Protection of underwater cultural heritage in international law

حماية التراث الثقافي المغمور بالمياه في القانون الدولي

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Abstract :

Underwater cultural heritage represents one of the most prominent aspects in which cultural heritage is embodied, because it contains valuable cultural properties that represent historical monuments that cannot be replaced in any way. The fait accompli prompted countries to redouble their efforts in order to surround this category of cultural property with adequate legal protection by tightly regulating it in various international conventions related to the preservation and protection of cultural heritage, perhaps the most prominent of which is the united Nations convention concerning the law of the sea of 1982, and the Convention for the Protection of the Underwater Cultural Heritage of 2001, which the question of their effectiveness has been raised on more than one occasion.

Keywords : Underwater cultural heritage; UNESCO; Legal protection; Seas; Risks and threats.

ملخص:

يمثل التراث الثقافي المغمور بالمياه أحد أبرز الأوجه التي يتجسد فيها التراث الثقافي، لأنه ينطوي على ممتلكات ثقافية قيمة تمثل معالم تاريخية لا يمكن تعويضها بأي شكل من الأشكال.

دفع الأمر الواقع بالدول إلى مضاعفة جهودها من أجل إحاطة هذه الفئة من الممتلكات الثقافية بالحماية القانونية الكافية من خلال تنظيمها بشكل محكم في مختلف الاتفاقيات الدولية ذات الصلة بحفظ التراث الثقافي وحمايته، لعل أبرزها اتفاقية الأمم المتحدة لقانون البحار لسنة 1982، و اتفاقية اليونيسكو الخاصة بحماية التراث الثقافي المغمور بالمياه لسنة 2001، والتي أثيرت مسألة فعاليتها في أكثر من مناسبة.

الكلمات المفتاحية: التراث الثقافي المغمور بالمياه؛ منظمة اليونيسكو؛ الحماية القانونية؛ البحار؛ المخاطر والتهديدات.

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Introduction:

The issue of protecting cultural heritage with its various components represents one of the priorities that members of the international community have set in recent years, due to the fundamental role that the latter plays in the lives of individuals and societies as it is an integral part of the identity of the peoples to which it belongs, and even more than that due to the multiplication of sources of threats to his safety, and even his existence by virtue of its dire effects;many governmental and non-governmental organizations, along with many specialists in the field of cultural heritage protection highlight the negative repercussions of previously unknown phenomena on the existence of components of tangible and intangible cultural heritage in the various forms in which they are embodied, including underwater cultural heritage, which is not immune from these risks due to the radical changes that earth has witnessed in recent decades due to the increase in industrial activity and the resulting climate change and environmental pollution, which have had dire repercussions on what is underwater, such as cultural properties, legendary cities, and even ships that sank in the depths of the seas,and valuable treasures on board.

After examining the situation by members of the international community, their efforts were redoubled to provide this category of cultural property with adequate protection from the various threats facing it. This was embodied on the ground in a group of international conventions that formed the structure of the legal system and the arsenal relied upon for the protection of underwater cultural heritage, perhaps the most important of which is Convention for the Protection of the Underwater Cultural Heritage of 2001.
Despite the initiatives put forward in the field of protecting underwater cultural heritage, this issue has remained the subject of widespread controversy, within which the question of the effectiveness of the protection established for this category of property has been raised.

- **The importance of the study:**

The study of the topic focuses on the importance of protecting underwater cultural heritage, the basic elements of which can be summarized as follows:

- Underwater cultural heritage constitutes one of the most important aspects in which the concept of cultural heritage is embodied. The latter involves material cultural properties that were submerged in water due to the sinking of ships that were on board, or due to the rise in water levels that flooded entire cities or islands that contained valuable cultural monuments;
- The number of risks facing this type of cultural heritage has doubled, specifically due to technological development, and the multiplication of industrial activity, which has resulted in environmental pollution from which even the deep sea has not been spared.

