

NAVY SEC-3RD SECTOR TL :XXXXXXXXXXXXXXXXXXXX

From: Robert.Yorke XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
Sent: 23 March 2015 15:41
To: DefenceSecretary-Group (MULTIUSER); Michael Fallon
Cc: Ed Vaizey; Edward Vaizey; NAVY SEC-COMD SEC (Ahern, Giles SCS1); NAVY SEC-PQS MAIL BOX (MULTIUSER); NAVY SEC-3RD SECTOR TL XXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXDominic Tweddle; XXXXXXXXXXXXXXXXXXXXXXX:XXXXXXXXXXXXXXXXXXXX
Subject: HMS Victory 1744
Attachments: MOD Fallon 230315.pdf; Lord Lingfield 100114.doc

Dear Sir/Madam

I attach a letter for the Secretary of State for Defence, Mr Michael Fallon MP along with a copy of a letter from Lord Lingfield.

I would be grateful if you would ensure these reach him.

Please would you also onfirm safe receipt of these letters.

Yours sincerely

Robert Yorke

JOINT NAUTICAL ARCHAEOLOGY POLICY COMMITTEE

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXXXX
XXXXXXXXXX

Tel XXXXXXXXXXXXXXXXXXXX
Fax XXXXXXXXXXXXXXXXXXXX

10th January 2014

Lord Lingfield
House of Lords
London
SW1A 0PW

Dear Lord Lingfield

HMS Victory (1744)

We understand from Mr Giles Ahern that discussions will take place shortly between the Maritime Heritage Foundation (MHF) and the Advisory Group on future work on the wreck site of HMS Victory 1744.

At a recent meeting of the JNAPC I was tasked by the Committee to write to you and offer the expertise of our members in respect of the future management of the wreck and any associated applications that the MHF may make for authorisation to undertake archaeological work on the site.

I have been asked to reiterate that the JNAPC welcomes any authorised staged archaeological investigations into the wreck of HMS Victory which are undertaken in full and transparent accordance with UK heritage policy for underwater cultural heritage. As you are already aware this policy requires full compliance with the Rules set out in the Annex to the 2001 UNESCO Convention and in this particular case a Project Design acceptable to the Advisory Group.

You will remember that I wrote to you a number of times in 2012 and we spoke briefly on the telephone but we were unable to meet. We hope that you and your fellow trustees will now seriously consider this proposal and see it as a sincere offer of assistance from the archaeological community made through the JNAPC.

We also hope that the MHF will take the opportunity to meet us and discuss how we might possibly cooperate to secure the future of this important historical site.

I look forward to hearing from you.

Best wishes

Yours sincerely

R A Yorke
Chairman

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

www.jnapc.org.uk

cc Mr Giles Ahern, Navy Command HQ

XXXXXXXXXXXXXXXXXXXXDCMS

Dr Dominic Tweddle, NMRN

:XXXXXXXXXXXXEnglish Heritage

XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX

TelXXXXXXXXXXXX

23rd March 2015

By email and recorded delivery

Rt. Hon. Michael Fallon MP
Secretary of State for Defence
Ministry of Defence
Floor 5 Zone B
Main Building
Whitehall
London SW1A 2HB

Dear Mr Fallon

The wreck site of HMS Victory 1744

I welcome the withdrawal of the approval for the Maritime Heritage Foundation (MHF) to undertake work on the wreck site of HMS Victory 1744.

However I understand that you are in the process of retaking the decision. When you do I remind you of the concerns we have raised previously, namely that any future approval must be compliant with the Rules of the Annex of the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage (2001 Convention) and your Government's own published policy. As you are aware, we have been assured in writing by the Ministry of Defence (MOD) and by answers from MOD Ministers to questions in Parliament that the MOD will ensure that any proposals to raise artefacts from the site are consistent with the Annex to the 2001 Convention.

I would therefore like to reiterate a number of points raised in letters to you from the Joint Nautical Archaeology Policy Committee (JNAPC) on the 4th and 28th November 2014 to which your replies are still awaited.

Please will you give me your immediate assurance that no work will be permitted on the wreck site of HMS Victory 1744 unless the following conditions are met:

- 1 Any future approval will be 100% compliant with all the Rules in the Annex to the 2001 Convention.

- 2 The Project Design will be compliant with Rules 9-11 of the Annex and that this will be peer reviewed and approved by the Advisory Group and the Expert Panel.
- 3 The Project Design will define those artefacts “at risk on the surface” and mitigation measures will be put in place to prevent destabilisation of the remainder of the site when surface artefacts have been removed.
- 4 Independent archaeological monitors will be placed on board any MHF/Odyssey Marine Exploration (OME) vessels to ensure compliance with any approved Project Design.
- 5 All artefacts from the wreck will be accessioned into the “Victory 1744 Collection”. (subject to due processing by the Receiver of Wreck) including:
 - (a) Items owned by the Crown transferred under the Deed of Gift
 - (b) Personal items belonging to those on board ship
 - (c) Cargo carried for third parties including any silver, gold or specie.
- 6 All artefacts will be protected from commercial exploitation and the Secretary of State will not permit any disposal or sale of any of the above artefacts by the MHF or its contractor OME.
- 7 The MHF will raise or guarantee sufficient funding to finance all work proposed in the Project Design including recovery, conservation, curation of the archive and exhibition to the public (Rules 17-19). This funding will be independent of its contractor OME.
- 8 The MHF will renegotiate/rescind its alleged contract with OME. From details published by OME this appears to be a salvage contract which is inappropriate for an archaeological excavation and would thus constitute commercial exploitation. This would therefore be in breach of the Annex to the 2001 Convention.
- 9 The Secretary of State will comply with the advice received from members of the Advisory Group, including English Heritage, and the Expert Panel.

I do not know how far you have got with the retaking of the decision but I and many others would expect to be formally consulted both as a matter of good practice considering extensive involvement in this matter, and in accordance with the Aarhus Convention.

I would like to reiterate that the JNAPC welcomes any authorised, staged archaeological investigations into the wreck of HMS Victory which are undertaken in full and transparent accordance with the Rules of the Annex of the 2001 Convention and UK heritage policy for underwater cultural heritage. The JNAPC wrote to Lord Lingfield in 2014 (letter attached) offering its services in preparing any application for approval including preparation of a Project Design. That offer still stands and the JNAPC would like to be involved with a solution to the future management of the site.

However I feel sure that the Secretary of State is well aware that any approval granted which permits the sale of artefacts from this wreck will be hugely damaging to the reputation of the UK Government in the eyes of the UK and worldwide heritage sectors. Furthermore it will set a damaging precedent such that no historic Royal Navy wreck worldwide will be safe from commercial exploitation in future.

I look forward to hearing from you very soon.

Yours sincerely

XXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX

R A Yorke

cc

Mr Edward Vaizey MP, Minister of State for Culture and the Digital Economy

Mr Giles Ahern, Navy Command

XXXXXXXXXXXXXXXXXXXX Navy Command

XXXXXXXXXXXXXXXXXXXX DCMS

XXXXXXXXXXXXXXXXXXXX DCMS

Dr Dominic Tweddle, NMRN

XXXXXXXXXXXX English Heritage

XXXXXXXXXXXXXXXXXXXX Marine Management Organisation

XXXXXXXXXXXXXXXXXXXX Marine Management Organisation

XXXXXXXXXXXXXXXXXXXX Receiver of Wreck