

# **Shipwreck Policies Throughout Asia: A First-Hand Account**

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## **Introduction**

Every country in Asia has a different policy on how to deal with the discovery and excavation of ancient shipwrecks. Some allow commercial involvement while others strictly forbid it. Some are proactive while others are reactive. Some are effective in recording and preserving this non-renewable cultural resource while others are not. None of the policies are “ideal”. The author has carried out shipwreck survey and/or excavation work in four Asian countries and remains informed on activities in several others. This paper outlines various national policies and highlights their achievements and failings, to the societies they supposedly serve rather than to institutions or salvors.

Commercial involvement here refers specifically to the sale of artefacts recovered from shipwreck sites with the intent to cover costs or to make a profit. A proactive regime would be one in which a government institution would actively search for shipwrecks to excavate (or protect) through archival research (generally for European wrecks), electronic survey (wreck specific or blanket), fishermen interviews (for artefact finds in nets) and the like. A reactive approach revolves around fishermen or sports divers stumbling upon shipwrecks, then either reporting them or more likely getting arrested looting them, before the government decides what to do with the new discovery. In some cases much archaeological information is lost despite the government’s best intentions, whereas in others much information is gained with minimal government participation. It’s a complex business. There is no clear right or wrong, as many would have us believe. Each country must determine the policy that best suits its society and its circumstances. By outlining the varying policies here, it is hoped that policy makers will be made aware of more positive options.

## **Australia**

Not actually part of Asia but within the Indo-Pacific region, Australia perhaps has the longest standing and best defined shipwreck management policy. Rightly or wrongly Australia, or rather Australian institutions, see themselves as a role model and have sought to impose their values on Asian neighbours. Their values are indeed excellent ones, in essence that historical resources belong to society as a whole and should be documented, preserved and displayed, at public expense. The institutions see themselves as custodians of the historical resource. But these fine values cannot be promulgated throughout Asia without taking into account regional circumstances. Funding, political priorities, enforcement capability, cultural awareness and education all differ markedly from country to country.

Australia has done excellent work over the past four decades and now boasts several world class maritime museums. All historical wrecks and their contents belong to the government and nothing at all can be sold. The wrecks are excavated by well trained and equipped maritime archaeologists, with members of the diving public encouraged to participate through the Nautical Archaeology Society training programme (adapted from the UK model by the Australian Institute of Maritime Archaeology). Sites are protected and laws are enforced. To some extent the public's education and cultural awareness minimises the need for protection, but it only takes one bad egg to destroy an ancient wreck site.

Divers who accidentally discover an old wreck must not disturb it. Furthermore, by law they must report it, and they can be fined for not doing so. While that is the stick there is also a carrot, in that such discoveries may be rewarded by cash and by the opportunity to dive the site with the archaeologists.

The centrepiece of the Australian shipwreck collection must be the four Dutch East India Company (VOC) wrecks that were lost along the Western Australian coast during the 17<sup>th</sup> and 18<sup>th</sup> centuries. It is interesting to note that while the current museum policy is very much proactive, all the VOC wrecks were discovered by recreational divers and some were heavily looted before museum personnel stepped in. The current proactive policy is illustrated by the recent discovery of an early 19<sup>th</sup> century Portuguese wreck off the northwest coast of Australia. The *Correio da Azia* was researched by the museum and efforts were made to locate it. But the extensive area of reefs was too much for the museum budget and a private survey company eventually located the wreck using aerial magnetometer, at their own cost in return for some good publicity.

Many other wrecks have been found and excavated in Australia. In a local context they are of great importance to this young country, a big island totally dependent on shipping throughout its formative years. But compared with the maritime archaeological resource of Asia, the non-VOC wrecks in Australia are of relatively low significance, and none have the commercial value that places many of the shipwrecks in Asia in great peril.

The dearth of important wrecks in Australia may have been a factor in the early involvement in Thailand, and later in Sri Lanka, of a team from the Western Australian Maritime Museum. It is not sheer coincidence that these two countries are among the very few in Asia that totally ban commercial participation in shipwreck excavation projects. It is interesting to see how well they have fared with this policy, and how the other countries have fared without it.

