

PROTECTING AND PRESERVING THE UNDERWATER CULTURAL HERITAGE IN THE PHILIPPINES:

A BACKGROUND PAPER

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Abstract

The archipelagic nature of the Philippines and its strategic maritime location in the South China Sea gives an indication of the country's significant underwater cultural heritage. Indigenous and foreign watercraft dating from the 3rd century C.E. has been discovered, excavated, exhibited and published by the National Museum of the Philippines and in collaboration with local and foreign research entities.

However, the management and protection of this cultural heritage is far from perfect. Inadequate financial support from the government, weak legislation and enforcement and lack of qualified personnel are cited as some of the reasons. This is coupled with the ever active threat of pillage and destruction from treasure hunters, illegal fishing methods and the dive tourism industry. As such, the National Museum's role as the leading government agency tasked with the conduct and management of the country's underwater cultural heritage and the advance of underwater archaeology to an academic practice remains a challenge.

The introduction of the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage in the Asia-Pacific Region through the Regional Workshop in Hong Kong in 2003 with the aim of ratification has been an uphill battle, with Cambodia the only country to ratify the said convention in the Southeast Asian region thus far. This paper examines the impact of the 2001 Convention in the Philippines and examines the prospects for its ratification.

INTRODUCTION

The Philippines is an archipelago composed of approximately 7,107 islands, with a coastline of 36,289 kilometers, the fifth longest coastline in the world and surrounded by large bodies of water; the West Philippine Sea (South China Sea) on the west, the Philippine Sea that stretches to the Pacific Ocean on the east, the Sulu Sea on the southwest and the Celebes Sea on the south. There are 31 principal river basins and over 50 lakes scattered all over the archipelago (Cuevas *et al.* 2004). Considering the distribution of different land masses over vast waterways that have been utilized as a source of livelihood, migration, exchange, trade and other maritime cultural activities, it is unsurprising that the country has a rich underwater cultural heritage.

Archaeological excavations inside Callao Cave in Peñablanca, Cagayan Valley, Northern Luzon unearthed the earliest human evidence dated to 67,000 years ago (Mijares *et al.* 2010). During the Neolithic period, after about the 4th

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millennium BCE (Before Common Era), Austronesian speaking people began occupying the Philippines bringing with them material culture consisting of pottery and stone artefacts (Bellwood 1997; Solheim 1994-95).

The oldest archaeological evidence of indigenous watercraft in the Philippines are wooden lashed-lug, planked-boats termed *balangay* that was excavated in Butuan, northeastern Mindanao in the late 1970s (Scott 1982; Ronquillo 1989). Radiocarbon dates from one of the boats yielded a date between 260 to 550 CE (Common Era) while a similar vessel gave a date of 1270 to 1410 CE after calibration. The earlier radiocarbon date is purported to be unreliable, but further tests have yet to be conducted to validate or disprove this. Analysis of the boat building technology identified the Butuan boats as used for transporting people and goods over short-distance, inter-island travel that did not venture from the coast. By the 9th century, the Belitung shipwreck (Flecker 2000; Flecker 2001; Guy 2001-2002) excavated off Indonesia showed the development of maritime trade between Arab, Indian and Persian states with China. The West Philippine Sea used as a maritime highway along which they may have utilized the Philippines as a vidual stop and a site for low level trade and exchange. The 10th century Chinese texts, specifically the official Sung History for the year 972 CE, mentioned trade relations with Ma-i, thought to be located in the present day Mindoro Island in southwest of the archipelago. Tribute bearing missions from Luzon and Butuan journeyed to China less than a hundred years later (Scott 1984). Chinese and Southeast Asian shipwrecks have been located in Philippine waters beginning with the 13th century CE until the early 16th century CE, indicating the participation of the Philippines in the regional Southeast Asian maritime trade network prior to the advent of the Europeans.

The arrival of a Spanish expedition led by Portuguese captain Ferdinand Magellan in 1521 CE ushered in the colonial period and the fabled galleon trade that lasted 250 years (1565 – 1815 CE). During this period, indigenous watercraft and foreign ocean-sailing commercial vessels carried spices, forest and sea products, textiles and ceramics from all over the Philippine archipelago, China, Japan and other Southeast Asian countries to Manila and then brought these to Acapulco in Mexico, the entry point for the transshipment of goods for Spain via the *naos de china* or the 'Manila Galleons'. In exchange, the galleons' return voyage primarily carried silver metal mined from South America that was in high demand in China and Southeast Asia as currency (Schurtz 1985).

