

## NOTE

# Mare Nostrum? Ethics and Archaeology in Mediterranean Waters

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### *Abstract*

The 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage came into force on 2 January 2009. As of November 2010, the convention has 35 signatories, of which 10 are states that border the Mediterranean Sea. Because the convention has not been universally adopted by all Mediterranean states, underwater cultural heritage in different areas around the Mediterranean is subject to different claims of ownership and interest. We argue here that maritime archaeologists should play an active role in the stewardship and protection of underwater cultural heritage by working to establish ethical guidelines, best practices, and a clear plan of action for research that falls within, but also outside, current national and international legal protections.\*

### INTRODUCTION

The Convention on the Protection of the Underwater Cultural Heritage was adopted in 2001 by the UNESCO General Conference and reflects an international response to the looting and destruction of shipwrecks and other submerged sites. It also responds to the desire by states to assert control over the exploration and exploitation of offshore cultural heritage. At the core of the convention are four principles: (1) an obligation to preserve underwater cultural heritage (UCH); (2) the consideration of in situ preservation of sites as the first option; (3) a prohibition of the commercial exploitation of UCH; and (4) cooperation among

states to protect UCH, particularly through training, education, and outreach.<sup>1</sup> The convention includes an annex that describes the rules for research on and sound treatment of UCH; these are based on the 1996 International Council on Monuments and Sites (ICOMOS) Charter on the Protection and Management of Underwater Cultural Heritage.<sup>2</sup> In the 2001 UNESCO Convention, issues of jurisdiction and authority over cultural property build on the prior framework of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which establishes the zones where states can exert different laws and influence. These zones are Territorial Seas (to 12 nautical miles), the Contiguous Zone (to 24 nautical miles), and the Exclusive Economic Zone and Continental Shelf (200 nautical miles and beyond).<sup>3</sup>

As of November 2010, 35 states were parties to the 2001 UNESCO Convention; 10 of these states border the Mediterranean Sea.<sup>4</sup> Various states in the region seem likely to sign the convention in the near future, but political considerations may keep others from ratification.<sup>5</sup> Among the non-Mediterranean “research states” that are most active in Mediterranean waters, the United States, the United Kingdom, and Canada are not at present signatories.

While the maritime boundaries of modern nation-states provide a framework for oversight, they fit un-

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Varmer (acting in personal capacity). The authors are responsible for the views expressed here.

<sup>1</sup>UNESCO 2001.

<sup>2</sup>[http://www.international.icomos.org/under\\_e.htm](http://www.international.icomos.org/under_e.htm).

<sup>3</sup>United Nations 1982 (see Article 76 for a definition of the Continental Shelf, which may extend beyond the 200 nautical mile limit).

<sup>4</sup>In chronological order: Croatia, Spain, Libya, Lebanon, Montenegro, Slovenia, Tunisia, Albania, Bosnia and Herzegovina, and Italy. For the most up-to-date list, see <http://portal.unesco.org/la/convention.asp?KO=13520>.

<sup>5</sup>Aznar-Gómez 2010, 210–11, 235; Dromgoole 2010, 36.

easily with the shifting political spheres and cultural fluidity that were characteristic of the ancient Mediterranean, whose inhabitants, according to Plato (*Phd.* 109B), lived around the sea “like frogs about a pond.” For example, individual components of the cargo on a ship might have originated in ancient locales that are today occupied by multiple modern states; the construction technology of the vessel might belong to another cultural tradition entirely; and its present location might make it subject to overlapping claims from different states.

Consider the Late Bronze Age shipwreck at Uluburun. The discovery of the ship off the coast of Turkey defined its modern ownership. It carried a cargo of goods from lands today represented by Turkey, Greece, Cyprus, Syria, Lebanon, Israel, Egypt, and others.<sup>6</sup> Any of these countries might claim a cultural connection to the wreck had it been discovered outside Territorial Seas. Similarly, the 19th-century C.E. shipwreck of the *Napried*, an Austro-Hungarian bark sailing from Beirut to Boston with a cargo of Cypriot antiquities excavated by the American consul Luigi Palma di Cesnola, could, if discovered, be subject to multiple claims of interest depending on its location when it sank.<sup>7</sup> Situations like these make the discussion of collaborative research between multiple nations of great importance within the Mediterranean. Because of the size of the sea and the proximity of its surrounding nations, no area falls within the high seas, beyond the Continental Shelf or Exclusive Economic Zone (declared or undeclared) of any single nation.

