and understand the value of the heritage and those who pay less attention to how fragile and important the site is, only taking a snapshot and collecting some meaningful items from the site as souvenirs to prove they once visited there (Stanley 2006:2-4).

² Based on the UNESCO 2001 convention, the historical objects is at least 100 years (See Article 1 of the convention). In some countries it can be determined differently.

Additionally, some accidental damage occurs because of the lack of diver's ability to control buoyancy, usually novice and newly qualified divers. Indirectly, another human threat is air pockets, especially on the metal materials. In the case of a penetration dive, it can cause two kinds of corrosion to the sites: loss of concretion through mechanical damage and the build up of oxygen concentration inside a shipwreck's confined spaces (Viduka 2006:61-63). With the carelessness and lack of awareness of numerous dive tourists and operators, our UCH is suffering from these human habits. Even experienced and skilful underwater archaeologists, can also disturb the site by careless excavation, lack of documentation and leaving the site behind without taking any measures to protect it.

Due to the increase of the common threats to UCH and the raising of awareness of this heritage within the international community, the UNESCO 2001 Convention was elaborately constituted to mainly protect this heritage from those stresses. One of the core principles of the UNESCO 2001 Convention is the prohibition of commercial exploitation of UCH that is in Article 2 paragraph 7, Article 4 and the Annex. In particular, Rule 2 of the Annex, the integral part of the Convention, states clearly about the kinds of the active commercial exploitation of the finds which are trading, selling, buying and bartering. These activities are obviously banned by the Convention and its Annex.

However, in my view the UCH nowadays is in the spotlight, it is becoming more interesting among people, not only to the scientists or archaeologists, but also the public. In some countries they have gained a great deal of benefits not only from the forbidden activities but also from passive ways. The passive commercial exploitation can also be received from other activities like *'tourism'*. Nevertheless, it is not included in the Convention. We still have to put more concern on this issue as tourism is a double-edge sword. It can be tools of potential awareness raising or greedy exploitation. The mitigation between the dirt safeguarding and the dollar earning should be brought to the international stage in order to develop the best methods of managing tourism related to our heritage.

Terminology and Tourism

The term 'tourism', in general, has various meaning. According to the World Tourism Organization (UNWTO), the definition of tourism can be indicated as follows: (1) Tourism is about displacement from usual environment. (2) The purpose of the tourism can be anything, like leisure or business or both, other than being remunerated from the visited place. (3) The maximum of duration is not more than a consecutive year. So, tourist is a person who does such activity.

Since the beginning of the human history, people had travelled around to neighbouring places for many purposes, for instance, food, shelter, war, etc. They started to make a journey mostly for basic needs. Then, as the improvement of the technology, the transportation had been developed. It was easier for them to make a distant trip. And the purpose of the travel had also been changed according to the endless curiosity and needs of recreational activities.

At the time of the Roman Republic, the Romans were ecstatic persons. We can see through works of art. They thought they should, once in a lifetime,

visit the great wonder place of the history and myths like the ruin of Troy, Acropolis, Alexandria and some places in Asia Minor. Heritage is still the reason for people to travel today. They want to see the exotic ruins of empires and the glory of the past. Then, in the seventeenth and eighteenth century the 'Grand Tour' had been developed. It was more or less like the journey in Roman period. The wealthy European would traditionally travel to the ruins of the ancient Roman Empire to appreciate the cultural legacy of the Classic antiquity and Renaissance, including the great structures and works of art such as delicate marble sculptures and masterpiece paintings. It served as an rite of passage (Wokloer 2007:205-222).

After the Industrial Revolution, transportation had immensely and rapidly improved. Then, the traditional journey extended to the middleclass since they became concerned about the importance of holiday. This allowed bourgeoisies to travel for leisure purpose on their free time.

Thus far, people are still keen to see new things. They need to enjoy the benefits of the relaxing time and gain knowledge. There have been numerous emergences of niche or specialty tourism including cultural tourism, nautical tourism, medical tourism, etc. Therefore, tourism had become the popular activity for most people since then. And as the population rapidly grew, the need for relaxation has also increased dramatically. Tourism has had a huge impact on the world's economic sector.