### **Thailand**

A joint Thai-Danish expedition in the late 1970's was a prelude to a Thai-Australian venture that commenced in 1979 and lasted for many years. It incorporated a training course which formed part of the Southeast Asian Ministers of Education Organisation (SEAMO) project in Archaeology and Fine Arts (SPAFA). The course was conducted largely by the Western Australian Maritime Museum, and eventually led to the joint

excavation of three shipwrecks, with the Thai contingent under the auspices of the Thai Fine Arts Department. The Thai Underwater Archaeology Division (TUAD) was then established and they have gone on to independently excavate several more noteworthy wrecks. The Thai Government has backed their go-it-alone policy with all important funding. The TUAD is arguably better equipped with diving gear than Australia, having half a dozen expensive rebreather systems at their disposal. The archaeologists are even trained to use tri-mix gas for deep water excavation. The new maritime museum in Chanthaburi province magnificently displays the work that has already been done, highlighting the prominent role that the Thais played as ceramic manufacturers and shipbuilders from the 14<sup>th</sup> to the 16<sup>th</sup> century when they took up the slack left by China's withdrawal from the export market. The museum also serves as a base for TUAD.

Despite these achievements, the archaeologists still rely exclusively on fortuitously discovered wrecks, which tend to be not so fortuitously looted by the time scientific excavations commence. The looting is carried out by skilled fishermen divers and by sports divers, including those of the so-called deep water technical variety.

There are not so many researchable wrecks in Thailand so a proactive research and electronic survey policy may not achieve a great deal. TUAD does not possess a side-scan sonar or a magnetometer, but they can request assistance from the Department of Minerals and from the Navy if they wish to pinpoint a wreck when fishermen information is imprecise. In the Thai situation, the proactive stance has shifted more towards enlisting the help of fishermen. A reward and education system may well yield more results than punishment for it is difficult to enforce the law when literally thousands of fishing boats disperse across the Gulf of Thailand every day. If the looting could be curtailed and funding assured, Thailand's policy could prove exemplary. But only for Thailand's unique set of circumstances.

### **Sri Lanka**

Ever since 1961, when Arthur C. Clarke and Mike Wilson discovered a wreck off the Great Basses Reef to the southeast of Sri Lanka, the Government has initiated a shipwreck management policy of sorts. Initially it was basically an outright ban on any diving in the Great Basses Reef area as a rather drastic measure to prevent looting. Much later the Western Australian Maritime Museum joined forces with Sri Lankan archaeologists. From 1992 to 1997 they surveyed Galle Harbour which resulted in the discovery of a large number of ancient wreck sites and artefacts. Some preliminary excavation work followed, including the recovery of a number of stone anchors dating back to the 13<sup>th</sup> century. Training was an integral part of the programme.

A largely intact VOC wreck, the *Avondster* of 1659, was found in only a few meters of water close to the shore, an ideal training ground for the Sri Lankans. Unfortunately Australian resources dried up after the 1997 season. In 2001 the Dutch Government stepped in to fund the excavation, with training still high on the agenda. Sri Lanka established the Maritime Archaeological Unit (MAU) with the aim of having a fully trained autonomous team of archaeologists and conservators by the end of the project.

But when will the project end? A preliminary report was published in the *International Journal of Nautical Archaeology*<sup>1</sup> in October 2005 (by Dutch and Australian authors, with only contributions from Sri Lankans). In four years only three trenches have been dug across the hull remains. Of course it is most unfortunate that the tsunami wiped out most of MAU's established facilities, many conserved artefacts, and any opportunity to work during 2005. But what of the rest of the ship? What of the other 25 archaeological sites within Galle Harbour? What of all the other sites throughout Sri Lanka? How are they being protected? How much has been looted? How much has been destroyed by development or erosion or war? There has been no publicity about wrecks being looted in Sri Lanka, but it is hard to believe that they are any less threatened than commercially valuable wrecks elsewhere in Asia.

Proper archaeological work of course takes time, but surely other worthwhile work could take place simultaneously. Compare the achievements here with those of totally independent Thailand over the same period. Unlike Thailand, Sri Lanka does have many commercially valuable European, and hence researchable, wrecks. If MAU had a trained team they could provide the necessary strict supervision of select commercial companies working through joint-ventures to carry out the expensive high risk search for new sites. If they allowed the sale of multi-duplicate artefacts they might be able to afford to excavate the many non-commercial sites in Galle Harbour without foreign assistance. A more proactive stance would not hurt.