The post galleon trade era during the 19th century saw the rise of Philippine exports such as sugar, abaca, tobacco and coffee that accounted for about 90 percent of the total export volume during that period (Legarda 1999). The commercial role of colonial Spain diminished and was replaced by trading partners such as Great Britain, the United States of America and China. This continued until the Philippine revolution in the last years of the 19th century.

During the Second World War, the Philippines became the site of numerous naval engagements between the United States of America and Japan that resulted in huge loss of life and ships. To date, hundreds of World War II shipwrecks are scattered all over the Philippines.

HISTORY OF UCH MANAGEMENT

Although the country's Underwater Cultural Heritage (UCH) consists of varied material deposits from diverse sites such as an underwater cemetery in Camiguin, stone boat-shaped burials in Batanes (Dizon *et al.* 1995-1997) and reported submerged habitation sites and structures, research and management of UCH have been largely confined to shipwrecks.

The earliest recorded shipwreck investigation occurred in 1967 at Santo Domingo, Albay in southeast Luzon (Lopez 1967), and then again in the 1970s (Conese 1989), but these early forays were purely salvage efforts unsupervised by qualified personnel or institution. In an effort to preserve and protect the country's cultural properties, the Philippine government formulated Republic Act (RA) 4846, *Cultural Properties Preservation and Protection Act*, passed on June 18 1966. It was later amended by Presidential Decree (PD) 374, *Amending Certain Sections of Republic Act No. 4846, Otherwise Known as the 'Cultural Properties Preservation and Protection Act'* on January 10 1974. The National Museum was appointed as the lead government agency in implementing the provisions of these laws, including archaeological research and management.

The Underwater Archaeology Unit (UAU) was created in 1979 with support from the Southeast Asian Minister of Education Organization Special Projects in Archaeology and the Fine Arts (SEAMEO-SPAFA) (Ronquillo 1989). In the absence of an underwater archaeologist or a diving archaeologist, UAU was staffed with people from other disciplines such as zoology and engineering with scuba diving skills. The practice of collaborating with private entities that could financially support exploration and excavation projects in exchange for a share of recovered materials started, reflecting the fact that the government could not provide funds for fieldwork and stop the rising incidence of shipwreck looting.

The bases for such collaborative agreements between the National Museum and private proponents were stated in the Underwater Archaeology Policy Guideline. Contained in the guidelines were the rules and regulations for the issuance of permits for parties who wished to engage in underwater archaeological activities within the archipelago's maritime territory, as well as establish guidelines on the methodology of survey, exploration, excavation and post excavation activities that should be strictly adhered to. These guidelines have been improved and expanded to its present form as the Rules and Regulations for Underwater Archaeology in Exploration and Excavation in Philippine Waters. Appended in the rules and regulations is a Memorandum of Agreement (MOA) that serves as the binding legal instrument between the National Museum and the proponent.

The first project of the UAU was the excavation of the 16th century Marinduque³ shipwreck in 1982 (Conese *et al.* 1981; Alba 1999). This was followed by survey and exploration projects around the country and the

³ The shipwrecks listed in this text that have not been identified have adopted titles based on nearby place-names and so are not italicized. Italics indicate known ship names.

excavations of the following: Puerto Galera wreck in Mindoro in 1983 and 1989 (Conese 1983; Conese 1989; Alba 1984; Ronquillo 1998); the Royal Captain Junk, a 16th century Asian trade vessel in 1985, (Goddio and Jay 1988; Ronquillo 1998); the British East Indiaman *Griffin* (1761) that sunk off Basilan Island from 1985 – 87 (Goddio and Jay 1988); the *Nuestra Señora de la Vida* (1620) that sunk off Isla Verde, Mindoro from 1985 - 88 (Conese 1989); and the *San Jose* galleon (1694) that sunk off Lubang Island Mindoro from 1986 – 88 (Sorapora and Michael 1987; Cuevas 1988; Conese 1989; Ronquillo 1998).

In 1988, UAU was renamed the Underwater Archaeology Section (UAS), headed by archaeologist Eusebio Z. Dizon. UAS members participated in advanced underwater archaeology training in Thailand (Conese 1989). Fittingly, the primary project of UAS was the re-investigation of the Marinduque shipwreck in 1989 (Henson 1989; Alba 1990). The objective was to improve excavation and recording methodology and undertake first-aid conservation treatment of recovered archaeological specimens.

