

**CONSTRUCTING THE NOTION OF THE MARITIME CULTURAL HERITAGE IN THE
COLOMBIAN TERRITORY: TOOLS FOR THE PROTECTION AND CONSERVATION OF FRESH
AND SALT AQUATIC SURROUNDINGS**

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Abstract

Colombia is the only country of South America with coasts in both oceans, the Atlantic and the Pacific. Thanks to the work of the Colombian Commission of the Ocean (CCO) the *National Policy of the Ocean and the Coastal Zones*¹ was approved in 2007 by the Colombian government. Throughout the elaborations of the said policy, the need to strengthen and intensify the development of social and cultural aspects related to the seas became evident. It was observed that the coastal zones have an important patrimonial value due to the cultural goods that lie in these social spaces and in the maritime cultural landscapes. This wealth is also owed to the local communities, whose traditions and expressions constitute a unique material and immaterial legacy of the humanity, because of their pluri-ethnic and multicultural features.

However, many of these populations have most of their basic needs unmet. Although the effort to solve this situation has been made, their problems have increased throughout the last decades due to the national internal conflict, to non-sustainable development, and to the difficulty to apply mechanisms in their favor because of the situation of the country. These conditions have generated not only the displacement of these communities and the worsening of their standard of living, but also the deterioration of the tangible and intangible heritage, leading to its potential disappearance.

Before this dramatic historical moment arrives, it is considered pertinent to continue working in the construction of the notion and the safeguarding of the maritime cultural heritage for the Colombian territory and to design a proposal or theoretical contribution approached from an anthropological perspective, within the framework of the aquatic cultural heritage. Important aspects ought to be explained and the implications of this approach, its definition, safeguarding and conservation at theoretical and legal level, within a national and international scope. All this with the purpose of suggesting some initial parameters for the design of future normative and political instruments, or any other mechanisms, that allow to generate labor possibilities to the coastal populations, from a controlled sustainable development. All this also to promote both the positive valuation of the coasts, their resources and societies, and to guarantee the appropriation, valuation and safeguarding of the maritime cultural heritage in Colombian territory.

¹ Hereafter; *PNOEC* spanish acronym.

Summary

WORKING TITLE:

Constructing the Notion of the Maritime Cultural Heritage in the Colombian Territory: Tools for the Protection and Conservation of Fresh and Salt Aquatic Surroundings

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Acronyms

ASCUN	Asociación Colombiana de Universidades [Colombian Association of Universities]
CCO	Colombian Commission of the Ocean
COLCIENCIAS	Instituto Colombiano para el Desarrollo de la Ciencia y la Tecnología [Colombian Institute for Science and Technological Development]
DANE	Departamento Administrativo Nacional de Estadística [National Administrative Department of Statistics]
DIMAR	Dirección General Marítima [National Maritime Authority]
DNP	Departamento Nacional de Planeación [Planning National Department]
ICOMOS	International Council of Monuments and Historical-Artistic Places
ICANH	Instituto Colombiano de Antropología e Historia [Colombian Institute of Anthropology and History]
ILA	International Law Association
IMO	International Maritime Organization
INAH	Instituto Nacional de Antropología e Historia – México [National Institute of Anthropology and History - México]
PNOEC	Política Nacional del Océano y de los Espacios Costeros [National Policy of the Ocean and the Coastal Zones]
SICAS	Sistema Cartográfico de Arqueología Subacuática [Cartographic Information System of Underwater Archaeology]
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNLOSC	United Nations Law of the Sea Convention

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1. Introduction

1.1 Background and Context

Colombia is a country with great aquatic resources, with coastal zones in two Oceans (Atlantic and Pacific), in addition to a great variety of rivers, lakes, estuaries, mangroves, streams and ravines etc. For these reasons, in 2007 the first Colombian ocean policy was approved by the government: National Ocean and Coastal Zone Policy (*PNOEC*)².

Taking into account that

Colombia today has in its two seas the best possibilities of development and economic growth, directed to the political and commercial cooperation with the rest of the world [...] [and that therefore now] [...] it is necessary to watch the sea, to study the sea, to explore and to take care of it, because there resides to a great extent the future of Colombia and part of its heritage [...]³

Since 2005 the Colombian Government has taken forceful steps in the process of making visible its seas again, giving them the importance they deserve both for their resources and for their heritage, through the approval of diverse instruments. On 7 August 2005, the Planning National Department (DNP)⁴ carried out the official launching of the document “Colombia Vision II Centennial: 2019”⁵. This document constitutes a prospective planning proposal, which could become a State policy. It includes a chapter devoted to the subject of the seas, which was entitled: Taking advantage of the maritime resources.

² Comisión Colombiana del Océano (CCO). *Política Nacional Del Océano y de los Espacios Costeros*. [National Sea and Coastal Spaces Policy]. Bogota – Colombia, 2007.

³ Translated by the author of the present study. Original spanish texts as follows: “Colombia tiene hoy en sus dos mares las mejores posibilidades de desarrollo y crecimiento económico, encaminadas a la cooperación política y comercial con el resto del mundo [...] [y que por lo tanto ahora]...es necesario mirar el mar, estudiar el mar, explorarlo y cuidarlo, porque allí reside en gran medida el porvenir de Colombia y parte de su patrimonio [...]”

Uribe Vargas, Diego. *Mares de Colombia: La Acción Diplomática que Duplico el Territorio*. [Colombian Seas: The Diplomatic Action that Duplicated the Territory.] Colombia: Fundación Universidad de Bogota Jorge Tadeo Lozano, 2001: p. 13 and 16.

⁴ Hereafter; DNP spanish acronym.

⁵ Departamento Nacional de Planeación. *Visión Colombia II Centenario: 2019*. [Colombia Vision II Centennial: 2019]. Colombia: Editorial Planeta, 2005.

In 2006, the National Development Plan 2006 – 2010⁶ was approved. This document of Government policy also included a paragraph related to the subject of the seas, entitled: “Integration of the Maritime Territory to the National Development”.

Finally, on 26 July 2007 the Vice-president of the Republic and President of the Colombian Commission of the Ocean (CCO)⁷, Mr. Francisco Santos, carried out the official launching of the PNOEC. This public State policy was elaborated in the CCO which is a permanent advisory body for consulting, planning and coordination in National Ocean and Coastal Zone Policy⁸. The CCO is conformed by eight ministries: Ministry of Foreign Relations, Ministry of Defense, Ministry of Agriculture and Rural Development, Ministry of Commerce, Industry and Tourism, Ministry of Mining and Energy, Ministry of Education, Ministry of Transportation, and Ministry of Environment, Housing and Territorial Development; Colombian Navy, National Maritime Authority (DIMAR)⁹, DNP, Colombian Association of Universities (ASCUN)¹⁰ and The Colombian Institute for Science and Technological Development (COLCIENCIAS)¹¹. Also on the same day, the document: “Taking advantage of the maritime-coastal territory in efficient and sustainable form”, derived from the document “Colombia Vision II Centennial: 2019”, was presented.

The three aforementioned documents establish both the need to foster the Colombian maritime culture, and to promote the protection and conservation of the cultural heritage associated with the maritime and coastal spaces. Throughout their development process it became evident that there was a need to strengthen and to deepen their maritime cultural and social components. Concretely, the need to continue working on the construction of the notion of maritime cultural heritage for the Colombian territory was observed; as well as in the design of normative policies and tools specifically oriented to its protection and conservation. It was also clear that there was a need to strengthen the already existing normative instruments and policies or to create new ones, so as to improve of the standard of living of vulnerable communities associated to this heritage.

⁶ Departamento Nacional de Planeación. *Plan Nacional de Desarrollo 2006 – 2010*. [National Development Plan 2006 - 2010]. Colombia: Departamento Nacional de Planeación, 2006.

⁷ Hereafter; CCO spanish acronym.

⁸ Decree 347 – 2000, article 1.

⁹ Hereafter; DIMAR spanish acronym.

¹⁰ Hereafter; ASCUN spanish acronym.

¹¹ Hereafter; COLCIENCIAS spanish acronym.

The following issues, concerning the maritime social and cultural aspects, were also noted during the development of the aforementioned documents. The coastal zones are inhabited by communities with invaluable wealth from the cultural point of view, since they have a very particular heritage, due to their cultural diversity. They are pluri-ethnic and multicultural societies (indigenous, white, black, racially mixed, mulatos, zambos), with their own traditions, and have inhabited the coastal areas throughout history, from the pre-Hispanic period to present time.

Nevertheless, as it will be explained in chapter 4, a large number of these communities do not have their basic needs met, and live in poverty. This situation happens for diverse reasons: firstly because the state unfortunately must invest most of its budget in the war; secondly because due to the armed conflict, many communities are forced to move, leaving behind all their properties and belongings. Thirdly, because much of the tourism, urbanization and modernization process of coastal cities like Cartagena:

[...] have been accompanied by the land expropriation of afrodescendant groups such as the 'boquilleros', which has originated the weakening of their traditional practices of subsistence, thus deteriorating their living conditions.¹²

Fourthly, because the considerations of the policies related to the natural aspect, tend to be privileged in their implementation even if the social aspects are considered. In most cases, a greater protection of the environmental is achieved, "[...] ignoring the cultural and of subsistence practices of [...] [populations like] [...] the 'boquilleros' of these places."¹³

On the other hand, this condition is also presented in cases like the one of the Pacific region:

¹² Translated by the author of the present study. Original spanish texts as follows: "[...] han estado acompañados por la expropiación de las tierras de grupos de afrodescendientes como los boquilleros, lo cual ha originado el debilitamiento de sus prácticas tradicionales de subsistencia, menoscabando sus condiciones de vida." Buitrago, Alejandra. "Rodeados por las Murallas: Conflictos por el territorio en La Boquilla, Cartagena". [Surrounded by the Ramparts: Conflicts for the Territory in La Boquilla, Cartagena] In: Memorias, Universidad del Norte, Colombia, Vol. 3 (2005): p. 1.

¹³ Translated by the author of the present study. Original spanish texts as follows: "[...] en los últimos veinte años se ha aplicado la legislación nacional que considera el mar como parte del territorio nacional, las playas como bienes de uso público y las ciénagas, como zonas de protección ecológica, desconociendo las prácticas culturales y de subsistencia de... [poblaciones como]... los boquilleros en estos lugares." Ibid, p. 8.

The development had devastating environmental and social consequences in the region. The establishment of the shrimp industry in the coves, the monoculture of oil palm in the forests and, the industrialization of the mining in the rivers, caused the weakening of the local forms of production, based on the interrelation between the agriculture and the fishing in the coastal zones and, of the agriculture and the mining in the river zones. The arrival of these capitalist companies and the speculation on the land, caused the elimination of the polyphonic networks of which the afrodescendent populations depended on, producing in a period of twenty years the exodus of these populations to the regional urban centers and, later on, the forced displacement and the war.¹⁴

Fifthly, due to the lack of financial resources, it has not been easy to completely implement the existing social policies.

All these issues generated social and cultural impacts, in some cases worsening the living conditions of these populations, affecting their traditions, and also putting at risk the survival of the maritime cultural heritage¹⁵.

1.2 Objective and Scope

The objective of this study is to generate a conceptual proposal where it is suggested to understand the maritime cultural heritage, from an anthropological perspective, within an integral framework of reference such as the fresh and salt aquatic surroundings.

This proposed framework will allow the construction of this notion of maritime cultural heritage in the case of the Colombian territory, understanding what it would imply at the theoretical and legal levels (within a national and international framework), its definition, conservation and safeguarding, within the framework of this conceptual proposal. And based on these concepts, some initial

¹⁴ Translated by the author of the present study. Original spanish texts as follows: “[...] el desarrollo tuvo devastadoras consecuencias ambientales y sociales en la región. Pues, la implantación de la industria camaronera en las ensenadas, el monocultivo de palma aceitera en las selvas y, la industrialización de la minería en los ríos, provocó el debilitamiento de las formas locales de producción, basadas en la interrelación entre la agrícola y la pesca en las zonas costeras y, de la agricultura y la minería en las zonas ribereñas. La llegada de estas empresas capitalistas y la especulación sobre la tierra, causaron que las redes polifónicas de las cuales dependían las poblaciones afrodescendientes fueran deshechas, produciendo en un periodo de veinte años el éxodo de estas poblaciones a los centros urbanos regionales y, posteriormente el desplazamiento forzado y la guerra.”

Arocha, Jaime. “Redes Polifónicas Deshechas y Desplazamiento Humano en el Afropacífico colombiano”. [Eliminated Polyphonic Networks and Human Displacement in the Colombian Afro-Pacific], In: Fernando Cubiles y Camilo Domínguez eds. *Desplazados, migraciones internas y reestructuraciones territoriales*. [Displaced, internal migrations and territorial restructurations] Bogota: Universidad Nacional de Colombia, Facultad de Ciencias Humanas, CES 1999:p.144-147.

¹⁵ This meaning will be further developed through the entire document, but specifically in section 3.4.

parameters for the design of normative and political tools and other mechanisms could be suggested.

All the above is done with the purpose of generating labor possibilities for the coastal populations, through controlled sustainable development.¹⁶ Thus promoting the positive valuation of the coasts, their resources and societies and warranting the appropriation, valuation and safeguarding of the maritime cultural heritage in Colombian territory.

Considering, as it is indicated in the International Council on Monuments and Sites (ICOMOS) Letter of 1990, that:

The legislation must guarantee the conservation of the heritage [...] based on the needs, the history and the traditions of each country and region, and be vigilant to favor the conservation "in situ" and the considerations of the investigation. The legislation must be based on the idea that the heritage [...] is the inheritance of the whole humanity and of human groups, not of individual people or of certain nations.¹⁷

The main purpose of this study is to protect this unique legacy of the past pluri-ethnic and multicultural for future generations. This will bring as a consequence the preservation of the maritime culture and the strengthening of the national identity with respect to the sea that in a case as the Colombian one, where even though existed, due to the historical developments just until today is beginning to come out of forgetfulness.

1.3 Methodology

Concretely, for the development of the above mentioned objective the following methodology was applied. In the first place, the construction of the theoretical bases on the subject for the proposal was through the selection of diverse anthropological and historical conceptual categories. These were being developed within the framework of the cultural heritage, understanding their relation with the aquatic surroundings, their cultures, social spaces and cultural landscapes.

¹⁶ This meaning will be further developed through the entire document, but specifically in section 3.3.

¹⁷ Translated by the author of the present study. Original spanish texts as follows: "La legislación debe garantizar la conservación del patrimonio...en función de las necesidades, la historia y las tradiciones de cada país y región, y esmerarse para favorecer la conservación "in situ" y los imperativos de la investigación. La legislación debe basarse en la idea de que el patrimonio [...] es la herencia de la humanidad entera y de grupos humanos, no la de personas individuales o de determinadas naciones."

ICOMOS. Carta Internacional para la Gestion del Patrimonio Arqueologico [Charter for the Protection and Managment of the Archaeological Heritage]. 1990: p. 2.

Secondly, the subject was approached from the legal and political point of view, where a comparative analysis from the global, regional and national perspectives was carried out. An analytical diagnosis of the normative and political tools that have been developed regarding the fresh and salt aquatic environments at the international level was also undertaken. In addition, from cases of other states were considered, where legal and political instruments as well as diverse types of strategies have been developed, to favor not only the seas - promoting the reinforcement of the national identity regarding them; but also the diverse aquatic surroundings: rivers, lagoons, lakes, mangroove swamps, and marshes, among others. This analysis shed light to begin defining the subject of the maritime cultural heritage in the Colombian territory from an anthropological and legal perspective.

A rigorous and extensive literature review of the major sources was undertaken, including academic, governmental and intergovernmental sources. The critical analysis of these materials provided a basis for furthering the understanding of the subject at the international and national levels, as well as its development and applicability in the specific context of Colombia, considering particular problems and specific social, economic, political and cultural needs.

1.4 Report Overview

The present report is organized in four chapters. In the first chapter, the aquatic cultural heritage concept is suggested as framework to grasp the notion of maritime cultural heritage, understanding the sea as part of fresh and salt aquatic surroundings. This is accomplished from an anthropological perspective, where the theoretical argumentation is presented by means of conceptual categories that have been constructed within this discipline. Therefore, concepts such as heritage, culture, discourses, practices, social space and cultural landscape are developed.

In the second chapter an approach to the definition of maritime cultural heritage is achieved, within the framework of this proposal. For this, the first step is to define the maritime cultures, understanding which will be the maritime goods and cultural expressions, to which probably a heritage value will must likely be granted. Taking the maritimity,¹⁸ the maritime differential fact¹⁹

¹⁸ The neologism 'maritimity' is understood as "[...] the way of designating the set of relationships that a population or social group has with the sea, especially those ascribed within the collective images and representations."

and the social representations, as guiding concepts and transverse axes in this process; and presenting the sustainable development as one of the fundamental requirements for the safeguarding and conservation of this heritage.

In the third chapter, a diagnosis is undertaken of the cultural policies and legal tools that have seek the safeguarding of the cultural heritage of the aquatic surroundings, specifically the one of the maritime regions, at the international, Latin American and Colombian levels. Presenting at the same time an analysis of each, from a theoretical-anthropological perspective; and from which the recommendations that could be considered for approaching the subject in the Colombian context, either through normative policies and/or instruments, or through other types of strategies.

In chapter four, taking into account the proposal, the construction of the notion of maritime cultural heritage in the Colombian territory will be considered; beginning with the development of a general diagnosis on the problematic of the seas in Colombia, from the economic, social, historical, cultural, geographic and political perspective. This analysis leads to suggest some strategies that could be implemented to safeguard this heritage.

The conclusion will provide a concrete explanation of the process carried out throughout the work, making it clear that for the Colombian case not only political and legal strategies are needed to guarantee the safeguarding and conservation of the maritime cultural heritage are required; but also sensitization strategies. These strategies will allow that through the maritime goods and cultural expressions and their valuation, sustainable economic and identity mechanisms be generated. At the same time, these mechanisms will contribute to improve the standards of living of the coastal communities, and will motivate the safeguarding of the patrimony in the short, medium and long term. Finally, some basic ideas are suggested as starting points for the content of the

Original spanish texts as follows: “[...] la manera de designar el conjunto de relaciones que tiene una población o grupo social con el mar, en especial las que se inscriben dentro de las imágenes y las representaciones colectivas.” Avella, Francisco. “Espacio y Territorio en la Construcción de una Visión Marítima”. [Space and Territory in the Construction of a Maritime Vision] In: Gustavo Montañez ed. *El Mundo Marino de Colombia: Investigación y Desarrollo de Territorios Olvidados*. [The Colombian Maritime World: Investigation and Development of Forgotten Territories.] Colombia: Universidad Nacional de Colombia, 2003: p. 218.

This meaning will be further developed in chapter 2.

¹⁹ This meaning will be further developed in section 3.1.

normative or political instrument to be designed as part of the mechanisms for the safeguarding and conservation of the maritime cultural heritage.

2. The Aquatic Cultural Heritage as a Framework for the Definition of the Maritime Cultural Heritage

*“Heritage is our legacy from the past,
what we live with today,
and what we pass on to future generations.”²⁰*

One of the latent needs at the present time, due to the violent conditions and to the globalization challenges, is to protect and to conserve humanity's cultural heritage. In this context, patrimonies such as those related to the aquatic environments²¹, especially the sea, are still unprotected and even forgotten according to the study carried out by the United Nations Educational, Scientific and Cultural Organization (UNESCO)²².

Therefore, following a conceptual contribution will be presented for the construction process of the maritime cultural heritage definition, from an anthropological perspective. This with the objective of promoting their safeguard, in states like Colombia, where specific tools have not yet been developed to promote the conservation of the heritage, assuring the benefit of the coastal communities, just as it is promulgated by the UNESCO World Heritage Marine Program.²³

2.1 The Cultural Heritage: Tangible and Intangible

In this order of ideas, it is fundamental to firstly establish what will be understood by cultural heritage. Throughout history, the concept of cultural heritage has suffered diverse transformations since there has never been a consensus regarding its definition.

Just as Ashworth and Tunbridge affirm,²⁴ this can be due to the condition of the dissonant heritage, which implies that there is not a common accepted opinion on what is understood as heritage

²⁰ UNESCO. World Heritage: Challenges for the Millennium, p. 18. http://whc.unesco.org/documents/publi_millennium_en.pdf, accessed on 8 May 2007.

²¹ In this case the terms 'aquatic' includes the fresh and salt water, therefore, aquatic environments like oceans, rivers, lakes, lagoons, islands, marshes, swamps, streams, mangrove swamps, canals, among others.

²² UNESCO, World Heritage: Challenges for the Millennium, op.cit., p. 127.

²³ UNESCO. World Heritage Marine Program, p 1 and 2. <http://whc.unesco.org/en/marine/>, accessed on 8 May 2007.

²⁴ Ashworth, G. J. and Tunbridge, J. E. *Dissonant Heritage: The Management of the Past as a Resource in Conflict*. Chichester: John Wiley, 1996: p 24.

(theory of the dissonant heritage). This happens because the heritage in itself implies diverse things for different people and cultural groups, and all this at different moments²⁵ in time.

Traditionally, heritage was related directly to the monumental cultural remains, with the ruins, places and vestiges of a glorious past worthy of showing. This vision was completely permeated by the European historical imageries and its way of thinking and perceiving heritage.²⁶

However, since approximately the 90's and due to the diverse needs and to the variety of existing heritages all over the world, this notion started experiencing deep changes.²⁷ To define heritage, new categories such as cultural landscape, tangible (material as historic buildings), intangible (immaterial – cultural expressions like carnivals), industrial heritage, cultural itineraries, and contemporary cultural manifestations began to emerge all of, which gave a new scope to the concept of heritage and eroding to notion of heritage as fixed in place²⁸.

Thinking or defining heritage from the perspective of materiality (material world - objects) was left out.²⁹ However, heritage was beginning to be conceived through a holistic vision, where not only the places per se were important, but also the environments where they were found, and mainly, the social groups related to them and their cultures and traditions.

This generated a more comprehensive interpretation framework for trying to grasp the reasons why these kinds of places had been designed, in certain areas, with certain materials, in a specific period of time, and by a specific human group.

²⁵ Bennett, Katherine. "Safeguarding heritage through the use of conservation areas: A study of Old Portsmouth and Gunwharf Quays, Portsmouth". BA diss., University of Portsmouth, 2006: p. 9 and 10.

²⁶ Instituto Colombiano de Antropología e Historia. "Informe sobre el Valor Histórico o Cultural de los Objetos Transportados en las Embarcaciones Hundidas en la Época de la Colonia, tales como El Galeón San José". [Report on the Historic or Cultural Value of the Objects Transported in the Sunken Vessels in the Colonial Times, such as El Galeón San José.] ICANH (Spanish acronym), 2007: p. 1 and 2.

²⁷ Graham, B. "Heritage as Knowledge: Capital or Culture?". *Urban Studies*, 5-6 (2002): p. 1003-1017.

²⁸ UNESCO, *World Heritage: Challenges for the Millennium*, op.cit, p. 39.

²⁹ Bugge, Peter. "A European Cultural Heritage? Reflections on a Concept and a Programme" In: Robert Shannan ed. *Rethinking Heritage: Cultures and Politics in Europe*. London: I.B TAURIS, 2003: p. 23.

This way, the diverse cultural expressions, not only the material but also the immaterial ones, the traditions, customs and ancestral knowledge, and the diverse social groups' ways of living and of subsisting began to be valued.

Thus, a heritage notion was constructed which is currently being used, constituted by the tangible - material and intangible - immaterial universe of the cultural representations (Figure 1). Nevertheless, this notion is in a continuous construction, transformation and adaptation process, depending on the case "Heritage is a complex notion, involving the past, contemporary social understandings of places and the active construction of the past."³⁰; and furthermore, "The heritage concept should be considered as something dynamic and changing, result of a social construction process, created as such from the needs of the present, of each present."³¹

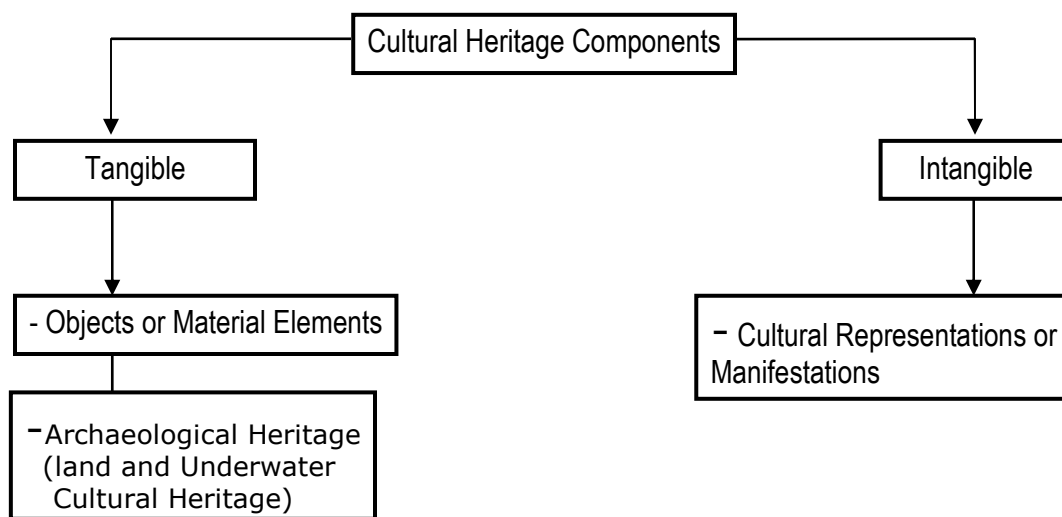


Figure 1. Cultural Heritage Components

³⁰ Rowan, Yorke and Baram Uzi (editors). *Marketing Heritage: Archaeology and the Consumption of the Past*. United States of America: Altamira Press, 2004: p. 5.

³¹ Translated by the author of the present study. Original spanish texts as follows: "El concepto de patrimonio debe ser considerado como algo dinámico y cambiante, resultado de un proceso de construcción social que, como tal, se crea desde las necesidades del presente, de cada presente."

Alegret, Juan Luis. "Debate e Investigación: valoración patrimonial del sector pesquero." [Debate and Investigation: heritage valuation of the fishing sector.] Universidad de Girona. Departamento de Geografía, Historia e Historia del Arte, 2003: p. 35.

In this sense, it is worthwhile to clarify that heritage will be understood, in general terms, as those tangible and intangible cultural manifestations that include the arts, architecture, religion, music, language, literature, folklore, ceremonies, rituals, recreational practices, practices of subsistence and the material culture, among others³² which are part of the legacy “[...] product of the activities, events and human processes that have left prints in a territory and that should be preserved for local national future generations and for the humanity.”³³

Concretely, according to Title II of the General Culture Law of Colombia,³⁴ cultural heritage will be understood as:

[...] all the cultural goods and values that are expression of the Colombian nationality, such as the tradition, customs and habits, as well as the group of immaterial and material goods, movable or immovable, that possess an outstanding value from the historical, artistic, aesthetic, plastic, architectural, urban, archaeological, environmental, ecological, linguistic, sound, musical, audiovisual, filmic, scientific, testimonial, documental, literary, bibliographical, and anthropological point of view; and for museum use; also the manifestations, the products and the representations of the popular culture.³⁵

When breaking down the concept of heritage, it is observed that the cultural goods that are part of it may be tangible or intangible. When speaking of tangible property, allusion is made to the cultural material heritage, meaning objects or material elements such as ceramics, architecture, gold or

³² Hague Academy of International Law. *The Cultural Heritage of Mankind*. Boston: Martinus Nijhoff Publishers, 2007: p. 179 - 181.

³³ Translated by the author of the present study. Original spanish texts as follows: “[...] producto de las actividades, eventos y procesos humanos que han dejado huella en un territorio y que debe preservarse para generaciones futuras locales, nacionales y para la humanidad.”

Instituto Colombiano de Antropología e Historia, “Informe sobre el Valor Histórico o Cultural de los Objetos Transportados en las Embarcaciones Hundidas en la Época de la Colonia, tales como El Galeón San José”. [Report on the Historic or Cultural Value of the Objects Transported in the Sunken Vessels in the Colonial Times, such as El Galeón San José.], op.cit, p. 15.

³⁴ Ministerio de Cultura, Colombia. Ley 397 de 1997 – Ley General de Cultura. [Law 397 of 1997 - General Law of Culture], article 4, p. 3.

<http://www.mincultura.gov.co/VBeContent/library/documents/DocNewsNo227DocumentNo357.DOC> accessed on 11 May 2007.

³⁵ Translated by the author of the present study. Original spanish texts as follows: “[...] todos los bienes y valores culturales que son expresión de la nacionalidad colombiana, tales como la tradición, las costumbres y los hábitos, así como el conjunto de los bienes inmateriales y materiales, muebles e inmuebles, que poseen un especial interés histórico, artístico, estético, plástico, arquitectónico, urbano, arqueológico, ambiental, ecológico, lingüístico, sonoro, musical, audiovisual, filmico, científico, testimonial, documental, literario, bibliográfico, museológico, antropológico, y las manifestaciones, los productos y las representaciones de la cultura popular.”

