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INTERNATIONAL PRACTICE OF CONSERVATION AND USE OF OBJECTS OF UNDERWATER CULTURAL HERITAGE

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Annotation. Currently, there is an increasing interest in the issue of the place of underwater cultural heritage in the system of the World Cultural and Natural Heritage. In this regard, there are problems and new threats to preserve the objects of underwater cultural heritage. The article is aimed at studying the modern international practice of preserving and using objects of underwater cultural heritage, as well as developing recommendations for changing the current legislation in order to improve legal regulation.

Keywords: underwater cultural heritage, international practice, protection, preservation, responsibility.

The objects of underwater cultural heritage are the most important link in the knowledge of the history and development of all mankind. It is impossible to compensate for the loss of even the smallest element. That is why preserving the underwater cultural heritage is the right and duty of every nation, every state. To ensure such protection, not only cooperation between states is necessary, but also the effective work of international organizations.

The United Nations Educational, Scientific and Cultural Organization (UNESCO), created on November 16, 1945, plays an essential role in solving numerous problems of international cultural and scientific cooperation. UNESCO's activities cover almost all states in the world. Today, the organization has 195 member states and 8 Associate Members who are not responsible for foreign policy.

The main goal of UNESCO is activities aimed at strengthening peace and security through constant cooperation of states in the field of science, education and culture. UNESCO takes care of the preservation and protection of the universal cultural heritage of mankind, including underwater cultural heritage.

One of the main tasks of UNESCO is to draw the attention of all countries and peoples of the world to the dangers that threaten underwater cultural heritage, as well as the need to protect it. That is why in 2001 UNESCO adopted the Convention on the Protection of Underwater Cultural Heritage. In addition, at the meetings of the countries participating in the UNESCO Convention on the Protection of the Underwater Cultural Heritage, the world's leading experts in this field are developing new methodological manuals for conducting underwater research[1].

In addition to UNESCO, there are now a number of international organizations involved in the protection and regulation of maritime activities that make a significant contribution to the protection of underwater cultural heritage. These organizations include, first of all, the International Council for the Conservation of Monuments and Sites (ICOMOS), founded in 1965. ICOMOS evaluates properties that can be included in the UN World Heritage List. ICOMOS operates through its committees, which are a network of representative organizations of ICOMOS established in the Member States of UNESCO, each of which has the right to develop its own program, as well as the rules for admitting a new member, but in accordance with the ICOMOS charter.

ICOMOS is the only non-governmental organization in this industry, whose activities are aimed at preserving and protecting cultural heritage, including underwater. The organization's activities are based on the principles that were enshrined in 1964. International Charter for the Conservation and Restoration of Monuments and Historic Sites (Venice Charter)[2].

The International Maritime Organization (IMO), which began its activities in 1959 and today is a specialized agency of the United Nations, made a huge contribution to the development of interstate cooperation in the exploration and development of the World Ocean. IMO is responsible for improving the reliability and safety of shipping in international trade and for preventing marine pollution from ships.

The main goal of the IMO's work is interstate cooperation on the formation of certain rules and regulations related to technical issues that affect the safety and efficiency of international shipping, as well as the protection of the marine environment through the prevention of pollution by ships. IMO is the only international body for the development of rules, principles and regulations for ship reporting systems and the establishment of ship routes. In 1983, the International Maritime Organization established the World Maritime University in Malmo (Sweden), which provides advanced training for specialists in the field of shipping. In 1989, IMO founded the International Institute of the Law of the Sea (Valletta, Malta), which trains highly qualified lawyers in the field of international maritime law. In the same year, the International Maritime Academy (Trieste, Italy) was created, organizing specialized short-term courses in a variety of maritime disciplines.

At present, along with the above-mentioned maritime organizations, other international institutions are also participating in the preparation of conventions, certain rules and norms concerning the regulation of activities at sea. These include, for example, the International Maritime Satellite Communications Organization (INMARSAT), the Intergovernmental Oceanographic Commission (IOC), the United Nations Conference on Environmental Protection (UNEP), and non-governmental organizations - the International Chamber of Shipping (ICS), the International Federation of Shipowners (ISA)) and many others.

The high significance of the underwater cultural heritage is determined by its scientific and social value, which is expressed in the increased interest of mankind in it.