The 1990s was considered the 'peak' of Philippine underwater archaeology following the excavation of a number of important shipwrecks and the creation of a university program in archaeology:

- in 1990 and 1991 The Breaker Reef (Dupoizat 1994) and Investigator Shoal shipwrecks (Goddio 1997; Dizon 2003), both dated to the 13th century;
- in 1991 and 1992 the *San Diego* (Goddio 1996), a *nao* that was converted into a warship that sunk on December 14, 1600 during the naval engagement with the Dutch ship *Mauritius* off Nasugbu Island in Batangas;
- in 1993 the mid-15th century Pandanan shipwreck, a trade vessel that contained more than 70% of Vietnamese ceramics (Diem 1996; Dizon 1996);
- in 1996 the San Isidro, a 16th century trade vessel (Goddio 1997a);
- and in 1997 the Lena Shoal shipwreck, another trade vessel (Goddio 2002; Orillaneda 2003);
- in 1996 the creation of the Archaeological Studies Program at the University of the Philippines (UP-ASP) at Diliman, Quezon City that offers a diploma and masters program in archaeology (Barretto 1997). *This is of particular importance because this marked the entry of university-trained archaeologists into underwater archaeology.*
- In 1999 two vessels were excavated: *Royal Captain*, a British East Indiaman vessel that sunk in the Royal Captain Shoal, West Philippine Sea in 1773 (Goddio *et al.* 2001); and the *Española* underwater site where Chinese and Southeast Asian ceramics along with metal, wood and animal bones were recovered but the ship itself was not found (Dizon *et al.* 2000; Orillaneda 2000; Orillaneda 2004).
- At the turn of the century, the first major project during this period was the excavation of the late 15th – early 16th century Santa Cruz shipwreck. Revealed to be a trading vessel that carried mostly porcelain and

stoneware ceramics from China, Thailand, Vietnam and Myanmar that was excavated off Santa Cruz municipality, Zambales.

- The last major project, thus far, was the excavation of the Tagbita Bay shipwreck, a late 19th century European vessel discovered off the shores of Sitio Tagbita, Barangay Taburi, Rizal Municipality, southwestern Palawan from 2003 – 07 (Santiago 2003; Santiago *et al.* 2006; Orillaneda 2007).

There were other non-shipwreck projects that occurred during this period: the investigation of reported submerged stone ruins of former towns of Batangas Province beneath the waters of Lake Taal (Lacsina and Faylona 2002) and the investigation of a deep underwater cave site in Mactan Island, Cebu in March 2005 (Batoon and Lacsina 2005) and its subsequent mapping and excavation in May 2011 in collaboration with archaeologist John Peterson. Despite the difficulty in collecting sediment samples in a relatively deep underwater environment, an adequate number of sediment, core and rock samples were taken and sent to a laboratory for dating and environmental analysis and studies (Lacsina and Orillaneda 2011).

The new UAS staff also underwent training to further enhance their understanding and skill in underwater archaeology. In January 2003, the primary author of this paper and Sheldon Clyde Jago-on, another National Museum archaeologist, attended an underwater training workshop on “Archaeology: Principles and Practice” sponsored by SEAMEO-SPAFA in Chonburi Province, Thailand.

In September 2009, a workshop on underwater archaeological artefact collections and management was held in Manila as part of the Collections Asia (COLLASIA) 2010 initiative (Lacsina and Orillaneda 2010). Sponsored by SEAMEO-SPAFA and the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCRUM), with funding from the Getty Institute, COLLASIA’s aim was to address specific challenges facing Southeast Asian countries in managing and conserving their rich and diverse heritage collections originating from underwater archaeological sites. One of the objectives of the workshop was the upgrade of storage facilities.

LEGAL PROTECTION OF UNDERWATER CULTURAL HERITAGE IN THE PHILIPPINES

Republic Act (RA) 4846 and Presidential Decree (PD) 374 recognize the importance of the Philippines’ cultural heritage as well the threats it faces from illegal excavations and cultural property commercialization. Section 2 of both laws states that, “It is hereby declared to be the policy of the state to preserve and protect the important cultural properties and National Cultural Treasures of the nation and to safeguard their intrinsic value.” Under Section 3, “ships or boats in part or in whole,” are part of the definition of cultural properties. Section 4 designates the National Museum as, “the agency of the government which shall implement the provisions of the Act.” Part of Section 12 of both laws states that:

It shall be unlawful to explore, excavate or make diggings on archaeological or historical sites for the purpose of obtaining materials of cultural historical value without the prior written authority from the Director of the National Museum. No excavation or diggings shall be permitted without the supervision of an archaeologist certified as such by the Director of the National Museum, or of such other person who, in the opinion of the Director, is competent to supervise the work, and who shall, upon completion of the project, deposit with the Museum a catalogue of all the materials found thereon, and a description of the archaeological context in accordance with accepted archaeological practices.

Also contained are the penal provisions for violations of the law.