Ibid, title II, p. 3.

silver work, and archaeological places. In this regard the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage, stipulates elements of heritage as:

[...] monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;
groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;
sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.³⁶

Likewise, the Colombian Ministry of Culture defines the cultural material heritage as:

[...] those goods that have physical body such as constructions, urban sectors, archaeological places, natural parks and chattel goods representative of the culture...(considering it as)... depositary of our memory, witness of our development as society and of the events that define us as a nation [...]³⁷

This way, it is observed that for the Colombian Ministry of Culture, material heritage is composed of: the movable (mueble) cultural heritage, the immovable (inmueble), the cultural landscapes (subsequently explained) and the archaeological.

The movable cultural heritage is composed of those goods, of the prehispanic, colonial, republican, modern or contemporary period; that can be moved from a place to another. These included different kinds of objects such as religious elements, furniture, documents, scores, paintings, archaeological pieces, works of art, clothes and records.³⁸

The immovable cultural heritage can't be moved without changing its essence. This also belongs to the prehispanic, colonial, republican, modern or contemporary period. For instance, it is conformed

³⁶ UNESCO. Convention concerning the Protection of the World Cultural and Natural Heritage. 1972, article 1, p 3. <http://whc.unesco.org/archive/convention-en.pdf> accessed on 9 May 2007.

³⁷ Translated by the author of the present study. Original spanish texts as follows: "[...] aquellos bienes que tienen cuerpo físico tales como edificaciones, sectores urbanos, sitios arqueológicos, parques naturales y bienes muebles representativos de la cultura...(considerándolo como)... depositario de nuestra memoria, testigo de nuestro desarrollo como sociedad y de los sucesos que nos definen como nación [...]"

Ministerio de Cultura, Colombia. Patrimonio Cultural Material. Programa de Participación - Vigías del Patrimonio [Participation Programme – Vigías of the Heritage], p. 10

http://www1.mincultura.gov.co/patrimonio/vigias/PROGRAMA_VIGIAS.WEB.pdf accessed on 10 May 2007.

³⁸ Ibid.

by the mortuary, religious, civil, military, domestic and industrial; the archaeological sites, urban sectors, engineering works, mural paintings and the natural heritage.³⁹

The archaeological heritage is integrated by those material vestiges of the past, outgrown and constituent elements of the historical practices, which were carried out within certain contexts that today are part of the memory, generating bonds with the past which allow strengthening the identity, for instance the national identity.

They will be considered as goods of the archaeological heritage:

[...] those chattels or real estate that are original of disappeared cultures, or that belong to the Colonial period, as well as the human and organic remains related to those cultures. Equally, are part of this heritage the geologic and paleontologic elements related to the man's history and origins [...] There will also be part of the Archaeological Heritage, the chattels and real estate representing the cultural tradition and identity belonging to the existent indigenous communities.⁴⁰

It is important to point-out that archaeological heritage does not only include the objects that are found in excavations or archaeological investigations, that is to say, not only the chattels and real estate, but also:

1. The archaeological Context. Structural conjunction of archaeological information associated to the chattels and real estate of archaeological character.
2. The archaeological Information. Data and elements of immaterial, scientific and historical character about the origin, values, traditions, customs and habits that give non commercial value and cultural sense to the chattels and real estate of archaeological character.⁴¹

³⁹ Ibid.

⁴⁰ Translated by the author of the present study. Original spanish texts as follows: “[...] aquellos muebles o inmuebles que sean originarios de culturas desaparecidas, o que pertenezcan a la época Colonial, así como los restos humanos y orgánicos relacionados con esas culturas. Igualmente, forman parte de dicho patrimonio los elementos geológicos y paleontológicos relacionados con la historia del hombre y sus orígenes [...] También podrán formar parte del Patrimonio Arqueológico, los bienes muebles e inmuebles representativos de la tradición e identidad culturales pertenecientes a las comunidades indígenas actualmente existentes.”
Ministerio de Cultura, Colombia. Ley 397 de 1997, op.cit, p. 3.

⁴¹ Translated by the author of the present study. Original spanish texts as follows: “1. El Contexto arqueológico. Conjunción estructural de información arqueológica asociada a los bienes muebles o inmuebles de carácter arqueológico.

2. La Información arqueológica. Datos y elementos de carácter inmaterial, científico e histórico sobre el origen, valores, tradiciones, costumbres y hábitos que dan valor no comercial y sentido cultural a los bienes muebles e inmuebles de carácter arqueológico.”

It is observed that emphasis is not only placed on the objects, but also in the context that grants them meaning, including the information of ecological, economical, climatic and geographical type of the archaeological area, which allows for an interpretive framework of the culture.⁴²

In the context of this report it is fundamental to note the cultural heritage submerged in any water environment, be it the sea, lakes, rivers or lagoons, among others, will be considered as part of the archaeological heritage.

The archaeological heritage will then be understood, as the part of the cultural heritage that contains the trails of man's history, the places, structures, vestiges and ruins, and the associated material culture that are in land and in water, as it is pointed out in the International Letter for the Administration of the Archaeological Heritage, emanated in 1990 by ICOMOS.⁴³

Another component of the cultural heritage is related to the intangible goods, with manifestations that remain alive thanks to the folklore, dances, rituals and traditions, among others, which therefore allow speaking of an immaterial cultural heritage.

According to the Convention of the Safeguarding of the Intangible Cultural Heritage (2003), within the framework of human rights, the respect among the communities, the groups and individuals and by means of the consideration of a controlled sustainable development, the immaterial cultural heritage may be understood as:

[...] the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history,

Decreto 833 de 2002. Por el cual se Reglamenta Parcialmente la Ley 397 de 1997 en Materia de Patrimonio Arqueológico Nacional y se Dictan otras Disposiciones, p. 2. [Decree 833 of 2002. By which is Partially Regulated the Law 397 of 1997 in the Subject of National Archeological Heritage and other Dispositions are Dictated] <http://www.mincultura.gov.co/VBeContent/newsdetail.asp?id=227&idcompany=>, accessed on June 2007.

⁴² González-Varas, Ignacio. *Conservación de Bienes Culturales. Teoría, Historia, Principios y Normas*. [Conservation of Cultural Goods. Theory, History, Principles and Norms.]. Madrid: Ediciones Cátedra, 2003: p. 35.

⁴³ ICOMOS, Carta Internacional para la Gestion del Patrimonio Arqueologico [Charter for the Protection and Managment of the Archaeological Heritage], op.cit, p. 2.

and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.⁴⁴

Thus the following may be considered as expressions of the immaterial heritage:⁴⁵

1. Languages and oral expressions.
2. Knowledge and practices on nature and the universe.
3. Culinary knowledge.
4. Traditional medicine.
5. Elaboration of objects, instruments, wardrobes, constructions and corporal ornamentation.
6. Musical and sound expressions.
7. Dance expressions.
8. Ritual, scenic and ceremonial expressions; festival acts, games and sports.
9. Traditional forms of social, legal and political organization.

This way, the immaterial heritage will be understood as those outgrowths or products of human creativity, that although they cannot be touched, they can be imagined, heard, taught, counted, danced and enjoyed.

This heritage will be understood then as all those memories, knowledge, practices, traditions, discourses, customs, likes, flavors, values and beliefs that inhabit the memory and that have been inherited from generation to generation, constantly strengthening the identity of each group or community, that has seen the necessity of adapting to each environment, allowing to each one of these groups to remember their history, giving them the opportunity to adapt to the new times, making it possible the constant reconfiguration of the identity.

Finally, it may be observed that in this case, the cultural heritage will be considered as constituted by cultural goods, which are understood as:

⁴⁴ UNESCO, Convention for the Safeguarding of the Intangible Cultural Heritage, 2003, article 2, p. 2 <http://unesdoc.unesco.org/images/0013/001325/132540e.pdf> accessed on 13 May 2007.

⁴⁵ Instituto Colombiano de Antropología e Historia. Patrimonio Inmaterial Colombiano, [Colombian Immaterial Heritage] 2007. http://www.mincultura.gov.co/patrimonio/patrimonioinmaterial/secciones/que_es/palabra_patrimonio.htm accessed on 8 June 2007.

Facts or practices of patrimonial or scientific interest that, being bearers of a cultural value, are characterized by their singular relevance, what determines a maximum protection and tutelage system.⁴⁶

2.2 Fresh and Salt Aquatic Cultural Heritage

Having clarified what is understood by cultural heritage and what it implies, the following section will examine what has been denominated as 'aquatic cultural heritage' when contextualized within the maritime cultural heritage.

It is worthwhile to clarify that it was decided to establish the concept of 'aquatic cultural heritage' to contextualize the maritime heritage, because it was considered interesting to do it in the framework of the environments related to the water, analyzing the relationship between the heritage, the culture and the water in general.

Currently, institutions such as UNESCO and some states (Canada, Argentina, Chile, Spain, Colombia, etc.), have manifested their concern regarding such aquatic environments as: rivers, lagoons, marshes, mangrove swamps, seas (marine world heritage sites)⁴⁷, islands such as the *Galápagos*, which is inscribed as a world heritage site that is in danger. Regions such as the Pacific, which includes Colombia, since so much these regions, and the communities surrounding them, continue to be forgotten and survive in marginal conditions having been seriously affected by the new conditions of the globalization.

With the increase in tourism and of in unsustainable development,⁴⁸ several phenomena have been generated with disastrous social and environmental consequences. Among those which affect the environment, the contamination of aquatic environments has increased, and resulted in the alteration of ecosystems thus transforming natural cycles.

⁴⁶ Translated by the author of the present study. Original spanish texts as follows: "Hechos o prácticas de interés patrimonial o científico que, siendo portadores de un valor cultural, se caracterizan por su singular relevancia, lo que determina un sistema de protección y tutela máximos."

Grupo ADUAR, Diccionario de geografía urbana, urbanismo y ordenamiento del territorio. [Urban geography, urbanism and territorial development dictionary]. Barcelona: Editorial Ariel, 2000: p. 49.

⁴⁷ UNESCO, World Heritage: Challenges for the Millennium, op.cit, p. 127.

⁴⁸ Through activities such as the construction of tourist emporiums, oil and gas prospecting and recovery, cable or pipe laying, among others.

Due to these alterations, the conditions of poverty and marginality of the communities that inhabit these areas have increased, as their main subsistence resources have decreased, with a negative effect on the development of activities like fishing, thus generating hunger and malnutrition.⁴⁹

These communities have also been affected by their exclusion from these projects and even, in the worst of the cases, by being displaced from their lands to make way for development, if not displaced by the problems of violence.

Given the above, it is considered critical to start to contribute solutions for these problems, which on different levels affect so much developed countries and underdeveloped states. Finding such solutions could begin by contemplating the possibility of speaking of 'aquatic cultural heritage, considering this term, as previously stated, implies contemplating the general relationship that exists between water, culture and heritage.⁵⁰

Water is an essential element for life and in the history of humanity. It has played a fundamental role as a source of resources to meet the basic needs of societies, as facilitating transport, as means of cultural transmission and exchange, as a promoter of economic and industrial developments, among many other things. It is for these reasons that different groups or communities have been in constant relationships with this element and its environments. For example, it is known that the Sumerians, one of the oldest civilizations, performed celebrations and rituals exalting the nature of water as source of life.⁵¹

This interrelation between societies and the aquatic environments, had lead to a cultural representation construction process regarding these spaces, where water and land converge, for

⁴⁹ Aronsson, Lars. *The Development of Sustainable Tourism*. London: Continuum, 2000: 1 - 5.

⁵⁰ This relationship is also beginning to be thought from the archaeology theory, to start applying it in investigations such as that of Lake Ontario - Canada (2007), understanding the need to have a more expanded vision that integrates man's relationship with water environments, and not only with what is submerged, but also with the terrestrial environments that are around the water. This approach generates an interpretation of the places starting from their contexts and their social constructions not just from the places per se.

Institute of Nautical Archaeology, Lake Ontario: Cultural Maritime Landscape Project.

http://nautarch.tamu.edu/cmac/students/Ford06/Ford_Ontario_index.htm accessed on 21 May 2007.

⁵¹ Parliamentary Assembly. Recommendation 1486: Maritime and Fluvial Cultural heritage, 2000. <http://assembly.coe.int/Documents/AdoptedText/TA00/EREC1486.htm> accessed on 18 May 2007.

Water and the Canadian Identity http://www.ec.gc.ca/WATER/en/culture/ident/e_intro.htm accessed on 16 May 2007.

example in their banks and surroundings, and where many societies have established diverse types of settlements and architectural constructions throughout history. Within these are the shell mounds, hamlets, towns, villages, cities, fortifications, farms, castles, etc.

2.3 Discourses and Practices regarding Aquatic Culture

This process of cultural construction that I mentioned in the last section is developed according to the anthropological perspective, among other things, as a result of man's interrelation with his environment. This is a reason why nature and the universe become referents for the sustenance and inspiration of the culture, which in this case, will be understood as aquatic culture.

Keeping in mind that there no consensus regarding the concept of culture due to the variety of theoretical anthropological approaches and also due to its dynamic character, it is worthwhile to clarify that, with the objective of defining what can end up being understood as aquatic culture, the culture in itself will be understood as "[...] a set of behavioral codes; an organized system of symbols and meanings shared by groups."⁵² and "[...] as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs"⁵³

This set of features, which later on are declared as aquatic heritage, are constructed, represented and materialized, among other things, through the discourses and practices regarding the water which end up generating discursive cultural practices.

Man's interaction with his environment - with the water - and with society, propitiate the generation of representations starting from discourses, that is, of packages of knowledge–power characteristic of each historical context that influence the materialization of the individuals' actions and the

⁵² Translated by the author of the present study. Original spanish texts as follows: "[...] un conjunto de códigos de comportamiento, un sistema organizado de símbolos y significados compartidos por los grupos." Alegret, op.cit, p. 39.

⁵³ UNESCO. Preamble to the UNESCO Universal Declaration on Cultural Diversity, 2001, p. 2. http://www.sdnbd.org/sdi/international_days/literacy/2005/document/leg_t_gats_unesco_decl_cultural_diversity_021101_tcm6-4303.pdf accessed on 15 May 2007.

negotiation of their culture and identity⁵⁴ and whose order “produces some permissible ways of being and thinking at the same time that disqualifies and even make others impossible”.⁵⁵

The materialization of discourses regarding water are undertaken, among other things, through the generation of cultural - historical practices that enter to cohabit with the previous ones, producing transformations in the aquatic culture, hence, in the ways of seeing and representing the world in connection with the aquatic environments.⁵⁶

Thus, the construction and cultural negotiation process concerning the water, is given in a scenario where multiple discourses, practices, active subjects and objects are related and mutually construct, by means of interactions that give place to discursive cultural practices that, due to their historical and social character, are in a continuous transformation and adaptation process.⁵⁷

These discourses and practices which constitute aquatic culture are generated and constructed with respect to social space:

The space as social product is a complex and versatile object: is what materially the society creates and recreates, with a defined physical entity; it is a social representation and a project, in which individuals, social groups, institutions and social relationships operate, with their own representations and projects. The space is offered to us also, through a socially constructed discourse that mediates at the same time that carries our representation and our social practices. It is a social product because only exists through the existence and reproduction of the society. This space has a double dimension: it is at the same time material and mental representation, physical object and mental object.⁵⁸

⁵⁴ Foucault, Michel. *Las palabras y las cosas*. [The words and the things]. Mexico: Siglo XXI Editores, 1969: p. 17. McHoul Alec and Grace Wendy. *A Foucault Primer: Discourse, Power and the Subject*. Malaysia: Melbourne University Press, 1993: p. 4.

⁵⁵ Translated by the author of the present study. Original spanish texts as follows: “produce unos modos permisibles de ser y pensar al tiempo que descalifica e incluso imposibilita otros.”

Escobar, Arturo. *La Invención del Tercer Mundo*. [The invention of the third world.] Bogotá: Norma, 1996: p. 23.

⁵⁶ Hall, Stuart. “Foucault: Power, Knowledge and Discourse” In: M. Wetherell, S. Taylor and S.Yates. *Discourse Theory and Practice*. London: Sage Publications, 2001: p. 51.

⁵⁷ Foucault, op.cit.

Bourdieu, Pierre. *Razones prácticas*. [Practical reasons] Barcelona: Editorial Anagrama, 1997: 37.

⁵⁸ Translated by the author of the present study. Original spanish texts as follows: “El espacio como producto social es un objeto complejo y polifacético: es lo que materialmente la sociedad crea y recrea, con una entidad física definida; es una representación social y es un proyecto, en el que operan individuos, grupos sociales, instituciones, relaciones sociales, con sus propias representaciones y proyectos. El espacio se nos ofrece, además, a través de un discurso socialmente construido, que mediatiza al tiempo que vehicula nuestra representación y nuestras prácticas sociales. Es

In this case, this social space is related to the aquatic environments, with the diverse social constructions that are made of them, independently of whether a direct interaction with them is being maintained or not. It is observed then, how on one hand, the space is material (in this case it is related with a concrete element: the water and its environments). However, its natural attributes and the representations that have been generated regarding it in the past acquire a social character as the individuals or agents incorporate them to their changing dynamics.⁵⁹

On the other hand, the space is also mental, as it is represented, perceived, valued and adapted in diverse ways by the individuals, through discourses and practices.⁶⁰ Therefore, the discourses and practices, and the aquatic culture in itself, are also generated and constructed as a result of the constituent cultural landscape of the social space.

The result of the interaction, or co- production, between nature and human activity it is understood as cultural landscape. Concretely, it is a geographical area comprised by natural and cultural resources, which are associated with a group of people, activities, historical events or celebrities, which are in a process of constant transformation and reconstruction.⁶¹

Therefore, cultural landscape is understood as a complex reality since it is integrated by cultural components (material and immaterial) and natural. These are both changing, reflecting, for example, the specific techniques of subsistence, in this case, through the water resources uses, up to the relationships and spiritual and historical representations regarding the water and its environments.

un producto social porque sólo existe a través de la existencia y reproducción de la sociedad. Este espacio tiene una doble dimensión: es a la vez material y representación mental, objeto físico y objeto mental.”

Ortega, Valcárcel. “La Geografía para el Siglo XXI”. [The Geography for the XXI Century]. In Joan Romero (coordinator). *Geografía humana: procesos, riesgos e incertidumbres en un mundo globalizado* [*Human Geography: processes, risks and uncertainties in a global World*]. Spain: Ariel, 2004: p. 33-34.

⁵⁹ Natter, Wolfgang and Jones, John. “Identity, Space and other Uncertainties” In: Georges Benko and Ulf Strohmayer eds. *Space and Social Theory*. Oxford: Blackwell Publishers, 1997: p. 141.

⁶⁰ Shields, Rob. “Spatial Stress and Resistance: Social Meanings of Spatialization” In: Georges Benko and Ulf Strohmayer eds. *Space and Social Theory*. Oxford: Blackwell Publishers, 1997: p. 186.

⁶¹ Wagstaff, J.M. *Landscape and Culture: Geographical and Archaeological Perspectives*. Oxford: Basil, 1987: p. 39. Blackwell Head, Lesley. *Cultural Landscapes and Environmental Change*. London: Arnold, 2000: p. 14.

The Cultural Landscape Foundation, Cultural Landscapes Defined <http://www.tclf.org/whatis.htm> accessed on 17 May 2007.

UNESCO, through the provisions of the World Heritage Convention (1972)⁶² which was became the first international legal instrument for the protection of the cultural landscapes, established the following classification for cultural landscapes during the World Heritage Committee in 1992:

1. Clearly defined landscapes: designed and created intentionally by humankind. Such places include gardens and parklands constructed for aesthetic reasons and often associated with monumental buildings and ensembles. (Aranjuez Cultural Landscape, Spain)⁶³

2. Associative cultural landscapes: where the outstanding universal value relates to the powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence. (Tongariro National Park, New Zealand)⁶⁴

3. Organically evolved landscapes: This type of cultural landscape, resulting from an initial social, economic, administrative or religious imperative, has developed in close association with and as a response to its natural environment and reflects the process of evolution. Such places may be divided into:

– relict (or fossil) landscapes in which an evolutionary process has come to an end but where its significant distinguishing features are still visible in material form. (Blaenavon Industrial Landscape, United Kingdom of Great Britain and Northern Ireland)

– continuing landscapes which retain an active social role in contemporary society closely associated with a traditional way of life and in which the evolutionary process is still in progress, exhibiting significant material evidence of its continuing evolution over time. (Royal Hill of Ambohimanga, Madagascar)⁶⁵

Based on the above, the cultural landscapes were classified by UNESCO as: urban, rural, archaeological and industrial. Some examples of cultural landscapes related to aquatic environments declared by the UNESCO as cultural heritage are: Argentina: *Quebrada de*

⁶² UNESCO, World Heritage: Challenges for the Millennium, op.cit, p. 112 - 123.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

Humahuaca (2003), Germany: Upper Middle Rhine Valley (2002), Italy: *Portovenere, Cinque Terre* and the *Palmaria, Tino* and *Tiento* islands (1997)⁶⁶.

It is important to note that categories such as social space and cultural landscape, help to understand both the holistic character of culture and in this case of the water, and the need to contemplate and study the goods that will be declared as aquatic heritage goods. This must be undertaken within a contextual interpretive framework of the cultural landscape which allows for the consideration of the interrelation of the ethnographic, historical, political, economic, technological, environmental and physical aspects within which these goods acquire meaning, when being represented and appropriated. Thus, leaving aside the perspective where only the object for the object itself is considered or the place per se.

In light of the above, and more generally, aquatic culture may begin to be defined as the set or group of materials (in water and its terrestrial surroundings) and immaterial features such as traditions, customs, values, practices, discourses, imageries, among others, that are constructed, transformed and appropriated amid an interactive relationship between the societies and the environments of salt and fresh water. Therefore, creating and recreating among societies, the social space and the cultural water landscape. Embracing, among other things, the appropriations (through discourses and practices) that are made regarding them based on the various degrees of interrelation with the said environments.

It is considered that this aquatic culture, in turn, can be constituted by other subcategories that are defined on the basis of the environment: fluvial culture (river), lacustrine culture (lakes, lagoons), maritime culture, and other water environments culture (still to develop).

Keeping in mind that the present report constitutes a conceptual proposal and that the emphasis of the work is on the sea, each concepts related to these cultures will not be developed, with the exception of the maritime culture. Thus, for the purposes of the present report it is important to understand that when thinking of aquatic culture, its complexity and diversity should be contemplated in connection with the variety of the social spaces and the cultural landscapes that integrate it, and keeping in mind that:

⁶⁶ Ibid.

Culture as Heritage is all that a group recognizes, possesses and share, and considers that should be maintained as essential element of its socio-cultural continuity, giving it and recognizing it as a special value called heritage value.⁶⁷

2.4 Aquatic Cultural Heritage: an approach

A first step in the definition of the concept of aquatic cultural heritage could be taken, understanding it as all those cultural materials (in water and its terrestrial surroundings) and immaterial goods, that are an expression of water culture (salted and fresh), when possessing anthropological, archaeological, historical, architectural, artistic, scientific, or literary values or interests, among others.⁶⁸ (Figure 2) States such as Norway have gone a long way in this process, and have already developed laws that protect the cultural heritage of salt and fresh waters.⁶⁹

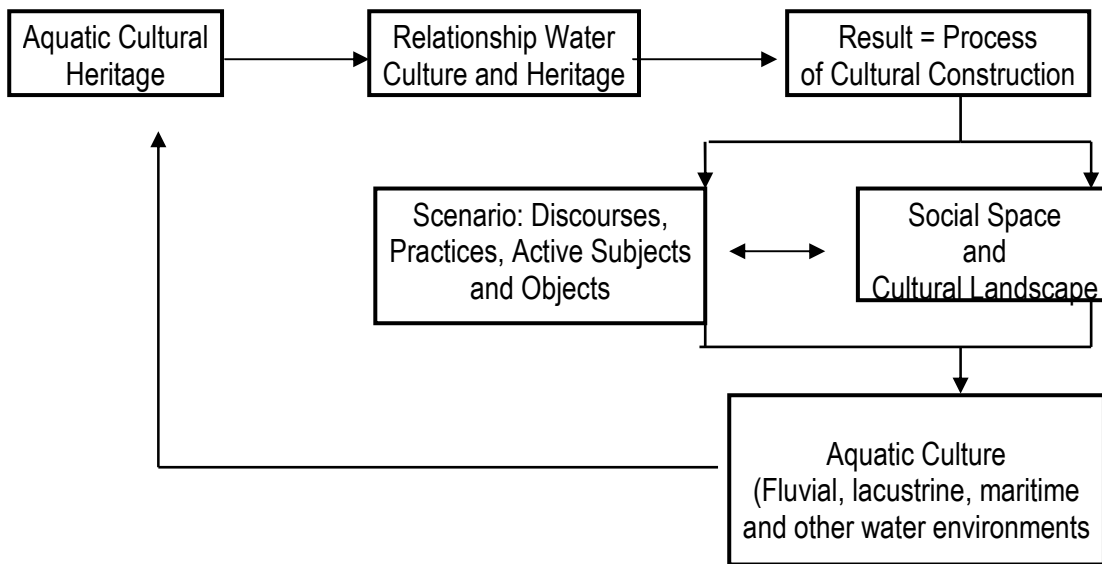


Figure 2. Construction Process of the Aquatic Cultural Heritage Definition

⁶⁷ Translated by the author of the present study. Original spanish texts as follows: "La Cultura como Patrimonio es todo aquello que un grupo reconoce, posee y comparte y que considera que hay que mantener como elemento esencial de su continuidad socio-cultural, dándole y reconociéndole un valor especial llamado valor patrimonial." Alegret, op.cit, p. 41.

⁶⁸ All these material and immaterial goods can have one or many values.

⁶⁹ Tromso Museum. Borgo Maritime Cultural Landscape.

http://www.imv.uit.no/ommuseet/enheter/ark/forskning_Borgmaritim.htm accessed 20 June 2007.

2.4.1 Fluvial Cultural Heritage

It is considered that this heritage, in turn, can be divided into subcategories that should be academically developed through concrete studies. The first one of these subcategories is that of fluvial cultural heritage.

Throughout history, rivers (dynamic environments) have played a fundamental role as transportation corridors, sources of resources and work, as means for cultural exchanges, as loci of industrialization (water, energy) and as favorable environments for diverse types of settlements from small villages and towns up to big cities such as London, Paris, and Buenos Aires.

However, as time has passed this dependent relationship between man and the river is being changed and currently is no longer as direct and immediate, which in some cases has generated and indifferent attitude towards rivers – water.⁷⁰

It is therefore considered fundamental to reinforce the relationship, and in some cases to generate measures for the protection of this water environment so as to improve the situation marginalized riverside populations. This may be accomplished through considering the relationship as a tangible and intangible heritage. This approach is currently being pursued in Europe through discussions in the Parliamentary Assembly⁷¹ and also through the project 'European Fluvial Heritage' in which France, Slovenia and Hungary are participating⁷²; Argentina and Uruguay through the declaration of Montevideo on the sustainable development of the *Río de la Plata*⁷³ are also adopting a similar approach as is UNESCO through the project 'The Great Volga River Route Project Uniting the Seas (Baltic, Black and Caspian) in favour of World Heritage Education for Sustainable

⁷⁰ Haslam, Sylvia. *The River Scene: Ecology and Cultural Heritage*. Cambridge: Cambridge University Press, 1997: p. 243.

⁷¹ Parliamentary Assembly – Council of Europe. *Doc. 8867: Maritime and Fluvial Cultural heritage*, 2000. <http://assembly.coe.int/Documents/WorkingDocs/doc00/EDOC8867.htm> accessed on 23 May 2007.

⁷² Ibid.

European Fluvial Heritage. http://www.euromedinculture.com/proyectos/inicio.php?id_projet=118 accessed on 22 May 2007.

Parliamentary Assembly. Recommendation 1486: Maritime and Fluvial Cultural heritage, op.cit.

⁷³ Declaración de Montevideo sobre el desarrollo sostenible de la zona costera del Río de la Plata <http://www.unesco.org/csi/act/plata/montevide.htm> accessed on 15 May 2007.

Development with the support of ICTs ⁷⁴; and France with academic events as the cycle of conferences on the Fluvial Heritage of the Region of the Loire.⁷⁵

Therefore, it may be suggested in a general way that as fluvial cultural heritage could be understood those cultural material and immaterial goods related with the river and its surroundings:

[...] the signs of the use of the river by people from the present back to remote antiquity, water for domestic and industrial supply, power, food, transport, waste disposal, ornament, recreation, healing, and its place in town, village and city planning and development and in religion, myth, tradition and recent developments for increased recreation.⁷⁶

To the above one can add the material culture, the social representations, the river cultural landscapes⁷⁷, the structures⁷⁸, the appropriations and perceptions regarding the river to the notion of fluvial cultural heritage.⁷⁹

This with the objective that in states such as Colombia, where there are 4 hydrographic slopes,⁸⁰ the potential of traditions, archaeological vestiges, behaviors and social problems of these water environments be known also, with the purpose to protect and use these aquatic resources within the framework of sustainable development, both offering solutions to the societies that surround them - as the indigenous groups *Murui* and *Muinane* from the Colombian Amazons - and protecting the environment.