With responsible survey and excavation, the underwater cultural heritage of the Mediterranean holds the potential to reveal answers about trade and economics in the ancient world, seafaring patterns, shipboard life, cargo assemblages, and naval technology. The submerged remains of cargo from a merchant vessel provide different information from similar materials discovered in terrestrial contexts. Artifacts of trade, such as raw materials (e.g., copper, tin, glass, marble) or bulk shipments of amphoras carrying processed agricultural goods, reflect items that, upon arrival to an intended destination, probably would have been dispersed and consumed. Bronze statues and unique finds, such as the Antikythera mechanism, attest to artistic and technological advancements rarely preserved on land. Shipboard items, including finds ranging from graduated weights and measures to a

single drinking cup, offer evidence for sophisticated economic interactions as well as the mundane lives of local sailors whose exploits rarely feature in ancient literature. Similarly, the hulls of ancient ships stand as cultural artifacts themselves, representing technology, communication, subsistence, trade, and exchange. More than simple “time capsules,” ships reflect “fine-grained assemblages” that allow for the reconstruction of relationships between objects, assemblages, and structures.<sup>8</sup> UCH is, of course, not limited to shipwrecks but also includes the remains of anchorages, harbors, submerged terrestrial sites, and other markers of human interaction within the broader maritime landscape.

The 2001 UNESCO Convention and its annex, therefore, raise many questions about the responsibilities of the archaeological community toward the development of best practices for the stewardship of UCH. What rules ought to apply, and when, to archaeologists who work in waters that cross national and international jurisdictions? What responsibilities do archaeologists have to the modern political states that claim UCH as part of their national patrimony? What other obligations do they have to states that fund the upkeep and preservation of a site or to local communities who will be affected by an excavation or other UCH project? And, in light of the convention’s concern for in situ preservation, under what circumstances should underwater archaeological research proceed?

In response, we offer here a brief historical review of issues surrounding contemporary approaches to UCH and suggest a framework for Mediterranean maritime research in the future. This discussion is informed by a two-part conference hosted by Brock University in October 2009 and the University of Pennsylvania Cultural Heritage Center in March 2010.<sup>9</sup> The resulting Penn-Brock Statement of Principles and Best Practices for Underwater Archaeology and the Stewardship of Underwater Cultural Heritage in the Mediterranean outlines a series of positive actions for underwater archaeological research that also has the potential to guide cultural heritage debates more generally.<sup>10</sup>

#### HISTORICAL BACKGROUND IN THE MEDITERRANEAN AND BEYOND

Within the framework of the 2001 UNESCO Convention, it is important to agree on the definition of the archaeological community and its stewardship role

<sup>6</sup>Pulak 2001.

<sup>7</sup>Marangou 2000, 226–27; see also Greene and Leidwanger (forthcoming).

<sup>8</sup>On the ship as cultural artifact, see Adams 2001.

<sup>9</sup>For a conference report, see Greene et al. 2010.

<sup>10</sup>This document is available on the Web site of the Archaeological Institute of America (<http://archaeological.org/fieldnotes/reports/3291>).

for UCH. We define the archaeological community as professionals whose approach to UCH is concerned foremost with research questions about the human past on the one hand and the responsibilities of national and international heritage management on the other. To this end, archaeological research differs from other kinds of scientific research that result in the incidental discovery of underwater sites by professionals from nonarchaeological fields. Archaeological research also stands fundamentally apart from the exploitation of sites where the impetus is profit driven.