### **Vietnam**

The author has been involved in a number of projects in Vietnam: directing the excavation of the c.1690 *Vung Tau Wreck*<sup>2</sup> for another company, carrying out a preliminary excavation of the 15<sup>th</sup> century *Phu Quoc Wreck*<sup>3</sup>, and directing the excavation of the c.1608 *Binh Thuan Wreck*<sup>4</sup> directly. So far only five historic wrecks have been excavated in Vietnam's territorial waters. All have been inadvertently discovered by fishermen during the course of their work, and all have been looted to a greater or lesser degree before coming to the attention of the marine police. The Government has strict laws on the excavation of historic shipwrecks and those caught recovering shipwreck cargoes are punished. Unfortunately the antique dealers that openly sell shipwreck ceramics within Vietnam are not, so there is a ready market for such finds.

Vietnam is not a rich country. There are many forces in favour of maximising national income. But there is also a Ministry of Culture with an inordinate amount of clout, and their aims run counter to profiteering as can be seen in the following example.

In 1997 fishermen discovered a wreck off Ca Mau province in the very south of Vietnam and salvaged many thousands of ceramics before being caught. The Ca Mau Department

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<sup>1</sup> Parthesius, Millar, Jeffery, 2005.

<sup>2</sup> Flecker, 1992.

<sup>3</sup> Blake, Flecker, 1994.

<sup>4</sup> Flecker, 2004

of Fisheries took over and recovered many more before the Ca Mau People's Committee determined that such activities were beyond the operational purview of the Fisheries Department. Eventually the Ministry of Culture, in conjunction with other relevant Ministries, made the decision to archaeologically excavate the wreck at government expense, without any outside assistance, and with no intention of selling any of the cargo to offset costs. The State owned Vietnam Salvage Corporation (Visal) was contracted to provide a vessel, equipment and divers to carry out the field work.

The wreck was officially excavated over two seasons, in 1998 and 1999. Some 60,000 ceramics and an array of artefacts were recovered. The wreck has been dated to the Yongzheng reign of the Qing dynasty (1723-1735) from reign marks on the bases of tea-bowls and dishes. Evidence of bulkhead construction, a cargo of cast-iron cooking pots, and the absence of cannon, imply that the wreck is not European. A single recovered plank incorporating dowel edge-joining strongly suggests that the ship was of Southeast Asian construction.

Unfortunately there are no trained maritime archaeologists in Vietnam. Instead the terrestrial archaeologists from the Ministry of Culture closely supervised the excavation by means of helmet mounted video cameras and voice communications with the divers. They could not dive themselves, and they did not have any background in ship construction. While the divers were experienced in the recovery of shipwreck artefacts, very little was recorded in the way of hull construction detail. This is all the more unfortunate as the *Ca Mau Wreck* may be the first evidence of an ongoing South China Sea Tradition that otherwise mysteriously disappears from the archaeological record around the mid-16<sup>th</sup> century.

Following the excavation the cargo was thoroughly inventoried and studied, with the result a full colour catalogue-style book by the lead archaeologist, Dr. Nguyen Dinh Chien<sup>5</sup>. It is an excellent result for a first time effort. However, the book is missing the chapter on ship construction and origin.

The Ministry of Culture selected all the unique pieces and several fully representative sets of ceramics for ongoing study and museum display in Hanoi, Ca Mau and indeed throughout Vietnam. The remaining ceramics, all multi-duplicates, have been boxed and stored in various warehouses. They have been there for several years. The excavation costs were far higher than envisaged, and the warehouses are not free. The various Ministries, including the Ministry of Culture, have finally realised that the purist archaeological tenant of storing all artefacts indefinitely is untenable and futile in this situation. Negotiations with Sotheby's and Christie's have been going on for some time. The excavation costs at least may soon be recovered.

Not long after the *Ca Mau* project was completed another wreck was discovered by fishermen in Binh Thuan province, further to the north. Again the site was looted before the marine police moved in, but not much. The author had the opportunity to dive on the wreck early in the piece and there were still large numbers of intact ceramics clearly

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<sup>5</sup> Chien, 2002.

visible on the wreck mound, not to mention the many stacks that could be seen after fanning away a thin layer of sediment. The marine police stationed a patrol boat over the site to prevent further looting while the Government decided how best to proceed. It was over a year before a final decision was made allowing the official excavation to get under way.

In many respects the organizational aspects of the excavation were similar to the *Ca Mau* project. The Ministry of Culture worked together with the Binh Thuan Culture Department on the documentation of the artefacts, and Visal did the offshore work. The key exceptions were the inclusion of a foreign maritime archaeologist in the team (the author), some private funding, and the realization from the outset that multi-duplicate ceramics should be sold to not only offset costs, but to help fund the construction of a museum in the province.