⁷⁴ UNESCO, Programme 2006 – 2007. The Great Volga River Route Project "Uniting the Seas (Baltic, Black and Caspian) in favour of World Heritage Education for Sustainable Development with the support of ICTs" (33C5) http://portal.unesco.org/culture/fr/ev.php-URL_ID=29318&URL_DO=DO_TOPIC&URL_SECTION=201.html accessed on 20 May 2007.

⁷⁵ Universidad de Angers. Ciclo de Conferencias sobre el Patrimonio Fluvial de la Región del Loira. <http://www.valdeloire.org/front.aspx?SectionId=135&PubliId=2385&CHANGELANG=es> accessed on 15 May 2007.

⁷⁶ Haslam, op.cit, p. 6.

⁷⁷ Such as the irrigation systems. Some examples of these systems are: the '*Sistema hidráulico prehispánico del Río San Jorge*' (Colombia), Falaj system (Oman), Shushtar hydraulic installations (Iran).

⁷⁸ Such as windmills, fulling mills, irrigation ditches, ferries wheels, washing places, steam hammers, siphons, and water wheels.

⁷⁹ Centro de Estudios de Jiloca, Patrimonio Fluvial del Río Jiloca. [Fluvial Heritage of the Jiloca River] <http://www.xiloca.com/data/Naturaleza/Rio%20Jiloca/rio%20jiloca.htm> accessed on 21 May 2007.

⁸⁰ The Pacific where more than 200 rivers run; the Atlantic where rivers as important as the *Magdalena* run; the *Orinoco* and the *Amazonas* where the second longest river of the world runs: the *Amazonas*. Murillo, Amparo. *Un Mundo que se Mueve como el Río*. [A World that Moves like the River]. Bogotá: Instituto Colombiano de Antropología e Historia, 1994: p. 15.

2.4.2 Lacustrine Cultural Heritage

The second subcategory is the lacustrine cultural heritage. The lacustrine term refers to two specific water environments: the lakes and lagoons of fresh water, the same as their surroundings which may be permanent or seasonal.⁸¹

Currently, many of these environments and their lacustrine communities are highly affected by the urbanization and non sustainable tourist development dynamics that are taking place around or inside them, contaminating them, destroying the areas that surround them, over exploiting their resources, and consequently affecting the groups that live of them through the development of practices such as agriculture.⁸²

It is again proposed to continue developing mechanisms or strategies leading to the protection and conservation of these water environments, and for the improvement of the conditions of life of the lacustrine populations. Following this way the initiatives, among others, of states such as Chile that is trying to protect the beaches and coastal corners of the *Villarrica* lake (2007); Spain that has designed natural parks such as *Ruidera* and *Somiedo* to protect the lagoons; Mexico who with the support of UNESCO, tries to rescue the lacustrine environment of *Xochimilco*; Chile that is trying to implement urban development projects in regions as *San Pedro de la Paz*, protecting the heritage and the lacustrine populations.⁸³

One possible solution is the conception of these environments not only as natural heritage but also as cultural heritage. Initially, the lacustrine cultural heritage may be understood as all those:

[...] tangible and intangible components, among those are highlighted the ancestral techniques of cultivation of the land; the lacustrine cultural landscape, the native flora and fauna; the means of aquatic transport in canoe and trajinera [boat]; as well as the culture and the agricultural and religious traditions, among others, and their expression in a rich pattern of feasts and

⁸¹ Palerm, Angel. Obras hidráulicas prehispánicas en el sistema lacustre del Valle de México. [Hydraulic pre-hispanic works in the lacustrine system of the Mexican Valley]. Mexico: Instituto Nacional de Antropología e Historia, 1973: p. 5.

⁸² Proyecto UNESCO – Xochimilco. [UNESCO Project – Xochimilco.], p. 4 and 5.

http://www.unescomexico.org/xochimilco/docs/docs2/talleres/taller_Patrimonio.pdf accessed on 24 May 2007.

⁸³ Perez, Leonel and Renzo Lillo. San Pedro de la Paz: Elementos del Patrimonio Natural Estructurantes del Paisaje Urbano [San Pedro de la Paz: Elements of the Natural Heritage Structuring of the Urban Landscape], 2003. <http://redalyc.uaemex.mx/redalyc/pdf/198/19800812.pdf> accessed on 22 May 2007.

public celebrations of religious origin related symbolically with that productive environment.⁸⁴

Included in the lacustrine cultural heritage are the diverse social perceptions regarding these environments and all the associated material culture. An example that may be illustrative in this case is that of the *muisca*s, an indigenous (Colombian) pre-hispanic group that had as sacred places, in connection with its myths, lagoons like those of *Guatavita*, *Guasca*, *Siecha*, *Tota*, *Teusacá*, *Fúquene* and *Ubaque*; the rivers, streams, mountains, stones and caves, where were they developed ceremonies and rituals in honor to the gods, for the newly born children, for the girls that arrived to puberty, for the appointment of priests, and even for death itself.⁸⁵

In these places they also conserved idols, made human sacrifices and offerings of gold, emeralds, ceramic and wood; of anthropomorphous figures of ceramic types like the gray degreasing; of stone like the ones found in the *Fúquene* lagoon and in *Sogamoso*, and of wooden anthropomorphous figures as those extracted from a dry cave in *Bojacá* (*Sabana de Bogotá*).⁸⁶

The consideration and awareness of the existence of this legacy will help countries like Colombia, where the lakes, lagoons⁸⁷ and reservoirs represent 104,712 hectares, to develop more strategies for the conservation of these environments and for the improvement of the living conditions of the marginal populations that surround them.⁸⁸

The third category is maritime cultural heritage, which will be developed below.

⁸⁴ Translated by the author of the present study. Original spanish texts as follows: “[...] componentes tangibles e intangibles, entre los que destacan la ancestrales técnicas de cultivo de la tierra, entre otras; el paisaje cultural lacustre, la flora y fauna nativa; los medios de transporte acuático en canoa y trajinera; así como la cultura y tradiciones agrícolas, religiosas, entre otras y su expresión en un rico entramado de fiestas y celebraciones públicas de origen religioso, relacionadas simbólicamente con ese entorno productivo.”

Proyecto UNESCO – Xochimilco, op.cit, p. 1.

⁸⁵ Ome, Tatiana. *De la Ritualidad a la Domesticidad en la Cultura Material*. [From Rituality to the Domesticity in the Material Culture] Bogotá: Andes University – CESO, 2006: p. 24.

⁸⁶ Reichel – Dolmatoff, Gerardo. Arqueología de Colombia: un texto introductorio. [Colombian Archeology: an introductory text] Bogotá: Fundación segunda expedición botánica, 1986: p. 25.

⁸⁷ Tota, Cocha, Fúquene, Chisaca, Ubaque, Siecha, Guatavita, Iguaque, Suesca, Cucunubá, among others.

⁸⁸ Biblioteca Virtual Banco de la Republica. Lagos, Lagunas y Ciénagas.[Lakes, Lagoons and Marshes] Colombia: Biblioteca Luis Angel Arango, 2005. <http://www.lablaa.org/blaavirtual/ayudadetareas/geografia/geo31.htm> accessed on 12 June 2007.

2.4.3 “Other” Aquatic Environments Cultural Heritage

The fourth, category is cultural heritage of “other” aquatic environments. Although this in itself doesn't constitute a definitive conceptual category of the aquatic cultural heritage, because the term “other” gives it an ambiguous meaning, it was decided to at least mention it, since it includes all the remaining aquatic environments to which, in this work, has not been possible to establish a proper classification from the environmental, ecological and biological technical point of view, considering that at the moment it doesn't constitute a focus of interest.

Likewise, it is considered important to leave this category at least enunciated, pointing out that further elaboration should be undertaken developing appropriate academic terms according to the disciplines that study these surroundings and the environment, facilitating this way the interdisciplinary work that this topic requires.

For the time being, it can be stated that those “other” aquatic environments that could be considered not only as natural heritage but also as cultural heritage, and that in the future could be classified as:

1. Marshes

These constitute bodies of water:

[...] with circulation of water in two inverse stations: from the river towards the body of water, in the rainy periods and of high waters; and from the body of water towards the river, in the dry times of low waters, that maintains hydrophilous vegetation, even arboreal, adapted to saturated soils.⁸⁹

⁸⁹ Translated by the author of the present study. Original spanish texts as follows: “[...] con circulación de agua en dos estaciones inversas: del río hacía el cuerpo de agua, en los periodos lluviosos y de aguas altas y del cuerpo de agua hacía el río, en las épocas secas de aguas bajas, que mantiene vegetación higrófila, incluso arbórea, adaptada a suelos saturados.”

Murillo, op.cit, p. 14.

2. Swamps

Defined as “[...] a hollow where waters are picked up and naturally detained, which can be developed on any surface type, but it is done most frequently on penillanuras, flood plains and deltas”⁹⁰

There are salt and fresh water swamps.

3. Streams

They are streams or small currents of water of little flow that are not favorable for activities like sailing and fishing, but for recreation.⁹¹

4. Mangrove swamps

They are defined as “Land that in the tropical zone is covered with water by the big tides, filled with estuaries that cut it forming many low islands, where the trees that live in salted water grow.”⁹²

Therefore, they play a fundamental role as sources of resources (such as fish and salt) for all those populations that surround them.

5. Canals

UNESCO and ICOMOS define a canal as:

[...] as a human-engineering waterway. The canal may be a monumental work, the defining feature of a linear cultural landscape, or an integral component of a complex cultural landscape. In economic development it may contribute to nation building, agricultural development, industrial development, generation of wealth, development of engineering skills applied to other areas and industries, as well as tourism. Social factors include the redistribution of wealth with social and cultural results; the movement of people and the interaction of cultural groups.⁹³

⁹⁰ Translated by the author of the present study. Original spanish texts as follows: “[...] una hondonada donde se recogen y naturalmente se detienen las aguas, la cual se puede desarrollar sobre cualquier tipo de superficie, pero lo más frecuente es que lo hagan sobre penillanuras, llanuras de inundación y deltas.”

Ibid, p. 15.

⁹¹ Ibid.

⁹² Translated by the author of the present study. Original spanish texts as follows: “Terreno que en la zona tropical cubren de agua las grandes mareas, lleno de esteros que lo cortan formando muchas islas bajas, donde crecen los árboles que viven en el agua salada.”

Real Academia Espanola. Manglares,[Mangrove Swamps] 2007. <http://www.rae.es/> accessed on 14 June 2007.

⁹³ UNESCO – ICOMOS, The World Heritage List: Filling the gaps – an Action Plan for the future, p. 10. <http://whc.unesco.org/cairns/icomos-gaps.pdf> accessed on 20 May 2007.

The important concept that should be applied to each one of these environments, and to all the others that will be added in the future, is that these environments should begin to be understood not only as natural heritages, but also as cultural heritages, understanding that they constitute social spaces and cultural landscapes where man relates with the environment.

Therefore, the cultural heritage of these “other” aquatic environments can begin to be understood, in a general way, as those tangible and intangible cultural goods, traditions, practices, discourses, customs, material culture, appropriations, among others, that are generated as a result of the interrelationship between the societies and their environments.

All this with the purpose that has been reiterated, of helping the populations related to these aquatic environments and with the purpose of protecting and preserving them from activities such as over exploitation, tourism and non sustainable development. So that in states such as Colombia, where there are approximately 1,900 marshes and where the swamps occupy more than 19,000 km²,⁹⁴ more strategies or legal tools can be elaborated with the objective of both safeguarding these natural and cultural environments, and improving the living conditions of the communities that surround them.

2.4.4 Aquatic Cultural Heritage Characterization

After a first approach to the conceptualization of aquatic cultural heritage, some general categories are going to be suggested, which may allow for its characterization, or at least its identification. These are going to be perfected, supplemented or changed as the topic is being developed.

The first of these categories is the material components. This refers to all that is on land or in water, in these aquatic environments, which is comprised of diverse movable and immovable goods, including:⁹⁵

⁹⁴ Biblioteca Virtual Banco de la Republica, op.cit.

⁹⁵ Casado, Jose Luis. *Patrimonio Subacuatico: Difusion, Publico y Valoracion*. [Subacuatic Heritage: Diffusion, Public and Valuation.] Espana: Universidad Internacional Menendez Pelayo, 2005: p. 1.
Haslam, op.cit, p. 246 - 296.

1. Infrastructures: of transport and economy (ports, canals, bridges, ovens, lighthouses, dikes), of energy (dams, millponds), for the provision of water (wells, fountains, aqueducts), of defense (fortifications) and their related material culture.
2. Settlements or sites that are evidence of dwelling: prehistoric, historical, pre-hispanic, rural, urban and their related material culture.
3. Ritual or ceremonial sites: and their related material culture.
4. Crafts: comprises all kinds of ships, of any typology or size, and their material culture.
5. Visual representations: of the activities related with the salted or fresh water, with the elements with which they are carried out, or with the territory delimitation related with these surroundings. They could be represented in any form such as: petroglyph, drawing, stamp, painting, sculpture, maps, photograph, film, video, or infography.
6. Historical documents: All written testimony, primary or secondary sources.
7. Material culture of the daily life: all types of objects (apart from those related to the previous categories) that have been part of the daily discursive practices of the communities or groups related to the salt or fresh water environments.

It is important to clarify that this is a simple list including only some of the diverse goods that can be part of this first category. In some cases, a site could be an urban settlement, a port and also a fortification. Furthermore, the idea that these goods by themselves do not represent the heritage, for it is fundamental to take into account the context, historical process, discourses and practices that allow their interpretation and consideration as heritage. Thus, this is only a first simple approach, from an academic perspective, where the material universe is related with the aquatic surroundings.

Thus, as will be elaborated upon below it in chapter 2, it could be a better option to begin to understand the cultural goods as part of social spaces and cultural landscapes that give them meaning. According to the established provisional classification for aquatic cultural heritage, this category in turn would be composed by the following subcategories:

1. Fluvial cultural landscape: example, *Parque Fluvial* colonies of Llobregat in Spain.
2. Lacustrine cultural landscape: *Xochimilco* in Mexico, Guatavita lagoon in Colombia.
3. Marine cultural landscape: which will be developed later on
4. Cultural landscape of other water environments

As previously explained, these subcategories should be studied keeping in mind the established UNESCO classification:

1. Clearly defined landscapes (historic and botanic gardens, or others).
2. Associative cultural landscapes (archaeological components, buildings, structures or other elements of human creation, vestiges of old agricultural productions or others on the natural environment, uses of the land and of the resources, among others).
3. Organically evolved landscapes (agriculture forms, fishing or other traditional productions and their effects on the landscape; uses of the land, persistence of traditional instruments of production, transport and storage; isolated buildings or domestic, industrial or other grouped constructions; hydraulic and energy systems, among others).⁹⁶

Also, their classification as cultural urban, rural, archaeological or industrial landscapes should be considered.

The second category, also part of the social spaces and the cultural landscapes, is the immaterial components. According to the Ministry of Culture of Colombia, to the Colombian Institute of Anthropology and History and to this author's point of view, this universe, that refers to the traditions, and to the cultural representations that diverse societies construct regarding the fresh and salted water environments and their relationship with them, is integrated by the following subcategories:

1. Languages and oral expressions.
2. Knowledge and practices on nature and the universe (related with activities such as: fishing and their routes, sailing, exchange, hunting, the construction of housings, elaboration of objects of the material culture, and armament).

⁹⁶ UNESCO, World Heritage: Challenges for the Millennium, op.cit, p. 114 and 115.

3. Culinary Knowledge
4. Traditional Medicine
5. Elaboration of objects, instruments, wardrobes, constructions and corporal ornamentation
6. Musical and sound expressions
7. Dancing expressions
8. Ritual, scenic and ceremonial expressions; festivals, games and sports
9. Traditional forms of social, legal and political organization
10. Social representations regarding the fresh and salted water environments and the social, economic and political aspects related to them.

In this case, is also important to remind, that the expressions by themselves do not represent the heritage “[...] the relations that articulate among human beings, meanings and the use of these expressions and objects constitute the immaterial cultural heritage”.⁹⁷

This way, after having stated in detail what will be understood as cultural heritage, and the relationship that this has with the culture and the water; by means of the aquatic cultural heritage category - being aware that the marine cultural heritage is part of it – a forward step will be taken in the development of the definition of marine cultural heritage, emphasizing in the relationship that exists between culture, heritage and sea.

⁹⁷ Translated by the author of the present study. Original spanish texts as follows: “[...] son las relaciones que se articulan entre los seres humanos, los significados y los usos de estas expresiones y objetos lo que constituye el patrimonio cultural inmaterial.”

Ministerio de Cultura, Colombia. Expresiones del Patrimonio Cultural Inmaterial.[Immaterial Cultural Heritage Expressions] <http://www.mincultura.gov.co/patrimonio/patrimonioinmaterial/secciones/expresiones/expresiones.htm> accessed on 11 June 2007.

3. Maritimity and Cultural Heritage

3.1 Maritime Culture or Maritime Cultures?

To start comprehending the relationship between the sea, culture and heritage; and delimiting the road toward the concept of maritime cultural heritage, it is necessary to explain what is sought to be *patrimonialized*.⁹⁸ Therefore, it is fundamental to begin with the conceptualization of what is going to be understood by maritime culture or cultures. Because goods and cultural expressions from which it is composed it are going to be granted a patrimonial value.

The definition of the concept of maritime culture should be thought of within framework of the interaction between societies and sea/land, and not only between societies and sea. This because it is considered that communities related with the oceans are not only the coastal ones, but also those that have some type of relationship, appropriation or social and historical representation on the sea and its environments.⁹⁹

In this particular case, the maritime culture(s) should be considered within a national frame of reference, where the national culture is not a homogeneous or static whole, and as a result, the diverse sectors, according to their interrelation levels, have various forms of viewing and understanding of the sea.

Therefore, initially, maritime culture as a component of water culture can be understood as the group or set of features and of material and immaterial cultural expressions such as traditions, beliefs, practices, discourses and customs that are constructed as a result of the continuous, flexible and changing relationship between society and sea/land. Maritime culture is also defined starting from the diverse appropriations and perceptions of the different social groups regarding the sea, which allow to speak of a maritime culture, constituted in turn by several 'maritime cultures' that are constructed depending on the relationship level with the sea as social space and cultural landscape.

⁹⁸ Patrimonialization is an anthropological concept explained in section 2.2 above.

⁹⁹ Peron, Françoise. *Le Patrimoine Maritime: Construire, Transmettre, Utiliser, Symboliser les héritages maritimes européens*. France : Presses Universitaires de Rennes, 2002: p 15.

[...] the hinterland population that supplied the port's subsistence requirement, and the distant centralized authority [...] which controlled both the nature of the industry and the maritime trade itself. These too and more, have to be considered within the overall maritime framework.¹⁰⁰

The maritime culture is then related to practices, among others, such as fishing and the construction of vessels; with beliefs about good and bad luck when navigating; with knowledge that facilitates forecasting the climate and phenomena such as storms; and with perceptions about the sea as a tourism space.¹⁰¹

This concept implies a departure, or better, widens the spectrum regarding the traditional studies of the maritime anthropology since the subject of study is not limited to the denominated maritime societies:

[...] to those societies that because of their geographical localization or the type of main subsistence activity linked to the sea, have developed some knowledge, some social relationships and a form of seeing in the world characteristics of this relationship.¹⁰²

On the contrary, it embraces the communities throughout the entire state. Even though they do not have a close relationship with the maritime environment, have constructed a social representation of it, which is an indefectible part of the national maritime culture.

In this view, the national maritime culture involves and is constructed from the diverse discourses regarding the sea; and based on the levels of interrelation of the different groups and the sea. Likewise, it is configured from the diverse associated practices, such as of the fishing communities, on the different social actors that, for instance, have built a relationship with these environments when developing tourism or political activities in the coastal areas.

¹⁰⁰ Hunter, J.R. 1994. "Maritime Culture: Notes From the Land", *The International Journal of Nautical Archaeology* 23.4 (1994): 261-264.

¹⁰¹ Taylor, David. *Documenting Maritime Folklife: An Introductory Guide*. Publications of the American Folklife Center, no. 17. 1992. <http://www.loc.gov/folklife/maritime/intro.html> accessed on 10 June 2007.

Prins, A.H.J. *Sailing from Lamu: a Study of Maritime Culture in Islamic East Africa*. Assen: Van Gorcum, 1965: p. 4.

¹⁰² Translated by the author of the present study. Original spanish texts as follows: "...a aquellas sociedades que por su localización geográfica o el tipo de actividad principal de subsistencia vinculada al mar, han desarrollado unos conocimientos, unas relaciones sociales y una forma de ver en el mundo características de esta relación."

Alegret, op.cit, p. 2.

In this case, the discourses and practices concerning the sea are generated and constructed understanding it as a social space, that is, as a maritime space. This implies that they are developed in a scenario where the sea is not only conceived as a natural and physical space, and as a source of resources, but also as a social space, hence cultural, political, economic, and historical; and as a means of communication or as a scenario of battles, etc. It should also be noted that the diverse social groups of a territory like the nation, are organized and configured according to the levels of relationships with the sea.¹⁰³

Within this frame, said discourses and practices are also generated as a result of the maritime cultural landscape, of that scenario where societies have diverse interaction levels with the maritime environments such as islands, coastal areas and the sea itself. The term maritime cultural landscape “[...] was coined by the Danish maritime archaeologist Christer Westerdahl to provide a term that unified the heritage aspects of maritime culture on land as well as on the sea bed”¹⁰⁴

Therefore, this landscape includes a natural substratum of land and water that does not limit it to what is submerged, and tangible and intangible social components, such as sailing routes, ports, shipbuilding, and palaeoenvironmental features, among others. These are a result of the relationship of the social groups, in diverse degrees and perspectives (political, economic, social, cultural) with these bases¹⁰⁵ and which assists in understanding the maritime cultural goods within a context and not as separate entities.

After this initial attempt to define maritime culture, it is worth noting that to understand and characterize it, two conceptual categories will be kept in mind: the maritimity and the maritime differential fact.

¹⁰³ Steinberg, Philip. “The Social Construction of the Ocean”. *Journal of World History* 15.1 (2004): p. 88.

¹⁰⁴ Forsythe, Wes. *Strangford Lough: an Archaeological Survey of the Maritime Cultural Landscape*. Belfast: Blackstaff, 2002: p. 15.

¹⁰⁵ Firth, Anthony. *Three Facets of Maritime Archaeology: Society, Landscape and Critique*. University of Southampton <http://www.arch.soton.ac.uk/Research/Firth/> accessed on 14 May 2007.

The neologism 'maritimity' is understood as "[...] the way of designating the set of relationships that a population or social group has with the sea, especially those ascribed within the collective images and representations"¹⁰⁶

This definition will allow analyzing the maritime culture, and therefore the goods that can be considered as part of the maritime cultural heritage, from a wider perspective as it was previously defined: considering the representations and appropriations of the coastal communities and also those of the diverse social groups regarding the sea.

This conceptualization will be achieved keeping in mind the maritime differential fact, that is, understanding that there are diverse types of maritime cultures that form a maritime culture (for example national) since the different social groups have various forms of configuring, representing and adapting their relationship with the sea and its environments. The maritime differential fact can be found in the positive or negative valuation of the sea, in the forms of socioeconomic organization, in the articulation of the maritime activities so much in the daily life as in the regional or national markets, and in the social and symbolic relevance of the activities related with the sea, among many others.¹⁰⁷

As observed, both maritimity and the maritime differential fact are defined from, among other things, the social representations:

[...] the elaboration that a community performs on a social object [...] [in this case the sea] [...] The social representation is a theory that allows us to understand and to explain how people think of and organize their daily life, not only private but public. Through the theory of the social representation the creation of the collective knowledge is explained, which is constructed through the conversation, the discourse and the communication. It is a social knowledge that transforms through the times, that is with the historic evolution; it is collective, ephemeral, with socially defined times and spaces [...]¹⁰⁸

¹⁰⁶ Translated by the author of the present study. Original spanish texts as follows: "[...] la manera de designar el conjunto de relaciones que tiene una población o grupo social con el mar, en especial las que se inscriben dentro de las imágenes y las representaciones colectivas."

Avella, "Espacio y Territorio en la Construcción de una Visión Marítima", op.cit.

¹⁰⁷ Alegret, op.cit.

¹⁰⁸ Translated by the author of the present study. Original spanish texts as follows: "[...] la elaboración que una comunidad realiza sobre un objeto social... (en este caso el mar)... La representación social es una teoría que nos permite entender y explicar, el cómo la gente piensa y organiza su vida cotidiana, tanto la privada como la pública. Por medio de la teoría de la representación social se explica la creación del conocimiento colectivo, que se va

This is a reformulation, in psychosocial terms, of Durkheim's concept of collective representation that refers to the forms of knowledge socially constructed.¹⁰⁹

Moscovici, one of the main exponents of this theory, defines three important characteristics of social representations: in the first place, their symbolic character as social construction of the reality; secondly, their dynamic character; and lastly, their social nature as a structure that is generated through social experience, and hence, shared by those who belong to the same group.¹¹⁰

It is understood that the social representations are symbolic constructions that are created and re-created in the course of social interactions; they are specific ways of understanding and communicating the reality.¹¹¹ The different forms of social organization that refer to the maritime environment as well as its positive valuation depend directly both on the meanings that are attributed to those social objects, and on the semantic content of that socially constructed reality.

In this sense, revealing the social representations constructed in the different communities is fundamental to characterize the maritime culture itself, and to identify the various appropriation levels and perception degrees, for instance, those of the Colombian population concerning the sea.

The social nature of these representations implies a reflection on the identity of the social groups and the differences among them; also on the manner in which they have constructed, based on their daily life different social spaces, in which the territory and the maritime environment are conceived in diverse ways.

construyendo a través de la conversación, el discurso y la comunicación. Es un conocimiento social que se transforma a través de los tiempos, es decir con el devenir histórico; es colectivo, efímero, con tiempos y espacios socialmente definidos [...]"

Soler, Isaías. "Representaciones sociales sobre el secuestro en personas de alto riesgo en Colombia". [Social Representations on the kidnapping of high risk individuals in Colombia.] Thesis, Universidad de los Andes, 2002:p. 14.

¹⁰⁹ Universidad Complutense de Madrid. Diccionario Crítico de Ciencias Sociales. Representaciones Sociales. http://www.ucm.es/info/eurotheo/diccionario/R/representaciones_sociales.htm accessed on May 13 2007.

¹¹⁰ Soler, op.cit, p.4.

¹¹¹ Soler, op.cit, p. 24.

Once the universe of the maritime cultural goods is understood it is necessary to further explore how society will confer value upon it and therefore recognition it as patrimony.

3.2 Patrimonialization: a Mechanism to Strengthen the National Identity regarding the Sea

In a time where institutions such as UNESCO are calling attention to the need to take drastic measures to defend and safeguard cultural and natural maritime heritage,¹¹² due to diverse factors that are affecting the coastal communities and these aquatic environments¹¹³ it is deemed necessary to develop protection measures such as the *patrimonialization* of the maritime culture.¹¹⁴

Patrimonialization is understood as the process of selection of future tangible and intangible heritage goods, which implies the social construction of these cultural goods (maritime), to which a special value is conferred, and as such, they become protected, loved and appropriated.

According to Alegret, the patrimonialization of Heritage is based “[...] on historical and anthropological criteria and on local or national traditions with objectives and practices, not only academic-scientific-artistic, but also of economic, political and ideological order.”¹¹⁵

And therefore, it is guided by three axes of reference. The first is one articulated around the nature, the second one around the culture, and the third one around the identity (in this case with respect to the sea) “[...] (identity) that in this context becomes the best engine for the Declaration of a Heritage processes, so much of nature as of culture.”¹¹⁶

¹¹² Through the World Heritage Marine Programme. UNESCO, op.cit.

¹¹³ Such as: uncontrolled tourism and development, pollution, the over-utilization of the resources; poverty, marginality, and violence.

¹¹⁴ An example of this is the UNESCO ‘Eastern Tropical Pacific Seascape Project’, which calls for the promotion of long-term management and conservation of five marine protected areas: The Panama Bight, the islands and the waters surrounding them in the east central Pacific of Ecuador, Colombia, Panamá and Costa Rica, that are one of the most productive areas of the Eastern tropical Pacific and belong to one of the world’s most biological diverse geographical provinces. For this they are taking into account the safeguarding of the cultural and natural heritage and the sustainable development.

¹¹⁵ Translated by the author of the present study. Original spanish texts as follows: “[...] en criterios históricos, antropológicos y en tradiciones locales o nacionales con objetivos y prácticas, no únicamente académico-científicas-artísticas, sino también de orden económico, político e ideológico.”

Alegret, op.cit, p. 35.

¹¹⁶ Translated by the author of the present study. Original spanish texts as follows: “[...] que en este contexto pasa a ser el motor por excelencia de los procesos de patrimonialización, tanto de la naturaleza como de la cultura.”

Alegret, op.cit, p. 40.