Over the past quarter-century, while oceanographic exploration of the deep sea has created new possibilities for the study of the human past, it has also brought to the forefront new questions about responsible investigation and protection of areas increasingly outside the authority of individual coastal states. The innovation of new methods for discovering and studying ancient sites in deep water has benefited a number of projects in the Mediterranean region, including the joint explorations by ocean scientists and archaeologists at Skerki Bank off the northwest coast of Sicily, off Ashkelon in Israel, and near Sinop in the Black Sea.<sup>11</sup> Joint initiatives by the Greek Ephorate of Underwater Antiquities and the Hellenic Centre for Marine Research, in tandem with the Institute of Nautical Archaeology at Texas A&M University, the Woods Hole Oceanographic Institute, and the Norwegian University of Science and Technology, underscore the extent to which such projects rely on technical expertise. They have also made clear the pivotal guiding role of professional archaeologists and local heritage managers.<sup>12</sup> While a mixed team of specialists is necessary to operate sophisticated equipment on deepwater projects, the primary data collection and publication of the archaeological results from such fieldwork have been spearheaded by participating archaeologists rather than by other scientists and technicians. This stands in contrast, for example, to the 1999 exploration by the Nauticos Corporation of a merchant vessel from the first century B.C.E., which was wrecked in deep

(more than 3,000 m) international waters south of Turkey and west of Cyprus.<sup>13</sup> Lawall has drawn preliminary insights from digital video about this wreck, but he observes the need for expert input at all stages of information gathering, “rather than simply parachuting in the specialist after the fact.”<sup>14</sup> The active and responsible collaboration between scientists, archaeologists, and representatives from coastal states forms a positive model for approaches to deepwater wrecks beyond national boundaries.

Recent work on UCH has advanced from merely locating and recording the presence of wrecks to increasingly intrusive means of investigation.<sup>15</sup> For archaeologists working on surveys, the issue of cooperating with coastal states on projects undertaken outside their Territorial Seas is still unresolved. It is unclear, for example, the extent to which archaeologists and ocean scientists engaged in activities directed at UCH should incorporate the approval and collaboration of a state or states whose maritime jurisdiction is nearby and relevant for the areas under investigation.<sup>16</sup> We believe that such projects are ethically obliged to inform and offer participatory roles to representatives of states with a clear cultural or historical link, or territorial waters near the area under investigation, even when the study area falls outside legally claimed seas. Intrusive explorations, moreover, are potentially in conflict with the concern for in situ preservation articulated in the 2001 UNESCO Convention (Annex Rule 1)<sup>17</sup> and raise questions about what circumstances justify such an intervention, who is properly qualified to undertake different types of research related to UCH, and who has the authority to make these decisions. As new projects and discoveries inevitably draw attention to the depths of the Mediterranean and elsewhere, the dichotomy between what lies within the strict bounds of law and what we might think of as best practice will become all the more apparent. Since all stages of discovery and exploration of UCH involve ethical choices, it is vital that maritime archaeologists reflect on these issues and develop best practices for their research.

<sup>11</sup> McCann and Freed 1994; Ballard et al. 2001, 2002; McCann and Oleson 2004.

<sup>12</sup> Delaporta et al. 2006; Sakellariou et al. 2007; Foley et al. 2009; Wachsmann et al. 2009.

<sup>13</sup> Information about the wreck can be found on the Web site of the Nauticos Corporation (<http://www.nauticos.com/ancientwreck.htm>). Lawall (2005–2006) offers a scholarly assessment of the material.

<sup>14</sup> Lawall 2005–2006, 80.

<sup>15</sup> Webster (2008) discusses some of the tools for deepwater excavation used experimentally on a fifth-century C.E. shipwreck off the Black Sea coast of Turkey in 2000.

<sup>16</sup> Consider the revisit to Skerki Bank in 2003, on which see the addendum by Ballard and Foley in McCann and Oleson 2004, 39 n. 29.

<sup>17</sup> Annex Rule 1 reads, “The protection of underwater cultural heritage through in situ preservation shall be considered as the first option. Accordingly, activities directed at underwater cultural heritage shall be authorized in a manner consistent with the protection of that heritage, and subject to that requirement may be authorized for the purpose of making a significant contribution to protection or knowledge or enhancement of underwater cultural heritage” (UNESCO 2001).

