



To: Law Amendments Committee

From: Nova Scotia Archaeology Society (NSAS)

Date: 16 November, 2010

Re: Bill No. 81 "An Act to Regulate the Searching for Treasure on Oak Island in Lunenburg County and to Repeal Chapter 477 of the Revised Statutes, 1989, the Treasure Trove Act"

Nova Scotia Archaeology Society

The Nova Scotia Archaeology Society was formed in 1987 in response to a growing interest in the Province's heritage resources. The Archaeology Society's mandate is to:

- bring together individuals interested in the study and promotion of archaeology;
- disseminate knowledge and encourage the exchange of information among professionals and amateurs alike;
- promote the preservation and protection of archaeological sites and resources;
- raise public awareness of the need to protect our archaeological heritage.

Nova Scotia's Underwater Heritage

We, as Nova Scotians, are closely tied to the sea and underwater archaeological resources form an important part of our heritage.

As President of the Nova Scotia Archaeology Society, I would like to take this opportunity, on behalf of our members, to express the Society's gratitude for the Government's decision to

preserve and protect Nova Scotia's submerged cultural heritage by repealing the *Treasure Trove Act*.

Nova Scotia's archaeological resources are of great importance, not only to the current and future citizens of this Province, but to all Canadians.

UNESCO Convention on the Protection of the Underwater Cultural Heritage

The United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Protection of the Underwater Cultural Heritage was adopted in 2001.

The Convention sets out basic principles for the protection of underwater cultural heritage and provides widely-recognized practical Rules for the treatment and research of underwater cultural heritage. The main principles set out in the Convention include:

- the obligation to preserve underwater cultural heritage, while encouraging scientific research and public access
- a preference for the in situ preservation of underwater cultural resources – although, the recovery of objects may be authorized for the purpose of making a significant contribution to the protection of, or knowledge about, underwater cultural heritage
- the stipulation that underwater cultural heritage should not be commercially exploited for trade or speculation, and that it should not be irretrievably dispersed - this regulation is in conformity with the moral principles that already apply to cultural heritage on land and should not be interpreted as preventing archaeological research or tourist access.

Bill No. 81 – Repeal of the Treasure Trove Act

The repeal of the *Treasure Trove Act* is a necessary first step in bringing Nova Scotia into line with internationally-recognised best practices in the responsible protection and management of our underwater heritage, as set out in the UNESCO Convention.

The *Treasure Trove Act* was originally enacted to govern treasure hunting on Oak Island. It was never intended to address the management of all of the province's underwater cultural resources.

Protecting and Managing Nova Scotia's Underwater Heritage

The Nova Scotia Archaeology Society is not opposed to recreational divers accessing underwater archaeological sites, nor are we arguing that submerged cultural resources should never be excavated and raised from the seabed. However, without a proper legislative framework and management strategy in place, the Province's underwater archaeological sites will remain vulnerable to looting (both small and large scale) and neglect.

The Archaeology Society was, therefore, pleased to hear from Minister Paris that staff in the Heritage Division are already looking at ways to enhance Nova Scotia's approach to preserving and researching marine heritage.

It is important to recognise that underwater archaeological resources include more than just shipwrecks. Sea level change has resulted in the submergence of ancient terrestrial landscapes. Furthermore, not all shipwrecks remain underwater. For example, in 2005, archaeologists undertook the excavation of the 'Woodside Vessel', an early nineteenth-century brig located on the shoreline of Halifax Harbour.

Nova Scotia's archaeological resources come in many different forms, both on land and under water, and it is vital that a legislative and policy framework be developed to manage and protect them all equally.

NSAS Underwater Archaeology Workshop

The Archaeology Society is preparing to host an Underwater Archaeology Workshop in December 2010. We intend to bring together a variety of stakeholders, including archaeologists, commercial and recreational divers, First Nations and representatives of various levels of government, to discuss how best to work together to preserve, protect and enjoy Nova Scotia's underwater cultural heritage.

Thank you for the opportunity to present the Archaeology Society's opinions on this matter,



Darryl Kelman, President

Nova Scotia Archaeology Society