On the other hand, Pratz refers to *patrimonialization* as the activation of the heritage referents, further extrapolates Geertz's model and refers to religion, so as to explain:

The activations or heritage representations are symbolic systems that act to raise among the members of a community [local, regional, national] powerful, deep and lasting motivations and dispositions, formulating general order conceptions about the identity of that community, and giving to these conceptions an appearance of such reality, that their motivations and dispositions seem to emanate from the strictest reality.¹¹⁷

In this same vein, as suggested by Pratz and Alegret, what is sought with patrimonialization is to select certain referents out of the pool of the cultural goods, in this case maritime, and to expose them, among other things, as a symbolic representation of the versions of identity regarding the sea, since "The symbol has the capacity of transforming the conceptions and beliefs in emotions, of being embodied, and of condensing and making them, therefore, much more intense and durable."¹¹⁸

However, as stated by the Cultural Heritage Observatory of the Colombian Institute of Anthropology and History,¹¹⁹ it is important to start broadening the spectrum of the types of values that can be granted to the cultural goods (in this case maritime), beyond the three core values: historical, aesthetic, and symbolic. This is required both because the universe of cultural goods is very diverse. Also because when trying to define representations each one of them can have several types of variable valuations, appropriations and perceptions, experienced by social actors related to these goods amid historical social realities that make them possible as such.¹²⁰

¹¹⁷ Translated by the author of the present study. Original spanish texts as follows: "Las activaciones o representaciones patrimoniales son sistemas simbólicos que actúan para suscitar entre los miembros de una comunidad (local, regional, nacional...) motivaciones y disposiciones poderosas, profundas y perdurables, formulando concepciones de orden general sobre la identidad de esa comunidad, y dando a estas concepciones una apariencia de realidad tal, que sus motivaciones y disposiciones parezcan emanar de la más estricta realidad."

Pratz, Llorenç. *Antropología y patrimonio*. ["Anthropology and Heritage."] Barcelona: Editorial Ariel S.A, 1997: p. 31.

¹¹⁸ Translated by the author of the present study. Original spanish texts as follows: "El símbolo tiene la capacidad de transformar las concepciones y creencias en emociones, de encarnarse, y de condensarlas y hacerlas, por tanto, mucho más intensas y duraderas."

Ibid, p. 37.

¹¹⁹ Hereafter; ICANH spanish acronym.

¹²⁰ Instituto Colombiano de Antropología e Historia – Cultural Heritage Observatory, MIA. *Comentarios Al Documento: Valores y Criterios de Valoración para Declaratoria de Bienes Materiales como BIC*. ["Commentaries to the Document: Values and Valuation Criteria for Declaration of Material Goods as BIC."] Bogotá: ICANH, 2007: 1 and 2.

Therefore, following what is proposed by the *ICANH*, it is considered important to start thinking of a wider universe of values, in this case related with the maritime cultural goods, as the one suggested by Feilden:

1. Emotional Values: wonder, identity, continuity, respect and veneration, spiritual and symbolic.
2. Cultural Values (appreciated by educated people and defined by specialists and scholars): documentary, historic, archaeological, age and scarcity, aesthetic and symbolic, architectural, townscape, landscape and ecological, technological and scientific.
3. Use Values: functional, economic – including tourism, social – also including identity and continuity, educational, political and technical¹²¹

In turn those values can be grouped in to intrinsic values: historical values of authenticity and integrity; and extrinsic values: cultural and socioeconomic values.¹²²

Patrimonialization implies then the activation of changing discourses and practices that are endorsed by the sacredness of the referents, which in turn, depend on them, on their meanings, on the relative importance granted to them, on their interactions and on the context.¹²³

All of the above results in the preservation of the maritime culture and in the strengthening of the national identity with regard to the sea, particularly in cases as in Colombia, where although this identity exists, is not very visible. This happens mainly because the identity is understood “[...] as a production which is never complete, always in process, and always constituted within, not outside, representation”¹²⁴ and

[...] as a social construction and a dynamic fact, although with a reasonable durability and perdurability level; all formulation of an identity is only a formulation of that identity [...] Therefore, different versions of a same identity can coexist, and in fact they usually do coexist, and customarily are articulated in relationships of complementarity or opposition.¹²⁵

¹²¹ Feilden, Bernard. *Conservation Historic Buildings*. Oxford: Architectural Press, 2003: p. viii – x and 6.

¹²² *Ibid.*

¹²³ Pratz, *op.cit.*, p 32.

¹²⁴ Hall, Stuart. “Cultural Identity and Diaspora”. In *Identity: Community, Culture, Difference*, ed. J. Rutherford. London: Lawrence and Wishart, 1990: p. 222.

¹²⁵ Pratz, *op.cit.*, p. 31.

It is then considered that the local and regional identities (for instance regarding the sea), being in themselves expressions of the subject's different positions in the discursive formations, and when being intimately bound with the space and the territory, are articulated in these relationships of complementarity.¹²⁶ This happens when these identities are activated and configured by the mechanisms of *patrimonialization*, so that a national identity is consolidated which should be recognized as dislocated and mutable and not as an essential and sole identity.

Subsequently, the characterization of the maritime culture, keeping in mind the social groups' different degrees of perception regarding the sea, starts from the recognition of this identification dynamic. Therefore, what can be carried out through the *patrimonialization* of the maritime culture are the articulation, recognition and visibility of these diverse ways of perceiving, representing and valuing the sea, so that a national identity regarding it is strengthened.

Patrimonialization also contributes to strengthening the inhabitants' feelings of ownership and appropriation of the maritime territory,¹²⁷ and therefore, to consolidating and facilitating the exercise of the sovereignty by the State through the support of the citizens and mainly of the communities that inhabit these environments.

After understanding some of the long term consequences of the *patrimonialization* of the maritime culture, it is important to visibly put into practice and demonstrate immediate implications.

¹²⁶ Physical referent of memory, tradition and history, hence of the territorial and national identity which constitutes one out of many identities constructed by the social actors throughout their lives.

Kaplan, David and Guntram, H. "A question of Identity" In: David Kaplan and H Guntram eds. *Nested Identities: Nationalism, Territory and Scale*. Boston: Rowman and Littlefield Publishers, 1999: p. 1.

Translated by the author of the present study. Original spanish texts as follows: " (territory which) [...] provides an essential link between society and the space it occupies primarily through its impact on human interaction and the development of group spatial identities, like the national identity"

Storey, David. *Territory: The Claiming of Space*. Edinburgh: Pearson Education, 2001: p. 17.

¹²⁷ Mellor, Roy. *Nation, State and Territory*. London: Routledge, 1989: p. 7.

3.3 Identification, Protection and Conservation of the Cultural Heritage related with the sea in a Global Context: the need for Sustainable Development

Once *patrimonialization* of maritime cultural goods is achieved through a process of identification, characterization and agreement, it is fundamental to guarantee its safeguarding (protect and conserve)¹²⁸ within the framework of globalization, violence and poverty, and through controlled sustainable development.

This implies that the destruction of the maritime heritage should be avoided, starting from its protection, that is, from the “[...]adoption of measures aimed at preservation, promotion, enhancement and transmission of the diversity of cultural expressions. Protect means to adopt such measures”¹²⁹

This in turn implies the development of strategies to guarantee its conservation, meaning “[...] the action taken to prevent decay and manage change dynamically [...] to prolong the life of the natural and cultural heritage [...]”¹³⁰ through the maritime heritage’s restoration, reconstruction, rehabilitation and maintenance;¹³¹ as well as its sustainability, fomenting its integration to the economic and social development of the countries. ¹³²

¹²⁸ Instituto Colombiano de Antropología e Historia, op.cit.

¹²⁹ UNESCO. Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005, article 4, p. 5. <http://unesdoc.unesco.org/images/0014/001495/149502E.pdf> accessed on 21 May 2007.

¹³⁰ Feilden, op.cit, p. 3.

¹³¹ There are several spectacular examples of successful conservation around the planet: Massada, Ben – Yehuda in Israel, Colonial Williamsburg the United States and the Jorvik Viking Center in Britain.

Rowan and Baram, op.cit.

Fladmark, J.M. *Heritage: Conservation, Interpretation, Enterprise*. Aberdeen: The Robert Gordon University, 1993: p. 9.

¹³² Translated by the author of the present study: “When valuing and learning about their cultural wealth, the communities (and the country in general) will be able to preserve an identity (national regarding the sea) that will give sense to the importance of conserving and protecting the heritage (maritime). This way, it is possible to get an economic development starting from the same community [...]”

Original spanish texts as follows: “Al valorar y aprender sobre su riqueza cultural, las comunidades (y el país en general) podrán preservar una identidad (nacional con respecto al mar), que dará sentido a la importancia de conservar y proteger el patrimonio (marítimo). De esta manera, es posible conseguir un desarrollo económico a partir de la comunidad misma [...]”

Federacion Andaluza por la Cultura y el Patrimonio Maritimo y Fluvial. <http://patrimoniovivo.com/> accessed on 17 May 2007.

Among the diverse strategies that can be carried out to identify and safeguard this heritage, following the standards established by the UNESCO¹³³ and the Colombian Ministry of Culture,¹³⁴ the following are found, classified in 4 action lines:

1. Knowledge and valuation of maritime cultural heritage¹³⁵

This line of action seeks to identify and make visible the universe of the maritime heritage goods, through the development of the archaeological, anthropological, historical, and in general interdisciplinary investigation that allows either to achieve a first approach or to intensify (depending on the country) in the knowledge and valuation of the maritime culture. Therefore, of the cultural goods and expressions related to the sea and their respective intrinsic and extrinsic valuations.

This line will also allow to gather information to which the diverse social actors' social representations and different levels of appropriation regarding the sea will be identified, making possible the characterization and definition of the maritime culture. Likewise, it will facilitate the construction, complementation or updating of the register or inventory¹³⁶ of the maritime cultural goods, among others. This in turn will uphold the nomination of maritime goods for their declaration as goods of cultural interest, and will reinforce the protection and preservation of the heritage goods already declared.

Finally, this will contribute to the design of alternatives on the appropriate conditions of adaptation and settlement in the oceanic and coastal spaces.

2. Education and diffusion of maritime cultural heritage

With this line of action is sought to achieve the participation of the State, and of private and civil institutions, in the processes of identification, characterization, reflection, valuation, appropriation, protection and preservation of the maritime heritage. This is undertaken through the development of training programs, dissemination, dialogue and sensitization campaigns, regarding the maritime

¹³³ UNESCO, Convention concerning the Protection of the World Cultural and Natural Heritage, op.cit.

¹³⁴ Ministerio de Cultura, Colombia, Departamento de Patrimonio, 2007.

<http://www.mincultura.gov.co/VBeContent/home.asp?idcompany=9> accessed on 8 May 2007.

¹³⁵ In this text the terms of patrimony and heritage are used as synonymous.

¹³⁶ UNESCO, Convention for the Safeguarding of the Intangible Cultural Heritage, op.cit, article 12, p. 6.

culture and the heritage derived from it. Its protection and conservation will be assured through fostering feelings of respect and esteem, promoting its transmission, maintenance and revitalization.¹³⁷

Depending on the case, it is also sought to strengthen the identity regarding the sea, which implies its valuation and a national awareness about the importance of the maritime resources for domestic development.

To that purpose the following actions could be developed:¹³⁸

- Programs for the training of a specialized personnel who will take charge of carrying out the diffusion and sensitization activities among the diverse social actors groups. Likewise, this will allow constituting a group of experts that will work for Government, academia and technical entities, developing and nurturing the protection and conservation strategies; as well as implementing control mechanisms or protection services to prevent the illicit traffic of the maritime heritage.
- Development of undergraduate and graduate programs in maritime topics.
- Pedagogic or educational campaigns at preschool, basic, middle and higher educational levels, that is, including schools and universities, for instance, with specific lectures on the topic.
- Educational and sensitization programs for the civil population in general, through the diffusion of information through the mass media.
- Pedagogic strategies as cultural days, conferences, lectures, publications (books- i.e. product of investigations in the topic -, notes etc.¹³⁹), itinerant exhibitions as in museums, for instance of old sea and coast cartographies; documentaries and events; and Sea Conventions.

¹³⁷ Translated by the author of the present study: “[...] it is understood that by means of the population’s responsible conviction the safeguarding of this Heritage will be more efficiently attained.”

Original spanish texts as follows: “[...] entendemos que es mediante el convencimiento responsable de la población como se conseguirá más eficazmente la salvaguarda de este Patrimonio.”

Casado, op.cit, p. 6.

¹³⁸ UNESCO, Budapest Declaration on World heritage. <http://whc.unesco.org/en/budapestdeclaration/> accessed on 17 May 2007.

¹³⁹ Leshikar-Denton, Margaret. Foundations in Management of Maritime Cultural Heritage in the Cayman Islands, p 24. <http://www.international.icomos.org/risk/2006/08leshikardenton2006an.pdf> accessed on 18 May 2007.

Programa de Iniciativa Comunitaria [Community Initiative Program] INTERREG III B 2000-2006 AÇORES-MADEIRA-CANARIAS. CABOTAGEM: Revalorizando o Património Cultural Marítimo. [Revaluating the Maritime Cultural Heritage] <http://www.interreg-sudoe.org/portugues/programa/index.asp> May 2007.

It is important to clarify that the diffusion of information carried out through these campaigns, in all cases, should be disseminated at different levels, depending on the social actors groups identified, since for each one, the information and sensitization strategies should be structured in a special way. This because the national identity is comprised of local and regional identities on which it is based. Therefore, to be able to generate a national identity with regard to the sea, it is fundamental to keep in mind these differences and specificities when diffusing certain identity referents.

- Sensitization for the communities that have a direct and daily contact with the maritime environments “[...] which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes”¹⁴⁰

Making possible a development strategy that allows the *patrimonialization* from the local level, from the community, promoting recognition and valuation feelings related with the maritime cultural goods. This is really important because the fishing communities, that live every day with this heritage, could collaborate for its safeguarding.

- Implementation of sustainable cultural tourism. It is worthwhile to explore a little further this aspect for the following reasons: currently, the tourism is one of the world largest industries and is in expansion, and at the same time, is the main economic activity in many of the Caribbean states. However, its increment has generated a great number of negative impacts, such as:

Impacts of the development of tourism-related facilities, including on-site facilities, parking and souvenir shops, hotels, roads or airports; Physical and environmental impacts, such as accelerated erosion of ground, floor surfaces, walls; pollution, destruction of ecosystems or risks to wildlife; Social impacts including exploitation of local populations or mass consumption of sites and monuments by tourists; Intrusive or excessive presentation and related works, including inappropriate reconstruction.¹⁴¹

Therefore, just as ICOMOS stipulated in 2001, through the World Heritage Sustainable Tourism Programme, it becomes imperative the need to implement a sustainable cultural tourism to guarantee the protection and conservation of the maritime heritage, that is, tourism which is:

¹⁴⁰ UNESCO, Convention concerning the Protection of the World Cultural and Natural Heritage, op.cit, article 5, p. 3.

¹⁴¹ UNESCO, World Heritage: Challenges for the Millennium, op.cit, p.187.

[...] environmentally responsible, consisting in traveling or visiting without disturbing, with the purpose of enjoying, appreciating and studying the natural attractiveness of said areas, as well as any cultural manifestation, of the present or of the past, that may be found there, through a process that promotes the conservation, has low environmental and cultural impact, and propitiates an active and socio- economically beneficial involvement to the local populations.¹⁴²

Therefore, this type of tourism should fulfill, at least the following conditions¹⁴³:

- Tourism development may take place if it does not damage the environment and the cultural heritage.
- Sustainable cultural tourism development takes its point of departure in who benefits from tourism. The aim is not to exploit the local residents, is to improve their conditions.
- Sustainable tourism development places the emphasis on cultural and social sustainability, e.g. the destination is developed in such a way that the feel of the place is retained in its architecture and culture heritage

The above mentioned conditions could be implemented through the establishment of control measures such as guided visits, limited number of visitors, journeys or routes not only to the historical places, but also to the archaeological ones. This keeping in mind the discoveries in situ (for example, designing archaeological parks), and those activities or practices that are still conserved and are components of the immaterial heritage, and which are derived from the traditional local knowledge. Some examples which could be followed include those of the United Kingdom and the Cayman Islands who through the 'Maritime Heritage Trail' project, carry out the sustainable tourism of coastal heritage.¹⁴⁴

With this type of tourism, there are benefits for coastal communities such as more jobs, the transmission of values of respect and conservation of heritage, tolerance and understanding of

¹⁴² Translated by the author of the present study. Original spanish texts as follows: "[...] ambientalmente responsable, consistente en viajar o visitar sin disturbar, con el fin de disfrutar, apreciar y estudiar los atractivos naturales de dichas áreas, así como cualquier manifestación cultural, del presente o del pasado, que pueda encontrarse allí, a través de un proceso que promueva la conservación, tenga bajo impacto ambiental y cultural y propicie un involucramiento activo y socio económicamente benéfico de las poblaciones locales."

Rozo, Edna. "El Turismo Sustentable como Promotor del Desarrollo de las Comunidades Locales". ["The Sustainable Tourism as Promoter of Local Communities' Development."] In: Daniel Meyer ed. *Turismo y Desarrollo Sostenible*. ["*Tourism and Sustainable Development*"]. Colombia: University Externado de Colombia, 2003: p. 133.

¹⁴³ Aronsson, op.cit, p. 40.

¹⁴⁴ Medway Council, Maritime Heritage Trail <http://www.medway.gov.uk/index/council/50033/50108.htm> accessed on 19 May 2007.

Leshikar-Denton, op.cit.

diversity, and the recognition and valuation by the locals of their culture and traditions; all these improve the communities' quality of life, without threatening the integrity of maritime cultural goods.

- Organization of local, regional and national associations to look after the protection and conservation of this heritage, such as the French Foundation for the Maritime and River Heritage, created in 1978¹⁴⁵.

3. Conservation, recovery, protection and sustainability of the maritime cultural heritage

Through this line of action, the organizations in charge of the required technical, financial and legal capacities are provided with instruments and strategies designed to allow the safeguarding of this heritage, as well as its incorporation to the development of the country. This is obtained through mechanisms such as the following ones:

- Creation or strengthening of scientific and technical institutions such as museums (in situ, local, regional, national¹⁴⁶ and floating¹⁴⁷), libraries, archives, laboratories, investigation centers, shops, etc., necessary to guarantee the formation and training of the specialized personnel, and the protection, conservation and valuation of the maritime heritage.

- Plans to assure continued protection, conservation, restoration and maintenance of the maritime cultural goods.¹⁴⁸

¹⁴⁵ Parliamentary Assembly – Council of Europe, op.cit.

¹⁴⁶ Some examples in Europe are: “national maritime museums which are supported by the Government either directly or through Departments such as the Ministries of Defense. These include those of Denmark, Estonia, Finland, France, Germany, Latvia, the Netherlands, Norway, Portugal, Spain, Sweden and the UK. Some others are less fortunate and depend on a variety of funding, for example Ireland and Greece.

A second group is those supported by regional and local government. The maritime museums at Barcelona and Ejsberg (Denmark) are notable examples of large establishments. That at Southampton represents the smaller, town supported museum.

A third group consists of museums supported by charitable trusts or volunteer associations. These are on the whole small and focused on a specific port, activity, or type of vessel. The Lowestoft Maritime Museum (UK) is a good example, housed in a single cottage and run by volunteers.

A fourth group can be governed and managed in any of the above ways but is focused entirely on a single ship. This vessel may be a national memorial, such as the Aurora in St Petersburg, HMS Victory at Portsmouth or the Vasa in Stockholm, or a single specialized local type of vessel such as the sailing barge preserved by the city of Lausanne or the Rhine barge pusher in Strasbourg.”

Council of Europe. Maritime and Fluvial Heritage, 2000.

<http://assembly.coe.int/Documents/WorkingDocs/doc00/EDOC8867.htm> accessed on 13 May 2007.

¹⁴⁷ Such as London's Flotating Naval Museum, where the BELFAST, a cruiser that served with distinction in both the Second World War and the Korean War, was modify as a museum in order to insight into the naval history. This is the only surviving example of the greet fleets of big gun armoured warships built for the Royal Navy in the first half of the Twentieth Century.

¹⁴⁸ See, for example: Pickard, Robert (ed). *Policy and Law in Heritage Conservation*. London: Spon Press, 2001.

Martorell, Alberto. *Patrimonio Cultural: Políticas contra el Tráfico Ilícito*. [Cultural Heritage: Policies against illicit Traffic] México: Fondo de Cultura Económica, 1998.

- Design and implementation of strategies that avoid the illicit traffic of maritime goods and cultural expressions.

4. Institutional Strengthening

The main purpose is both the design and approval of policies and of solid normative tools that guarantee the protection and conservation of the maritime cultural heritage, within the framework of sustainable development; as well as the continued provision of resources for the achievement of this objective.

For the design of this type of tools it is considered essential do establish:

[...] an intercultural dialogue among the groups seated in the coastal spaces and between these and the public and private institutions and corporations and all other actors, for a mutual recognition of interests and needs.¹⁴⁹

It is fundamental to note that the four previous action lines should be developed constantly so that they become routine, daily activities, since for the protection and conservation of the maritime patrimony to be successful, these action lines should constitute a task of their daily living.¹⁵⁰

Likewise, and as it was highlighted from the beginning, the strategies for the safeguarding of the maritime heritage should be implemented through, or keeping in mind, the sustainable development, since:

The fundamental message of sustainable development is not only to preserve the support or physical tangible fact [...] but to consider that the heritage represents a previous human experience, that requires to be transmitted and conserved in time.¹⁵¹

¹⁴⁹ Translated by the author of the present study. Original spanish texts as follows: “[...] el establecimiento de un dialogo intercultural entre los grupos asentados en los espacios costeros y entre estos y las instituciones y empresas públicas y privadas y demás actores, para un reconocimiento mutuo de intereses y necesidades.”

Comision Colombiana del Oceano (CCO), op.cit, p. 27.

¹⁵⁰ Sanday, John. “Science and Technology in Architectural Conservation” In: Raj Sar Yudhisthir ed. *Why Preserve the Past?: The Challenge to Our Cultural Heritage*. London: Smithsonian Institution Press, 1986: p. 99 -112.

¹⁵¹ Translated by the author of the present study. Original spanish texts as follows: “el mensaje fundamental del desarrollo sostenible no es solamente preservar el soporte o hecho físico tangible [...] sino considerar que el patrimonio representa una vivencia humana anterior, que requiere transmitirse y conservarse en el tiempo.”

Meyer, Daniel (ed). *Turismo y Desarrollo Sostenible*. [Tourism and Sustainable Development] Colombia: Universidad Externado de Colombia, 2006: p. 19.

Also, because one of the premises of sustainable development is to achieve the balance among the social, economic and environmental objectives, reasons why it:

[...] needs to be closely related to the specific local, historical, sociocultural and institutional conditions, focused on mobilizing internal natural and human resources, appropriate technologies and give priority to basic needs.¹⁵²

Its implementation will then allow to conserve and protect the maritime cultural goods improving the conditions of living of the coastal communities, stimulating the social and economic development of the countries, and preserving the environment.¹⁵³ Following the example of countries such as Scotland, which through strategies such as 'A Strategy for the Long Term Sustainability of Scotland's Coasts and Seas', is protecting and conserving its maritime heritage at the same time that it is improving the living conditions of the coastal communities.¹⁵⁴

The aim today should be to ensure that the management of the heritage is sustainable in terms of utilizing and safeguarding heritage assets for future generations through rehabilitation maintaining a social balance and employment opportunities, environmental considerations, the management of tourist activity and participation by the community.¹⁵⁵

All this should also be thought of in the framework of globalization, understanding that this one constitutes a series of active and organized phenomena. Reason why it is not totally accurate to speak of a single globalization as a unique process, but of several globalizations, that are defined according to the diverse ways that the individuals and communities have to adapt and reaffirm their singularities in face of the global.¹⁵⁶

Globalization can be understood as a historical process of long duration that affects all the environments of society, that is constantly in a construction and destruction movement; as a process that implies a blurring of the boundaries between the internal and the external; as a process in which there is a constant fight between the local and the global. And finally, as a process that not only implies homogenization, being an economic and technological phenomenon;

¹⁵² Elliot, Jennifer. *An Introduction to Sustainable Development*. London: Routledge, 2006: p. 9.

¹⁵³ UNESCO, Budapest Declaration on World heritage, op.cit.

¹⁵⁴ Scottish Executive. 'A Strategy for the Long Term Sustainability of Scotland's Coasts and Seas'. Edinburgh, 2005. <http://www.historic-scotland.gov.uk/index/archaeology/marinearchaeology.htm> accessed on 29 May 2007.

¹⁵⁵ Pickard, Robert (ed). *Management of Historic Centres*. London: Spon Press, 2001: p. 6.

¹⁵⁶ Fazio, Hugo. Cátedra sobre la globalización. [Lecture on Globalization] Universidad de los Andes. Bogotá, August 27, 2001.

but also differentiation, being a social and cultural phenomenon, that implies in turn, “migration” or “circulation”, of individuals, of collectivities, of ideas, of fads, of customs, of dances, of cultural symbolic universes, etc, which are reinterpreted by each people and culture in a different way, thus also generating a differentiation.¹⁵⁷

This last point should be kept in mind to understand that finally *patrimonialization* and safeguarding of the maritime cultural goods constitute in themselves an expression of the (re)discovering and the cultural heterogeneity that have been superimposed over the homogenizing character of the globalization, by means of the (re)encounter and valuation of the cultural differences and the local traditions.¹⁵⁸ In this sense, they can also be understood as strategies that foster the strengthening of a national identity regarding the sea.

3.4 Approaching the definition of Maritime Cultural Heritage

Having clarified the relationship between the sea, culture and heritage, this section will focus on defining maritime cultural heritage. Currently the oceans, coasts, islands, and in general, marine environments and their populations, are being affected by such factors as tourism, industry, and commerce, which are generating and strengthening negative impacts including pollution, over-exploitation, poverty, marginality and the lost of the cultural and natural heritage.¹⁵⁹

Therefore, as we have seen, it is considered fundamental to start putting in place strategies that mitigate this situation, stimulating sustainable development for the benefit of the community through the safeguarding of maritime cultural heritage.

¹⁵⁷ Tomlinson, John. *Globalization and Culture*. Cambridge: Polito Press, 1999: p. 1 - 18.

¹⁵⁸ Canale, Analí y Morel, Hernan. “Actores y representaciones en la patrimonialización de las agrupaciones del carnaval porteño”. [Actors and representations in the Declaration of a Heritage of the ‘*carnaval porteño*’ groups.] Booklet of Social Anthropology, N° 21, (2005): p. 111-131.

Ocampo, Juan Antonio y Martin, Juan. *Globalization and Development: A Latin American and Caribbean Perspective*. Banco Mundial, 2003: 5.

¹⁵⁹ Jorgensen, Janne. Cultural Heritage and transitions in the utilisation of coastal and maritime resources in the 21st century experience economy – Galathea 3 in St. Croix.

<http://www.galathea3.dk/uk/Menu/Science/Cultural+Heritage+and+transitions++in+coastal+and+maritime+resources+utilisation+towards> accessed on 22 May 2007.

UNESCO, Para una Mejor Comprensión de los Sistemas Naturales [For a Better Comprensión of the Natural Systems]. http://portal.unesco.org/es/ev.php_URL_ID=24353&URL_DO=DO_TOPIC&URL_SECTION=201.html accessed on 25 May 2007.

The maritime cultural heritage, initially, could be understood as all those cultural material goods (in water and on land) and immaterial (such as representations, perceptions, discourses, practices, material culture, customs, traditions, imageries, cultural landscapes) that are expressions of the maritime culture, of the maritimity, of the maritime differential fact and of the relation among man, sea and his surrounding; when possessing a cultural, emotional, or use value, among others.

These include defunct dock and harbour installations, coastal defenses such as estuary forts, lighthouses, dykes and tidal mills, fish traps and fishing stations, anchorages, careening places, ports, coastal settlements, shipbuilding sites, shipwrecks, salvage camps or vessels whose natural working life may be over but can be kept as nearly as possible in their original condition, or even in working order, for commercial gain, for private or public pleasure, or for educational or training purposes. The maritime heritage extends to associated traditions, be they technical, such as techniques of boatbuilding or of handling vessels and their cargoes, or artistic, such as decorative features of ships or equipment, maritime lore or folk music, including, but not confined to, sea shanties, the underwater cultural heritage, palaeontological remains and historic landscapes.¹⁶⁰

It is considered that to think about its characterization or identification, is important, to start thinking about the *patrimonialization* as a process where a patrimonial value is not granted to the objects themselves.¹⁶¹ Instead, diverse values are granted to a social space and to a cultural landscape, constituted by a varied set of goods and cultural expressions (maritime), within which these acquire sense.

An example that could be of use is the nomination made by Argentina before UNESCO, of the coastal city of Buenos Aires as cultural landscape. The reasoning behind this nomination was the relation between the city and the Río de la Plata, understanding the river as an axis of the historical processes of urbanization of the city. Buenos Aires is presented not only as an urban center founded in the XVI century, but also as one of the most important ports.