During the year of waiting for government approval the looters had been back - it was impossible for the marine police to be anchored over the site every day. Survey dives just prior to the formal excavation revealed large holes in the seabed where ceramics had been removed, and piles of discarded shards. Intact blue-and-white pieces could no longer be seen on the surface of the mound. Fortunately the looters did not have access to airlifts or water-dredges so the total impact of their efforts was not as bad as at first feared. But had the site been left much longer its archaeological integrity would have been severely compromised.

The hull has been recorded in detail, by measurement, video, and photography, apart from the bottom of the hold which was filled from stem to stern with heavily concreted iron pans. There is no doubt that the *Binh Thuan Wreck* is a Chinese junk, one of the very few found in Southeast Asia so far.

The ceramics were desalinated, catalogued, sorted, and shelved in a warehouse provided by the Binh Thuan People's Committee. The Ministry of Culture selected all unique pieces and four fully representative sets for ongoing study and museum display. A comprehensive archaeological report was submitted to the Government, with no chapters missing. The remaining marketable pieces, all multi-duplicates, were sold through Christie's and a large part of the proceeds has been earmarked for the construction of a museum in Binh Thuan province to house the wreck finds along with local cultural objects.

This policy is nearing 'ideal' for the current circumstances in Vietnam, despite being a very reactive one. The main pitfall in the *Binh Thuan* project was the one year delay in deciding how to go ahead with the excavation, which led to partial looting of the site notwithstanding police protection. This was partly due to the new open market policy of the government, giving private companies the same opportunity as state owned enterprises. In the general business environment this is wonderful policy but it has no place when it comes to safeguarding national heritage. State owned Visal had to compete with several local dive companies, at least one with foreign backing, and none with any experience in excavating archaeological sites. They hadn't even carried out a site

inspection and bid for the job having only seen a magazine photograph of some porcelain. In lieu of a government maritime archaeology division, the state owned Visal, with its pool of professional divers and long experience working with the Ministry of Culture, should be allocated that role.

A more proactive stance could involve encouraging provincial authorities to liaise more closely with fishermen to obtain information on new finds before they are looted. A reward system would help. The incentive for fishermen to loot must also be reduced by outlawing the sale of looted shipwreck ceramics in the country's myriad antique shops. Porous borders are another major problem that makes a mockery of the law against the export of antiquities. The relatively few navigation hazards along the extensive eastern coast of the country translate to relatively few researchable wrecks, so archival research and survey are hardly justified even if the funds were available.

### **Indonesia**

The author has directed the excavation of the 9<sup>th</sup> century *Belitung Wreck*<sup>6</sup>, the 10<sup>th</sup> century *Intan Wreck*<sup>7</sup>, the 15<sup>th</sup> century *Bakau Wreck*<sup>8</sup>, and the 13<sup>th</sup> century *Java Sea Wreck*<sup>9</sup> in Indonesia, the first three on behalf of other companies and the last directly.

Shipwreck policy in Indonesia seems to be in constant flux, but the one unchanging aspect is the minimal role played by archaeological institutions. In fact, in most cases there is no participation by Indonesian archaeologists at all, and there is no requirement for any artefacts to remain in the country. The deal is 50/50. Cash. After paying heavy licensing fees.

Due to its archipelagic nature and its history as a maritime realm and thoroughfare, Indonesia is richly endowed with wrecks of many nations and ages. Unfortunately the Indonesian people get to see very little of their maritime heritage. Perhaps they are not so concerned about this, and would rather concentrate on day-to-day economic issues. On the other hand, if the slew of government legislation is any measure of public interest then they are not at all apathetic.

The Indonesian Government established a shipwreck committee, Panitia Nasional, in 1985 in response to the salvage of the *Geldermalsen* by Michael Hatcher. The cargo of blue-and-white porcelain and some gold was sold by auction at Christie's with a small commission going to the Dutch government. No part of the proceeds was paid to the Indonesian government despite their claim that the wreck lay within Indonesian waters, but definitive legal action was never taken. Maritime archaeology did not rate a mention.

Shortly after formation Panitia Nasional devised a policy by which local or foreign companies could salvage historical shipwrecks in Indonesian waters. Such groups had to

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<sup>6</sup> Flecker, 2000, 2001.

<sup>7</sup> Flecker, 2002.

<sup>8</sup> Flecker, 2001.

