The UNESCO Underwater Cultural Heritage Convention in Asia: the case of the Macao Special Administrative Region of the People’s Republic of China

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ABSTRACT
The UNESCO Underwater Cultural Heritage Convention was adopted in 2001 and entered into force in 2009. Since then, it has been ratified by a total of 72 parties, but Cambodia remains the only one of these parties located in Asia. Against this backdrop, this article presents the case of the Macao Special Administrative Region (SAR) of the People’s Republic of China (PRC) located on the shores of the South China Sea. The Macao SAR has a strong economy, which relies primarily on the gaming services and tourist industries, but is seeking to diversify its economy in order to make it more sustainable. To this end, the article assesses the role of underwater cultural heritage in diversifying its economy and stresses the need for greater policy coherence both between different cultural policies but also between cultural, commercial and other policy areas.

INTRODUCTION

Unless trade people can deal with the cultural issue, how do you expect them to deal with environmental issues, labor issues, or social standards? (Stein, 2000)

In 2001, the UNESCO Underwater Cultural Heritage Convention (the UCH Convention) was adopted. As of the year 2023, the UCH Convention has been ratified by 72 parties, but with no participation from members in Asia, except for Cambodia.¹ This may come as a surprise, given Asia’s long history and rich cultural heritage. As many as thirty years ago there was a debate on whether the protection and conservation of cultural heritage was also relevant in Asia (Feilden, 1993). Today, particularly against the backdrop of recent reports about a new High Seas Treaty being within reach after a decade of negotiations (Gjerde et al., 2022), there is a need to critically assess the relevance of the UCH Convention for Asia in particular and the world in general. To understand why the ratification rate is so low in Asia, it is also useful to cast a critical light on the role of the UCH Convention in the pursuit of broader cultural policy goals as internationally reflected in the related UNESCO conventions in the field of culture, namely the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (the WCH Convention),² the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage (the ICH convention) for the cultural, commercial and other policy areas.

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