Also, it is argued that a large number of cultural goods are found within the city (national historical monuments, buildings protected by the city government), that sustain their character of cultural landscape. It is further put forth that mythical - symbolic sites exist which make of Buenos Aires the

¹⁶⁰ Parliamentary Assembly – Council of Europe, op.cit.

¹⁶¹ UNESCO. Declaración de Santiago de Cuba sobre los Paisajes Culturales en el Caribe, 2005, p.2 and 3. whc.unesco.org/uploads/pages/documents/document-299-4.doc accessed on 8 August 2007.

city of the tangos (immaterial). These considerations provide evidence of the set of heritage values that this social space contains.¹⁶²

This example shows that the cultural goods and expressions are taken into account, interpreted and understood within their relationship with a social space and a cultural landscape that confer meaning on to them. Among the possible material and immaterial components that could be part of the diverse maritime cultural landscapes, the following may be suggested:¹⁶³

1. Maritime Material Universe

1.1 Coastal infrastructures (on land or submerged): ports, shipbuilding sites, arsenals, fortifications, tidal mills, specific industrial facilities, lighthouses, ovens, docks, dykes, and their material culture.

1.2 Coastal Settlements Sites (on land or submerged): urban, sea shell mounds, country properties, and their material culture.

1.3 Ritual or Ceremonial Coastal Sites and their material culture.

1.4 Crafts (on land or submerged): comprises all kinds of ships, of any typology or size, and their material culture.

1.5 Maritime and Coastal visual representations: of the activities related with the sea, of the elements with which these activities are carried out and of the territorial delimitation with regard to the sea. They could be represented in any form including: petroglyph, drawing, stamp, painting, sculpture, photograph, film, video, or infography.

1.6 Historical documents: all written testimony, primary or secondary sources (including the literary ones) on the seas, environments, practices, history, discourses or imageries, among others.

1.7 Material culture of the Daily Life (on land or submerged): all type of objects that have made part of the daily discursive practices of the coastal communities.

2. Maritime Immaterial universe

2.1 Languages, oral expressions and names of places.

¹⁶² UNESCO. Buenos Aires – Paisaje Cultural. <http://whc.unesco.org/en/tentativelists/2022/> accessed on 9 September 2007.

¹⁶³ Casado, op.cit.

2.2 Knowledge and Practices on Nature and the Universe: related with activities like fishing and its routes, sailing, exchange, hunting, the construction of housings and crafts, the elaboration of objects of the material culture and of armament.

2.3 Culinary knowledge.

2.4 Traditional medicine.

2.5 Elaboration of objects, instruments, wardrobes, constructions and corporal ornamentation.

2.6 Musical and sound expressions.

2.7 Dance expressions.

2.8 Ritual, scenic and ceremonial expressions, festivals, games and sports.

2.9 Traditional forms of social, legal and political organization.

2.10 The diverse social actors' social representations regarding the maritime environments and the social, economic and political aspects related to them.

As far as the initiative to grant multiple patrimonial valuations (and no longer a value) to goods and cultural expressions, within the framework of the social spaces and the maritime cultural landscapes to guarantee their protection, when not depending on an only granted value. It is important to keep in mind that while granting the independently from where the proposal arises, the State, academia, or civil society in general, it is considered important, as suggested by the ICANH, always to carry out two processes of valuation.

A first process of valuation where a diagnosis and recognition of the goods and maritime cultural expressions is developed by expert professionals with the objective of establishing their characteristics, through the verification of the intrinsic values: historicity, integrity and authenticity. This process implies an extensive documentation phase focused on the confirmation of these values.

A second process, undertaken by experts, where through dialogue and agreement between the diverse actors (the State - and the legislation -, academics, and civil society), the extrinsic values of the goods and maritime expressions are established. From which safeguarding strategies can be sustained (conservation, dissemination, management and sustainability), as well as management

plans of the social space and the maritime cultural landscape, and therefore of their elements in an integral way.

The extrinsic values (cultural and socioeconomic - subjective and multiple), will depend on the diverse meanings, discourses and contexts around which the cultural goods and even the maritime cultural expressions circulated (in the past), circulate (in the present), were involved, or are involved. Thus, it is considered fundamental to have as guidance criteria the maritime, and the maritime differential fact, as long as they facilitate the understanding and to make visible these types of valuations.

Some of the extrinsic values have been summarized as follows:¹⁶⁴

1. Emotional Values

They are related, among other things, to symbolic and spiritual feelings derived from religious cosmogonic and ritual beliefs; to feelings of admiration, identity, respect, worship and continuity, which will vary depending on the context of the historical moment, and even of the individual or social actor.

2. Cultural Values

2.1 General Cultural Values: documental, archaeological, historical, symbolic - traditional, architectural, aesthetic, artistic, technological, scientific, ethnographic and cultural landscape.

2.2 Cultural Specific Values:

2.2.1 Sailing routes, and of cultural and commercial exchange,¹⁶⁵ which imply transfer of raw materials and of knowledge and traditions; population migration, natural resources, technologies and ideologies, among others. Examples include the route of the slaves, and Columbus's route.¹⁶⁶

¹⁶⁴ Feilden, op.cit.

¹⁶⁵ See for example: Hackens, Tony (editor). *Navies and Commerce of the Greeks, the Carthaginians and the Etruscans in the Tyrrhenian Sea*. Strasbourg: Council of Europe, Division for Scientific Cooperation, 1988.

¹⁶⁶ Translated by the author of the present study: "A maritime route is substantially a starting point and one of arrival. The Atlantic routes have port names; there are not more routes than those of Havana, Veracruz, Cartagena, Portobello, Buenos Aires or the Callao. The ports are those that symbolize the nerve and the sap of the journey. Distribution contracts, not only of the whole economy of the area, but of its life, sensitized through the goings and comings of the fleets and the ships. The ports of the Atlantic are the channels where everything arrives and returns; not only goods and precious metals, but also the friends, the orders, the news and the officials."

2.2.2 The maritime ritual and domesticity, related to practices and rituals or domestic discourses, and all that is associated with them, for example the material culture.¹⁶⁷

2.2.3 Human practices of exploitation of the maritime environment related to maritime economies of subsistence such as fishing and aquaculture.¹⁶⁸

2.2.4 Techniques and knowledge about naval construction (crafts in general).¹⁶⁹

2.2.5 Recreation and maritime tourism.

2.2.6 Warfare practices and all that these imply, including the military industry.¹⁷⁰

2.2.7 Maritime transport,¹⁷¹ including, among others, the transport zones and maritime enclaves.

I have seen them as a hallmark of an active maritime culture. The significance lies in the fact that special vessel types adapted to the cargoes and sailing conditions of each zone have had time to develop. The further development and maintenance of shipping and shipbuilding have been managed by the maritime enclaves along the coast, where the proportion of people engaged in maritime occupations is notably higher than in other side of the country or the towns.¹⁷²

2.2.8 Diverse historical perceptions regarding the sea, its environments and all the aspects that these includes.

Original spanish texts as follows: "Una ruta marítima es sustancialmente un punto de partida y uno de llegada. Las rutas atlánticas tienen nombres de puertos; no hay más rutas que las de La Habana, Veracruz, Cartagena, Portobello, Buenos Aires o el Callao. Son los puertos los que simbolizan el nervio y la savia del viaje. Contratos de distribución, no sólo de toda la economía del área, sino de su vida misma, sensibilizada a través de las idas y venidas de las flotas y los navíos. Los puertos del Atlántico, canales por donde llega todo y vuelve todo. No sólo mercancías y metales preciosos, también los amigos, las órdenes, las noticias, los funcionarios."

García-Baquero, Antonio. *La Carrera de Indias: suma de la Contratación y océano de negocios*. Sevilla: State Society for the World's Fair, 1992: p. 25.

¹⁶⁷ See for example: Ome, op.cit.

¹⁶⁸ Built Environment Forum Scotland, A Coastal and Marine National Park for Scotland – Integrating Cultural Heritage Values, p. 1. <http://www.befs.org.uk/CMNPWorkshop%20Report1105.pdf> accessed on 21 May 2007.

¹⁶⁹ Mathew, David. *The Naval Heritage*. London: Collins, 1944: p. 1.

¹⁷⁰ Gambin, T. "The Maritime Heritage of Malta: Past, Present and Future". In *Maritime Heritage*, eds. C.A Brebbia, and T Gambin. USA: WIT Press, 2003: p. 3 -16.

¹⁷¹ Historic Scotland, Marine Archaeology.

<http://www.historic-scotland.gov.uk/index/archaeology/marinearchaeology.htm> accessed on 10 June 2007.

Marcel R., Brebbia C.A and Olivilla J. *Maritime Heritage and Modern Ports*. Southampton: WIT Press, 2005: p.10.

¹⁷² Westerdahl, C. "Maritime Culture in an Inland lake" In: C.A Brebbia and T Gambin eds. *Maritime Heritage*,. USA: WIT Press, 2003: p. 20.

3. Use Values

Related, among other things, to the economic, functional and social values (related in turn to the emotional values and with the sense of belonging to a group); educational values (including to the economic and social history); and political values (related to the history of the nations).

An example that could help to understand the information that can be obtained subsequent to a process of work with the community is the result of a workshop carried out in Scotland. This had as an objective to identify the values associated to the coastal and maritime zones, such as cultural landscapes and their cultural goods and expressions. The workshop reached the following conclusions:¹⁷³

1. Cultural Heritage Values

1.1 The group identified the historical significance of Scotland as a maritime nation: Scotland is a mountainous country; historically transport routes and settlements were on the coast. Historically ports were very important - people came to Scotland by sea and people could only exploit natural materials via the coast.

1.2 References were made to specific cultural values: archaeological finds at Cramond; hunter gatherer communities on Rum and Eigg; the Clyde for its ship building; the Firth of Forth for its industrial heritage and royal burghs; traditional fishing practices in the Solway Firth.

1.3 Intangible associations with the sea were identified:

- Traditional fishing practices: still a way of life in the Solway Firth but a way of life that is under threat
- Place names have significance in the maritime context: for example the names given to sandbanks illustrate meanings associated with the environment for mariners (there is a wealth of written information that illustrates these types of intangible associations)
- Musical associations with fishing industry
- In Leith there is a strong sense of community despite the fact that it is no longer a working port
- The significance of language: e.g. use of the word 'Firth'.

1.4 Physical/tangible assets were identified:

- Rock carvings
- Whale bones
- Submerged prehistoric landscapes
- Wrecks
- Listed buildings
- Scheduled ancient monuments.

¹⁷³ Built Environment Forum Scotland, A Coastal and Marine National Park for Scotland – Integrating Cultural Heritage Values, op.cit, page 5.

Keeping in mind this initial definition of maritime cultural heritage, and working from this perspective and within the framework of the cultural policies and the international and Colombian regulatory systems the following chapter will examine the current its regulatory framework, at all levels, and with the objective to further develop and strengthen the Colombian approach.

4. Aquatic Surroundings Immersed in Normative Framework and in National and International Policies

There are currently a number of diverse international legal instruments that are relevant to the ocean, including the Law of the Sea Convention¹⁷⁴ and other maritime treaties related with wrecks (the Convention on the removal of wrecks)¹⁷⁵ or with salvage (the International Convention on Salvage)¹⁷⁶ among others. However, this chapter will address those instruments that deal with the safeguard of aquatic cultural heritage of the aquatic surroundings. These instruments are parts of normative frameworks¹⁷⁷ and of policies of some countries and organizations, such as UNESCO.

Therefore, this chapter will provide a general presentation of some of the legal instruments and policies that seek to safeguard the heritage of the aquatic surroundings, in particular the maritime cultural heritage. For this purpose, three levels should be taken into account: First, the global framework, related to the international context and examples such as the United Kingdom. Second, the Regional level within the Latin American context, with two case studies: Mexico and Chile. Finally, the Colombian legal and political context.

A general diagnostic based on the presentation of some cases will be carried out to facilitate the formation of a comprehensive idea of how this topic is being regulated and managed at the legal and political level in different countries. This analysis seeks to provide an initial determination of the best strategy to regulate, develop and strengthen the protection of aquatic heritage in the Colombian context.

¹⁷⁴ Hereafter; LOSC.

¹⁷⁵ This is a new convention that was adopted in the International Conference on the Removal of Wrecks: 14-18 May 2007, Nairobi, Kenya. The convention was adopted under the auspices of the International Maritime Organization (IMO) and the United Nations.

International Maritime Organization. New international treaty on wreck removal adopted in Nairobi
http://www.imo.org/Safety/mainframe.asp?topic_id=1472&doc_id=8070 accessed on 10 August 2007.

¹⁷⁶ This convention was adopted on 1989 under the auspice of the International Maritime Organization (IMO).
International Maritime Organization. International Convention on Salvage.

<http://www.jus.uio.no/lm/imo.salvage.convention.1989/doc.html> accessed on 10 August 2007.

¹⁷⁷ In this case is understood as normative framework that which includes all the international norms such as conventions, recommendations, and declarations, elaborated by international organizations such as United Nations (UN), United Nations Educational, Scientific and Cultural Organization (UNESCO), International Maritime Organization (IMO), International Labour Organization (ILO), Organization of American States (OAS). It also includes the national norms such as constitution laws, ordinances and administrative acts.

4.1 Historical Introduction

Throughout history, the idea of protecting cultural heritage has evolved. This idea has been captured in various national and international legal and political instruments of a diverse nature. In the nineteenth century, a higher sensitization of this topic started, owed to the need to conserve cultural property, among other things, in the context of war. Therefore, in instruments such as the Declaration of Brussels on war laws and customs, of August 27th of 1874, the need to respect property dedicated to education, arts and sciences was affirmed.¹⁷⁸

Likewise, during the first and second Hague International Peace Conferences, held in 1899 and 1907 respectively, some brushstrokes were added to the emerging regime for the protection of cultural heritage. For example the provisions contained in section II of the 1899 Convention,¹⁷⁹ section IV of the 1907 Convention, and section IX of the 1907 Convention, which stipulated the need to protect historic buildings as temples of the war from bombardment by naval forces in time of war.¹⁸⁰

However, in the twentieth century, the international community opened the way to the construction of a normative framework for the safeguarding and regulation of humanity's cultural heritage.¹⁸¹ Following the conclusion of the First World War, the Treaty for the Protection of Artistic and Scientific Institutions and Historical Monuments, named the "Roerich Pact", was signed in New York on 15 April 1935. This Pact, which is still in force for ten States,¹⁸² is considered:

¹⁷⁸ States parties: Brazil, Chile, Colombia, Cuba, Dominican Republic, El Salvador, Guatemala, Venezuela, Mexico, United States of America.

International Humanitarian Law - Treaties & Documents. Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments (Roerich Pact). Washington, 15 april 1935.

<http://www.icrc.org/ihl.nsf/INTRO/325?OpenDocument> accessed on 9 August 2007.

Camps, Nuria. *La Protección Internacional del Patrimonio Cultural*. ["International Protection of the Cultural Heritage"] Lleida: University of Lleida, 2000: p. 18.

Magness – Gardier, Bonnie. "International Convention and Cultural Heritage Protection" In: Yorke Rowan and Uzi Baram eds. *Marketing Heritage: Archaeology and the Consumption of the Past*. United States of America: Altamira Press, 2004: p.62.

¹⁷⁹ International Committee of the Red Cross. Final Act of the International Peace Conference, The Hague, 29 July 1899. <http://www.icrc.org/ihl.nsf/FULL/145?OpenDocument> accessed on January 2 2008.

¹⁸⁰ Camps, op.cit.

¹⁸¹ Prott, L. and O'keefe, P.J. *Law and The Cultural Heritage*. Edinburgh: ButterWorths, 1989.

¹⁸² States Parties: Brasil, Chile, Colombia, Cuba, El Salvador, Estados Unidos de América, Guatemala, México, República Dominicana y Venezuela.

[...] the first conventional instrument, although at regional scale[...] [America][...] that addresses in a specific way the issue of the agreed respect and protection to the goods and cultural values and their defense, in all situations, that is, so much in time of peace as in time of war [...]¹⁸³

Its approval had a decisive influence and contributed to laying down the foundations for the later international regulatory standards, particularly these of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. This later treaty proclaims that “[...] The preservation of the cultural heritage is of great importance for all peoples of the world [...] [therefore] it is important that this heritage should receive international protection”¹⁸⁴

4.2 International Framework – Global Context

The United Nations Education, Scientific and Cultural Organization (UNESCO) was founded in 1945 with the purpose of building peace in the minds of Men, through international cooperation, among its 192 member States and six associate members in the areas of education, science, culture and communication.¹⁸⁵

This institution is the main entity of the United Nations System, in charge, at the global level, of the international legal protection of the cultural heritage. This is developed through the drafting and administrating of conventions, declarations and recommendations including the following:¹⁸⁶

- Convention for the Protection of Cultural Property in the event of Armed Conflict (1954), The First Protocol (1954) and the Second Protocol (1999)
- Convention Concerning the Protection of the World Cultural and Natural Heritage (1972)

¹⁸³ Translated by the author of the present study. Original spanish texts as follows: “[...] el primer instrumento convencional, aunque a escala regional...[América] que trata de una manera específica el problema del respeto y la protección acordados a los bienes y valores culturales y de su defensa, en todas las situaciones, es decir, tanto en tiempo de paz como en tiempo de guerra [...]”

Camps, op.cit, p. 52.

¹⁸⁴ UNESCO. Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention, 1954, page 8. <http://unesdoc.unesco.org/images/0008/000824/082464mb.pdf> accessed on 16 May 2007.

¹⁸⁵ UNESCO. What is it?.

http://portal.unesco.org/en/ev.php-URL_ID=3328&URL_DO=DO_TOPIC&URL_SECTION=201.html accessed on 15 May 2007.

¹⁸⁶ UNESCO, Normative Action – Cultural Heritage.

http://portal.unesco.org/culture/en/ev.php-URL_ID=2405&URL_DO=DO_TOPIC&URL_SECTION=201.html Accessed on 27 May 2007.

Hague Academy of International Law, op.cit, p. 196.

- Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property (1970)
- Recommendation Concerning the Safeguarding and Contemporary Role of Historic Areas (1976)
- Convention on the Protection of the Underwater Cultural Heritage (2001)
- Convention for the Safeguarding of the Intangible Cultural Heritage (2003)

At the regional level, various instruments have also been developed, including the Convention for the Protection of the Archaeological, Historical, and Artistic Heritage of the American Nations (1976), adopted in the framework of the Organization of American States; the European Convention on Offences Related to Cultural Property (1985), adopted in the framework of the Council of Europe; and the Charter for the Protection and Management of the Archaeological Heritage (1990), adopted in the framework of the ICOMOS.¹⁸⁷

The instruments mentioned above currently promote the safeguarding of natural heritage and mainly of cultural heritage, understood as material-tangible, and immaterial-intangible. This last one, immersed now in a context where new challenges are faced such as globalization, extractive industries, tourism and climate change, which are threatening its conservation.¹⁸⁸

4.2.1 Law of the Sea Convention (LOSC)

Regarding the aquatic surroundings, and specifically the seas, diverse legal and policy instruments at the international level have also been produced or are in the process of being developed.

The LOSC, adopted in 1982, is currently the most comprehensive international legal regime related to maritime affairs. This document represents the 'constitution of the oceans', establishing new obligations such as protection of the marine environment and the need for scientific research; defining new concepts such as archipelagic status, the deep seabed and the exclusive economic zone; and giving new tasks to the existing institutions such as the International Maritime

¹⁸⁷ The International Council of Monuments and Sites was created in 1964, during the Second Congress of Architects and Specialists of Historic Buildings, through the second resolution. ICOMOS is a global non-government association of professionals around the world that works for the protection and conservation of the cultural heritage places. ICOMOS promotes the application of theory, methodology and scientific techniques in order to achieve this goal. ICOMOS, About ICOMOS. <http://www.international.icomos.org/about.htm> accessed on 12 July 2007.

¹⁸⁸ UNESCO, World Heritage: Challenges for the Millennium, op.cit, p. 167.

Organization, etc.¹⁸⁹ This 'global agreement' is focused mainly on "...trade, fishing rights, commercial exploitation of natural resources in the seabed, and environmental protection".¹⁹⁰

Regarding maritime cultural heritage, in the sense that has been defined above, LOSC only addresses the topic of the underwater cultural heritage is addressed. It is developed in two articles.

Article 149, found in Part XI of the LOSC, deals with the archaeological and historical objects on the seabed and ocean floor beyond the limits of national jurisdiction, the International Seabed Area.¹⁹¹ It provides:

All objects of an archaeological and historical nature found in the area shall be preserved or disposed of for benefit of mankind as a whole, particular regard being paid to the preferential rights of the State or country of origin, or the State of cultural origin, or the State of historical and archaeological origin.¹⁹²

Article 303 is found in Part XVI of the LOSC, and stipulates:

1. States have the duty to project objects of an archaeological and historical nature found at sea and shall co-operate for this purpose.
2. In order to control traffic in such objects, the coastal State may, in applying article 33 presume that their removal from the sea –bed in the zone referred to in that article without its approval would result in an infringement within its territory or territorial sea of the laws and regulations referred to in that article.
3. Nothing in this article affects the rights of identifiable owners, the law of salvage or other rules of admiralty, or laws and practices with respect to cultural exchanges.
4. This article is without prejudice to other international agreements and rules of international law regarding the protection of objects of an archaeological and historical nature¹⁹³

These articles refer only to a part (the one submerged) of cultural - maritime material heritage disregarding the tangible universe, intangible expressions, cultural landscape, and therefore, the archaeological context. This is reasonable when considering the historical and theoretical time in

¹⁸⁹ Barnes R., Freestone D. and Ong D. "The Law of the Sea: Progress and Prospects" In: David Freestone, Richard Barnes and David Ong eds. *The Law of the Sea*. Oxford: Oxford University Press, 2006: p. 1 – 27.

¹⁹⁰ Papa, Marina. International law for the protection of the underwater cultural heritage: can our past be salvaged? University of London. <http://historyhuntersinternational.org/index.php?page=126> accessed on 15 July 2007.

¹⁹¹ United Nations. *The Law of the Sea*. New York: United Nations. Division for Ocean Affairs and the Law of the Sea – Office of Legal Affairs, 2001: Article 1(1), p. 22 .

¹⁹² Ibid, Article 149, p. 71.

¹⁹³ Ibid, Article 303, p. 136.

which this convention was elaborated. However, its regard from then on, stands out the importance of the topic at international level, when conceiving the sea and its resources as universal heritage.

Therefore, considering that the LOSC is the framework convention for the oceans, and for that reason, all states even non parties (such as Colombia) cannot ignore its provisions. It is considered relevant, in order to design the maritime cultural heritage political or legal tools for the Colombian territory, at least take into account the general premise of this convention, which “[...] imposes a duty on States – in terms not limited to states parties - to protect objects of an archaeological and historical nature found at sea [...]”¹⁹⁴

That in this case it would legitimize the need to protect and conserve not only the underwater heritage but also the tangible and intangible universe of the maritime heritage.

4.2.2 The Valleta Convention

Another normative instrument seeking to protect this heritage is the European Convention on the Protection of the Archaeological Heritage – Valleta Convention¹⁹⁵ concluded by the Council of Europe in 1992. This convention emphasizes the need of integrating the management of the archaeological heritage and its protection within planning programs at national, regional and local levels, to avoid their destruction.¹⁹⁶

Article 1 of Valleta Convention, defines the concept of archaeological heritage as:

The archaeological heritage shall include structures, constructions, groups of buildings, developed sites, moveable objects, monuments of other kinds as well as their context, whether situated on land or under water.¹⁹⁷

And Article 2, on the identification of heritage and the measures for its protection, prescribes “the creation of archaeological reserves, even where there are no visible remains on the ground or under water, for the preservation of material evidence to be studied by later generations”¹⁹⁸

¹⁹⁴ Nordquist, Myron. *United Nations Convention on the Law of the Sea, 1982: A Commentary*. USA: Center of Oceans Law and Policy – University of Virginia, Volume V, 1989: p. 160.

¹⁹⁵ The “Valleta Convention”.

¹⁹⁶ Joint Nautical Archaeology Policy Committee. *Maritime Cultural Heritage and Seabed Development*, p. 3. http://www.thecrownestate.co.uk/jnapc_code_of_practice.pdf accessed on 11 July 2007.

¹⁹⁷ Council of Europe. *European Convention on the Protection of the Archaeological Heritage*. Valleta, 1992: p. 4.

This statement stresses the importance that underwater heritage was gaining recognition not only with respect to the seas; it was beginning to be understood as part of the archaeological heritage and in the context in which it was found. This, again, is characteristic of the historical - theoretical context in which this convention was drafted, since it did not consider tangible and intangible heritage yet.

4.2.3 Charter for the Protection and Management of the Underwater Cultural Heritage

In 1996, the ICOMOS General Assembly ratified the Charter for the Protection and Management of the Underwater Cultural Heritage. This Charter, a supplement to the ICOMOS Charter for the Management of the Archaeological Heritage (1990), provides a previously absent definition of what is understood as underwater cultural heritage:

Underwater cultural heritage is understood to mean the archaeological heritage which is in, or has been removed from, an underwater environment. It includes submerged sites and structures, wreck sites, and wreckage and their archaeological and natural context¹⁹⁹

Starting from this concept, the Charter is intended to promote the protection of this heritage in inland and inshore waters, in shallow seas and in deep oceans. Underwater cultural heritage is understood as the key element in the process of strengthening the national identity; as a non-renewable resource; and as fundamental for the promotion of recreation and tourism. This conceptualization implies the implementation of “high archaeological standards” thus allowing to mitigate the impacts and to avoid its destruction and commercialization.²⁰⁰

It is possible to trace an evolution in the management of maritime cultural heritage. This advancement is reflected in aspects such as its conceptualization and definition framed within the archaeological heritage, which in turn, is part of the material heritage. Also, there has been

¹⁹⁸ Ibid.

¹⁹⁹ Translated by the author of the present study. Original spanish texts as follows: “el patrimonio cultural subacuático se entiende como el patrimonio arqueológico que se encuentra en un medio subacuático o que ha sido removido de él. Incluye sitios y estructuras sumergidas, zonas de naufragios, restos de naufragios y su contexto arqueológico y natural.”

ICOMOS. *Carta Internacional Sobre La Protección y La Gestión Del Patrimonio Cultural Subacuático*. [“International Charter for the Protection and Management of the Underwater Cultural Heritage,”] 1996: p. 3.

²⁰⁰ Hoffman, Barbara. “Who Owns the Titanic’s Treasures: Protection of the Underwater Cultural Heritage” In: Barbara Hoffman ed. *Art and Cultural Heritage: Law, Policy and Practice*. New York: Cambridge University Press, 2006: p. 283.

progress by suggesting an academic-archaeological methodology for its study; a non-exploitable management of this heritage; and presenting it as a possibility for tourism development. Again, alluding exclusively to a part, the one submerged, of what here is understood as maritime cultural heritage.

4.2.4 Recommendation 1486 regarding the Maritime and Fluvial cultural heritage

At this point, it is worthwhile to take into account the 2000 recommendation by the Parliamentary Assembly of the Council of Europe to the Committee of Ministers of this Council. Since 1978 the Parliamentary Assembly of the Council of Europe has been working on the underwater heritage topic, concretely through recommendation 848 in which two types of underwater sites are defined:

shipwrecks and objects found in them (the subject of most attention in the report) and fixed remains. By these he meant sites which were once above or partly above sea level, but which have become submerged because of rises in the sea level and/or movements of the earth's crust. These include submerged towns and villages, submerged harbours and waterfront installations, and submerged prehistoric sites...river installations and the shores on inland lakes within this purview.²⁰¹

Likewise, it is included in the concept of underwater, not only rivers and lakes but also wells, moats, canals and marshes. Thus, proposing a wider view of underwater heritage, not limited to the seas, but comprising all the aquatic surroundings and the vestiges remaining in them, and from diverse historical periods.

In 2000, the Parliamentary Assembly recognized the interest regarding maritime and fluvial heritage presented in Europe during the last 20 years. Therefore, considering that UNLOSC and the European Convention on the Protection of the Architectural Heritage (1992) had disregarded many outstanding aspects of this topic, the Assembly decided to adopt Recommendation 1486 on the Maritime and Fluvial Cultural Heritage.

This Recommendation underlines the need to generate and strengthen the necessary measures to achieve the safeguarding of this heritage, through the creation of expert networks, and the support of Government entities, museums, and investigation centers, among others.²⁰²

²⁰¹ Parliamentary Assembly – Council of Europe, op.cit.

²⁰² Parliamentary Assembly – Council of Europe, op.cit.