Legal experts and ocean scientists have recently advocated for the inclusion of nonintrusive explorations of UCH under the preexisting regulatory regime for marine scientific research as defined and elaborated in the Law of the Sea Convention.<sup>18</sup> Such a plan may provide a useful tool for regulation against unwanted intrusion into submerged sites in the Exclusive Economic Zone or Continental Shelf. But the inclusion of activities directed at UCH within the broad category of marine scientific research projects carried out “exclusively for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of all mankind” reflects a stopgap measure, while the 2001 UNESCO Convention offers a more appropriate model for the management of cultural heritage.<sup>19</sup> In cases where this regulatory scheme might be used, any project should consider archaeologists as the critical representatives of “States or other competent international organizations” to whom consent is granted for marine scientific research projects focused on the discovery and exploration of UCH.<sup>20</sup> While other researchers may encounter cultural heritage in the course of marine scientific projects, archaeology remains archaeology, regardless of its location. Archaeologists and heritage specialists should serve as the primary coordinators and overseers of any activities directed at UCH and should be actively included in any exploration of such sites as soon as they are identified.

Academic and intellectual definitions of archaeology have recently been contested by practitioners of “commercial archaeology,” a field vocally represented by Odyssey Marine Exploration. The Tampa-based for-profit company is best known for its recent legal battle over the *Black Swan* wreck off the Atlantic coast of southern Spain.<sup>21</sup> While we focus our attention here on best practices in maritime archaeology, rather than enter into the long debate on treasure hunting (which we do not support), a recent provocative book-length

publication by Odyssey merits some comment here.<sup>22</sup> An explicit mandate in the 2001 UNESCO Convention (Article 2.7: “Underwater cultural heritage shall not be commercially exploited”) sets private, profit-driven activity at odds with the basic principles of the convention. Yet the Odyssey report describes itself as “specifically addressing the interests of the archaeological and academic community.”<sup>23</sup> This report, however, only creates an illusion of research, rather than a sustained program of scientific inquiry focused on increasing knowledge of the past and the preservation of UCH. In the reports on their projects, which are described as “the high-tech skills of Formula 1 car racing meets academia,”<sup>24</sup> authors publish artifacts and observations on four 18th- and 19th-century shipwrecks discovered in deep water (defined as greater than 75 m). The appearance of such a report is itself unusual for many profit-driven projects, and some of the papers present new material, accompanied by the site maps and artifact descriptions typical of an archaeological report.<sup>25</sup> Similarly, descriptions of objects raised by Odyssey from the steamship *Republic* (1865), for example, range from gold and silver coins to “trade goods” such as bottled medicines, inks, hair tonics, leather footwear, hardware, and ironstone china.<sup>26</sup> However, such seemingly innocuous descriptions serve as veiled justifications for the sale of artifacts and reflect Odyssey CEO Greg Stemm’s desire to separate “cultural artifacts” and “trade goods” so the latter can be sold on the open market.<sup>27</sup>

Odyssey concludes that shipwrecks should be exploited by for-profit companies because they have the expertise and finances to do so, while traditional academic archaeologists and many governments do not.<sup>28</sup> This assumption flies in the face of ethical principles held by the Archaeological Institute of America (AIA) and the Society for American Archaeology (SAA), which have long held that archaeologists should not use their expert status to commoditize the past.<sup>29</sup> Such

<sup>18</sup> Croff 2009; Dromgoole 2010.

<sup>19</sup> UNCLOS Article 246.3 reads, “Coastal States shall, in normal circumstances, grant their consent for marine scientific research projects by other States or competent international organizations in their exclusive economic zone or on their continental shelf to be carried out in accordance with this Convention exclusively for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of all mankind. To this end, coastal States shall establish rules and procedures ensuring that such consent will not be delayed or denied unreasonably” (United Nations 1982).