<sup>9</sup> Mathers, Flecker, 1997.

operate through an Indonesian registered company with a local partner. They had to pay a substantial deposit before they could start work. They also had to pay fees and get permission from 22 different government departments before paying high license fees for survey and even higher license fees for salvage if the survey was successful. As previously mentioned, the principal condition was that fifty percent of the salvaged cargo belonged to the government, based on proceeds of sale.

One book of regulations read by the author did state that maritime archaeology had to be carried out to acceptable international standards. Unfortunately this rule has never been enforced, and the few salvage groups that do document their sites do so at their own volition. Indonesia lacks trained personnel. To the author's knowledge there are only three museum personnel with basic training in maritime archaeology in the entire country, two in Makasar and one in Bengkulu. They have done some shipwreck assessment work but lack the funds to do any excavation.

Shipwrecks in Indonesia are almost always discovered inadvertently by fishermen. Trawlers or line fishermen tend to find wrecks in open water, while sea cucumber divers and divers collecting fish from illegal dynamite fishing find wrecks close to reefs. More often than not, local divers salvage these wrecks themselves, many of which have cargoes of ceramics. They do this without a license, and of course without any archaeology, selling directly to antique dealers in Jakarta who openly sell their coral-encrusted wares. Sometimes the divers are caught by the navy before the wreck is emptied, and the site becomes available to licensed salvage groups. Sometimes they sell the wreck position to a licensed group, usually after they have salvaged as much as their limited technology will allow.

The author first became involved in shipwreck work in Indonesia in 1996, when a license was obtained in conjunction with William Mathers to excavate a 13<sup>th</sup> century wreck. It had been largely salvaged by another licensed group, and before them it had been looted by fishermen, but it was still thought to have been a worthwhile project. Some 12,000 pieces of Chinese celadon were recovered from what became known as the *Java Sea Wreck*, and a comprehensive archaeological report was published. Mathers decided not to sell the cargo and the government half was subsequently handed over. The other half was donated to the Field Museum of Natural History, Chicago, USA. The author has no idea what happened to the government share.

The author then directed the excavation of the *Intan Wreck* on behalf of a licensed company. The wreck is dated to the 10<sup>th</sup> century and the minimal hull remains suggest Indonesian lashed-lug construction. A stunning range of artefacts include Chinese ceramics, mirrors, silver and iron, Malay tin, Middle-Eastern amphora and glassware, Indian religious objects, and Sumatran bronze-ware, glass beads and gold jewellery. The cargo was probably loaded at the Srivijayan port of Palembang and was bound for central or eastern Java. The collection is of immense historical relevance to Indonesia and yet it was all exported to Germany. Most of it later returned as part of the deal for the slightly less relevant, but historically mind-boggling, *Belitung Wreck* cargo. The author has been

unable to ascertain its current whereabouts, apart from “in Jakarta” or the plans for its future.

In 1997 the same licensed company went on to excavate the 15<sup>th</sup> century Chinese *Bakau Wreck*, containing mainly large storage jars together with an interesting assortment of artefacts, and the 9<sup>th</sup> century *Belitung Wreck*, an Arab or Indian vessel with a primary cargo of Chinese Changsha ceramics. Limited archaeology was carried out during the first season on both of these sites. The author was enlisted to direct the second season of excavation on both sites and did document them. The *Belitung Wreck* is one of the most significant ever discovered in Asian waters. It is the oldest wreck with both the cargo and a large portion of the hull intact, and it is the first archaeological evidence of Arab or Indian shipping in Southeast Asian waters during the first millennium. All evidence points to direct trade with China; the longest sea route ever sailed, and achieved in a stitched-plank ship.

In terms of the end result of the *Belitung* project, the institutional ideal has nearly been achieved. The hull has been largely recorded and researched, the artefacts have been meticulously conserved and documented, and most importantly, the entire collection has remained intact. It has in fact been sold to the Singapore government as the centrepiece of a planned maritime museum. Of course, it would have been better if the collection remained intact in an Indonesian museum, but without the funding or the aspiration, this is an impossibility. But all is not well. A recent article in *Der Spiegel* magazine states that large bribes were paid to get an export permit, the final government settlement was only a fraction of the amount paid for the cargo, and intriguingly that large quantities of ceramics (probably of poor quality) were found buried near the company's beachside base camp. A well supervised government programme would not have allowed this situation to develop.