A striking example of this is the Vasa Ship Museum (Stockholm, Sweden), which is not only one of the most visited museums in the world, but also the only museum created for a single ship. The Vasa is the only surviving 17th century ship in the world. About 95% of the ship's parts remained original. The ship was named in honor of the dynasty of the Swedish kings Vasa, which reigned at that time, since it was supposed to become the largest ship not only in Sweden, but throughout Europe. However, the 69-meter ship Vasa sank on her maiden voyage on August 10, 1628, sailing only 1,300 meters from the port of Schlussen in Stockholm, towards the Elvsnabben naval base southwest of Stockholm. The ship began to tip over, and water gushed through the open loopholes for the cannons. «Vasa» was saved only 333 years later (in 1961). For almost half a century, the ship was slowly and painstakingly restored to a state as close as possible to its original[3]. Although only seven months after the rescue, the Vasa shipyard was reopened as a so-called "preliminary" museum. The current Vasa Museum was opened in 1990. Today it is one of the most visited museums in Scandinavia (over a million visitors a year).

Another of the most famous and most visited is the Iongala ship, built in England on April 29, 1903. The route he was to take connected the golden shores of Western Australia with the eastern ports of Adelaide, Melbourne and Sydney. The Yongala sank off the coast of Australia in 1911 on its 99th voyage. The crash site was discovered only in 1958 - the Great Barrier Reef Marine Park. It is approximately 48 nautical miles southeast of Townsville and 12 nautical miles east of Bowling Green Point. Located on the flat and sandy seabed, Yongala has become a magnificent artificial reef. The length of the sunken ship is 109 meters. Although the ship is an underwater cultural heritage protected by both the Convention on the Protection of the Underwater Cultural Heritage and the Australian Shipwreck Act 1976, divers who come here cause damage to the ship.

Underwater cultural heritage sites, in addition to shipwrecks, include, for example, cities hidden under water.

One of these cities is Ancient Heraklion, lost under water. It was an ancient Egyptian city located near Alexandria, the ruins of which are now 2.5 km off the coast of Abu Kir Bay. It was simultaneously one of the largest commercial centers in the Mediterranean and the main port of Egypt during the first millennium BC. Heraklion was built on an island in the Nile Delta. According to scientists, the city was submerged in the VI-VII centuries BC, due to the frequent earthquakes and floods that occurred at that time. However, scientific disputes about the exact reasons for the death of Ancient Heraklion continue to this day[4]. The ruins immersed in the sea were found by accident only in 2000, when a group of archaeologists led by Frank Goddio participated in the search and recovery of sunken ships of the Napoleonic fleet, sunk in 1798 by the British led by Admiral Nelson. Researchers at the Oxford Center for Marine Archeology, in collaboration with the European Institute of Underwater Archeology and the Department for the Study of Ancient Egypt, have conducted a number of underwater research in this area. Thanks to these studies, it was possible to find out that Ancient Heraklion, being under water, is now a huge flooded landscape where natural and artificial navigable canals intersected. The joint expedition also helped find three statues that have been underwater for over 2,300 years, but are very well preserved. However, it has not yet been possible to identify the names of the goddesses in whose honor the statues were created. In addition to the statues, a whole collection of sphinxes was found that dates back to the reign of Ptolemy I. Bronze coins were also found that belonged to the reigns of Ptolemy II and Ptolemy IV, along with gold coins that belong to the reign of Cleopatra. Other finds included a large collection of Greek tableware, jewelry, and ancient coins depicting portraits and names of the kings of that era. All finds were sent to the Roman Museum in Alexandria for restoration. The discovery of Heraklion made it possible to find out the history of this ancient city.

Another sunken city was Port Royal (a city on the southern coast of Jamaica), which was located 26 km from the center of Kingston[5]. At the moment, Port Royal is a small fishing village, which is almost completely flooded by the Caribbean Sea. Port Royal begins its history in 1518. At the time, it was the center of maritime trade in the Caribbean. A strong earthquake, which occurred on June 7, 1692, flooded 2/3 of the city's land along with houses, killed about 5,000 residents, sank more than 50 ships and ships. Despite all the destruction and casualties, Port Royal was rebuilt a little later. However, already in 1728, after a series of strongest hurricanes, the city was completely destroyed. Research into the causes of the flooding of Port Royal lasted until today. One of the most important events in the exploration of this sunken city was the opening of two completely intact houses. Excavation of the upper part of the building took almost a whole day. Were found jewelry dyes, cufflinks, a pocket watch from the London firm «Gibbs», which are perfectly preserved, a Chinese porcelain figurine depicting a woman holding a child in her lap, as well as a chest with old Spanish coins, which were brought to Port Royal by fishermen from Spanish galleons wrecked near the island.