- **Objectives of the study:**

The current study seeks to achieve a number of goals, perhaps the most important of which are:

- Delineating the features of the concept of underwater cultural heritage, by referring to relevant international conventions such as the Convention relating to the Protection of Underwater Cultural Heritage of 2001, or at the doctrinal level and the opinions expressed in this regard by the most prominent representatives of international doctrine, and subsequently drawing out its characteristics;
- Identifying the components of the legal arsenal adopted to protect underwater cultural heritage, whether at the preventive or deterrent level, and highlighting the gaps that surround it and undermine its effectiveness.

- **The problematic:**

From what was mentioned above, it appears logical for us to ask the following problematic:

How effective is the legal protection established for underwater cultural heritage at the international level?

- **Division of the study:**

We decided to divide the current study into two complementary axes. In the first axis, we address the conceptual framework of underwater cultural heritage, and we refer to the definitions attributed to it and extract the characteristics relevant to it, before we present in the second axis the measures adopted in international law in order to protect this type of species ofcultural heritage, whether preventive or deterrent measures.

- **Scientific methodology:**

In preparing this study, we relied on a group of scientific methods, perhaps the most prominent of which is the descriptive method that suits the theoretical part of the study, specifically what relates to listing the definitions attributed to underwater cultural heritage at the legal and doctrinal levels. We also relied on

the analytical method within the framework of studying the effectiveness of the International legal system concerning the protection of underwater cultural heritage.

Section I: Conceptual framework of underwater cultural heritage:

Cultural heritage is generally characterized by the diversity of forms in which it is embodied. Throughout the ages, peoples witnessed customs and traditions that individuals were forced to follow, they also achieved knowledge and experiences that enabled them to overcome the various obstacles they were exposed to throughout the various stages of their development. These groups also prevails games, songs, popular sayings, and ways of speaking that distinguished them from other groups, and they put them in the forefront in order to emphasize their own identity.

Countries, regardless of their degree of development, try to preserve and protect this heritage by various means, regardless of whether it is tangible or intangible heritage, or located on land or submerged in water, the latter of which has received great attention from public authorities around the world by taking significant steps to protect it, and this was done by defining its features by shedding light on its concept, whether on the doctrinal or legal level **(A)**, and thus extracting its characteristics **(B)**.

A) Controversies about the definition of underwater cultural heritage:

Practice recorded multiple initiatives to define the concept of underwater cultural heritage, prior to the adoption of the Convention for the Protection of the Underwater Cultural Heritage of 2001, whether at the international or regional level. What is noted in this regard is that the definitions about this concept have varied in their accuracy among those who adopted an expanded view to the issue, and who attributed a narrow concept to underwater cultural heritage. One of the most important conventions in force in this field is the United Nations Convention on the Law of the Sea of 1982, which is so respected by international doctrine and specialists in this field that they called it the "constitution of the oceans"[1], its adoption represents a turning point in the organization of international relations in this field, as all topics of importance to coastal States were covered within the framework of the 320 articles that it included, but it did not address the issue of protecting underwater cultural heritage, except within the framework of two articles[2], namely article149 entitled "Archaeological and Historical Objects" in which the drafters of the international convention presented the conceptual framework for this type of cultural heritage, while the second is represented in article 303 entitled: "archaeological and historical objects found at sea" in which the duty of members of the international community to protect underwater cultural heritage was noted.

Indeed, article 149 of the 1982 United Nations Convention on the Law of the Sea stipulates the following: "All objects of an archaeological and historical nature found in the Area shall be preserved or disposed of for the benefit of mankind as a whole, particular regard being paid to the preferential rights of the State or country of origin, or the State of cultural origin, or the State of historical and archaeological origin"[3].Despite the qualitative leap made by countries in the field of defining underwater cultural heritage, this initiative was criticized due to the ambiguity it entails in the various parts it contains, which the drafters of the convention did not explain anywhere in the international convention, whether related to what is meant by protected objects, or the relationship between preservation and disposal, or even how this heritage is achieved for the benefit of humanity? The convention also fails to clarify how to achieve a balance between the three mentioned countries that can claim preferential rights. They also did not clarify the nature of the preferential rights that are granted, and that those countries can claim[4].