Dirt or Dollars

The traces of human existence, lying under water for a long time, acts like a time machine. It is often well preserved by nature as if time stood still from when it was swallowed by the water. It can keep people close to the past. But WHY do we have to get close to the past? What is the value in caring for the dirt? If it can make a cent of dollar to feed the starving lives, maybe this is the reason.

Tourism is an attractive activity to most countries in the world as it can generate a great deal of money to improve the standard of living. In the world economy, tourism has played a vital role in economic growth. It became one of the rapidest growing sectors over decades. According to UNWTO's information, in 2010, international tourism generated US\$ 919 billion (€ 693 billion) in export earnings. Similarly, Thailand has also gained a valuable benefit from tourism. The overall economic growth of the country is 8% of GDP or THB 905 trillion (US\$ 584 billion) in 2010. Tourism is one of the main industries making Thailand's economy in progress, growing by 6% of GDP, after automobiles and automotive parts (11%), financial services (9%) and electric appliances and components (8%).

To exploit in the form of tourism can bring many benefits to the economic sector. On the website of Coastlearn organization it explained that tourism can be used as a nation's economic improvement tool including foreign exchange earnings, contribution to government revenues, employment generation, stimulation of infrastructure investment and contribution to local economies. Likewise, it happens the same way to Thailand.

As informed by Tourism Authority of Thailand (TAT), Thailand welcomes over 550,000 dive tourists and is home to over 80,000 certified divers of its own. And the number of recreational divers is growing since 1985 according to the report from Department of Marine and Coastal Resources.

Under the Thai sea, it can provide tourists not only the natural resources but also cultural heritage. Consequently, UCH can be a good source of tourism as well. From the figure, it shows that if the promotion of tourism is applied to UCH sites, the possibility to widen the divers' interest on the heritage resources will be bigger. Precisely, UCH is a kind of product sold for foreigners who are seeking unusual experiences. More tourists is a money generator.

In a way, tourism can make a lot of money to the host countries and has human's effects; it can create both direct and indirect damage to this heritage as well. It can cause harmful impacts to the site such as village expansion, constructions, anchoring, looting, treasure hunting, salvaging, etc. So, is tourism exploitation included in the term of 'commercial exploitation' in Annex Rule 2 of the UNESCO 2001 Convention?

However, tourism, the way to exploit it for wealth and prosperity for the countries and their people is not the bad thing to do. Unromantically, who can live without financial support? "No profit, end of dreams! Even non-profitable organizations survive on donations from other people's earning and revenues, which are generated by the profit" (Stanley 2006:2-4).

In addition to an alternative source of funds, tourism can make a great amount of money from diving enterprises, tourists, shops and other business sectors, involving the UCH. This financial benefit can effectively contribute to heritage management projects and local sector. For example, when locals learn that they can maximize benefits by providing a boat trip to visitors who wish to experience the shipwreck, then, they will care more about the site as it now becomes their tools of earning and improving their quality of life. They will be more concerned about the site. And all the benefits gained can encourage local people and governments to care more about the legacy. The awareness and good policy for sustainable UCH will be raised. Without dirt, there will be no more dollars.

So, dirt and dollars on UCH's aspect is something that relies on each other. It cannot survive alone. And it is difficult to choose only one of them. But the possible way is to find a middle point. Only be careful of over-exploitation and unawareness of mass tourism.

Education Not Prohibition

Indeed, in the term of the sustainable and successful management of Underwater Cultural Heritage, what we need is an education, not prohibition. The site will become more interesting for the public only when they know something about it like how important the site is. Nevertheless, no legal scheme mentions about how tourism will work on UCH. In Rule 7 of the Annex in UNESCO 2001 Convention states about the public access. It can be implied that the promotion of knowledge sharing of the heritage shall be promoted in the parallel way with the proper site management. Moreover, in Article 20, it is a state's obligation to raise public awareness by any practical ways. However, it is still not clear enough to apply that tourism is permitted by this Convention. Only case studies will be able to bring it to light.

