

Sarah Dromgoole, *Underwater Cultural Heritage and International Law* (Cambridge: CUP), 2013, ISBN 978-0-521-84231-0, hardbound, £75.00/US\$120.00, pp. [xxxii] + 400 inc. index

This book is an excellent treatise by one of the most prolific writers in the field of international law regarding underwater cultural heritage. It has joined the works of Dr. Anastasia Strati and Patrick O’Keefe on my bookshelf of helpful resources that I use in my work in this challenging field of law. The law pertaining to underwater cultural heritage is relatively new and involves a weave of domestic and international law, including the law of the sea, maritime law, property law, sovereign immunity, historic preservation law and the standards and practices of archaeology. It also involves issues of admiralty jurisdiction, as well as the jurisdiction of coastal states and flag states. Professor Dromgoole untangles all of this to help the reader understand the law and controversies regarding the protection of Underwater Cultural Heritage (UCH) particularly in the context of the 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage (2001 UNESCO Convention)¹ and its relationship with the 1982 UN Convention of the Law of the Sea.² She has explained it in a way that is helpful not only to legal academics but also to attorneys, archaeologists, historians, salvors, students and the general public.

Professor Dromgoole is a leading expert in the field of international law regarding UCH. She has been studying maritime law since her days as an undergraduate and research assistant at the University of Southampton in the 1980s. In 1990 she took up a lectureship at the University of Leicester and was awarded her PHD in 1993 (by the University of Southampton). She subsequently took up a Chair in Maritime Law at the University of Nottingham in 2007. Professor Dromgoole’s research over the years has been focused primarily on legal protection of the underwater cultural heritage. She has published thirty-seven articles in this field, on both domestic and international law aspects, and her work has been widely cited. Of particular note are her edited collections of national perspectives on the underwater cultural heritage, published in 1999 and 2006. This monograph on the international law on UCH is the result of pulling together all that work and a lot of new research that was completed with the aid of a Leverhulme Research Fellowship (2009-10).

The central themes are the issues that provided the UNESCO negotiators with their greatest challenges: the question of ownership rights in sunken vessels and cargoes; sovereign immunity and sunken warships; the application of salvage law; the ethics of commercial exploitation; and, most crucially, the question of jurisdictional competence to regulate activities beyond territorial sea limits

Professor Dromgoole takes us through a thoughtful balanced analysis of all of the laws, issues and controversies, including “creeping jurisdiction” and treatment of sovereign immune

¹ United Nations Education Science Cultural Organization Convention on the Protection of Underwater Cultural Heritage, Paris, November 2, 2001. 41 I.L.M. 40.

² United Nations Convention on the Law of the Sea (1982) 1833 UNTS 3

UCH in certain waters that were of great concern to the United States, the United Kingdom, France and other major maritime powers. In the final reflections she notes that now, after more than a decade has passed since the completion of the 2001 UNESCO Convention, there appear to be important movements demonstrating that the treaty is consistent with the Law of the Sea, including the practices of parties like Spain and non-parties like the United States. In particular, Professor Dromgoole notes how France ratified the 2001 UNESCO Convention on 7 February 2013, indicating that France's concerns about "creeping jurisdiction" and treatment of sunken warships in the territorial sea have been addressed.

Finally, while I am sure the book will become an important reference tool for those working in the field of underwater cultural heritage law, I am hopeful that it will also be used by those working in the field of the law of the sea in general and natural heritage in particular. There are numerous publications on the law of the sea that give little or no attention to the law regarding underwater cultural heritage. In the United States, laws protecting our cultural heritage such as the Antiquities Act of 1906 were enacted long before the establishment of environmental laws of the 1960s and 1970s to protect our natural heritage. So it appears that the 2001 UNESCO Convention is protecting our cultural heritage while there are still gaps in protecting our natural heritage in the high seas and Area (corresponding seabed) that are beyond national jurisdiction. As this book does such a good job on the issues of jurisdiction under the law of the sea in protecting cultural heritage, it may also be a valuable resource for those working on the law of the sea issues in protecting our natural heritage, including those beyond national jurisdiction.

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³ This review has been written in the author's personal capacity and does not necessarily reflect the views of the National Oceanic and Atmospheric Administration, the Department of Commerce or the US Government.