In 2000 a new ministry was established, the Ministry of Sea Exploration. This was set up ostensibly for fisheries and oil, but shipwrecks also came under its purview. Also in 2000 new autonomy legislation empowered the provinces with overseeing shipwreck survey and excavation in their waters, which are defined as extending 3 nautical miles offshore from the low water mark, thus making the complex situation even more complex. The disposition of artefacts or proceeds of sale between the central Government and the provinces was not clearly defined. Now the Ministry of Marine Affairs and Fisheries has replaced the Ministry of Sea Exploration, but policy remains vague and complicated. None of this serves to protect the historical maritime resource from on-going fisherman looting or from the activities of unscrupulous cashed-up salvage companies.

Unqualified companies are allowed to search for and excavate shipwrecks as long as they can afford to pay the high deposit and fees. The deposit is supposed to be to ensure that the company complies with the rules and regulations, but they don't. Companies should only be selected on merit. There must be well defined minimum standards. Excessive fees and deposits should be abolished giving much needed incentive for the companies to spend more on archaeology. Training should be an integral part of any project, but only

if the participants are truly inspired to learn. Representative artefacts should be retained for public display, but these should be part of the government's share so that there is no ambiguity. There is much to be done and there is absolutely no time to lose.

## Malaysia

Malaysia has made much progress in maritime archaeology over the last two decades. In 1985 the VOC ship *Risdam* was found off Mersing. She was partly salvaged by a Singapore based outfit before the government put a stop to the looting. A short assessment survey was then carried out by the Department of Museums and Antiquities (DMA) in conjunction with the Western Australian Maritime Museum, using Malaysian navy divers. There was no follow-up excavation.

It wasn't until 1991 that the first survey licence was granted to a commercial company. Malaysian Historical Salvors found the 1817 wreck of the *Diana* in 1993, and completed excavation the following year. The government had representatives on board the salvage barge, however at that time none were experienced in maritime archaeology and none dived as part of the excavation team. A book was published on the excavation<sup>10</sup> which gives a good account of the history of the wreck and of the trade. Unfortunately, and this is partly due to atrocious underwater conditions, very little was done by way of field archaeology, the actual documentation of artefacts and hull remains in-situ.

Under the terms of the license unique artefacts and those directly related to Malaysian history and culture could be retained by the government. The remaining multi-duplicates could be sold, with part of the proceeds of sale going to the government. Official policy stipulated that the funds so obtained could then be used to excavate wrecks that were of directly relevance to Malaysia's maritime past, whether they were commercially valuable or not<sup>11</sup>.

This unique policy was indeed put into practise. The government gained financially from the sale of the *Diana* porcelain and then spent considerably more on the purely archaeological excavation of a Dutch ship, *Nasau*, which was lost in a battle off Cape Rachado in 1606. This wreck is relevant to Malaysian history as it was involved in a pivotal battle with the Portuguese over the ruling of the key entrepot of Malacca. The Government hired a private company to carry out the work under archaeological supervision. It is a pity that a full archaeological report has not been published, and that more was not been recorded of the other three ships lost in the same battle, all located and lying nearby.

A company called Nanhai Marine Archaeology has since carried out good work in close cooperation with DMA. Operating mainly on the east coast of peninsula Malaysia, they have found four Thai ships, two Chinese ships, and what appears to be a small Portuguese ship, all dating from the 14<sup>th</sup> to the 19<sup>th</sup> century. All of these wrecks have been located using information provided by fishermen. One or two may have been bound

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<sup>10</sup> Ball, 1995.

<sup>11</sup> Taha, 1989.

for Malacca, but most seem to have sunk in storms as they followed the coastal route from Thailand or China to Indonesia. They are not necessarily of direct historical relevance to Malaysia. Again, part of their cargoes has been made available for sale. The remainder has been skilfully displayed in the Maritime Museum in KL. While it is small, this museum is very impressive. The initial setup was intended to be temporary, but now it is being revamped as a permanent section of the National Museum.

The author has been working directly with DMA over the past year, surveying in Malacca Strait. DMA personnel are professional and enthusiastic. The Government covers all their direct expenses when they participate in survey work, demonstrating the true joint-venture nature of the project. Three wrecks have so far been discovered, all probably Portuguese of c.1600. One may in fact be the oldest European wreck so far found in Malaysia, and it is certainly of direct historical importance to the country. There is a chance that this wreck will be excavated in a purely archaeological manner in the near future with government funding, or perhaps through corporate sponsorship.

Malaysian policy is flexible and proactive. DMA personnel now have the skills necessary to carry out their own underwater investigations, and they have done so. Only well qualified commercial companies are allowed to work with DMA and they must operate under DMA supervision at all times. This allows for expensive and high risk survey for new wrecks, known through archival research or through fishermen's net contents, at minimal cost to the government. Without this proactive stance many wrecks would be completely destroyed, if not by looters then by the massive trawl nets that scour every metre of the seabed along the entire east coast (Thailand faces the same threat).