Republic Act 8492, the *National Museum Act of 1998*, defines the role of the National Museum in the cultural development of the Filipino people. Section 4 establishes the National Museum Complex that included the Executive House Building, the Department of Tourism Building and the Finance Building. Section 7 defines the duties and responsibilities of the National Museum. Sections 7.8 through 7.9 emphasizes in the definition of archaeology to include research through controlled archaeological excavations on land and underwater, monitoring and regulation of archaeological activities and the collection of a national archaeological collection. Sections 7.15 through 7.23 mention information, dissemination and exhibition activities as well as establishing linkages with similar institutions to promote Philippine culture.

The Cultural Properties Division (CPD) of the National Museum implements laws on the protection of the Philippine cultural heritage and conducts information dissemination activities throughout the country. To further strengthen the implementation of its mandate, the National Museum coordinates with other Philippine government agencies such as the Philippine Navy, Philippine Coast Guard, the Department of Environment and Natural Resources and Local Government Units (LGUs) that could be tapped for policing, monitoring and management purposes. The National Museum is also a member of the National Law Enforcement Coordinating Committee (NALECC), Sub-Committee on Environment and Natural Resources, composed of directors of concerned government agencies. This is a venue for discussing environmental and cultural concerns at the senior level for immediate action.

The latest legislation related to UCH is Republic Act 10066, the *National Cultural Heritage Act of 2009*, this was approved on March 26, 2010. Article III Section 11 is a very important amendment to the previous laws since it states:

No cultural property shall be sold, resold, or taken out of the country without first securing a clearance from the cultural agency concerned. In case the property shall be taken out of the country, it shall solely be for the purpose of scientific scrutiny.

Article VI Section 23d further strengthens the previous section:

The grant of permit export shall be based on the following conditions: (i) the cultural property is exported on a temporary basis; and (ii) the export of cultural property is necessary for scientific scrutiny or exhibit.

These provisions led to modified policies embodied in the National Museum Office Order 2011-108 entitled Guidelines Governing Categorization and Dealings of Archaeological and Traditional Ethnographic Materials. Section 5 of the Office Order categorizes archaeological and traditional ethnographic materials and assigns 'grades' based on levels of significance with the aim to, "rationalize the system of categorization," and, "provide appropriate guidelines for dealings of cultural property and disposition," while protecting the interest of the cultural heritage of the Filipino people. Grade I materials are National Cultural Treasures with the highest significance, Grade II are Important Cultural Properties while Grade III are Cultural Properties. The National Museum defines the criteria for the categorization. Article III Section 11 and Article VI Section 23d of RA 10066 are applicable to Grades I and II, while Grade III materials may be taken out of the country with the Permit to Export issued by the National Museum. These provisions aim to limit parties who wish to engage in archaeological projects with commercial intentions.

Section 29 empowers the National Museum to, "recover or retrieve cultural properties which are under the custody of foreign nationals or entities and to bring these properties back to Philippine custody". Section 30, much like the RA 4846 and PD 374, assigns the National Museum to, "regulate and control archaeological exploration, excavation and research and to deputize other agencies to protect archaeological sites".

THE UNESCO 2001 CONVENTION on the Protection of Underwater Cultural Heritage (2001 Convention)

On the international level, the Philippines, along with other countries, has actively participated in drafting an international treaty that deals with the protection of UCH. This effort began in 1993 and was spearheaded by the United Nations Educational, Scientific and Cultural Organization (UNESCO). This culminated in the *2001 UNESCO General Convention* that aimed to write a comprehensive framework of rules for the protection of the UCH. In the Asia-Pacific Workshop in Hong Kong in November 2003, a Philippine delegation was sent composed of Alberto Encomienda, then Secretary General of the Maritime and Oceans Affairs of the Department of Foreign Affairs, UAS Head Dr. Eusebio Z. Dizon, Maharlika Cuevas, Deputy Director for Operations of the National Museum of the Philippines as well as Attorneys Rose Beatrix Cruz-Angeles and Wylie Paler, ICOMOS representatives. Another UNESCO Experts Meeting on the Protection of Underwater Cultural Heritage held in Galle, Sri Lanka from 9th to 11th April 2007 was attended by Ms. Corazon S. Alvina, then Director of the National Museum. In this meeting the Philippines, through the Museum, made the position of actively preparing for the ratification of the *2001 Convention*. In a recent UNESCO meeting in December 2009, Director Alvina was named as part of the technical working group to examine closely the text and implementation of the *2001 Convention*. In 2010, Dr. Eusebio Z. Dizon was assigned to write on Rule

26 on Documenting a Site, and Rule 27 on Documentation Standards, of the *2001 Convention Annex on the Rules Concerning Activities Directed at Underwater Cultural Heritage*.