In this Recommendation the following concept of maritime and fluvial cultural heritage is stated:

This has a twofold significance. On the one hand it will specifically recognize the importance of inland sites. On the other hand, and more importantly, it will recognize that the maritime and fluvial heritage comprises much more than submerged sites, be they fixed or movable. The maritime and fluvial heritage is not confined to that which existed in the past, was lost and can be recovered. It extends to artifacts which are neither submerged nor lost in any other way, but which are in danger of being lost unless active steps are taken to preserve them. These include defunct dock and harbour installations, coastal defenses such as estuary forts, lighthouses, dykes and tidal mills, fish traps and fishing stations, or vessels whose natural working life may be over but can be kept as nearly as possible in their original condition, or even in working order, for commercial gain, for private or public pleasure, or for educational or training purposes. The maritime and fluvial heritage extends to associated traditions, be they technical, such as techniques of boatbuilding or of handling vessels and their cargoes, or artistic, such as decorative features of ships or equipment, maritime lore or folk music, including, but not confined to, sea shanties.²⁰³

Thus a more explicit and comprehensive concept of maritime and fluvial heritage is presented, which includes both the material and immaterial heritage, not only of the seas, but of the diverse aquatic surroundings.

Through this Recommendation, the Parliamentary Assembly suggests the creation by UNESCO of a convention for this heritage, and also the establishment of diverse legal and political instruments at the national and international level.

4.2.5 Convention on the Protection of the Underwater Cultural Heritage

In 2001, the General Conference of UNESCO adopted what is currently considered the sole normative international tool directly related to the underwater cultural heritage: the Convention on the Protection of the Underwater Cultural Heritage. However, this Convention has not yet entered into force as only 15 of the 20 required ratifications have been made.²⁰⁴

Within the terms of the LOSC, this Convention seeks to prohibit the commercial exploitation of the underwater cultural heritage, not only of the Area and the contiguous zone, but also of the internal

²⁰³ Parliamentary Assembly – Council of Europe, *op.cit.*

²⁰⁴ Convention on the Protection of the Underwater Cultural Heritage, Article 27. States that already ratified the Underwater Cultural Heritage Convention: Panama, Bulgaria, Croatia, Spain, Libyan Arab Jamahiriya, Nigeria, Lithuania, Mexico, Panama, Portugal, Ecuador, Lebanon, Romania, Ukraine and Saint Lucia had ratified it.

waters,²⁰⁵ archipelagic waters, territorial sea, the exclusive economic zone and the continental shelf. This is achieved through generating and strengthening international, regional and national efforts to protect and conserve these resources in situ.²⁰⁶

Likewise, this Convention seeks to promote the protection of this heritage through human resource development in areas such as subaquatic archaeology; and through the implementation of educational and sensitization strategies for the general population, promoting the value and the importance of this heritage. All these activities should be framed in the understanding of underwater cultural heritage, according to Article 1 of the Convention:

1. (a) ...all traces of human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least 100 years such as:
 - (i) sites, structures, buildings, artefacts and human remains, together with their archaeological and natural context;
 - (ii) vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archaeological and natural context; and
 - (iii) objects of prehistoric character.
- (b) Pipelines and cables placed on the seabed shall not be considered as underwater cultural heritage.
- (c) Installations other than pipelines and cables, placed on the seabed and still in use, shall not be considered as underwater cultural heritage²⁰⁷

It is important to note that Convention places emphasis, as its title indicates, on the underwater cultural heritage. Therefore, recalling what is understood by aquatic and maritime cultural heritage, all the other properties and maritime cultural expressions are left out, thus limiting the relationship of this heritage to what it is submerged in. Forgetting that in order to understand the underwater aspect is also fundamental to take into account the social space and the maritime cultural

²⁰⁵ "...waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State." United Nations, *op.cit.*, article 8, p. 24.

"This would also include some areas of sea behind the territorial sea baseline - eg bays, or areas of sea between and behind a coastal island fringe. Eg, Norwegian fiords or Scottish sea lochs are still sea but are internal waters - so are estuaries like the Firth of Forth. Internal waters are legally part of the land territory - even if they are also part of the sea physically. The territorial sea - the area seawards of internal waters - is to some extent shared with all states, notably as regards passage of ships". Boyle, Alan. Personal Conversation. Edinburgh – Scotland. July 2007.

²⁰⁶ Hoffman, Barbara. "Exploring and Establishing Links for a Balanced Art and Cultural Heritage Policy". In Barbara Hoffman, *op.cit.*, p. 13.

International Law Association (ILA). New Delhi Conference – Cultural Heritage law Committee, 2002: p.2.

²⁰⁷ UNESCO, 2001. Convention on the Protection of the Underwater Cultural Heritage, p. 51.

http://portal.unesco.org/culture/en/ev.php-URL_ID=2635&URL_DO=DO_TOPIC&URL_SECTION=201.html accessed on 21 May 2007.

landscape. This fact, again, might be due to the historical and thematic context in which it was elaborated, because until that moment these kinds of approaches were not well developed.

Nevertheless, it is clear that this legal instrument has several recommendations that could be considered for the Colombian case, because they are focused on heritage protection. Concretely, some of the rules concerning activities directed at underwater cultural heritage, which were annexed within the convention, can be taken into account. The need of the in situ preservation; the need to develop sensitization projects; to forbid the commerce of these goods (traded, sold, bought or bartered) and the need to apply scientific techniques and survey methods. This through the development of academic projects.

4.2.6 European Union Project: “Toward a Future Maritime Policy of the Union: European Perspective of the Oceans and the Seas.”

Currently, this whole process of developing instruments to protect the aquatic surroundings has been enriched and continues to evolve, thanks to initiatives such as the European Union which, from 2005, has been working on the project: “Toward a Future Maritime Policy of the Union: European Perspective of the Oceans and the Seas.”

This policy has been designed with the purpose of revitalizing the European Union economy, starting from the recognition of the economic potential of its maritime dimension, since:

[...] between 3% and 5% of the European Gross Domestic Product (GDP) is generated by those industries and the maritime services, without including the value of raw materials such as petroleum, gas or fishing; and also the marine regions produce more than 40% of the GDP.²⁰⁸

This is the reason why this policy seeks to foster the sustainable development of the seas, among other things, through the safeguarding of maritime natural and cultural heritage. Although the history of the European people has been bound with:

²⁰⁸ Translated by the author of the present study. Original spanish texts as follows: “[...] entre un 3 % y un 5 % del Producto Interior Bruto (PIB) europeo es generado por las industrias y los servicios marítimos, sin incluir el valor de materias primas como el petróleo, el gas o la pesca y que las regiones marítimas producen más de un 40 % del PIB” Comisión de las Comunidades Europeas. Hacia una Futura Política Marítima de la Unión: Perspectiva Europea de los Océanos y los Mares. [“Toward a Future Maritime Policy of the Union: European Perspective of the Oceans and the Seas.” Brussels, 2006: p. 3.

[...] the stories on the big expeditions which opened the eyes of our ancestors to the vastness of our planet, the diversity of its cultures and the wealth of its resources, where, most of these trips were carried out by sea [...]²⁰⁹

and although they:

[...] have grown up listening to the histories of the great explorers which allowed them to understand that the Earth was round and to locate appropriately in it the continents [...] enjoying the vacations on the coast, the bustle of the fishing ports, the seashell fare in the coastal restaurants, and the walks along the beach next to the breaking waves. That some spend time observing the colonies of marine birds when they build their nests, sighting whales or waiting for the fish to bite the bait. Those others dedicate their leisure time restoring old wooden boats and navigating in them, while others prefer to see documentaries on dolphins or penguins in television or in the cinema. That some exercise their professional activity in the sector of maritime insurance, others are fishermen, other captains of ports, others work in a tourism office of a coastal town.²¹⁰

most of them, are not aware of the fact that they are citizens of a maritime Europe. Nor do they recognize the heritage related to the seas, and the importance that the seas have in their life and in the development of their countries.²¹¹ This lack of awareness has presently led to serious threats to the cultural and natural heritage, due to pressure in the limited coastal space, among other things.

²⁰⁹ Translated by the author of the present study. Original spanish texts as follows: “[...] .los relatos sobre las grandes expediciones que abrieron los ojos de nuestros antepasados a la inmensidad de nuestro planeta, la diversidad de sus culturas y la riqueza de sus recursos, donde, la mayor parte de estos viajes se realizó por mar [...]”
Ibid.

²¹⁰ Translated by the author of the present study. Original spanish texts as follows: “[...] han crecido escuchando las historias de los grandes exploradores que les permitieron comprender que la Tierra era redonda y ubicar adecuadamente en ella los continentes... disfrutando de las vacaciones en la costa, del bullicio de los puertos pesqueros, de las mariscadas en los restaurantes costeros y de los paseos por la playa junto a las olas rompientes. Que algunos pasan el tiempo observando las colonias de aves marinas cuando construyen sus nidos, avistando ballenas o esperando a que piquen los peces. Que otros dedican su tiempo de ocio restaurando antiguas barcas de madera y navegando en ellas, mientras que otros prefieren ver documentales sobre delfines o pingüinos en la televisión o en el cine. Que algunos ejercen su actividad profesional en el sector de los seguros marítimos, otros son pescadores, otros capitanes de puertos, otros trabajan en una oficina de turismo de una localidad costera”
Ibid, p. 48.

²¹¹ Europa Nostra. Cultural Heritage in a Future EU Maritime Policy.

http://www.europanostra.org/newsletter/0701/0701_influencing.html accessed on 24 July 2007.

Therefore, the fostering and strengthening of identity feelings regarding the sea is sought “[...] among all those that earn a living by means of maritime activities or whose quality of life is strongly tied to the sea”²¹²

These identity feelings could promote understanding of the importance of the seas in human life, hence creating awareness of both the contribution of the maritime activities and the preservation of heritage, on the sustainable development of coastal communities and, at last, on the European Union economy.²¹³

This policy project presents a new possibility to argue the need to safeguard maritime patrimony and strength the European people’s identity regarding the sea; presenting it as a strategy that can contribute to the revitalization of the European Union economy.

Keeping the contextual and historical distinctions in mind, the above perspective may be applied or considered when designing legal or policy tools to regulate maritime cultural heritage topic in a specific context such as the Colombian one.

In this way, and recalling the previous general diagnostic, it is clear that the safeguarding of maritime cultural heritage has been, and is, a topic of undeniable importance at the global level. This one of the reasons it is important that Colombia begins to take into account this issue. The importance attributed to this issue by international community is further reinforced by the elaboration of international legal instruments, some of which are generally accepted and thus applicable to non – parties.

²¹² Translated by the author of the present study. Original spanish texts as follows: “[...] entre todos aquellos que se ganan la vida mediante actividades marítimas o cuya calidad de vida se halla fuertemente vinculada al mar” Comisión de las Comunidades Europeas, op.cit, p. 48.

²¹³ “The continuity among the past, the present and the future should continue guiding and inspiring the European strategies, policies and interventions, national and regional, related to the cultural heritage.” Translated by the author of the present study. Original spanish texts as follows: “La continuidad entre el pasado, el presente y el futuro debe seguir guiando e inspirando las estrategias, políticas e intervenciones europeas, nacionales y regionales relacionadas con el patrimonio cultural.” Ibid, p. 52.

In addition, as the Parliamentary Assembly of the Council of Europe suggests, it is important to develop a legal or policy tool, that not only protects the archaeological and historical objects but all the goods and cultural expressions related with aquatic surroundings²¹⁴.

Likewise, it could be established that the diverse normative and policy instruments that have been developed to achieve this objective of safeguarding maritime cultural heritage, have made emphasis in the diverse aspects of what here is understood by maritime heritage, depending on the historical moment, and on the theoretical and contextual situation. For example, most of these instruments refer to underwater archaeological heritage, and to the need of protecting it from practices such as illicit traffic. Very few of them contemplate the definition of this heritage within a frame such as the aquatic surroundings-aquatic heritage, where not only is the material heritage considered but also the immaterial or intangible one.

Concretely, binding legal tools such as the conventions have made worthwhile contributions in order to safeguard the maritime cultural heritage, including through its related underwater component. Until now, only non binding tools, like recommendations, and also policies had been more direct conceptual relation with the integral meaning of maritime and fluvial heritage.

Nevertheless, these legal and policy tools generate contributions, taking into account the diversity of the contexts and their problems (climate change, globalization, non-sustainable development, war, lack of resources for investigation, etc.²¹⁵), and the particularities of the cases, such as the Colombian one. These contributions support and justify the points of view presented in this proposal, showing that it comprises, at least in a general way, the developments made regarding this topic up to the present.

They also allow for a rationale and a series of reflections and arguments, regarding the methodological and techniques aspects which could be used to regulate and strengthen the topic in Colombia, such as the following:

²¹⁴ Parliamentary Assembly – Council of Europe, op.cit.

²¹⁵ Magness – Gardier, op.cit.

1. The need to integrate the management of this heritage within the planning programs at national, regional and local level, to prevent its destruction.
2. The importance of understanding this heritage as a non renewable resource which may play a fundamental role in the (sustainable) country's economic development, contributing to the improvement of coastal communities' quality of life.
3. The positive impact of linking coastal communities and population in general, through the implementation of educational and sensitization strategies.
4. The in situ preservation of the heritage.
5. The significance of understanding and presenting the protection of this heritage as a strategy contributing to the country's peace and stability, since the knowledge and the familiarity with the diverse maritime cultural heritage could foster higher tolerance through the acceptance of the differences and common values.²¹⁶
6. To carry out studies of this heritage, that employs nondestructive scientific methods and techniques, exclusively through research projects.
7. To generate integral protection strategies that allows the safeguard of the aquatic surroundings and their heritage.

The United Kingdom is an international example that can show why and how it is possible to develop the above recommendations and the positive consequences that brings their application.

For diverse reasons: geographical, for being an island; historical, when constituting a maritime power; and contextual, since the XIX century, the United Kingdom has been developing diverse normative and politic strategies for the protection of the maritime archaeological heritage.

The seas around Britain contain an immense wealth of archaeological sites and remains, potentially without equal elsewhere in the world in terms of their number and diversity. These remains include extensive submerged landscapes, primarily relating to the earlier prehistoric period during which Britain was divorced from mainland Europe by rising sea levels, as well as remains deriving from the subsequent history of the British Isles and its inhabitants' exploitation of the sea. As an island that has experienced successive waves of settlement over many centuries and as a major naval, mercantile, industrial and imperial power, the history of Britain – and the

²¹⁶ Camps, op.cit, p. 499.

everyday experience of many of its inhabitants – has been inextricably linked to its surrounding seas.²¹⁷

The need to preserve the best examples of ancient monuments, of archaeological and historic interests in and around UK waters has also long been recognized. Legislation giving statutory protection to ancient monuments dates back to 1882. From then on, their regulation has been in constant process of change.²¹⁸ Currently, the United Kingdom has a highly developed legal and policy framework for the protection of the cultural heritage, and therefore, of the maritime archaeological heritage, mainly submerged (see annex 1).²¹⁹

In most of these regulatory tools, what is understood here by maritime cultural heritage is stated. Concretely, those aspects regarding the maritime archaeological properties, sites, objects and the maritime cultural landscape; which consists mainly of the heritage's material universe. This is the reason why the investigation of maritime archaeology, which is not well developed in countries such as Colombia, plays a fundamental role in the protection and conservation of maritime cultural heritage.

For instance, this has allowed England to develop have today an inventory of the maritime archaeological sites, and also records of over 40,000 marine sites, whereas Northern Ireland has 3,000, South Africa has 2,500, Australia has 6,000 and Canada has 9,000. This fact makes evident the notorious advance of the United Kingdom in this area.²²⁰

The current problems that the United Kingdom faces regarding this topic are related to the need of raising enough funds so that the agencies in charge of the maritime heritage can carry out their task in a more efficient way. The main purpose of this task is the preservation of this heritage from the impact of, among others, pollution and non-sustainable industrial development in the coastal

²¹⁷ Joint Nautical Archaeology Policy Committee, op.cit.

²¹⁸ Pendlebury, John. "United Kingdom" In: Robert Pickard. *Policy and Law in Heritage Conservation*, London: Spon Press, 2001: 1.

²¹⁹ Joint Nautical Archaeology Policy Committee, op.cit.

English Heritage. *Marine Archaeology Legislation Project*. University of Wolver Hampton, 2002: p. 16.

²²⁰ Ibid.

Roberts, Paul and Trow Stephen. *Taking to the Water: English Heritage's initial Policy for the Management of Maritime Archaeology in England*. London: English Heritage, 2002.

areas, through programs such as those related to the Integrated and Sustainable Management of the Coastal Zone.²²¹

After the global analysis, showing diverse instruments for the safeguard of the maritime cultural heritage (in cases such as the UK) and also the theoretical evolution of the issue through these ones; next, a general diagnostic on the regulation of the topic in Latin America will be presented. Again with the purpose to see what can be applied in the Colombian context.

4.3 Latin American Context – Case Studies

Latin America is one of the world regions that possesses a rich aquatic cultural heritage, so much tangible as intangible that lies in the seas, rivers (Orinoco, Magdalena, Amazons, Paraná, Uruguay, Paraguay, etc.), lagoons, lakes, etc., and their respective coasts and surroundings. This is owed to its history and geography, where a great number of countries have coasts in both oceans (Pacific and Atlantic) and a great variety of water environments.

The occurrence of shipwrecks of crafts of all types, accidents caused by the climatic conditions of the Caribbean and the Pacific, volcanoes and earthquakes of diverse American areas have left prints buried in the sands of the sea and the silt of the rivers, or eaten away by the marine waters and the waters of the sinkholes or caverns.²²²

Countless objects, fortifications, whole cities submerged such as Port Royal (Jamaica); historical port-cities such as Havana, Cartagena de Indias, Veracruz, San Juan (Puerto Rico), Panama, Guayaquil, Callao, Salvador da Bahia, Rio de Janeiro, Santos, Porto Alegre, Asunción, Montevideo, Buenos Aires, and Valparaíso; remains of submerged crafts such as galleons, frigates, brigs, corvettes, vapors and boats; and the diverse traditions of coastal and riverside communities, among others, comprise the Latin American aquatic cultural heritage.²²³

²²¹ English Heritage, op.cit.

Joint Nautical Archaeology Policy Committee, op.cit.

Roberts, Paul and Trow Stephen, op.cit.

²²² Translated by the author of the present study. Original spanish texts as follows: “La ocurrencia de naufragios de embarcaciones de todo tipo, accidentes provocados por las condiciones climáticas del caribe y el pacifico, volcanes y terremotos de diversas áreas americanas han dejado huellas sepultadas entre las arenas del mar y el cieno de los ríos, o corroídas por las aguas marinas y de los cenotes o cavernas.”

UNESCO, Oficina Regional de Cultura para América Latina y el Caribe. Patrimonio cultural subacuatico, 2004. [“UNESCO, Regional Office of Culture for Latin America and the Caribbean. Underwater Cultural Heritage”, 2004.] <http://www.lacult.org/noticias/showitem.php?lg=1&id=36> accessed on 14 July 2007.

²²³ Alemany, Joan. Las Relaciones Puerto-Ciudad en Europa y América Latina: Intercambio de Experiencias y Cooperación Para El Progreso Urbano. [“The Relationships Port-City in Europe and Latin America: Exchange of

This heritage, is then conformed, among other things, by those tangible and intangible vestiges of the past, product of naval, commercial, warlike, ritual or simply daily facts; of the prehispanic, colonial, republican-proindependece, and industrial-modern periods.

However, until now, neither Latin America as a region, nor their respective countries, have a solid system that allows the regulation of this heritage. This is owed mainly to the fact that most of the States of this region in development have other priorities and issues, such as education, nutrition, violence, unemployment, inadequate public services, poverty, which do not allow assigning to the cultural projects the required resources, attention, or qualified human capital.²²⁴

This does not imply that some policies, laws and national strategies to promote this heritage protection do not exist; neither is denied the fact that during the last years there has been an effort by the States to begin strengthening this topic.²²⁵

Some of the legal instruments related to this topic applied in Latin America are: the LOSC, and the Convention on the Protection of the Cultural Underwater Heritage. Both are international tools, where emphasis is made on the underwater heritage, considered here only as a part of maritime heritage, which in turn is considered a component of the aquatic cultural heritage.

However, both instruments are not applied in all Latin American countries. The LOSC is applied in: Nicaragua, Argentina, Chile, Bolivia, Guatemala, Panama, Honduras, Uruguay, Costa Rica, Brazil, Paraguay, Cuba and Mexico²²⁶. Nevertheless, the other states of the region binding as customary international law also consider it, because it constitutes the framework convention for the oceans and has been ratified by 149 countries.²²⁷

Experiences and Cooperation for the Urban Progress.”] *Portus Magazine*, No. 1, p. 3 - 6.

http://www.arcat.org/Ressources/Documents/article_alemny_ES.pdf accessed on 22 July 2007.

²²⁴ Cummins, Alissandra. ‘The Role of the Museum in Developing Heritage Policy’ In: Barbara Hoffman ed. *Art and Cultural Heritage: Law, Policy and Practice*. New York: Cambridge University Press, 2006: p. 47.

UNESCO, op.cit.

²²⁵ Del Cairo, Carlos y García, Catalina (compilers). *Historias Sumergidas: Hacia la Protección del Patrimonio Cultural Subacuatico en Latinoamérica*. [“Submerged Histories: Toward the Protection of the Underwater Cultural Heritage in Latin America.”] Bogota: Externado de Colombia University, 2006: p. 13.

²²⁶ Division for Ocean Affairs and the Law of the Sea. <http://www.un.org/Depts/los/index.htm> accessed on 23 July 2007.

²²⁷ United Nations Press Release. States Parties to the Law of the Sea Convention to Meet in New York, 16 – 24 June. <http://www.un.org/News/Press/docs/2005/sea1822.doc.htm> accessed on 7 January 2008.

And the 2001 Underwater Cultural Heritage Convention, which is not yet in force, has been ratified by Panama, Mexico, Paraguay and Ecuador.²²⁸ This makes evident the need to develop, inter alia, legal and policy tools to protect the maritime heritage.

Therefore, it is worthwhile to briefly review the legal and political strategies that countries like Mexico and Chile are undertaking, since they are States parties to the LOSC and they have certain experience in the development of maritime heritage.

Mexico is one of the Latin American countries that probably has the longest trajectory in the development of maritime heritage; concretely underwater cultural heritage.²²⁹ This is due to the fact that this country's maritime and continental waters are rich in archaeological and historic sites.²³⁰

In rivers, estuaries, lakes, lagoons, springs and sacred sinkholes (flooded natural cavities) such as the Mayan from Yucatan, material remains of prehispanic cultures exist. In the marine areas of national jurisdiction, in the Pacific Ocean, Gulf of California, Gulf of Mexico and the Caribbean Sea, the biggest wealth is in the antique shipwrecks, important legacy of the colonial history.²³¹

However, although Mexico is party to the LOSC and the Underwater Cultural Heritage Convention, it still has not elaborated the necessary tools for the protection of its heritage. Among other things, this situation is due to the lack of resources and of archaeologists qualified in the topic. Although Mexico does not possess an explicit law or policy regarding the cultural properties that are in its waters, provision of the Federal Law on Monuments and Archaeological, Artistic and Historical Areas of the National Institute of Anthropology and History of Mexico²³² are applied in this regard:

²²⁸ UNESCO, op.cit.

²²⁹ Delgadillo, Norma. "Cultural Property Legislation in Mexico: Past, Present and Future" In: Barbara Hoffman ed. *Art and Cultural Heritage: Law, Policy and Practice*. New York: Cambridge University Press, 2006: p. 114.

²³⁰ ICOMOS. Proteger el Patrimonio Cultural Subacuatico, ["Protecting the Underwater Cultural Heritage"] 2002. http://international.icomos.org/18thapril/18abril2003youth_esp.htm accessed on 16 June 2007.

²³¹ Translated by the author of the present study. Original spanish texts as follows: "En ríos, esteros, lagos, lagunas, manantiales y cenotes sagrados (cavidades naturales inundadas) como los Mayas de Yucatán, existen restos materiales de culturas prehispánicas. En las zonas marinas de jurisdicción nacional, en el Océano Pacífico, Golfo de California, Golfo de México y Mar Caribe, la mayor riqueza está en los antiguos naufragios, importante legado de la historia colonial."

González, Eunice and Barrera Alfredo. El Patrimonio Cultural bajo las Aguas. Diario de Yucatán. ["The Underwater Cultural Heritage. Yucatán Diary."] <http://www.yucatan.com.mx/especiales/arqueologia/002.asp> accessed on 17 July 2007.

²³² Hereafter; INAH, Spanish acronym.

ARTICLE 28. - Archaeological monuments are the chattels and real estate, product of cultures previous to the establishment of the Hispanic culture in the national territory, as well as the human remains, and the flora and fauna, related to those cultures.

ARTICLE 33. - Artistic monuments are the chattels and real estate which have outstanding aesthetic value.

ARTICLE 35. - Historical monuments are the goods tied with the history of the nation, starting from the establishment of the Hispanic culture in the country, in the terms of the respective declaration or by determination of the Law.

ARTICLE 36. - By determination of this Law are historical monuments:

I. - The real estate built from the XVI to the XIX century, dedicated: to temples and their annexes; archbishoprics, bishoprics and curial houses; seminars, convents or any others dedicated to the administration, popularization, teaching or practice of a religious cult; as well as to the education and teaching, to assistance or beneficent purposes; to the public service and ornament; and to the use of the civil and military authorities. The furnishings that are or has been in these properties, and the outstanding civil works of private character built from the XVI to the XIX century, inclusive.

II. - The documents and files that belong or have belonged to the offices and archives of the Federation, the States or the Municipalities, and the curial houses.

III. - The hand written original documents related to the Mexican history and the books, pamphlets and other material printed in Mexico or abroad, between the XVI to the XIX century that for their uncommonness and importance for the Mexican history, deserve to be conserved in the country.

IV. - The scientific and technical collections may be included in this category, by means of a related declaration.²³³

²³³ Translated by the author of the present study. Original spanish texts as follows: "ARTICULO 28.- Son monumentos arqueológicos los bienes muebles e inmuebles, producto de culturas anteriores al establecimiento de la hispánica en el territorio nacional, así como los restos humanos, de la flora y de la fauna, relacionados con esas culturas.

ARTICULO 33.- Son monumentos artísticos los bienes muebles e inmuebles que revistan valor estético relevante.

ARTICULO 35.- Son monumentos históricos los bienes vinculados con la historia de la nación, a partir del establecimiento de la cultura hispánica en el país, en los términos de la declaratoria respectiva o por determinación de la Ley.

ARTICULO 36.- Por determinación de esta Ley son monumentos históricos:

I.- Los inmuebles construidos en los siglos XVI al XIX, destinados a templos y sus anexos; arzobispados, obispados y casas curiales; seminarios, conventos o cualesquiera otros dedicados a la administración, divulgación, enseñanza o práctica de un culto religioso; así como a la educación y a la enseñanza, a fines asistenciales o benéficos; al servicio y ornato públicos y al uso de las autoridades civiles y militares. Los muebles que se encuentren o se hayan encontrado en dichos inmuebles y las obras civiles relevantes de carácter privado realizadas de los siglos XVI al XIX inclusive.

II.- Los documentos y expedientes que pertenezcan o hayan pertenecido a las oficinas y archivos de la Federación, de los Estados o de los Municipios y de las casas curiales.

III.- Los documentos originales manuscritos relacionados con la historia de México y los libros, folletos y otros impresos en México o en el extranjero, durante los siglos XVI al XIX que por su rareza e importancia para la historia mexicana, merezcan ser conservados en el país.

IV.- Las colecciones científicas y técnicas podrán elevarse a esta categoría, mediante la declaratoria correspondiente."

It should be noted that these provision emphasize exclusively the material heritage universe disregarding the intangible universe, due to the period in which they were designed (1972).

Likewise, the derivative regulations of this Law, such as the regulation dispositions for the archaeological investigation in Mexico in 1977, considered explicitly the underwater cultural remains.²³⁴

During the last 30 years, Mexico has made big efforts to develop strategies for the safeguarding of this heritage, including the creation by the *INAH* of the Department of Underwater Archaeology in 1980. Since its creation, this Institute has been concerned with promoting the investigation in this area through the realization of diverse projects²³⁵.

Just as it is promulgated by programs such as the 'National Program of Culture 2001-2006 ', and according to the specifications of the LOSC and the Underwater Cultural Heritage Convention, these studies strive for: the preservation in situ, the non intrusive work, the community participation, the support of sustainable development for these communities' benefit, at the same time seeking the local and national integration; the heritage long term preservation, and the gathering of academic information for the design of management plans and declaratory of heritage.²³⁶

Some of these projects include: *Arrecife Cayo Nuevo, Golfo de México* (1979); *Manantial de la Media Luna, San Luis Potosí* (1981 and 1982); *Costa Oriental, Península de Yucatán* (1984 and 1990); and *Arrecife Chitales, Cancún - Quintana Roo*²³⁷.

Estados Diputados Mexicanos. Ley General sobre Monumentos y Zonas Arqueológicas, Artísticas e Históricas, ["General Law on Monuments and Archeological, Artistic and Historic Zones"], 1972.

²³⁴ Luna, Pilar. "Las Aguas de México: una Intensa Herencia Ancestral". ["Mexico's Waters: An Intense Ancestral Heritage"] In: Carlos Del Cairo y Catalina García (compilers). *Historias Sumergidas: Hacia la Protección del Patrimonio Cultural Subacuático en Latinoamérica*, op.cit, p. 71

²³⁵ Ibid.

