Archaeologists, Treasure Hunters, and the UNESCO Convention on the Protection of the Underwater Cultural Heritage: a Personal Viewpoint

Filipe Castro
Frederick R. Mayer Faculty Professor II of Nautical Archaeology, Nautical Archaeology Program, Texas A&M University, USA

Differences between archaeologists and treasure hunters often stem from a misunderstanding about what archaeologists do. We try to reconstruct past cultures through the study of their material remains. We are interested in archaeological sites and contexts, and the most interesting artifacts we study seldom have market value. In other words, archaeologists are not antiquarians.

I have spent almost 20 years fighting treasure hunters. My involvement in this fight started in Portugal in the early 1990s when treasure hunting was legalized there. My first reaction was trying to understand the treasure hunter's viewpoints and objectives, but that was not easy. Some dismissed us altogether as natives of a poor country. Others promised to raise an entire caravel and put it in an aquarium. Others claimed that they were going to salvage fabulous treasures and give us half of everything they would find. To my astonishment, people believed most of these tall stories.

My experience with treasure hunters was therefore not a positive one. I saw them lying for money, destroying archaeological sites without a thought for what they were doing, fooling their investors and bragging about it, stiffing local populations, and scamming politicians with invented stories and fake promises. I saw them claiming the right to do whatever they wanted, as if they owned the planet. I met the kind that is more prone to make declarations to the media than to actually dive. And I met treasure hunters that worked in silence, salvaged real cargos, sold them discretely, and made real money.

At times archaeologists work with treasure hunters in order to fulfill contractual obligations to governments or lend some expertise to their work. Some come out and complain about the frustrations of working in for-profit ventures: to maximize profit and to do good archaeology are directly opposite objectives. Few publish reports. Everywhere secrecy has been the rule, even when reports are produced and sometimes even published. The quality of most reports is poor: fuzzy data, bad or incomplete site plans, no sections, no complete artifact catalogues, no recording of hull remains, and no conservation of artifacts without market value.

Like me, other archaeologists cringe before this reality. Imagine us patiently working to try to understand vanished cultures and the differences and similarities between them and those of the present, gathering data, studying the expressions of humanity contained in every different society, looking for patterns that may enhance our knowledge of what it means to be human… and being asked to accommodate the reasons of those who want to destroy the fragile, rare and non-renewable archaeological evidence for profit, or for fun, or for both.

It is easy to imagine how treasure hunters' interests may come across as shallow, or ignorant, or naive, or selfish, and this situation fosters the development of a holier-than-thou attitude. Together with a professional tribal feeling, this attitude may blur reality into an Orwellian vision: archaeologists good/treasure hunters bad, and develop an unhealthy self-righteousness among archaeologists. Who can sympathize with those that want to destroy archaeological sites for short-term profit, and leave a planet without history to their own children?

These high moral grounds called for a holy war and in the process we stopped asking a few important questions: what is the difference between a treasure hunter and an archaeologist who does not publish his or her excavations? Why have so many bureaucrats become prohibitionists in their old age? Why do we still allow 19th-century nationalistic feelings to linger among the community? Why is the circulation of primary data so hampered outside the United States?

It was in this context that from the 1970s onwards a growing number of archaeologists gathered around organizations such as ICOMOS and UNESCO, and in 2001 produced a Convention on the Protection of the Underwater Cultural Heritage. In March 2010 it had been ratified by 27 states.

The legitimacy of its authors is not in question: they were appointed by their governments, the majority of

 © Odyssey Marine Exploration, 2010; www.shipwreck.net

which are parliamentary democracies. But perhaps because a significant number of archaeologists involved in its drafting were bureaucrats, the resulting text can be interpreted as a repressive tool that pushes conservation *in situ* with a blind and stubborn optimism. Worse, together with a commendable call for an end to the destruction of the world's submerged cultural heritage, it sets the bar too high for archaeologists: Rule 1 of the Annex states: that "…activities directed at underwater cultural heritage… may be authorized for the purpose of making a significant contribution to protection or knowledge or enhancement of underwater cultural heritage." I am afraid that as all repressive rules, this Convention may invite arbitrary behavior, nepotism, and even corruption.

Despite all criticisms, I am actually glad that there is a Convention, and I find that most of the text of the Annex is well crafted, fair and relevant. But we must not stop here. We need a generation of young archaeologists and excavations to train them. We need to emphasize Rules 30 and 31 of the Annex, which focus on schedules and destinations for reports, and fight for a rapid and clear flow of information worldwide. The culture of secrecy that so often surrounds archaeologists is hurting us. Treasure hunters are decades ahead of archaeologists when it comes to public relations strategies. The world of nautical archaeology is a small world: we need ethical standards that make principles applicable to everybody and not only treasure hunters and those who do not have friends in their country's bureaucracies.

The next years will show us whether the Convention will help protect anything. Prohibitions alone seldom stop activities that are socially accepted, such as looting and treasure hunting.

In the meantime, Odyssey is changing the landscape, publishing reports and submitting them to public scrutiny. This is a development that we should follow closely. In documenting and publishing their salvage operations, they are placing themselves above the archaeologists that do not publish their excavations on the archaeology decency scale. Having spent the best part of the last two decades complaining against treasure hunter's secrecy, I applaud Odyssey's new policy and look forward to starting a constructive dialogue, solidly based on printed and published reports. In a democratic world we may all disagree, but we must acknowledge the opinions of our opponents and take close note when they use private resources that are of public interest and benefit.