At the regional level, the reference is to the European Convention for the Protection of the Archaeological Heritage of 1992, the status of which defines the underwater cultural heritage, albeit indirectly, within the framework of article 1 as: "2-To this end shall be considered to be elements of the archaeological heritage all remains and objects and any other traces of mankind from past epochs:

i-The preservation and study of which help to retrace the history of mankind and its relation with the natural environment;
ii-For which excavations or discoveries and other methods of research into mankind and the related environment are the main sources of information; and
iii- which are located in any area within the jurisdiction of the Parties.
3-The archaeological heritage shall include structures, constructions, groups of buildings, developed sites, moveable objects, monuments of other kinds as well as their context, whether situated on land or under water"[5].

Given the importance of underwater cultural heritage, members of the international community had no choice but to adopt an international convention that addresses the issue of protecting this type of cultural heritage in its most precise aspects, which is represented by the Convention on the Protection of the Underwater Cultural Heritage of 2001, which was concluded in its framework is to define underwater cultural heritage as: "… all traces of human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least 100 years such as:
(i) Sites, structures, buildings, artifacts and human remains, together with their archaeological and natural context;
([1]ii) Vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archaeological and natural context;
(iii) objects of prehistoric character.
(b) Pipelines and cables placed on the seabed shall not be considered as underwater cultural heritage.
(c) Installations other than pipelines and cables, placed on the seabed and still in use, shall not be considered as underwater cultural heritage"[6].It appears by extrapolating the text of the above article that the drafters of the international convention did not limit themselves to enumerating the forms in which the components of the underwater cultural heritage are embodied, but they also proceeded with a survey of the assets that could be considered, at first glance, as underwater heritage due to the fulfillment of the formal conditions in them, such as pipelines, and the cables extending at the bottom of the seas, which removed them from the circle of things that fall under the concept of "underwater cultural heritage"[7].

The general nature of the definition contained in the Convention for the Protection of the Underwater Cultural Heritage of 2001 led to a multiplication of initiatives undertaken by a number of jurists and specialists in international law aimed at defining the features of the concept, perhaps the most important of which was that presented by (Anastasia Strati), in which it was stated the following:"The remains of things or traces of human presence that are completely or partially submerged in the waters of seas, rivers, canals, and artificial lakes"[8], while (Sara DROMGOOBE) defines it as: "Traces of human presence that have a historical or cultural nature and are submerged in water permanently and for an indefinite periodless than a hundred years old"[9], (Francesco Francioni) sees it as: "everything submerged in water that has historical or cultural value"[10].

B) Problems surrounding the characteristics of underwater cultural heritage:

The analysis of various legal texts relevant to the definition of underwater cultural heritage allowed us to extract common elements between the different positions adopted by members of the international community in international conventions. Indeed, a large part of international doctrine agrees that the basic features of this type of cultural heritage are as follows:
1-Underwater cultural heritage is tangible heritage:

Underwater cultural heritage includes all components of immovable and movable cultural heritage in the manner implied by the legal texts referred to above. For the first, it is represented by sites, structures, buildings, and other similar assets, while for the second, it is embodied in airplanes, ships, and other similar vessels, or even part of them, in addition to their cargo and

goods[11], and therefore it implicitly excludes non-cultural heritage material components that is not covered by the protection stipulated in the relevant international conventions[12].