<sup>20</sup> United Nations 1982 (Articles 246.3, 246.5).

<sup>21</sup> Odyssey Marine Exploration, Inc. v. Unidentified, Shipwrecked Vessel, 675 F.Supp.2d 1126 (M.D. Fla. 2009).

<sup>22</sup> Stemm and Kingsley 2010.

<sup>23</sup> Stemm 2010a, viii.

<sup>24</sup> Kingsley 2010b, ix.

<sup>25</sup> See esp. Kingsley (2010a) and Tolson (2010) on the danger presented by trawling to the deepwater environment, and Kingsley’s (2010b, xi) remarks concerning the provision in the 2001 UNESCO Convention that “in situ preservation should be considered as the first option,” rather than a blanket mandate for in situ preservation.

<sup>26</sup> Cunningham Dobson and Gerth 2010, 25.

<sup>27</sup> Stemm (2010b, 13–14) defines trade goods as “a category characterized by large quantities of mass-produced objects, such as coins, bottles, pottery and other mass-produced cargo.”

<sup>28</sup> Stemm 2010a, vii.

<sup>29</sup> The AIA Code of Ethics states, in part, that “members of the AIA should . . . [r]efuse to participate in the trade in

sentiments are unfortunately typical of a neocolonialism where those with power—or, in this case, the money and high-tech tools—exploit the heritage of those without. While *Odyssey* might accuse academic archaeologists of protectionist tendencies, we believe that activities directed at UCH by profit-driven corporations hearken back to the colonialism that left a deep and irreparable taint in parts of the Mediterranean and beyond. As such, they are fundamentally at odds with more progressive and collaborative research and preservation agendas that lie at the core of best practices in underwater archaeology. The high caliber of collaborative projects that already exist between archaeologists, ocean scientists, and cultural ministries around the world—like the examples given for Greece above—clearly refutes the notion that only well-funded, profit-driven corporations can successfully practice deepwater archaeology.

#### THE ROLE OF ARCHAEOLOGISTS IN THE IMPLEMENTATION OF POLICY

It should come as no surprise that scholars conducting underwater research in the Mediterranean are concerned with site preservation and professional ethics. Archaeologists have traditionally played a central role in developing the national and international regimes of protection that govern the preservation of finds and sites. In the 18th and 19th centuries, countries around the world began to note and decry the destruction of the archaeological sites and heritage within their borders. Such commentary can be found in the United States, Egypt, Turkey, Italy, Peru, and Mexico, to name just a few.<sup>30</sup> The professional organizations that serve the archaeological community have also been at the forefront of preservation work. The AIA, for example, was instrumental to the passage of the 1906 Antiquities Act in the United States, which provided domestic protection for archaeological sites.<sup>31</sup> It has also remained an advocate against the illicit international trade of antiquities to the present day.

Since the mid 20th century, the relationship between archaeologists and looted material has been at

the center of the debate on professional ethics and legal remedies. In the post–World War II era, depressed European economies, newfound American wealth, and the expansion of museums led to the creation of large private and public collections, which had the ancillary effect of encouraging a thriving illicit antiquities trade.<sup>32</sup> At the same time, many in the archaeological community began to rethink their connection to the market and the impact of their scholarship on it. In 1970, the University of Pennsylvania Museum of Archaeology and Anthropology became the first major museum to declare that it would not acquire objects without a secure provenance.<sup>33</sup> That same year, the passage of the landmark UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property created an international framework for addressing looting and the antiquities trade.<sup>34</sup> Although its provisions only carry the force of law when ratified by a state, it created an ethical benchmark for museums that were accustomed to circumventing domestic legal protections of other countries. Museums have since experienced pressure to follow the protections set forth by the 1970 UNESCO Convention in their role as international actors and collectors.