In many waterfront countries, tourism is also a possible tool to raise public awareness and provide education about UCH to extent public interests. To educate and encourage people about the importance of UCH is the greater positive benefits for all mankind. Because when we can build the inner

passion of people, they will eager to learn how to protect and safeguard this precious patrimony by themselves. Importantly, it is the right way to build a good cooperation between stakeholders; government, local community, archaeologist, tour operator and so on.

In Thailand the popularity of wreck diving is becoming famous among recreational divers but most of sites are decommissioned warships, intentionally sunk for growing marine life, or new sunken ships. SW, Bangkok, 5 August 2011, he is the professional dive instructor, operating in Pattaya.³ He said, according to his experience, most of divers who visiting the wreck around Pattaya waters only enjoy their diving with corals and marine creatures. Their knowledge on wreck sites is very limited or none. The similar result is received from a professional underwater archaeologist, EV, Bangkok, 20 August 2011. He said that there is a small group of wreck divers who are enthusiastically interested in UCH diving. They are also researchers. They visit the sites not only for leisure activities but they are also keen to learn. They are monitoring the deterioration of the sites and do some publication. Even they are in the private sector, they can be watchdogs of UCH.

Still, the visitation to UCH sites is limited compared to the number of amateur divers coming to Thailand each year and the number of UCH publications. The group of interested divers is still small but qualified. They have a strong interest and conduct on-going research on the wreck. After they distribute their publication, then, here is becoming well-known among advanced divers. The example is 'Hardeep' or 'Suthathip', the most famous Thailand's shipwreck, and it is UCH. It is put in the diving route. The gradually increasing of tourism and educated divers on the sample site is a positive sign for an appropriate growing of tourism on UCH in Thailand. Unfortunately, there is no official record.

In other cases, the application of tourism has given a good result in knowledge distribution to many other countries in the form of tourism. For example, the SS Maori in South Africa, Florida's Maritime Heritage Trail in USA, and Maritime Heritage Trail in Cayman Islands.

Freedom of Movement

Freedom of movement is the fundamental right of humanity which is respected in the constitution of many countries. For example, it is stated in the section 34 of the Constitution of the Kingdom of Thailand. It includes the liberty to travel. A person shall enjoy the liberty of travelling. However, a person shall enjoy their freedom and liberty within the respect of the rights of others.

In the term of tourism, it is also a way to promote respect of human rights. To be able to move freely does not encompass the rights to enter another country. But in the UCH perspective, it so means the rights to access the site. Tourists, in order to appreciate the heritage and gain knowledge, shall not be prohibited to approach the site. At the same time, they have obligations to venerate the rights of others as well. They shall not do any harm to the site and keep in their mind that the UCH is the heritage of mankind not

³Pattaya is the well-known diving spot and tourist attraction in Thailand and located in Chonburi province.

the personal belongings. They shall do no harm to the site including but not limit to looting, souvenir collecting, or even treasure hunting.

Rights always come with obligations. This legacy is a shared heritage, so it is our duty to safeguard it in every way we move. Therefore, a person who enthusiastically admires the UCH shall enjoy his/her freedom and liberty of movement and travelling to the UCH site under the limitation of other's rights and liberty.

World without Tourism

Most of the UCH sites are lying in the open area, under the sea or river. It is impossible to lock up all the sites and apply strict rules. If we choose to keep the site secret and forbid public access, there will be the secret access as well. This can be more problematic because the intention might go wrong.

In general, people travel for many purposes including leisure and learning. Without tourism there will be no real knowledge of the ancient wisdom gained at first hand. Only an unreal source of education such as books, television and Internet can be accessible but no physical appreciation. In other words, Tourism is a joyful way to develop public understanding and raise their attention, which are the key part to promote the sustainability of the UCH safeguarding.

Conclusion

In many ways, tourism is a potential tool to help increasing the public awareness and financial source, the core instruments of sustainable development of UCH. Restrictive accessibility to the UCH is the way to keep the site intact but it cannot educate people particularly locals. Without awareness, the blanket legislative protection cannot be enforced effectively. And without profit, all the dream projects become useless. Additionally, it becomes a human rights' violation instead of respect. Even tourism can create some negative impacts, pros and cons are needed to be weighed. As the idea of the traces of humanity, the issue needs to be brought to the international phase in order to find a chance of hope for sustainable and effective management of tourism on UCH.

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