According to most archaeologists, Port Royal is one of the most significant sites in the world. To date, it is planned to organize tourist trips to the site of the flooding of Port Royal on specialized boats with glass bottom.

Despite the value of the objects of underwater cultural heritage, international practice shows that not always states and international organizations working in this area are able to protect it. For example, in 1993-1995, Portugal adopted regulations allowing the sale of items recovered during archaeological research. Since then, international treasure companies have begun their operations to extract underwater cultural heritage off the coast of Portugal. During these two years, the waters of Portugal have lost a huge amount of underwater cultural heritage. In 1995, the given normative acts were suspended, and already in 1997 these norms were completely abolished. Thanks to this, Portugal was able to restore its potential in the field of marine archeology[6].

Another example of the weak protection of underwater cultural heritage is found by a private exploration company in the South China Sea, one of the last Chinese junks, 60 meters long and more than 10 meters wide, «Tek Sin». In 1999, more than 300,000 porcelain items were lifted from its side to the surface, which were then sold at an auction in Stuttgart (Germany). The ship itself was destroyed, and its cargo was scattered around the world, as treasure hunters had little interest in the fact that the remains of «Tek Sin» are evidence and memory of one of the largest maritime disasters, since about 1,500 died along with the ship. 000 people. This is more than the death of the legendary Titanic.

However, there is a practice when states, striving to protect the monuments of their country, seek ownership of the underwater cultural heritage, which provides them with the opportunity to preserve the underwater cultural heritage that already belonged to them. A prime example of this is the case between Spain and the United States. The American private company Sea Hunt after received permission from the authorities of the state of Virginia to study the coastal waters of the Atlantic. During the survey, they found the remains of two Spanish ships – «Juneau» and «La Galga», which sank off the Atlantic coast of the United States in 1802 and 1850 and are now off the coast of Assating. The cargo on the ships is estimated at more than \$ 1 billion[7]. The Spanish Embassy in Washington, DC, has asked the US National Park Service to obstruct the search as both vessels are Spanish property. However, the company initiated an admiralty lawsuit seeking a court ruling that the lost ship did not fall under Spanish sovereignty. To do this, Sea Hunt secured two mandates - from the state government and the federal district court in Norfolok. Despite the fact that the US Department of State usually deals with the resolution of international conflicts, this time the Foreign Office has withdrawn itself, since, in accordance with federal law, states can also claim the remains of wrecked ships lying within three miles of their coast.

However, in 2001 the claim was rejected by the United States Supreme Court. The court ruled that the wrecks belonged to Spain[8].

Thus, international practice in the field of protection and protection of underwater cultural heritage is ambiguous. Due to the differences in domestic and international acts, there is a need to resolve a number of controversial situations outside the state level.

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СУ АСТЫНДАҒЫ МӘДЕНИ МҰРА ОБЪЕКТІЛЕРІН САҚТАУ ЖӘНЕ ПАЙДАЛАНУДЫҢ ХАЛЫҚАРАЛЫҚ ПРАКТИКАСЫ

Түйін. Қазіргі уақытта су асты мәдени мұраларының Дүниежүзілік мәдени және табиғи мұралар жүйесіндегі орны мәселесіне қызығушылық артып келеді. Осыған байланысты су асты мәдени мұра объектілерін сақтауда проблемалар мен жаңа қауіптер туындауда. Мақала су асты мәдени мұрасы объектілерін сақтау мен пайдаланудың заманауи халықаралық тәжірибесін зерделеуге, сондай-ақ құқықтық реттеуді жетілдіру

мақсатында қолданыстағы заңнаманы өзгерту бойынша ұсыныстар әзірлеуге бағытталған.

Кілт сөздер: су асты мәдени мұрасы, әлемдік тәжірибе, қорғау, сақтау, жауапкершілік.

МЕЖДУНАРОДНАЯ ПРАКТИКА СОХРАНЕНИЯ И ИСПОЛЬЗОВАНИЯ ОБЪЕКТОВ ПОДВОДНОГО КУЛЬТУРНОГО НАСЛЕДИЯ

Аннотация. В настоящее время возрастает интерес к вопросу о месте подводного культурного наследия в системе Всемирного культурного и природного наследия. В связи с этим возникают проблемы и новые угрозы по сохранению объектов подводного культурного наследия. Статья направлена на изучение современной международной практики сохранения и использования объектов подводного культурного наследия, а также выработку рекомендаций по изменению действующего законодательства с целью совершенствования правового регулирования.

Ключевые слова: подводное культурное наследие, мировая практика, охрана, сохранение, ответственность.