The only pitfall in Malaysian shipwreck policy is that the issuing of licenses does not fall exclusively under the purview of DMA (as it does in the Philippines). The Sea Department (SD) has been responsible for this. In actuality, the only concern the SD has is for survey and salvage vessel safety and for the protection of marine structures such as submarine cables and pipelines. DMA must approve a project before the SD gives it consideration and, if acceptable, issues a permit. Their roles should be reversed. It would be far more appropriate for SD approval of vessels and survey area to be a final requirement before DMA issues a permit. As it is, DMA personnel accompany the survey or excavation, not SD personnel.

In a very recent development a change in structure has taken place. It has been recognised that the SD is not the appropriate body to issue permits, but instead of placing this under the jurisdiction of DMA, an extra layer has been created. Now there will be a "Commissioner", equivalent to Receiver of Wreck, who will issue permits after approval from the SD and DMA. The added complexity of the new system does not necessarily benefit Malaysia's cultural heritage.

There is also a fair degree of state autonomy in Malaysia, the states having final say as to whether a survey or excavation can take place within 3 nautical miles of their shoreline. It would make life much easier for DMA and for joint-venture partners if there was a

defined policy on how artefacts and costs will be shared between State and Federal Governments.

### **The Philippines**

The Philippines is well endowed with shipwrecks, with many of them of substantial commercial value. Ceramic laden Chinese and Southeast Asian ships plied the archipelago since at least as early as the 12<sup>th</sup> century. Manila formed the western terminus of the Manila Galleon trade which lasted for 240 years from 1571 to 1811. Galleons sailed from Acapulco loaded with South American silver, which was highly sought after by the Chinese. In Manila the Spanish merchants traded with Chinese, Japanese, Indian, and Southeast Asian merchants, returning to Acapulco in ships heavily laden with silks, spices, porcelain, and gold. Most inward bound ships sailed by way of San Bernardino Strait where they were plagued by reefs, strong currents, and typhoons. Not all dangers were natural. The Dutch were constantly trying to dislodge the Spanish. Local pirates abounded, and later English privateers joined the fray.

The author has participated in a number of shipwreck surveys in the Philippines but not in any excavations as yet. The Philippines allows the participation of commercial companies, or rather locally registered foundations. The policy of sharing is unique, and in stark contrast to Indonesia. The split is the same at 50/50, but in the case of the Philippines they retain half of the artefacts for the museums. None of their share is sold.

Also in stark contrast to Indonesia, the National Museum is fully responsible for all aspects of shipwreck survey and excavation projects. The Coast Guard must approve of the work vessels with regard to safety and pollution, but apart from that the National Museum has full jurisdiction. While foreigners tend to fund the projects, trained museum personnel play an active role including diving, documentation, and conservation of artefacts. Overseen projects are done to acceptable archaeological standards, and the resultant publications have in some cases been exceptional<sup>12</sup>. Frank Goddio's group has had most success, not in monetary terms, for the corporate and institutional nature of his funding precludes the sale of his share of artefacts, but in terms of the number of significant wrecks excavated.

Of course there have been other salvors working with the National Museum, and while there may be genuine archaeological sensibilities, their primary aim is usually profit. Strangely enough, to the author's knowledge, none of the shipwrecks excavated to date have yielded an appreciable profit for the salvors. With most relying of fisherman finds there is little doubt that the wrecks have been heavily looted by capable locals before the companies get word of them. There have also been instances of the Coast Guard and local governors getting in on the salvage act. Clearly the National Museum could do with some more power.

There is a wonderful maritime museum in Manila that fully utilises the model-making and artistic skills of the Filipinos. It testifies to the success of the government's policy

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<sup>12</sup> Carré *et al*, 1994.

through the variety of fascinating shipwrecks on display. Obviously the museum has been set up at considerable expense, but the high cost of shipwreck survey and excavation remains beyond the government's budget. There may be instances where it would be beneficial to follow Vietnam's policy of selling multi-duplicate artefacts to directly fund museum construction, or Malaysia's similar policy which enables them to carry out underwater work independent of commercial companies. Filipino maritime archaeologists are already sufficiently skilled to carry out their own projects, as long as they have the funding.