²³⁶ INAH. Planeación para el manejo de sitios patrimoniales. ["Planning for the Management of Heritage Sites"] <http://www.inah.gob.mx/> accessed on 26 July 2007.

²³⁷ Luna, Pilar. Arqueología Subacuática en México ["Underwater Archeology in Mexico"], 2003 <http://www.international.icomos.org/18thapril/18abril2003case.htm> accessed on 26 July 2007.

INAH, Coordinación Nacional de Arqueología. ["Archeology National Coordination"] <http://transparencia.inah.gob.mx/index.php?sid=239> accessed on 25 July 2007.

Therefore, in spite of certain problems, Mexico has achieved a great deal with respect to the protection of underwater archaeology. According to Pilar Luna,²³⁸ the most recent of these include:

1. Development of the Mexican underwater archaeology and contribution to the knowledge of the past.
2. Training of young archaeologists and restorers, and students of these fields.
3. Localization and registration of more than 100 sites having cultural material.
4. Design and application of the System of Geographical Information *ESPADAS*, considered among the state-of-the-art of the underwater archaeological work.
5. Design and application of new methodologies, especially to work in flooded caves.
6. International and national cooperation, even with local communities of divers and fishermen.
7. Recovery of 40 lead ingots, the biggest collection recovered in America.
8. Biological, and sedimentary studies; and studies of physical-chemical parameters in several sites.
9. Correction of modern maps regarding some capes and reefs in the Gulf of Mexico.
10. Summary of an important common property archive and creation of a specialized library in underwater archaeology and similar themes.
11. Diffusion of the Mexican underwater archaeology in academic forums and in national and international mass media, including the elaboration of two videos and catalogs of pre- hispanic and colonial pieces, as well as a documentary filmed by Discovery Channel.
12. The ratification of the UNESCO Convention on the Protection of the Underwater Cultural Heritage (still not in force).

Through the case of Mexico, certain lessons may be noted which could serve as examples for Colombia. Such examples are particularly useful as both states face similar challenges. Examples of note, the following are particularly important:

1. The employment of a heritage concept that contemplates its material and immaterial aspect.
2. The consideration, for the underwater heritage, of a chronology that embraces the following historical periods: pre-hispanic, conquest, colony, republic-independence, and modern-industry.

²³⁸ Luna, op.cit.

3. The institutional strengthening, starting from the creation of departments such as one for underwater archaeology.

Chile is another of the Latin American countries that possesses a large number of archaeological and historical sites, many submerged along the coasts and banks of aquatic environments. An example of such a site is the city-port of Valparaíso, world heritage:

[...] that from a modest colonial anchorage, transformed by the middle of the XIX century, in one of the main intermediary ports in the sailing routes of the South Pacific [...] constituted an obligated arrival point for the ships that followed the Cabo de Hornos and the Magellan's Strait route toward or from the Atlantic.²³⁹

As with Mexico, and most Latin American countries, Chile a state party of the LOSC but does not have the necessary political, legal, or scientific tools, to safeguard this heritage. This is largely due to the particularities of the context, the difficulty to obtain enough funding, and the lack qualified human resources.

In Chile the underwater archaeology does not possess the long scientific tradition of the terrestrial archaeology, because of the lack of specialists, and a legislation that hinders the control, disposition and regulation of mechanisms to facilitate this activity for the sake of the underwater heritage preservation.²⁴⁰

However, it can not be denied that in Chile some strategies to protect heritage have been generated, mainly in aspects related to underwater heritage. In 1970, Law 17288 indirectly addressed to this issue through the definition of the concept of national monuments:

²³⁹ Translated by the author of the present study. Original spanish texts as follows: “[...] que desde un modesto ancladero colonial, pasó a transformarse a mediados del siglo XIX, en uno de los principales puertos intermediarios en las rutas de navegación del Pacífico Sur [...] constituyó un punto de recalada obligado para las naves que seguían la ruta del Cabo de Hornos y del Estrecho de Magallanes hacia o desde el Atlántico.”

Carabias, Diego y Chapanoff, Miguel. “Proyecto Valparaíso Sumergido: Resultados Preliminares de un Plan de Evaluación del Patrimonio Cultural Subacuático de la Bahía de Valparaíso, Chile”. [“Valparaíso Submerged Project: Preliminary Results of an Evaluation Plan of Underwater Cultural Heritage of Valparaíso Bay, Chile”]. In: Carlos Del Cairo y Catalina García (compilers). *Historias Sumergidas: Hacia la Protección del Patrimonio Cultural Subacuático en Latinoamérica*, op.cit, p. 215.

²⁴⁰ Translated by the author of the present study. Original spanish texts as follows: “En Chile la arqueología subacuática no posee la larga tradición científica de la arqueología terrestre, por la falta de especialistas y por una legislación, que dificulta el control, disposición y regulación de mecanismos que posibiliten esta actividad en aras de la preservación del patrimonio sumergido”

Vélez, Ricardo. *Las Especies Naufragas*. [“The Shipwrecked Species”]. Bogota: Externado de Colombia University, 2003: p. 243.

Article 1. - Are national monuments and left under the custody and protection of the State, the sites, ruins, constructions or objects of historical or artistic character; the burials or cemeteries or other aboriginal's remains, the anthropo-archaeological, paleontologic objects or pieces of natural formation that exist under or on the surface of the national territory or in the submarine platform of its jurisdictional waters and whose conservation interests to history, art or science; the sanctuaries of the nature; the monuments, statues, columns, pyramids, fountains, plaques, crowns, inscriptions and, in general, the objects that are dedicated to remain in a public place, with commemorative character. Their custody and protection will be exercised by through the Council of National Monuments, in the form that determines the present Law.²⁴¹

Cultural material goods are included, but it is not clear, which historical period will be taken into account. However this constitutes a great advance regarding the protection of what today is understood as aquatic cultural heritage, comprising the maritime heritage which from that time on, at least tangentially, was considered.

In 1999, the Chilean ordinance on underwater heritage was issued. This ordinance constitutes a great advance in the subject, as it sets forth a definition of this heritage, including not only the objects but the archaeological and natural context; and also because it establishes a temporality of the heritage. It is focused specifically on the submerged material universe of the maritime heritage:

It is declared historical monument all trace of human existence that is in the bottom of rivers and lakes, and in the marine bed that exists under the interior waters and Territorial Sea of the Republic of Chile, over fifty years, including: a) Sites, structures, constructions, devices and human remains, together with their archaeological and natural environment; b) Remains of ships, airships, other vehicles or some of their parts, their load or their content, together with their archaeological and natural environment.²⁴²

²⁴¹ Translated by the author of the present study. Original spanish texts as follows: "**Artículo 1º.**-Son monumentos nacionales y quedan bajo la tuición y protección del Estado, los lugares, ruinas, construcciones u objetos de carácter histórico o artístico; los enterratorios o cementerios u otros restos de los aborígenes, las piezas u objetos antropo-arqueológicos, paleontológicos o de formación natural, que existan bajo o sobre la superficie del territorio nacional o en la plataforma submarina de sus aguas jurisdiccionales y cuya conservación interesa a la historia, al arte o a la ciencia; los santuarios de la naturaleza; los monumentos, estatuas, columnas, pirámides, fuentes, placas, coronas, inscripciones y, en general, los objetos que estén destinados a permanecer en un sitio público, con carácter conmemorativo. Su tuición y protección se ejercerá por medio del Consejo de Monumentos Nacionales, en la forma que determina la presente ley."

Concejo de Monumentos Nacionales de Chile. Ley no. 17288 de 1970: Legisla sobre Monumentos Nacionales. <http://www.monumentos.cl/ley001.htm> accessed on 9 July 2007.

²⁴² Translated by the author of the present study. Original spanish texts as follows: "Declárase monumento histórico de toda traza de existencia humana que se encuentre en el fondo de ríos y lagos, y en los fondos marinos que existen bajo las aguas interiores y Mar territorial de la Republica de Chile, por mas de cincuenta anos, los que incluyen:

a) Sitios, estructuras, construcciones, artefactos y restos humanos, en conjunto con su entorno arqueológico y natural

On the other hand, with the support of private entities such as the Corporation of the Cultural Heritage of Chile, the development of investigation on this topic has also been promoted. Due to the lack of information on the subject, projects such as the Cartographic Information System of Underwater Archaeology,²⁴³ has been designed with the purpose of gathering and storing data in order to register and build inventories on this heritage. Also, among other things, to elaborate an archaeological chart so as to:

a) To have a planning tool that allows to program future archaeological activities, following well-known priority criteria; b) to contribute to the global vision of the heritage, providing the bases of a planned investigation; c) Through its dissemination, an approach of the community to the domestic underwater heritage potential.²⁴⁴

Likewise, with these projects, it is sought to generate spaces of dialogue among the State, the community and the private sector, to be sensitized about the topic and to develop joint strategies, such as policies that benefit the communities and assure the safeguarding of heritage²⁴⁵.

The Chilean and Mexican context are similar to that of Colombia, thus allowing highlighting and analyzing of certain aspects that may be applied to the present study: 1. within the LOSC framework - the need to establish a law or specific policy regarding the heritage to be protected, in this case the maritime one; 2. according to the Underwater Cultural Heritage convention - the promotion of the investigation of material and immaterial universe that comprises this heritage to make its protection possible (knowing for protecting); 3. the search for diverse financing sources,

b) Restos de buques, aeronaves, otros vehículos o algunas de sus partes, su carga o su contenido, en conjunto con su entorno arqueológico y natural"
Ministerio de Educacion, Chile. Ordinance No. 311 of 1999, p. 2.

http://www.monumentos.cl/pdf/mh_patrimonio_subacuatico.pdf accessed on 18 July 2007.

²⁴³ Hereafter; SICAS Spanish acronym.

²⁴⁴ Translated by the author of the present study. Original spanish texts as follows: "a) Disponer de una herramienta de planificación que permita programar futuras acciones arqueológicas, atendiendo a criterios de prioridad conocidos; b) Contribuir a la visión global del conjunto patrimonial, proporcionando las bases de una investigación planificada; c) Mediante su difusión, una aproximación de la comunidad al potencial patrimonial sumergido del país."

Universidad Internacional SEK. Sistema de Información Cartográfico de Arqueología Subacuática. ["Cartographic Information System of Underwater Archaeology."] Fase III: Agi-Viso Del Marqués
<http://www.sek.net/Gaudeamus2001/default.asp?arc=inves.asp#> accessed on 13 July 2007.

Universidad Internacional SEK. Estudio del Potencial Arqueológico Sumergido de La Costa Chilena Entre Los Rios Mataquito y Maule (VII Región), A Través de La Aplicación de Sistemas De Prospección Geofísica. ["Study of the Underwater Archeological Potential of the Chilean Coast between the Rivers Mataquito and Maule (VII Region). Through the Application of Geophysical Prospecting."]

<http://www.sek.net/Gaudeamus2001/default.asp?arc=inves.asp#> accessed on 27 July 2007.

²⁴⁵ According to the mission of the Heritage Corporation, and following the general premise of the Law of the Sea about the heritage protection.

for example, within the private sector: and 4. the dialogue among States, Government and private sector, essential to achieving compliance with the specific Laws and policies.

The most evident issue in the two cases examined above is that of the necessity to develop a variety of specific strategies for protecting the maritime heritage in Latin American. The lack of progress on this topic is owed to the particularities and problematic of the region. For the fact of being developing countries, in many cases there are not enough resources for the cultural sector, given that there are other priorities such as meeting the basic needs of the population (food, public services, education). Also because the topic has not been deeply studied, contrary to developed countries such as the United Kingdom. In spite of this, there is evidence that:

The Latin American countries have undertaken in the last years diverse initiatives to protect the goods that are make part of the underwater cultural heritage; in several South American nations administration programs have been carried out which include scientific investigations, sensitization to coastal communities, academic and social diffusion, organization of institutions and entities, public and private, dedicated to the management and administration of this heritage; normative developments guided to their protection and defense, the same as programs of formal and non formal education [...] however the work on this topic should be continued [...]²⁴⁶

In conclusion, it is necessary to design solid laws and policies that allow to develop the specifications of important legal international instruments such as the LOSC and the Underwater Cultural Heritage convention. And at the same time to allow to go beyond the environment of underwater heritage, to reach an integral vision of the maritime tangible and intangible heritage of the aquatic surroundings. Likewise, the particularities of this region present the need to develop other types of strategies, directly with the community looking for its well-being, and at the same time warranting the safeguarding of the heritage, together with programs for specialized personnel's training.

²⁴⁶ Translated by the author of the present study. Original spanish texts as follows: “Los países latinoamericanos han emprendido en los últimos años diversas iniciativas para proteger los bienes que hacen parte del patrimonio cultural subacuatico, en varias naciones suramericanas se han adelantado programas de gestión, que incluyen investigaciones científicas, sensibilización a comunidades costeras, difusión académica y social, conformación de instituciones y entidades, publicas y privadas, dedicadas al manejo y gestión de este patrimonio, desarrollos normativos encaminados a su protección y defensa, al igual que programas de educación formal y no formal...sin embargo se debe seguir trabajando en ello [...]”

Del Cairo, Carlos y García, Catalina (compilers). *Historias Sumergidas: Hacia la Protección del Patrimonio Cultural Subacuatico en Latinoamérica*, op.cit, p. 13.

Having a general idea on the international and Latin American context, next the analysis of the Colombian case, framed in this region, will be developed.

4.4 Colombian Framework – Local Context

Colombia, in contrast to many Latin American countries, has coasts on two oceans: the Atlantic and the Pacific (Figure 1).



Figure 3. Colombian Official Map
Source: Colombian Commission of the Ocean website, www.cco.gov.co

The country also has diverse and numerous aquatic surroundings such as rivers, lagoons, lakes, where rest, among other things, a large number of shipwrecks. Colombia is a multiethnic and

multicultural country, therefore it possesses a very wide and varied aquatic and maritime cultural heritage.²⁴⁷

In common with other Latin American countries, Colombia does not have solid financial, technical, legal and political tools to pursue the protection of its heritage. This again, owed to the problems of the context, to the lack of specialists in the field, and to the shortage of resources for this sector which the State cannot supply completely, since it has other immediate priorities such as the search for peace and social welfare.

However, for approximately 67 years, diverse efforts in this regards have been carried out and cannot be ignored. In 1945 Law 94 was promulgated. This Law prohibits the realization of construction works on Cartagena ramparts, bastions or colonial castles, since they are considered as historical monuments. This was done with the objective of defending and conserving them. This way, starts a long career to defend maritime heritage, in this case, its material component; and evidences the interest that has been generated long time ago around this theme.

In 1959, the Law 163 was issued, by which measures on defense and conservation of the nation's historical and artistic heritage, and public monuments were prescribed. Article 4 of this Law states that "[...] are declared as national monuments the old sectors of the cities of Tunja, Cartagena (city-port), Mompox (city-port), Popayán, Guaduas, Pasto and Santa Marta (city-port)"²⁴⁸

This way, measures guided concretely to the defense and protection of the material component of the maritime heritage continue being established, but in the conceptual framework of the national monuments.

²⁴⁷ The wealth and variety of this Colombian aquatic and maritime cultural heritage will be fully explained in the following chapter.

²⁴⁸ Translated by the author of the present study. Original spanish texts as follows: "[...]se declaran como monumentos nacionales los sectores antiguos de las ciudades de Tunja, Cartagena (ciudad - puerto), Mompox (ciudad - puerto), Popayán, Guaduas, Pasto y Santa Marta (ciudad - puerto)."

Ley 163 de 1959, por la cual se dictan medidas sobre la defensa y conservación del patrimonio histórico, artístico y monumentos públicos de la nación In: Gonzalo Castellanos. *Régimen Jurídico del Patrimonio Arqueológico en Colombia*. ["Legal Regime of the Archeological Heritage in Colombia. Colombian Institute of Anthropology and History."]. Bogota: Instituto Colombiano de Antropología e Historia, 2003: p. 113.

Already in 1968 strategies guided concretely toward the defense of the underwater cultural heritage began to be developed. The Ordinance 655 was issued, where norms on the exploitation of shipwrecks in the nation's area of maritime jurisdiction are prescribed. Thus, the term shipwreck species begins to be used to refer to "those elements of historical, scientific or commercial value that are located in the jurisdictional waters or in the submarine continental shelf"²⁴⁹

In this ordinance, for the first time, allusion is made to the percentages that would receive the parties involved in discovering and salvage of these elements: for the state 25%, for the contractor-salvager 70%, and for the discoverer 5%. However with the new Law of Culture of 1997, these provisions are repealed.

In 1984, Ordinance 29 is developed, by means of which the commission of shipwrecks is created, which is in charge of advising the Government in everything related to antique shipwrecks; their exploration, the development of archaeological and historical studies, and the methods of surveillance and control. This denotes the interest on the topic at that time, making emphasis only on what is submerged.

On the other hand, in 1993, Law 47 is issued, by means of which special norms are prescribed for the organization and operation of the Department *San Andrés Archipelago, Providencia and Santa Catalina*. In the Articles 47, 48, 49 and 50 the need to protect, preserve, conserve and recover the tangible cultural goods of this department is established. This is done with the objective of rooting the ownership to the community of the archipelago by means of the valuation of their heritage.

The development of this law shows once more that higher interest continues developing around the topic in Colombia, when specific statutes for some aquatic environments such as the islands and their heritage are created. It is worth noting that the material heritage alone is considered in this concrete case, since the notion of intangible heritage had not been developed at the time in which the law was drafted.

²⁴⁹ Translated by the author of the present study. Original spanish texts as follows: "aquellos elementos de valor histórico, científico o comercial que se localizan en las aguas jurisdiccionales o en la plataforma continental submarina"
Vélez, op.cit, p. 32.

In 1997, Law 397 - General Law of Culture is elaborated. For the first time, in Article 9, it is established that underwater cultural heritage that is considered as part of the archaeological heritage should be understood as:

[...] the cities or cemeteries of missing human groups, human remains, the shipwrecked species constituted by the ships and their endowment, and other chattels laying inside them, or disseminated in the bottom of the sea, that are on the seabed or marine underground of the interior waters, the territorial sea, the continental shelf or exclusive economic zone; of any nature or state, and of any cause or time of sinking or shipwreck. The remains or parts of crafts, and the furnishings or goods that are in similar circumstances also have the character of shipwrecked species.²⁵⁰

Likewise, the conditions under which the explorations and removals of this heritage should be carried out are determined: the methods that should be used, specifying that the person who makes the find, by way of reward, will be entitled to a percentage of the shipwreck's gross value which will be determined by the Government. That is, a separate sum would be paid for the finder, but part of the shipwreck won't be given in payment, since it is part of the archaeological heritage according to the Constitution, that has the character of inalienability, imprescriptibly and not subject to embargo.²⁵¹ This regulation shows the evolution of the process with respect to for the submerged aspect of maritime heritage.

Unfortunately, until now, the successful implementation of these laws can not have been accomplished due to illicit traffic practices. Thus underwater heritage is still in danger. This justifies the need to work on the issue, so as to establish related definitions within a more comprehensive framework such as that of aquatic heritage.

²⁵⁰ Translated by the author of the present study. Original spanish texts as follows “[...] las ciudades o cementerios de grupos humanos desaparecidos, restos humanos, las especies náufragas constituidas por las naves y su dotación, y demás bienes muebles yacentes dentro de éstas, o diseminados en el fondo del mar, que se encuentren en el suelo o subsuelo marinos de las aguas interiores, el mar territorial, la plataforma continental o zona económica exclusiva, cualesquiera que sea su naturaleza o estado y la causa o época del hundimiento o naufragio. Los restos o partes de embarcaciones, dotaciones o bienes que se encuentren en circunstancias similares, también tienen el carácter de especies náufragas.”

Ministerio de Cultura de Colombia, Ley 397 of 1997 – Ley General de Cultura, op.cit, p 5.

²⁵¹ Constitución Política de Colombia. 1991, article 72, p. 17.

<http://www.mincultura.gov.co/VBeContent/library/documents/DocNewsNo227DocumentNo356.PDF> accessed 31 May 2007.

In 2001, by means of the Resolution 1301, the Ministry of Culture of Colombia created the Underwater Cultural Heritage Advisory Committee whose members are: the Minister of Culture or his/her delegate that will be the Vice-Minister, the Director of the Colombian Institute of Anthropology and History (ICANH), a delegate of the National Culture Council, the Coordinator of the group of international relationships of the Ministry of Culture, the Coordinator of the heritage and archaeology area of the *ICANH*, and the Director of the Juridical Office of the *ICANH*.²⁵² The constitution of this Committee and its members shows how sensitive this topic became in the Colombian context.

Regarding national policies on Colombian maritime heritage, the following three stand out: 1) policies proposal document “2019: Vision Colombia Second Centennial” (2005); 2) National Development Plan 2006-2010; and 3) National Policy on the Ocean and Coastal Spaces - PNOEC (2007). These three documents establish the need to foster the Colombian maritime culture and of promoting the protection and conservation of the cultural heritage associated to the maritime and coastal spaces; with the objective of strengthening the national identity regarding the sea.

The said policies present a new advance in the topic of maritime heritage, beginning to understand it beyond the submerged and material goods, considering the immaterial universe, that of the traditions and the cultural expressions; keeping in mind the existence of maritime culture within which these patrimonial goods are framed. This conceptualization, definitively, goes in agreement with the present proposal in the sense that sets forth a more integral vision of the topic.

As for the international legal instruments, Colombia is not a party, nor has it ratified the Law of the Sea Convention or the UNESCO Convention on the Protection of the Underwater Cultural Heritage. However, the state is aware of these instruments, because it is understood that the state is nevertheless bound by many provisions of the Convention as a matter of customary international law.

²⁵² Castellanos, op.cit, p. 31.

Colombia has adhered to other international instruments including the 1999 Agreement 460, of the Andean Council of Foreign Relations Ministries. In the second article of this agreement, the need to protect the cultural goods is promoted as a product of the terrestrial and subaquatic archaeological excavations.

This way, one can observe how in the case of Colombia, even though some advances have been presented in the development of legal instruments and policies on the maritime heritage, generally they have focused on the submerged and material components. Even this type of heritage has not been defined clearly; due mainly to the lack of knowledge on the topic, thus preventing the successful safeguarding of this heritage that even today is threatened.

Likewise, it was only until 2006 that Colombia started contemplating the possibility of viewing the maritime heritage from a wider perspective, including not only the submerged and the material components, but enlarging its spectrum to the communities, their cultures and maritime traditions. Therefore, keeping in mind all the above it can be suggested that to strengthen the issue of maritime cultural heritage in the Colombian case, it is fundamental to design, among other things, a normative or political instrument.²⁵³ This instrument should address the topic following the same line of reasoning as has been presented all along in this document: the conceptualization of aquatic cultural heritage should embrace maritime cultural heritage.

Up to now, none of the Colombian normative instruments, and apparently neither the international policies, have developed the concept of aquatic and maritime cultural heritage in this way. This has generated inconveniences, at least in Colombia, not only for the safeguarding of maritime underwater heritage, but also for the protection and conservation of the underwater heritage of the diverse aquatic environments, general premise of the Law of the Sea and the underwater cultural heritage convention “[...] whereas clarity does not exist as for the regime that should be applied

²⁵³ This should be determined based on an interdisciplinary analysis, having the criteria of lawyers and political analysts.

when the discoveries of underwater cultural heritage take place in the riverside or lacustrine areas [...] [among others] [...]"²⁵⁴

Therefore, this policy or normative instrument should be very similar to that proposed in 2000 by the Council of Europe, through the Recommendation 1486, where it outlined the need to consider and protect the maritime and fluvial heritage in an integrated way. This also allows to apply at least the general premises of the Law of the Sea and the convention of the underwater cultural heritage: the need to protect the underwater heritage, applying scientific projects with nondestructive methods, among others.

In this case, it is suggested to embrace not only the maritime and fluvial aquatic environments, but also the lagoons, lakes, swamps, etc.; thus promoting an integral view of these environments, understanding their particularities, analyzing the cultural landscapes, and the archaeological context. Also taking into account a temporality concept, covering from the prehispanic period until the industrial one.

When creating these instruments, it is also essential to keep in mind not only the material universe and the underwater aspect of this heritage, but also their material terrestrial-coastal (cities-ports, counterpart etc), and also the immaterial dimension which, at last, allows contextualizing the tangible component of this heritage; offering it a significance from the diverse social representations of the actors regarding the sea, that is, within the dimension of the diverse maritime cultures.

The above with the objective, among many other things, of being able to:

[...] build historical contexts and of meaning of the vestiges of the submerged material culture in the diverse water bodies, for the sake of preventing that the subaquatic archaeology be relegated only to the role of rescue techniques of possible treasures at risk [...] and to investigate the meanings beyond the merely commercial aspect, dominated by private interests, or by nationalistic politics; dominated by a restricted circle of power, that legacy of material

²⁵⁴ Translated by the author of the present study. Original spanish texts as follows "[...] por cuanto no existe claridad en cuanto al régimen que debe aplicarse cuando los hallazgos de patrimonio cultural sumergido se produzcan en las zonas ribereñas o lacustres...[entre otras]..." Vélez, op.cit, p. 70.

assets submerged in the bottom of the seas, rivers, lagoons and other water spectra, so that they can constitute objects of knowledge and part of the collective cultural heritage.²⁵⁵

Likewise, through this policy or normative tool, strategies for safeguarding this heritage could be proposed. Those strategies, apart from seeking the invigoration of the regulatory and political scheme regarding the topic, could primarily promote the development of patrimonilization from the local realm, but also from the regional and national. They could also encourage the development of investigations in areas such as underwater archaeology; and the dialogue among the State, the private sector and the civil population. Thus allowing awareness of the contribution of the maritime activities and of the heritage preservation in the context of sustainable development of the coastal communities, and lastly in state's economy strengthening the national identity regarding the sea.

To understand then what this policy or normative instrument could contain concretely, it is necessary to analyze the Colombian case further regarding its maritime cultural heritage and the strategies that could be used to safeguard this heritage. However always keeping in mind the particularities of the context.

²⁵⁵ Translated by the author of the present study. Original spanish texts as follows “[...] construir contextos históricos y de sentido de los vestigios de la cultura material sumergida en los diversos cuerpos de agua, en aras de impedir que se relegue la arqueología subacuática solo al rol de técnica de rescate de posibles tesoros en peligro...e indagar por los sentidos mas allá del meramente comercial, dominado por intereses privados, o de las políticas nacionalistas, dominado por un círculo restringido de poder, ese legado de bienes materiales sumergidos en el fondo de mares, ríos, lagunas y otros espectros de agua, para que puedan llegar a constituirse en objetos de conocimiento y en parte del patrimonio cultural colectivo.”

Therrien, Monika. “Leyendas Bajo el Agua: Patrimonio Sumergido y Arqueología Subacuática”. [“Underwater Legends: Underwater Heritage and Subaquatic Archeology”] In Carlos Del Cairo y Catalina García (compilers). *Historias Sumergidas: Hacia la Protección del Patrimonio Cultural Subacuático en Latinoamérica*, op.cit, p. 157.

5. Construction of a Maritime Cultural Heritage in Colombian Territory

As previously noted, Colombia is one of the privileged states of South America, since it is the only one that has coasts on the Pacific ocean and on the Caribbean sea. However, despite the efforts carried out by the Government regarding the oceans and seas,²⁵⁶ up to the present there are not normative instruments, policies or strategies directed concretely to the safeguarding of the cultural maritime heritage. This because up to now the topic has not been deeply developed in Colombia from this perspective.

Therefore, a general diagnosis on the topic of the seas and of its problematic in Colombia is presented below, from the geographical, historical, economic and political perspective, emphasising in the cultural and social aspects. Once this context is understood, it is possible to suggest the meaning of maritime cultural heritage in the Colombian territory, and to propose some strategies to safeguard it within the framework of this proposal.

The maritime cultural heritage definition, protection and conservation should be considered as a tool to strengthen and foster the appropriation and valuation of the seas - their environments - and their heritage in Colombia. Stating clearly then which are the basic ideas that could contain the normative or political instrument to be designed as part of the mechanisms for their protection and conservation.