The 1970 UNESCO Convention offers limited protections for cultural property through the control of export, but the disposition of cultural heritage remains a contested topic. Proponents of the “encyclopedic” museum have argued for the free market sale of antiquities and a return to the practice of dividing finds between an excavation’s financial sponsor and a government.<sup>35</sup> Only in 2008 did the Association of American Museums recommend that its members “require documentation” that an object had been legally exported according to the terms of the 1970 UNESCO Convention prior to its acquisition.<sup>36</sup> Archaeological interests, however, continue to focus on the destructive effects of looting and the associated loss of contextual information.<sup>37</sup> This debate continues, and controversial acquisitions at such institutions as the Metropolitan Museum of Art and the J. Paul Getty Museum, and

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undocumented antiquities and refrain from activities that enhance the commercial value of such objects [and] . . . [i]nform appropriate authorities of threats to, or plunder of archaeological sites, and illegal import or export of archaeological material” (Archaeological Institute of America 1997). Principle No. 3 of the SAA Principles of Archaeological Ethics states, “Archaeologists . . . should discourage, and should themselves avoid, activities that enhance the commercial value of archaeological objects, especially objects that are not curated in public institutions, or readily available for scientific study, public interpretation, and display” (Society for American Archaeology 1996).

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<sup>30</sup> See, e.g., Renfrew 2000, 17; Colla 2007, 91–100.

<sup>31</sup> Lee 2006.

<sup>32</sup> On the development of museum collections in the United States, see Dyson 1998, 122–57.

<sup>33</sup> *Antiquity* 1970.

<sup>34</sup> Available on UNESCO’s Web site ([http://portal.unesco.org/en/ev.php-URL\\_ID=13039&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html)).

<sup>35</sup> See, e.g., Cuno 2008, 2009.

<sup>36</sup> American Association of Museums 2008.

<sup>37</sup> Gill and Chippindale 1993; Chippindale and Gill 2000; Brodie et al. 2008.

the criminal prosecution of the dealer Robert Hecht and the curator Marion True, have ensured a high public profile<sup>38</sup> These arguments are part of a multi-decade effort by a scholarly discipline to determine what research is ethically appropriate. In this sense, archaeologists, whether they are engaged directly in these debates or not, are part of a field that is being reshaped by contemporary international politics. It is our aim here to ensure that archaeologists continue to have a place in policy making on the issue of UCH, especially since the 1970 UNESCO Convention has not been applied to address trafficking in cultural property discovered under water.

For our present purpose, it is also worth noting that, while these ethical debates are vital, they have focused primarily on archaeological materials found on land. The recent development of advanced underwater investigative technologies and the high-profile discoveries of well-preserved shipwrecks and other submerged sites in the Mediterranean region have led to an urgent need to reassess what constitutes ethical practices for work in this increasingly accessible realm. At this critical moment of developing technology, underwater archaeologists need to undertake a robust self-reflexive evaluation of their field methods, impacts, and practices. The 2010 Penn-Brock Statement, the essential principles of which we discuss below, is a step in that effort. It has emerged out of pragmatic concerns within the subspecialty of underwater archaeology, but it also follows a broader historical trajectory that foregrounds professional responsibility and cultural heritage.

#### A SUGGESTED FRAMEWORK FOR ACTION

The Penn-Brock Statement is the product of a two-part forum, "Who Owns Underwater Cultural Heritage? Perspectives on Archaeological Law and Ethics in the Mediterranean." The meetings, attended by more than 30 invited participants from 14 countries, were convened at Brock University in St. Catharines, Ontario (22–25 October 2009), and at the University of Pennsylvania Museum of Archaeology and Anthropology in Philadelphia, Pennsylvania (26–28 March 2010). Participants included archaeologists from Mediterranean nations, those from universities and institutions outside the Mediterranean but with research interests in the region, representatives of cultural ministries and other organizations charged with the stewardship of

cultural heritage, as well as specialists in maritime law and cultural heritage issues. The group considered how maritime archaeology is defined, what stakeholders are involved in underwater research, and the extent to which best practices are contingent on such factors. Discussion centered on best practices for collaborative research in shallow territorial and deep international waters, how Mediterranean nations use collaborative research to enhance protection and exploration of their cultural heritage, and how the archaeological community can promote best practices within and beyond the field.