## Conclusions

Several of the countries in Asia have done a good job of protecting and preserving their maritime cultural heritage through policies that reflect their unique political, cultural and economic circumstance. Others have not been so effective.

While Australia is truly committed to the institutional ideal, through funding and training on all fronts, government institutions still require assistance from the private sector for expensive and high risk shipwreck survey. Fortunately Australian society's high regard for its heritage encourages private sector contributions in exchange for nothing more than an enhanced public image.

Thailand has sufficient internal funding to excavate wrecks without commercial participation. The relative lack of researchable wrecks in the country diminishes the need to work with the private sector to search for such wrecks before they are looted or destroyed by trawl nets. However, looting of wrecks discovered by fishermen remains a major problem that may best be address through an awareness and reward scheme.

Sri Lanka has done some fine work on the *Avondster*, but with such a rich maritime cultural heritage the institutions have barely scratched the surface. Joint training programmes have been going on for well over a decade. The governments funding these activities must surely be asking whether they have been getting their money's worth, particularly when Sri Lanka's achievements are lined up alongside other Asian countries that are not receiving external government support. Given the lack of internal resources, controlled commercial participation should perhaps not be dismissed outright. But if there really is no threat to the remaining cultural resource then by all means retain the status quo.

Vietnam has benefited from its policy of working in close cooperation with commercial companies. Museums throughout the country have magnificent collections of ceramics and artefacts from five ancient wrecks. The Vung Tau Museum, in particular, spectacularly features the ceramics and other artefacts from the *Vung Tau Wreck*, including every unique piece that was recovered. In the one instance where the government has tried to follow the institutional ideal they have found that it is completely impractical and are now trying to recoup some of their considerable financial outlay, and empty some warehouses, by selling multi-duplicate ceramics from the *Ca Mau Wreck*. A

more pro-active stance in liaising with fishermen, and legislation prohibiting the sale of looted cargoes would be highly beneficial.

Currently Indonesian policy makers view shipwrecks as a natural resource, not as a cultural resource. There is no way, in the foreseeable future, that the government is going to spend money on maritime archaeology. Therefore cooperation with reputable commercial companies is essential to preserve Indonesia's fast disappearing maritime heritage. Part of the reason licensing costs are so high is that the government expects to be ripped off. The same high costs encourage the salvage companies to rip off the government, and to minimise their expenditure on archaeology. This must change. But most importantly, competent Indonesian archaeologists must become a major part of the process, from licensing through to excavation and museum display.

Malaysia is another country that has benefited from well controlled joint-venture agreements with commercial companies. Companies that participate are thoroughly vetted and supervised, a far better policy than imposing inhibitive fees as a means of filtering applicants. Without such fees companies have additional incentive to do thorough archaeological work. Training is part of the deal, and is all the more beneficial due to the pool of genuinely interested and proficient museum personnel. Income derived from the sale of multi-duplicate artefacts is ploughed back into the investigation of wrecks that may have no commercial value but are of direct cultural relevance to Malaysia. In areas where skills and qualifications are lacking Malaysia sensibly hires foreign consultants to work hand-in-hand with local archaeologists, eliminating the need to work with a foreign company in some cases. A small change in departmental jurisdiction and a clarification of the role of each State would make the Malaysian model near ideal for the country's present circumstances.

The Philippines has a unique policy which has worked well with selected commercial companies. The museum has amassed an impressive collection of artefacts from a wide range of shipwrecks. With full jurisdiction given to the National Museum the preservation and protection of the maritime heritage of the Philippines is prioritised. Unfortunately the Museum lacks the power to enforce the law, so heavy looting of any accidental new find is almost assured. If the Museum requires funding to carry out more of their own direct work then perhaps the sale of multi-duplicate artefacts could be considered. If not, the policy of keeping all artefacts for Philippine society is an excellent one.

Several Asian countries have a vulnerable and commercially valuable maritime cultural resource. European wrecks in particular can be found through archival research and electronic survey, allowing for the archaeological excavation of pristine wreck sites rather than heavily looted ones. Not even Australia can afford the high costs and associated risks of such work. Sri Lanka, Indonesia, Malaysia, and the Philippines stand to benefit from joining forces with commercial companies to find these wrecks. Thailand and Vietnam, due to the relative lack of researchable wrecks, could also benefit but to a lesser extent.

Selling multi-duplicates is not necessarily such a terrible thing, especially when the proceeds are used to preserve and protect threatened maritime heritage. What is going to happen when a galleon is found with over two million manifested silver coins on board? That's a lot of coins to conserve and display.

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