2-Underwater cultural heritage connected to humanity:

The concept of underwater cultural heritage is linked to the idea of humanity, which means that it consists of elements that humans created, used, or were associated with in one way or another[13]. Accordingly, underwater cultural heritage does not include natural heritage, that is, natural monuments consisting of physical or biological formations or groups. These formations, which have exceptional universal value from an aesthetic or artistic point of view, are geological or physiographic formations, and precisely defined areas constitute the habitat of threatened animal or plant species, in addition to precisely defined natural sites or natural areas, including those found in the deep sea, and oceans, such as coral reefs, are protected under convention concerning the Protection of the World Cultural and Natural Heritage of 1972[14]

C) The temporal dimension of classification of underwater cultural heritage:

One of the most important conditions set by the drafters of the UNESCO Convention on the Protection of the Underwater Cultural Heritage of 2001 is that the components of the underwater cultural heritage must have been in existence for one hundred years. This criterion was reached after difficult negotiations in order to adopt the aforementioned UNESCO Convention, within which some countries such as the United States of America and the United Kingdom decided to adopt a narrow definition of this type of cultural heritage, as they proposed limiting the concept of cultural heritage to basic or significant assets. This position has been justified by the enormous financial resources that are supposed to be employed to protect all components of the underwater cultural heritage for a period of more than 100 years, as well as the financial capabilities required for the research being conducted, and the expertise required by the latter. From their point of view, it is impossible for any country, regardless of the size of its capabilities or the extent of its development, to bear this type of commitment, and therefore it would be advisable to direct these resources towards a limited group of sites of exceptional importance, while another group of countries defended to protect all sites and components of underwater cultural heritage that have been underwater for more than a hundred years**15**.

The "temporal dimension" criterion is criticized on more than one occasion, as the application of this criterion excludes from the protection provided by the convention archaeological monuments and other properties dating back, for example, to the period of World War II, which are no less important than those for which the period during which they were submerged under water exceeds a hundred years, as specialists in the field of cultural heritage protection point out**16**, even if the property remains submerged in water for more than a hundred years, if the local authorities of the country in whose territory the property is located do not estimate that it has a cultural, historical, or archaeological character, it will not enjoys the protection programmed into the international convention, so it was appropriate for the members of the international community participating in drafting the relevant legal texts to exclude the term "character", and use the term "value", "importance", which is more appropriate in this regard**17**.

D) The cultural, historical or archaeological character of underwater cultural heritage:

It represents one of the basic criteria for classification, and this condition allows the concerned authorities a sufficient degree of flexibility, and flexibility in interpreting the relevant legal texts, and even more so in applying them or not, within the limits of the legal interpretation of the convention, and in other words, interpreting it in good faith. However, the wording of the first article above is characterized by flexibility and an expansive nature that makes determining the meaning of its elements very difficult. For example, the phrase "archaeological character" includes a meaning that cannot in any case be precisely determined, and consequently opens the way for those conducting the evaluation process, and classification in the implementation of their whims, far from the duty of objectivity that is supposed to restrict the activity of any expert in various fields of specialization.

Moreover, the underwater cultural heritage cannot be limited to properties of a cultural, historical, or archaeological nature. Rather, some emphasize the possibility of the property having a moral bond with the people to which it belongs without having any of the three characteristics mentioned above**18.**

Section II: Measures to protect underwater cultural heritage:

In view of the importance of underwater cultural heritage, members of the international community have worked to provide it with adequate legal protection from the various types of risks that threaten it, whether human or natural. Indeed, the various authorities concerned with protecting the underwater cultural heritage point out that the latter has become exposed to many risks that threaten its existence due to the extreme importance it entails. In this regard, looting operations are referred to by private individuals who explore the depths of the sea in search of submerged treasures under the water, whether on the marine docks or on ships that sank in those waters, also referred to environmental pollution affecting the seas that directly affected the integrity of this heritage.

The approaches adopted by countries to confront these risks and thus best preserve underwater cultural heritage have varied, by making the protection of this kind of cultural heritage an obligation on States **(3.1)** or by adopting different preventive and deterrent measures to guarantee its safety **(3.2)**.