Fig. 1. The Pepper Wreck under excavation in 1999: a Portuguese Indiaman lost at the mouth of the River Tagus, Portugal, and probably identifiable as the Nossa Senhora dos Máritires*, lost in 1606. Photo: Guilherme Garcia.*

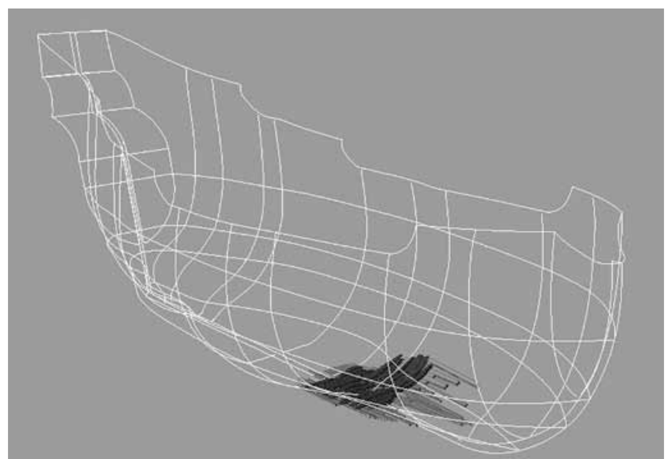

Fig. 2. The hull remains of the early 17th-century Pepper Wreck feature inscribed carpenter marks, which allowed a tentative reconstruction of the ship based on contemporary ship treatises. Traditionally such subtle primary data is lost or neglected during projects conducted by treasure hunters, who ignore elements of social archaeology in favor of trophy hunting. Photo: Kevin Gnadinger.

© Odyssey Marine Exploration, 2010; www.shipwreck.net

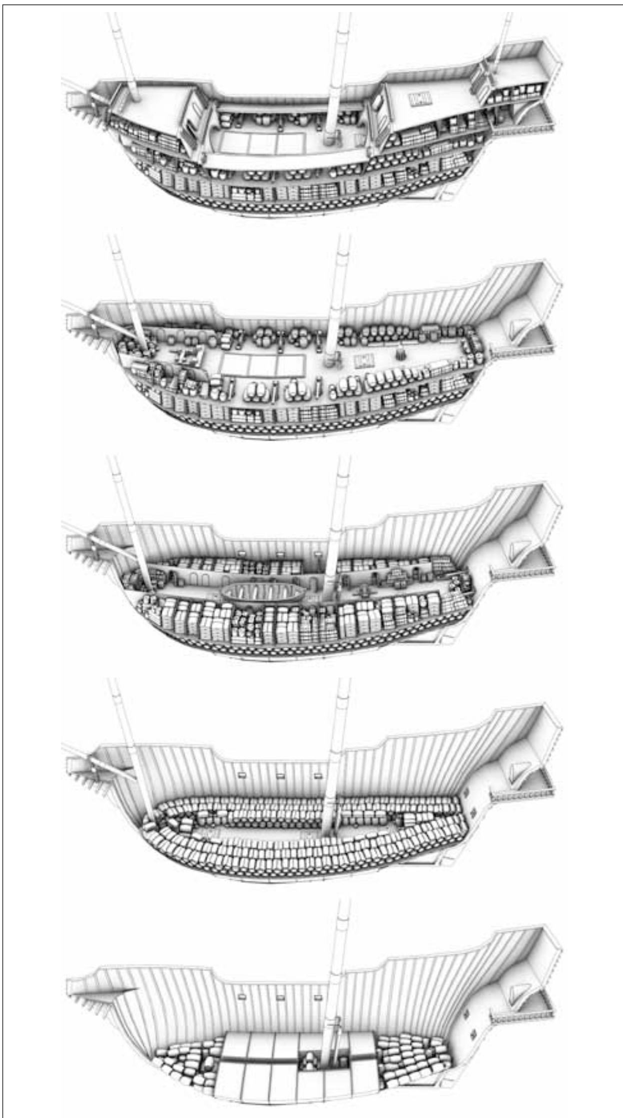

Fig. 3. A 3D reconstruction of the Pepper Wreck. Tentative load configuration studies reveal how small the inhabiting space was for the 450-person crew and passengers who departed from India to Lisbon on the Nossa Senhora dos Máritires *in 1606. Photo: Audrey Wells.*

Fig. 5. A small collection of Wan-li porcelain plates was found still packed, with straw mats between them, on the early 17th-century Pepper Wreck. Photo: Center for Maritime Archaeology and Conservation, Texas A&M University.

Fig. 6. A pair of earrings found on the early 17th-century Pepper Wreck by avocational archaeologist Carlos Martins, who declared the site to the authorities in 1992. Photo: Center for Maritime Archaeology and Conservation, Texas A&M University.

Fig. 4. Three astrolabes from the early 17th-century Pepper Wreck found on and near the shipwreck site. Such crucial artifacts are typically sold by treasure hunters, rather than retained and studied. Photo: Center for Maritime Archaeology and Conservation, Texas A&M University.

 © Odyssey Marine Exploration, 2010; www.shipwreck.net