

Follow-up meeting on the recovery of artefacts from sunken wrecks

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| a. Subject: | Follow-up meeting on the recovery of artefacts from sunken wrecks |
| b. Date: | 02 JUL 2019 |
| c. Time: | 1000 – 1130 (UTC+2) |
| d. Location: | British Embassy, Lange Voorhout 10, 2514 ED, The Hague, NL |
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1. Participants

	FLAG	NAME	AGENCY
1	UK	[REDACTED]	British Embassy The Hague
2	UK	[REDACTED]	Navy Command HQ
3	UK	[REDACTED]	British Embassy The Hague
4	UK	[REDACTED]	British Embassy The Hague
5	NL	[REDACTED]	Ministry of Culture & Science (OCW)
6	NL	[REDACTED]	Ministry of Culture & Science (OCW)
7	NL	[REDACTED]	Ministry of Foreign Affairs
8	NL	[REDACTED]	Ministry of Defence
9	NL	[REDACTED]	Ministry of Defence

2. Context

The purpose of this meeting was to consolidate progress on the recovery of artefacts salvaged from UK wrecks, to discuss the effectiveness of current deterrents and to agree a sustainable pathway to deal with artefacts in future cases.

3. Main topics

Introduction: There was an introduction by all parties present and a brief catch-up on what has happened since the last meeting (5th June 2018). Some artefacts that had been salvaged by divers were returned to the UK in May 2019.

Correction to last meeting minutes: There was a correction to the record of the last meeting, within point '3. Main Topics' it states that 'both UK-law and Dutch law do have an age limit', this has been corrected and should state 'both UK-law and Dutch law do not have an age limit'.

Java Sea: Both the Netherlands and UK have conducted surveys on their wrecks in the SE Asia Region, both countries are working with regional authorities to ensure adequate protection is in place.

Reporting UK artefacts: When an artefact is landed in the UK the Receiver of Wrecks (RoW) should be contacted, RoW staff can be contacted through the generic email address: row@mcga.gov.uk

Summary of progress on returning UK artefacts: The group was brought up to date on the recent recovery of UK artefacts (14) with some items still outstanding. Having contacted the National Museum of the Royal Navy (NMRN), it will not be possible to recover all outstanding artefacts to the UK. It requires resource for the transportation, storage and conservation. Some artefacts require urgent intervention and there is finite resource, others are of very limited historical or emotional significance. MOD policy is that Naval artefacts should be offered to NMRN in the first instance. The NMRN have agreed that in future they would be willing to consider items of provenance. When artefacts are recovered by Dutch authorities, the British Defence attaché to the Netherlands should be contacted in the first instance by the DCHA and they will decide on their future on a case by case basis.

Progress with divers: Over the past year, the Dutch Cultural & Heritage Agency (DCHA) has continued to have a good relationship with diving groups. The divers that attend meetings with the DCHA are said to be very receptive to information on, and show respect for, the Heritage law and sovereign immunity principle on warships. It was also remarked upon that more divers are undergoing responsible archaeology courses and the DCHA now has more resources to continued education of the divers than it had last year.

Permission to dive wrecks: It was clarified that the Heritage Law in the Netherlands means that nobody is allowed to pick up items from the seabed within 24NM of the Dutch coast without possessing a research certificate. It was explained that – awaiting formal regulations – if a diving group wishes to dive a restricted wreck they must first apply in writing and meet qualifying criteria. Warships are off limits for salvaging without permission from the flag state, however, divers may still dive under the ‘look but don’t touch’ principle. When asked about when such permission would be granted, it was stated that salvage or survey of a wreck would be authorised for certain types of research but only with the input from proper archaeologists and the flag state. This permission would only be granted for a limited amount of time and only to diving groups (not individuals). Complaints from divers in the past have been that the DCHA has been too busy to assist with their requests; this is no longer expected be an issue with the increased funding and staffing of the DCHA.

Violations of the law: [REDACTED]

[REDACTED]

Using amateur divers: Both countries agree that responsible amateur divers can work with government agencies to achieve mutually beneficial results. In the UK, it is unfeasible to monitor the UKs 5000+ wrecks, divers can provide insight to the condition of the wrecks.

E3 Bell & Periscope: The DCHA has no formal knowledge of their whereabouts, they have asked the Zeester diving group and they have said they do not know either. The diving group has indicated to the DCHA that it could have potentially been a former member at their club, and even that it could have been salvaged 20/30 years ago. It was stressed that the Zeester diving group is a very informal membership. The NMRN has indicated that it would be interested receiving the Bell and Periscope, as these are considered significant and symbolic items. When asked how the DCHA previously acquired the artefacts for return to the UK they indicated that they simply asked the divers to cooperate, which they did.

Outstanding items: The DCHA agreed to go back to the divers to request the return of rest of the items not already returned. This is a list of 4 items in total. The NMRN has expressed an interest in all items on that list.

Coastguard & salvage company involvement: Asked about the coastguard's involvement in diving exhibitions, the DCHA stated that there was a dive along a shipping lane in which the coastguard was asked to assist for safety reasons. Salvage companies are aware that they must ensure that they are very careful not to disturb shipwrecks when salvaging shipping containers from the seabed. As a result of the shipping container salvaging by the salvage companies, there now exists a detailed seafloor map of certain areas off the coast which have potentially allowed historic shipwrecks to be discovered. The DCHA have access to these maps and have offered to share data with the UK MOD.

Future artefact recoveries: In future, a description of recovered artefacts should be provided by the DCHA to the UK Defence Attaché to the Netherlands to decide if the item is of significance, if so the MOD will contact the NMRN to firstly see if the museum is interested and then to take possession and return to the UK. The UK will not pursue minor items recovered but expects the Netherlands to uphold its Heritage Law. It was explained that UK artefacts are in legally ambiguous place as there is no requirement for the Netherlands to hold them, the same is true of artefacts found in the ground. It is for the UK to decide, as the rightful owner, what happens to UK-owned artefacts. The DCHA will consider the most appropriate and efficient way in future to address this issue in liaison with international Defence Attachés to the Netherlands. Ideally, items should never be lifted in the first place.

Future prevention of salvaging: Dutch Heritage law is clear, it is a criminal offence to take items from the seabed. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] The DCHA also has access to marine tracking data from the Coastguard and when they suspect illegal diving activities, they request the Coastguard to investigate with aircraft/boats etc. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Sovereign Immunity - Activity: The UK consider that all naval warships, state vessels, aircraft and associated artefacts, of any state and wherever in the world they lie, are Sovereign Immune unless afforded additional protection. They can be dived on a 'look but don't touch' basis. Divers do not have to request permission from the UK to look at our wrecks, they would only require permission if they wanted to do anything other than that (i.e. activity) such as salvage, tampering with, damaging, moving, removing or unearthing the remains, or entering any hatch or other opening in the remains.

Summary: Any evidence of past, present or future violations of the Heritage law should be submitted to the DCHA who in turn will present to prosecutors should there be sufficient evidence. The UK MOD wishes to seek a return of significant items to the UK to be gifted to museums. In future if the DCHA has significant UK-

owned items, the UK Defence Attaché to the Netherlands should be notified and appropriate arrangements should be made to return them to the UK.

-END-

British Defence Team

British Embassy The Hague