A) Protecting cultural heritage as an obligation of members of the international community:

There is no doubt that protecting the various components of cultural heritage has imposed itself in the international arena as one of the most important priorities on the agenda of members of the international community as it is related to preserving their identity and protecting it from extinction in order to ensure its continuity and transmission to future generations, in light of the multiple sources of imminent threats. Cultural heritage in general, and underwater cultural heritage in particular, as derived from the preamble to the Convention for the Protection of the Underwater Cultural Heritage of 2001, whose drafters recognized: "the importance of underwater cultural heritage as an integral part of the cultural heritage of humanity and a particularly important element in the history of peoples, nations, and their relations with each other concerning their common heritage"19,They also explained that this interest emerged as a result of the public becoming aware of the true value of this type of cultural heritage20 as a result of the qualitative leap made by people in the field of research, education, and media21, which shed light on the features and nature of this concept, and even the threats that are facing by this type of cultural heritage because of the developments that the world has achieved in recent years in the industrial and technological field, specifically as a result of unlicensed activities that target it22, or the potential negative effects of some legitimate activities that could affect it in an accidental way23, or even the increasing commercial exploitation of this type of cultural heritage from buying, or selling, or bartering24 in light of the ease of discovering submerged artifacts through the use of a number of techniques and technological means25.

On the practical level, activists in the field of protecting underwater cultural heritage note the wide range of practices that negatively affect the latter, despite their simplicity and the democratization of their practice in daily life. It highlights, for example, the movement of fishing vessels that dredge thousands of kilometers of the seabed during their travel, which leads to the destruction of the cultural heritage existing in those areas, as a result of the use of trawl nets, which have proven to have long-term negative consequences on the seabed environment and marine life, as well as in the same context, it sheds light on deep-sea excavation operations that, in one way or another, affect the various components of cultural heritage located at the bottom of the sea through the use of machines that do not take into account their fragile nature. Moreover, some components of underwater cultural heritage represent a threat to this type of cultural heritage, and even to the marine environment itself, and fingers are pointed at the wrecks of aircraft and sea ships whose tanks contain tons of oil that gradually leak into the sea, in addition to the bombs it was carrying, which did not explode, and which still pose a danger to marine life, ships passing in the area, and divers present in these areas26.

Based on what was mentioned above, and given the challenges represented by the protection of components of underwater cultural heritage, it was not surprising that members of the international community made this task a "responsibility" that falls on all States within the framework of the Convention for the Protection of the Underwater Cultural Heritage of 200127.

However, the term "responsible" is general in nature, in contrast to the position maintained by the countries participating in the adoption of the United Nations Convention on the Law of the Sea of 1982, who emphasized its formulation by using the term "duty" within the framework of Article 303 paragraph (1), in which it was stated the following: "States have the duty to protect objects of an archaeological and historical nature found at sea and shall cooperate for this purpose"28, Therefore, they unanimously agreed that this task represents an obligation that falls on States in a way that the wording of Article 303 paragraph (1) suggests, which came in the form of a binding rule that may not be violated or agreed to violate.

Given the magnitude of the challenge represented by the protection of underwater cultural heritage, this obligation is not limited to each individual country, but rather a shared obligation among the various members of the international community concerned with this task, as suggested by the repeated reference to this issue, starting with the United Nations Convention on the Law The Seas Law of 1982, which makes international cooperation the most appropriate way to protect the components of underwater cultural heritage, while the drafters of the 2001 convention above detail the intended aspects of cooperation in order to protect the underwater cultural heritage; they point out that this cooperation involves the interaction of the various components of the international community and civil society, whether States and international organizations for the former, scientific institutions and professional organizations, archaeologists, divers, other concerned parties and the general public. The cooperation of these parties at the local and international levels would provide complementary protection for the underwater cultural heritage29.

However, these parties will refrain from undertaking any initiative if they do not unify the standards that it is relied upon in the exploration and excavation of underwater cultural heritage, as it requires effective protection of the components of this heritage through the provision and application of special scientific methods and the use of appropriate techniques and equipments, in addition to the availability of a high degree of professional specialization among those responsible for the protection process30.Cooperation between various persons of international law in this field can be embodied by concluding conventions that would remove obstacles related to the sovereignty of the countries concerned, which hinder the activity of the authorities competent to protect the underwater cultural heritage31.