The Penn-Brock Statement, which emerged through the consensus of participants at the meetings, acknowledges an imperative for the preservation of UCH and conceives of three primary aims for UCH protection: (1) preservation and evaluation, (2) the development of knowledge, and (3) public access to cultural and intellectual resources. The statement highlights a set of principles for activities that deal with UCH. It calls upon maritime archaeologists to recognize cultural heritage at risk; to resist the commercial exploitation of UCH; to cooperate with states, regional authorities, and local communities for the effective protection and stewardship of cultural heritage; to raise awareness about cultural heritage preservation through education and outreach; and to respect the practices established by the rules stated in the annex to the 2001 UNESCO Convention. But as Colwell-Chanthaphonh and Ferguson explain in an attempt to define the moral landscape of archaeological practice, "More than a rule-based system of ethics or a compilation of ideal principles, archaeologists need to contemplate on the very nature of their relationships with colleagues, publics, descendant communities, governments and past and future generations."<sup>39</sup> As such, the Penn-Brock Statement moves beyond these principles and sets forth a series of positive actions and best practices. It asks archaeologists at all times to foster respect for the underwater environment, to educate students in responsible methodologies and ethics, to secure adequate financial resources for all stages of project design—including long-term preservation and storage—and to cooperate and collaborate openly with local, regional, national, and international constituencies.

We view the Penn-Brock Statement as a living document, designed to inform and influence responsible

<sup>38</sup> Book-length treatments of the illicit antiquities trade include Atwood 2004; Watson and Todeschini 2006; see also Renfrew 2000, 27–38. The Italian trial of Marion True, former antiquities curator of the J. Paul Getty Museum, recently ended when the statute of limitations on the charge had expired.

However, the trial and original charges have had a significant impact on how museums and dealers approach the trade in antiquities.

<sup>39</sup> Colwell-Chanthaphonh and Ferguson 2006, 129–30; see also Flatman 2007, 85.

and ethical activities directed at UCH. While archaeologists are by no means the only stakeholders in the setting of national and international policy, we can, as a group and in our own research activities, work toward the implementation of principles and best practices for underwater archaeology and the stewardship of UCH. As a living document, the statement encourages maritime archaeologists to consider our place in the growing debate over archaeological ethics and to engage actively with ethical issues faced by the broader heritage community.<sup>40</sup>

In conclusion, we maintain that even in the absence of formal ratification by all states, the 2001 UNESCO Convention and its annex provide a useful ethical framework that should have an impact on all underwater archaeological research in the Mediterranean, regardless of location in Territorial or extra-Territorial Seas, and regardless of whether the convention is specifically in force in that country or the research state. Moreover, the study and preservation of UCH must be directed by archaeologists and cultural heritage professionals. Collaborative work, connecting professional archaeologists with other professional researchers, creates a strong program for the discovery of new information about the past by providing access to new technologies and methodologies. But these new approaches, largely technical in their focus, do not alone provide an ethical framework for the examination and study of UCH.

As scholars, we take for granted that cultural heritage provides a basis for understanding ancient and modern cultures and societies. But it is also the case that the study, interpretation, and treatment of the past have a direct bearing on how people understand themselves in the present. Archaeological research has many stakeholders, of which scholars are only one community. For this reason, archaeology needs to be approached—now more than ever—as a cooperative venture with affected communities and interested state parties. In large measure, treasure hunting and for-profit ventures fail to consider these broader effects; professional archaeologists, too, would benefit from greater attention to the wider impact of their work. Neglecting the ethical dimension of our work, or turning to the profit motive as a means for conducting viable scientific research, only serves to reinforce the neocolonial power relations that archaeologists have been moving away from since the middle of the 20th century.

The archaeological community must play an active role in the stewardship and protection of UCH, en-

acting and informing ethical behavior in those areas that fall within and outside of protection by current national and international law. This can only be done with the help and cooperation of the countries around the Mediterranean, as well as professionals whose work brings them into Mediterranean waters.

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<sup>40</sup> Flatman 2007, 77, 85–9.

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