One of the main objectives of the Convention is developing heritage professionals through training and research programs. In line with this, UNESCO sponsored three Foundation Courses (October 2009, March 2010 and February 2011) and one Advanced Course (September 2010) in the newly established Regional Training Centre in Chanthaburi, Thailand under the auspices of the Underwater Archaeology Division of Thailand and funded by the Royal Government of Norway (Orillaneda and Lacsina 2010). The training program was entitled Safeguarding the Underwater Cultural Heritage of Asia and the Pacific: Building Regional Capacities to Protect and Manage Underwater Archaeological Sites through the Establishment of a Regional Centre of Excellence Field Training Facility and Programme of Instruction. The Philippines sent five participants to these courses, including the secondary author of this paper who was a participant of the first Foundation Course and who afterwards became a resource speaker on the 2nd and 3rd Foundation Course and assistant dive supervisor during the 3rd Foundation Course.

Thus far, the courses have produced 72 graduates from 17 countries in Southeast Asia, South Asia, Africa, Central Asia and the Pacific. These graduates are expected to advance the goals and objectives of the *2001 Convention* to their respective countries.

The *2001 Convention* provides a comprehensive framework for the protection of UCH and the Philippines recognizes its importance. However, its ratification and implementation in the Philippines remains a difficult task with the following reasons. Firstly, the timeliness of ratification by the Philippine government needs to be considered. This involves not only the National Museum but also the Department of Foreign Affairs, the Office of the President, and the Philippine Senate. Preliminary talks between these agencies have been carried out after the *2001 Convention* but have been put on hold due to what were reported as more pressing matters. The National Museum is currently re-establishing links to stimulate talks on the *2001 Convention*. Secondly, the National Museum does not have adequate resources to carry out underwater archaeology projects on its own. This is a perennial problem for developing countries where funds for cultural research come second to economic priorities. There is also an urgency to protect submerged sites from fishermen and treasure hunters who are discovering and looting sites at an alarming rate⁴.

This increasing incidence of uncontrolled looting has forced the National Museum into a dilemma. On the one hand, letting commercially-motivated individuals and companies destroy everything in the absence of funding or, on the other hand, reach a compromise with private entities that can bear the exploration and excavation costs in exchange for a share of the recovered pieces. The second scenario was adopted because it was deemed more advantageous to the National Museum and the UCH of the Philippines. This

⁴ This is based on numerous reports that the National Museum received but there has not been a specific study regarding numbers of looting activities.

arrangement at least guaranteed that the method of recovery followed archaeological procedures during excavation and post-excavation research contrary to letting aggressive treasure hunters and unaware fishermen destroy underwater sites for economic reasons.

However, with the passing of RA 10066 and the possible adoption of the *2001 Convention* by the Philippines, it is expected that there will be a shift from undertaking joint projects with profit-oriented proponents to collaborative projects with academic institutions and non-profit, research-gearred, agencies and organizations in the management, preservation and protection of UCH. The National Museum would strongly welcome and support such an outcome.

SOME CONCLUDING REMARKS

As shown above, the Philippines possess a rich and significant UCH that has been managed by the National Museum. However, the present framework needs to be improved and the Philippines has taken necessary measures in the form of strengthened legislation and training of personnel to conform to the principles and standards set forth in the *2001 Convention*. However, the adoption of the *2001 Convention* remains challenging. Socio-political and economic problems will continue to influence decision making in undertaking underwater archaeological projects. At this time, no work on shipwreck preservation and protection, management and monitoring has yet been undertaken. There are numerous shipwrecks from the turn of the century to Second World War wrecks that are very vulnerable to looting and other forms of destruction. These submerged cultural resources need to be managed in conjunction with other stakeholders, such as the diving industry and local communities.

There is a need to enhance information dissemination and public awareness through the Internet, television, books, journals, magazine articles and other media in order to reach a wider audience. Some National Museum projects have been televised but not widely or during primetime. More projects that have media coverage can be expected to provoke more public interest.

The scuba diving community is a very important resource that needs to be tapped. In many cases divers possess first-hand information about shipwreck locations and most have the best intentions but not the knowledge of the process of shipwreck research and protection. This group has the most exposure to shipwrecks and can be a very valuable ally against UCH destruction if made more aware of the benefits of the preservation of heritage and if they can be involved in preservation programs.

Finally, as the Philippines and the rest of the world face the challenges and opportunities in the preservation and protection of UCH, it is hoped that this Asia-Pacific Regional Conference on Underwater Cultural Heritage and similar meetings will be instrumental to formulating effective plans, establishing links and forming partnerships that could save this very important, but highly threatened, cultural resource.

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