B) Preventive and deterrent measures adopted internationally to protect underwater cultural heritage:

Members of the international community have implemented a number of legal measures within the framework of the Convention for the Protection of the Underwater Cultural Heritage of 2001 in order to combat practices that are harmful to the integrity of the components of the underwater cultural heritage. In this part of the study, we present the most important of them as follows:

1-Measures related to ship salvage:

Salvage is defined as the rescue provided to the ship at sea or its cargo, all or both, in whole or in part, from an imminent maritime danger, or the recovery of this property from danger or actual loss, as is the case in incidents of ship sinking or its seizure[32]. It is also defined as offering a hand of assistance to a sea vessel in danger of being lost[33].

The application of the salvage law to shipwrecks of historical importance has been a controversial issue for a long time, as submerged sites and shipwrecks have captured the attention of multiple parties around the world not only for their cultural importance, but also for their financial value, and they still do today. It is noted that the ownership of sunken shipwrecks is still a matter of controversy, and this is explained on the ground by the multiplicity of laws enacted by

countries at the local level in order to control deep-sea exploration operations under the pretext of protecting underwater cultural heritage[34], while they tried to deal with this issue in international law, specifically in 2001 Convention on the Protection of underwater culture Heritagewithin the framework of Article 4 thereof, which states the following: "Any activity relating to underwater cultural heritage to which this Convention applies shall not be subject to the law of salvage or law of finds, unless it:

(a) is authorized by the competent authorities, and

(b) is in full conformity with this Convention, and

(c) ensures that any recovery of the underwater cultural heritage achieves its maximum protection"[35].

It appears from the text of article 4 above that maritime salvage is not carried out, and does not apply to historical shipwrecks located in the maritime territory of any country unless the above three conditions are met, provided that the first condition represents the main obstacle to any salvage operation, as it depends on its implementation or not. The discretionary authority of the administration authorized to preserve and protect the cultural heritage is the latter, which takes into account the extent to which the rescue operation is compatible with the endeavor to preserve and protect the underwater cultural heritage, and that those responsible for it aim to implement the marine rescue operation, without exceeding that for any condition or another commercial exploitation[36].

2-Prohibition of commercial exploitation of underwater cultural heritage:

One of the most important risks facing underwater cultural heritage is its commercial exploitation after it is recovered from the depths of the sea, where it is sold for example. This issue has received the lion's share of the measures aimed at protecting this type of cultural heritage, and it was referred to in various places in the Convention for the Protection of the Underwater Cultural Heritage of 2001, starting with the principles and objectives of the international convention, which was stated in the text of its article 2 paragraph (7) the following: "7.

Underwater cultural heritage shall not be commercially exploited"[37],passing through the measures included in the strategy of the countries participating in the adoption of the International Convention for the Protection of Underwater Cultural Heritage, which are mainly related to the commitment of the States Parties to adopt all necessary initiatives in order to prevent the entry of pieces of this type of cultural heritage that are illegally exported and/or recovered into their territory or trafficked, or its possession, in addition to preventing the use of its lands, ports, facilities and structures under its jurisdiction or special authority to support any such activity[38], in addition to the States Parties adopting all preventive and deterrent measures to ensure that their citizens and ships flying their flag are prevented from undertaking this type of activity[39], and arriving to the annex to the international convention concerning the: "Rules for activities targeting underwater heritage"; whereas the general rule is that the commercial exploitation of underwater cultural heritage for the purposes of trade or speculation, or its dispersion so that it is impossible to recover it, is fundamentally inconsistent with the protection of this type of cultural heritage and the management of its affairs. It is also prohibited to trade in the components of this cultural heritage, or to sell, or buy, or barter with it as a commercial commodity[40].

As an exception to this general rule, we point out the possibility of providing the necessary professional archaeological services or related services, provided that they are carried out in the context of a license from the competent authorities and in a manner consistent with the nature and purpose of the international convention. This also does not prevent the deposit of pieces of this type of cultural heritage during one of the projects. The research is provided that it does not negatively affect the scientific importance or convention of these pieces or their integrity, and does not lead to their dispersal such that it is impossible to collect them later[41].

3-Imposing sanctions on entities involved in practices harmful to underwater cultural heritage:

One of the most important points made by the countries participating in the preparation of the Convention on the Protection of Underwater Cultural Heritage of 2001 is the urgent need to adopt an integrated legal system in order to protect this type of cultural heritage, while updating it continuously in order to keep pace with the developments it is witnessing, whether in order to confront criminal practices, and new developments affecting it, or progress in technologies for protecting underwater cultural heritage[42].

In this regard, the States Parties to the Convention adhered to the principle of respecting the sovereignty of States by abstaining from specifying the penalties that would be applicable in the event of committing one of the practices referred to above, and left that to the discretion of the local authorities in each country, the latter of whom were obligated to impose sanctions proportionate to violations committed[43]. This convention and its implementation guarantee the prevention of similar violations in the future[44].Finally, States Parties shall work to ensure the implementation of the sanctions imposed[45], in particular through cooperation in information's share, and field operations.

Conclusion:

It appears from what was mentioned above that the protection of underwater cultural heritage represents one of the most important challenges that members of the international community have had to address in recent years, due to its special nature, as it is embodied on the ground in cultural properties that have been submerged under tons of water in the deep sea for hundreds of years, and this is what makes reaching it very difficult, as it was not impossible due to the advanced capabilities and machines required by this endeavor that allow it to withstand the pressure found in the depths of the seas, and gain access to property located on the ship, for example, or in sea caves, or any other places submerged in water.

The difficulties faced in protecting underwater cultural heritage are not limited to technical or scientific difficulties, but also extend to natural difficulties related primarily to water pollution, which has a direct impact on the existence of underwater cultural property, and even climate change, which has resulted in a rise in temperature of sea waters, which reflects on the condition of these cultural properties, and reconsiders the issue of their conservation.

Despite the efforts made at the legal level to protect this type of cultural property, the issue of its limitations has been raised, and its effectiveness depend on the extent of the existence of a real political will on the part of States to implement measures related to the protection of underwater cultural heritage, the latter of which requires as we mentioned previously, employing huge capital that countries often refrain from paying.

The study allowed us to come up with a set of results, perhaps the most important of which are:

- Underwater cultural heritage represents one of the most important components of the cultural heritage that humanity abounds with, and the most complex among its components in terms of the difficulty of protecting it due to the difficulty of accessing its various components located in the depths of the sea, which in turn requires employing huge capabilities in order to reach them.
- Members of international community required certain conditions for this type of cultural heritage in order for it to obtain the legal protection normally prescribed which is represented by the time condition that revolves around the period of its remaining submerged in water exceeding one hundred years. This condition has raised the ire of a number of specialists in this field due to its selective nature which excludes a number of valuable cultural properties that have been submerged in water for less than a hundred years, and are no less important than the first category.
- Members of the international community have attached great importance to the protection of underwater cultural heritage in the various conventions they have enacted in this field. However, in terms of their effectiveness, they remain dependent on the extent of the political will of their member States to apply and implement this protection.

Through the completed study, we were able to uncover a number of legal voids, and in order to fill them, we recommend the following:

- The need to raise awareness of world public opinion about the necessity of protecting underwater cultural heritage through conferences, forums and seminars organized under the supervision of the United Nations, in which countries are invited to ratify the relevant international conventions;
- Marine pollution represents one of the most important sources of threats to the safety of underwater cultural heritage. Therefore, it was necessary for countries to ensure the implementation of international conventions related to protecting the marine environment, especially those related to combating climate change, as is the case with the Paris agreement on climate change;
- The necessity of forming an international cell for the protection of underwater cultural heritage, which receives special funding and whose activities are supervised by the United Nations, and in which expertise is employed from all over the countries, to be gathered in order to preserve the components of the underwater cultural heritage.

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