5.1 In Theory, a More Maritime than Andean Country, in practice a More Andean than Maritime Territory

5.1.1 In Theory...

Colombia is a state with a hydro wealth of big proportions. In the Caribbean it has a coast line of 1,642 km, with 524,981 km² of exclusive economic area and a terrestrial area of 194,513 km². It is an insular region comprised by the San Andrés, Providencia and Santa Catalina archipelago, with

²⁵⁶ These efforts are reflected in the elaboration of documents like the National Policies of the Ocean and of the Coastal Spaces, by the Colombian Commission of the Ocean (CCO). This was approved as an official document of the CCO, on June 1st in an ordinary meeting. And it was issued as public state policy, the past 26th of July of 2007, in the city of Santa Marta, Colombia, by the Vice-President of the Republic and President of the CCO, Mr. Francisco Santos Calderón.

a terrestrial area of 62 km² and an extension of coastline of 52 km approximately. On the Pacific, it has a coastline of 1,300 km; 367,823 km² of economic area; and 131,246 km² of terrestrial area.²⁵⁷

Specifically, the Caribbean region, is located in the southwest extreme of South America, and borders to the west with Panamá, to the northwest with Nicaragua and Costa Rica, to the north with Jamaica, Haiti and Dominican Republic, and to the east with Venezuela.²⁵⁸ (Figure 2)

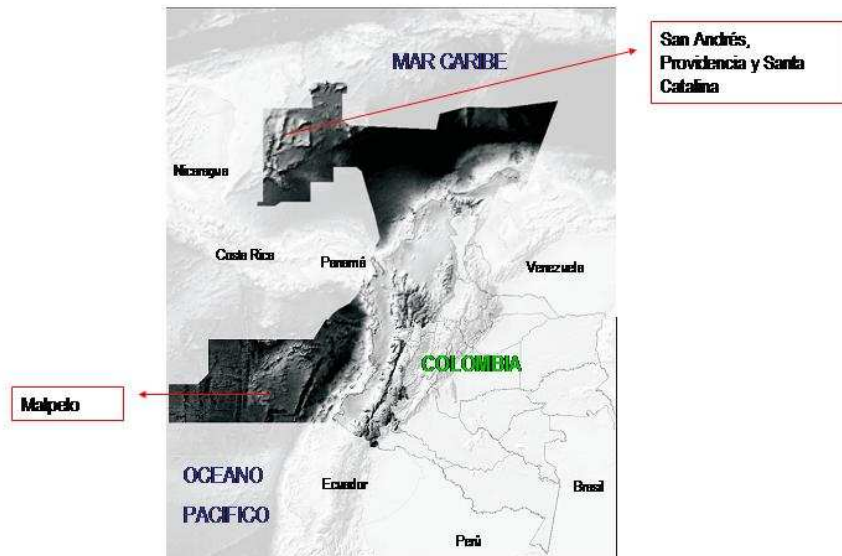


Figure 4. Colombian Marine and Coastal Areas – Modified from INVEMAR.

Source: Informe del Estado de los Ambientes Marinos y Costeros en Colombia, 2004.

http://www.invemar.org.co/redcostera1/invemar/docs/EAMC_2004/01MedioGeografico.pdf May 2007

This region is characterized by presenting a wavy to flat relief, with some exceptions such as the Sierra Nevada of Santa Marta which is a cluster of mountains at sea level, with a maximum height of 5,770 meters.

²⁵⁷ INVEMAR. Informe del Estado de los Ambientes Marinos y Costeros en Colombia, 2004.[Report on the State of the Maritime and Coastal Environments in Colombia], p. 3.

http://www.invemar.org.co/redcostera1/invemar/docs/EAMC_2004/01MedioGeografico.pdf accessed on 17 May 2007.

²⁵⁸ Ibid.

Regarding its hydrography, it is known that the watershed of the Caribbean Sea is constituted by the system of the Magdalena River, the hydrographic basins of Ranchería, the Sierra Nevada of Santa Marta, Guajira, Atrato and Sinú. This is the most important watershed in Colombia from the economic aspect, since its rivers allow the communication between the coast and the inland, as well as the energy generation.²⁵⁹

Likewise, the most important complex of marshes in Colombia is in this region. Up to now, approximately 1,900 marshes have been identified and it is estimated that 57.7% of them are in the departments of Magdalena and Bolívar (Caribbean Region).²⁶⁰

Administratively, the Caribbean region is formed by 8 departments: Atlantic, Bolívar, Córdoba, Sucre, La Guajira, Antioquia, Magdalena and Chocó. As for its economy, this region has a high potential which is characterized by developing agriculture in places such as Mompóx; tourism, trade, industry, mining in departments such as La Guajira and Córdoba; cattle raising in areas such as Sinú, and fishing. Likewise, it presents a large port activity in the cities of Barranquilla, Santa Marta and Cartagena, this last one declared by UNESCO as humanity's cultural heritage in 1984.²⁶¹

Concerning its social and cultural component, the region presents a great diversity of groups, with very varied practices and traditions resulting from historical process, characterized by the conquest and colonization by the Spaniards; the republic and the conflicts for independence; and the current domestic armed conflict. At the moment, according to some censuses, it can be considered that most of the population of this region is white and mestizo (Spanish with Indians), followed by blacks or afro descendents, then indigenous as the *wayuu*; and lastly the gypsies.

²⁵⁹ INGEOMINAS. Geomorfología y aspectos erosivos del litoral Caribe colombiano. Geomorfología y aspectos erosivos del litoral Pacífico colombiano. [Geomorphology and erosive aspects of the Colombian Caribbean Littoral. Geomorphology and erosive aspects of the Colombian Pacific Littoral.] Publicación geológica *especial* # 21 Bogotá 1998: p. 111.

²⁶⁰ Ministerio de Ambiente Colombia. Cuerpos de Agua: Lagos, Lagunas, Ciénagas y Pantanos. [Colombian Ministry of the Environment. Water Bodies: Lakes, Lagoons, Marshes and Swamps] <http://web.minambiente.gov.co/ecorre/peramb14/cuerpos.htm> accessed on 11 June 2007.

²⁶¹ UNIDO. Colombia: Regiones – Costa Atlántica, 2005. [Colombia: Regions – Atlantic Coast, 2005] <http://www.unido.org/doc/25787> accessed on 12 August 2007.

In the Caribbean region is also found the insular Caribbean zone. Conformed by San Andrés, Providencia, and Santa Catalina archipelago and their keys, is located to the state's northwest in the area of elevation of Nicaragua. Its capital is San Andrés and it was declared during the year 2000, Biosphere World Reservation.

The economy of this area is based on the tourism and on the trade. It is inhabited by a higher proportion by blacks or Afro-Colombians, followed by whites and mestizos, then by the indigenous peoples and lastly gypsies.²⁶² It is worthwhile to note that in the case of this region, the historical process of the conquest and the colony was characterized by the intent of domain not only of the Spaniards, but also of the English, Dutch and Scottish that inhabited the region for a period leaving their influence and traces of their cultural traditions; many of them still present today.

On the other hand, the Pacific region extends to the west of the state, from the Urabá Gulf to the Mataje river in the department of Nariño. It is located strategically in the Pacific basin “[...] one of the most productive and biologically diverse marine areas in the world [...] with an ecological, economic and aesthetic importance [...]”²⁶³

The Pacific basin has been the region of quicker growth in the last years and this tendency instead of diminishing is increasing, because it has a great growth potential since 45% of the of the world population live in this region, and the entrance of China to the global economy, with astonishing rates of growth, makes foresee a rolling development in the whole region during the next decades. Great part of the world trade will be made by the Pacific routes; and an intense intra regional trade among United States, Japan, China, Canada, Australia, and Chile and between this region and Europe is already observed.²⁶⁴

²⁶² INVEMAR, op.cit.

²⁶³ UNESCO, op.cit, p. 153.

²⁶⁴ Translated by the author of the present study. Original spanish texts as follows “La cuenca del Pacífico ha sido la región de más rápido crecimiento en los últimos años y esta tendencia en vez de disminuir se esta incrementando, por cuanto tiene un gran potencial de crecimiento ya que el 45% de la población del mundo viven en esta región y el ingreso de China a la economía global, con tasas de crecimiento asombrosas, hace prever un desarrollo arrollador en toda la región durante las próximas décadas. Gran parte del comercio mundial se hará por las rutas del Pacifico y ya se observa un intenso comercio intra regional entre Estados Unidos, Japón, China, Canadá, Australia, Chile y entre esta región y Europa.”

Sánchez, Jaime. *Colombia y el Océano*. [Colombia and the Ocean] Bogotá, 2001: p. 53.

Morphologically, the region is integrated in the north part by the highlands of Darién, Baudó and Pacific, while in the south it presents low and muddy lands. The hydrographic watershed of this region is comprised of more than 200 rivers, among which are the Atrato, San Juan, Baudó, Patía and Mira.

Administratively the region comprises 4 departments: Nariño, Cauca, Valle del Cauca and Chocó.²⁶⁵ Among the main economic activities are: trade, in Buenaventura the most important port; agriculture, in areas such as Urabá; mining, mainly in Chocó; industry and fishing since the Pacific is a very productive ocean.²⁶⁶

Therefore, on this ocean pass the highly migratory species that are exploited by the big industrial fisheries of the world. As for the population, this region is characterized by having a great percentage of black or Afro-Colombians, followed by mestizos, mulattos (black and white), white, indigenous such as the *catíos* and *cunas*; and lastly the gypsies. In this case, it is worthwhile to note that the insular Pacific coast is composed of the Gorgona and Malpelo islands, this last one declared humanity's natural heritage in 2006 by UNESCO.

It is observed how Colombia is characterized by possessing an important hydro, natural and cultural wealth related to the oceans and the coastal regions, which in turn contain other aquatic surroundings such as rivers, lagoons and marshes. This wealth, in many cases unique in the world, has a fundamental economic, social and patrimonial character for the state. Just as it was outlined

²⁶⁵ "The main means of communication among the coastal municipalities is the river and marine transportation; the primary road net only exists from Cali to Buenaventura, in the Valle del Cauca, and from Pasto to Tumaco in Nariño, while the secondary net practically doesn't reach any of the towns of the coastal area."

Translated by the author of the present study. Original spanish texts as follows "El principal medio de comunicación entre los municipios costeros es el transporte fluvial y marítimo; la red vial primaria existe solamente entre las poblaciones de Cali y Buenaventura en el Valle del Cauca, y entre Pasto y Tumaco en Nariño, mientras que la red secundaria prácticamente no alcanza ninguna de las poblaciones de la zona costera." INEMAR, op.cit, p. 8.

²⁶⁶ "[...] its coastal area in Colombia is one of the most rainy of the world, so the numerous rivers descending to the ocean convert it in a kind of vast estuary covered largely by mangrove swamps. It also has beautiful beaches."

Translated by the author of the present study. Original spanish texts as follows "[...] su zona costera en Colombia es una de las mas lluviosas del mundo, de modo que los numerosos ríos que a el descienden lo convierten en una especie de vasto estuario cubierto en gran parte por manglares. También tiene hermosas playas."

Márquez, Germán. "Mar y Sociedad: Gestión Ambiental Marina y Costera en Colombia". [Sea and Society: Environmental Maritime and Coastal Management in Colombia] In G. Montañez, N. Campos, F. Avella y J. Polania eds. *El Mundo Marino de Colombia: Investigación y Desarrollo de Territorios Olvidados*. [The Colombian Maritime World: Research and Development of Forgotten Territories]. Bogotá: Universidad Nacional de Colombia, 2003: p. 302.

in chapter 3, the coastal regions possess an important reservoir of goods and cultural expressions, part of the maritime cultural heritage in Colombian territory.

This is owed, among other things, to the fact that one of the main characteristics of these regions, as well as of the state in general, is the cultural diversity. According to the Article 7 of the 1991 Constitution “The State recognizes and protects the ethnic and cultural diversity of the Colombian Nation”.²⁶⁷

Furthermore, according to the general law of culture, Law 397:

The State guarantees to the ethnic and linguistic groups, to the black and raizal communities and to the indigenous populations the right to conserve, enrich and disseminate their identity and cultural heritage and to generate their knowledge according to their own traditions [...]²⁶⁸

This legitimates the fact that Colombia is constituted by a great variety of groups, product of the mixture of diverse cultural traditions.

Colombia is a country of mestizos, indians, white, black and mulatto, in which the traditions of the American, European and African populations combine, generating a reciprocating mixture of influences which make of this a poly-ethnic and multi-cultural country.²⁶⁹

This is reflected in the variety of groups that inhabit the coastal regions, such as blacks or afro-descendants, mestizos, white, indians and gypsies; each one of them with diverse traditions, customs, material culture and histories, depending on the contexts and historical processes. This

²⁶⁷ Translated by the author of the present study. Original spanish texts as follows “El Estado reconoce y protege la diversidad étnica y cultural de la Nación colombiana.”
Constitución Política de Colombia, op. Cit, p. 2.

²⁶⁸ Translated by the author of the present study. Original spanish texts as follows “El Estado garantiza a los grupos étnicos y lingüísticos, a las comunidades negras y raizales y a los pueblos indígenas el derecho a conservar, enriquecer y difundir su identidad y patrimonio cultural, a generar el conocimiento de las mismas según sus propias tradiciones [...].”

Ministerio de Cultura de Colombia, Ley 397 of 1997 – Ley General de Cultura, op.cit, p. 1.

²⁶⁹ Translated by the author of the present study. Original spanish texts as follows “Colombia es un país de mestizos, indígenas, blancos, negros y mulatos, en el que se combinan las tradiciones de los pueblos americanos, europeos y africanos, lo que genera una mezcla reciproca de influencias y que hacen de este un país pluriétnico y multicultural.”

Ministerio del Interior y de Justicia – Colombia. Generalidades de los Grupos Étnicos, 2007. [Ministry of Internal Affairs and of Justice – Colombia. Generalities of the Ethnic Groups, 2007.]

<http://www.mij.gov.co/pagina5.asp?cat=118> accessed on 24 May 2007.

demonstrates the cultural wealth of the Colombian case and of its coastal areas, and the even bigger need to safeguard their diverse heritage.

5.1.2 In Practice...

However, in spite of the facts that in Colombia 50% of the national territory is approximately oceanic; of the geopolitical importance that these maritime regions; and of the fact that 49% of the population lives on the coasts; it was only in 2007, after years of effort, the national Government, through the Colombian Commission of the Ocean, designed and approved a National Ocean Policy so that the state turns their eyes toward the sea again: The National Policy of the Ocean and Coastal Spaces - PNOEC.

Until now, Colombia had turned its back to the sea, resulting in a lack of awareness, visibility, and to certain measure abandonment of the coastal and insular areas and of the populations that inhabit them.²⁷⁰ That has been presented as part of a historical process, from the time of colonialism, increasing in the XIX century, where domestic development and its center of power was being managed and located inland in the Andean area, where today is its capital Bogotá (at 2,600 meters); and where also, most of the resources had to be used to attack the problem of violence.

5.1.2.1 Historic Background

In principle, during the time of the conquest and the colony, the coastal regions, mainly those of the Caribbean, played a fundamental part. The city of Cartagena, for example, was a strategic strong plaza, as well as key center for the traffic of slaves “Cartagena was the entrance door to the kingdom of Andean gold and silver, and also the center of an intense product exchange with an extensive area of the Spanish domain on America”²⁷¹

²⁷⁰ Roman, Enrique. *Análisis Histórico del Desarrollo Marítimo Colombiano*. [Historic Analysis of the Colombian Maritime Development] Colombia: Giro Editores, 2005: p. 26.

²⁷¹ Translated by the author of the present study. Original spanish texts as follows “Cartagena era la puerta de entrada a los reinos de oro y plata andinos, y ademas el centro de un intenso intercambio de productos con una extensa area del dominio español sobre america.”

Munera, Alfonso. *El Fracaso de la Nacion: Region, clase y raza en el Caribe Colombiano (1717 – 1821)*. [The Failure of the Nation: Region, class and race in the Colombian Caribbean (1717-1821)] Bogotá: Ancora Editores, 1998: p. 64.

From the XVI century, it began to work as an international port, agricultural, commercial and cattle raising nucleus; and as a mainly pro-slavery place. In 1717, the condition of capital of the viceroyalty, the viceroy's headquarters and of the real audience was disputed with Santafé.

The elite of Cartagena used as main argument for its vice regal aspirations its geographical position. It remarked the economic and military importance of the Caribbean for Spain and the need to strengthen the imperial authority in the disobedient Caribbean societies. Santafé, on the contrary, supported itself in the negative image of the Caribbean: spoke of its pestilent climate, of its absence of illustration, of its scarce population, of its marginal geographical position, because the kingdom was above all an Andean kingdom, and of its absence of bureaucratic tradition.²⁷²

Firstly, scared by the disorder of the Caribbean, the Spaniards decided to choose Santafé as the capital of the viceroyalty of the Nueva Granada, assuming that it would be safer in the impenetrable heights of the Andes. However, this intent failed. Therefore, in 1739, when settling down definitively the Viceroyalty of the Nuevo Reino de Granada, they chose Cartagena as the new headquarters of power.

This was done because Spain was worried about protecting its ports in the Caribbean from the English attacks (who had seized Providence and Santa Catalina in the XVII century), with whom it was at war. Mainly, Madrid feared for its strongest place: Cartagena. Consequently, during his 10 year period, the viceroy Sebastian Eslava, among others, governed from it.²⁷³ Likewise, until the year 1744, Cartagena was the only port of the New Granada legally authorized to manage foreign commerce. These facts show the importance of the Colombian Caribbean cities during the conquest and the colony.

On the other hand, during this period a different situation was experienced in the Colombian Pacific region. Due to the geographical conditions their territories were impenetrable, and there was little

²⁷² Translated by the author of the present study. Original spanish texts as follows "La elite de Cartagena utilizo como argumento principal para sus aspiraciones virreinales su posición geográfica. Resalto la importancia económica y militar del Caribe para España y la necesidad de fortalecer la autoridad imperial en las discolos sociedades caribeñas. Santafé, por el contrario se apoyo en la imagen negativa del Caribe: habló de su clima pestilente de su ausencia de ilustración, de su escasa población, de su posición geográfica marginal, porque el reino era ante todo un reino andino, y de su ausencia de tradición burocrática."

Restrepo, Juan Guillermo. *El Caribe Colombiano: Aproximación a la Región y al Regionalismo*. [The Colombian Caribbean: Approximation to the Region and to the Regionalism]. Barranquilla: Ediciones Uninorte, 2000: p. 73.

²⁷³ Ibid.

port development since there were not agglomerations such as Cartagena. The Pacific coast thus began to constitute a marginal, isolated region, and somewhat ignored by the Spanish Government.²⁷⁴

However, it did play an important economic role as a mining center in the XVII and XVIII centuries with gold and amid a pro-slavery model that lasted until the end of the XVIII century. This way, during the colonial time, not only the Andean cities, such as Santafé and Popayán, but also the coastal ones such as Cartagena and Santa Marta, played a crucial role. For instance, they maintained a direct interaction with the metropolis, or as in the case of the Caribbean coastal cities, with other provinces like Panamá and the Antilles by means of the smuggling.

By the end of the XVIII century the situation began to change. Due to the decadence of the Spanish empire, to the war of independence and the crisis in the trade, developed mainly by the rise in the smuggling, coastal cities such as Cartagena and Santa Marta entered into crisis. The Spanish Government prohibited them to open up to the sea, while Havana and Caracas were stimulated to do so. This began to develop a dynamic of marginalization of the coastal areas, in the territory that later would be named as Colombia.

The above development resulted in the development of a derogatory discourse according to which the Caribbean provinces of the Nueva Granada had a different cultural and social world. In the works of very important intellectuals of the colonial elite, such as Pedro Fermín Vargas and Francisco José de Caldas, the coasts are described as physical and culturally marginal and distant places.

In the works of Caldas, for example, the coastal provinces of the New Granada, with their burning plains and their <<savage>> and <<undisciplined>> blacks and mulattos, symbolize the absence of progress and the impossibility of obtaining it. The Andes, on the contrary, seem to have been ideally created to produce an individual morally and intellectually superior. The Andean center created the image of a border Caribbean, space where a ruled social order was absent.²⁷⁵

²⁷⁴ Carrizosa E., Benhur C., Morales J., Ulloa E. y Chaves A (eds). *Geografía Humana de Colombia: Región del Pacífico*. [Colombian Human Geography: Pacific Region] Bogotá: Instituto Colombiano de Cultura Hispánica, 1992: p.9.

²⁷⁵ Translated by the author of the present study. Original spanish texts as follows “En los trabajos de Caldas, por ejemplo, las provincias costeras de la Nueva Granada, con sus llanuras ardientes y sus <<salvajes>> e <<indisciplinados>> negros y mulatos, simbolizan la ausencia de progreso y la imposibilidad de obtenerlo. Los Andes,

In 1810, the viceroy the real audience and the Cartagena governor are expelled; a situation that weakened this city and increased Santafé's power. The power was then exercised by men of the inland, and from the inland itself; they associated the mountains with civilization and the coasts with barbarism, and also privileged the possession of land, which definitively ended generating and increasing indifference for the sea and its areas and coastal contexts.²⁷⁶

However, the fact that the independence also arrived to the Caribbean allowed Cartagena and other coastal cities to keep on themselves a little more. Naval campaigns to liberate Colombia, Venezuela, Mexico, Buenos Aires and Central America also started in the Caribbean.

Between 1810 and 1828, thanks to the performance of the Colombian patriot marine, Simón Bolívar could culminate with success the liberation of 5 republics. Regrettably Admiral Padilla's murder in 1828 marked not only the end of a great leader and strategist but also the end of "[...] the proud Colombian marine that gave to the homeland the ephemeral title of naval power and practically finished the domain on the Colombian Caribbean."²⁷⁷

Meanwhile the situation of the Colombian Pacific coast stayed the same; it was not taken into account the stage for the moment was the Caribbean. Also because they continued being marginalized. However in the XIX century this region continued playing a fundamental economic role, now as supplier of raw materials such as *tagua* and rubber, due to the crisis of the pro-slavery economic model.

In this way by the XIX century the negative vision of the seas and coastal areas, or at least the role that their cities carried out during the conquest and the colony, ceases to be relevant. Discourses promoting their marginalization begin generating and strengthening the famous attitude of "giving the back to the sea."

por el contrario, parecen haber sido idealmente creados para producir un individuo, moral e intelectualmente superior. El centro andino creó la imagen de un caribe frontera, espacio donde estaba ausente un orden social reglado."
Munera, op.cit, p.54.

²⁷⁶ García, Catalina. Un Espacio Invisible: el Espacio Marítimo en el Siglo XIX. [An Invisible Space: the Maritime Space in the XX Century] Bogotá: Universidad de los Andes, 2007: inedito.

²⁷⁷ Translated by the author of the present study. Original spanish texts as follows "[...] la orgullosa marina colombiana que dio a la patria el efímero título de potencia naval y terminó prácticamente el dominio sobre el caribe colombiano." Roman, op.cit, p. 26.

This situation begins to strengthen with the weakening of Colombia is in power the Caribbean Sea: the loss of the name “Caribbean Sea” in the Colombian cartography, such as it was used in the colony, being replaced by the denomination of “Atlantic Ocean”. In 1890 the Nicaragua militarily took possession of the Mangle Islands (islands of the corn); Colombia elevated its protest and could not do anything else to recover them, since the country did not have a naval force. Today, the islands are part of the Nicaraguan territory. On 6 November 1903, Colombia lost Panamá as it became dominated by the United States.

Those facts, according to diverse authors, show how at the moment a lack of vision was presented since “[...] country leaders were completely giving their backs to the sea in the political, economic and ethical realms, without any maritime awareness [...]” ²⁷⁸

During the XX century, this attitude remained. Although, attempts were made to strengthen the topic, such as the construction of railroads toward Tumaco and Buenaventura, and the development of port infrastructure that placed Buenaventura as one of the main domestic ports during the first two decades of the century; the creation of the national navy in 1932 soon after the conflict with Perú; the emergence of a national merchant marine (which has disapproval today) and the foundation of the Grancolombiana merchant fleet in 1940.

It is also worth mentioning the creation of a Maritime Merchant Direction in the 50’s, and its subsequent evolution into to the current Maritime General Direction; the establishment in 1969 of the Colombian Oceanography Commission, today the Colombian Ocean Commission, as a Government’s advisory organ; the efforts to develop the fishing sector that culminated in 1990 with the general fishing statute and the creation of the National Institute of Fishing and Aquiculture; and finally, the reorganization of the Colombian ports by means of Law 1 of 1991 that created the General Superintendence of Ports which replaced COLPUERTOS. ²⁷⁹

²⁷⁸ Translated by the author of the present study. Original spanish texts as follows “[...] los dirigentes del país estaban completamente a espaldas del mar en lo político, económico y ético, sin ninguna conciencia marítima [...]”

Ibid, p.29.

²⁷⁹ Ibid.

However, all these were isolated efforts and not sufficient to strengthen the topic. What allowed survival of the negative attitude in many cases was ignorance regarding the coasts, their problems and potentials; or simply because the Government focused its efforts on immediate problems such as the war. These led diverse authors to present the situation as characteristic of a Colombian maritime underdevelopment. This can be observed in the socio-economic analyses, where the following paradox was common place “Colombia is geographically a maritime country, but culturally and politically Andean and continental.”²⁸⁰

The consequences of this weak Colombian historical vision about the seas also originated as a result of the characteristic conditions of underdeveloped states, and can be observed through the presentation of the general situation of two specific cases: Chocó, in the Pacific region, and that of the Tierra Bomba Island, in the Cartagena Bay (Caribbean Sea) (Figure 3).

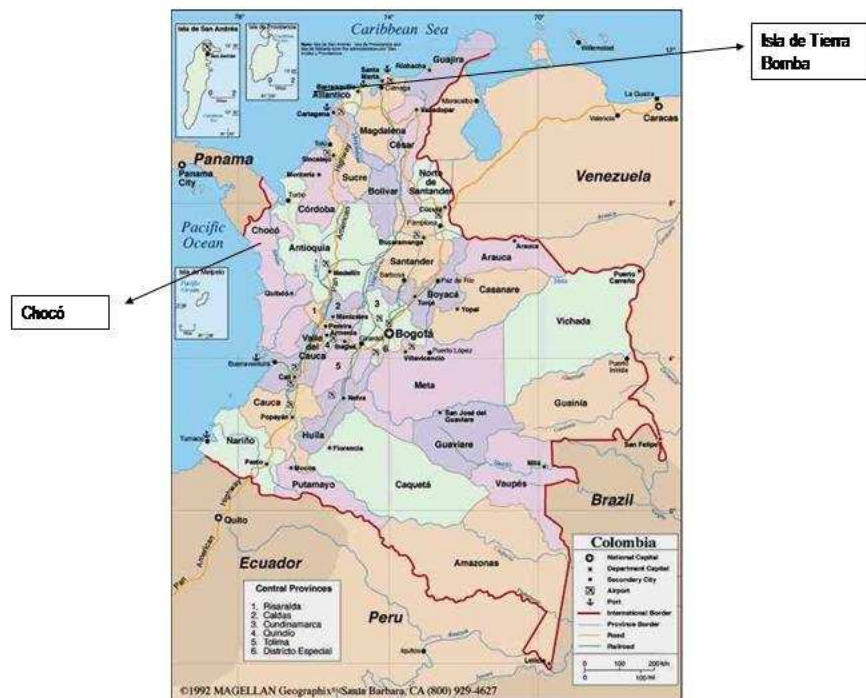


Figure 5. Tierra Bomba Island and Choco Localization – modified from the CCO Image File

²⁸⁰ Translated by the author of the present study. Original spanish texts as follows “Colombia es un país geográficamente marítimo, pero cultural y políticamente andino y continental.” Sánchez, op.cit, p. 34.

Currently, Chocó is the only department of Colombia with coasts on the Pacific Ocean and on the Caribbean Sea, therefore, with a great variety of resources. However, it is one of the state's poorest departments. Located among the basins of the San Juan and Atrato rivers and among the Darién forests, it is a region of scarce infrastructure. The main roads for the displacement of people, objects and provisions are the rivers and the sea.

Furthermore, despite an enormous potential for the fishing industry, marine and fluvial, these resources have not been used neither for the state, nor for the department, where serious problems of malnutrition are present. According to the National Administrative Department of Statistics (DANE), 80% of the population has its basic needs unsatisfied (water, electricity, telephone, health, education, etc.) and presents the highest domestic illiteracy rate: 18.6%²⁸¹. Likewise, even though it is an appropriate place to carry out sustainable tourism practices, thanks to the diversity of natural wealth such as the natural parks Los Katios, Utría and Tatamá, regrettably due to the public order problems this activity is not facilitated.²⁸² This situation doesn't allow the department to progress nor to improve its living conditions.

Likewise,

[...] answering to commercial expectations and to problems of violence, displacements and restructuring of the towns have been generated, deriving of it the exodus toward the interior of the ancestral communities and the presence of new groups that have never had nexuses with the coastal and insular spaces. With that, other practices are introduced that impact the appropriation and exploitation of the maritime resources and the coasts.²⁸³

²⁸¹ Periódico El Tiempo. "Por Desorden y Corrupción, en Choco, la plata no alcanza para cubrir la educación". Bogotá, Julio 12 – 2007. [El Tiempo Newspaper. By Disorder and Corruption, in Chocó, Money is not enough to cover education, Bogotá, July 12-2007].

²⁸² Fundación Emera - Etnias de Colombia. La Población Negra Colombiana [Emera Foundation – Colombian Ethnias. The Colombian Black Population] .http://www.etniasdecolombia.org/grupos_afro_sproduccion.asp accessed on 15 August 2007.

Periodico El Tiempo. Choco: Exhuberancia y Gente Bella en medio de la Pobreza. [Choco: Exhuberance and Beautiful People amid Poverty] Bogotá, Julio 9– 2007.

²⁸³ Translated by the author of the present study. Original spanish texts as follows "[...] respondiendo a expectativas comerciales y a problemas de violencia se han generado desplazamientos y recomposiciones de los pueblos que allí se encuentran, derivando de ello el éxodo hacia el interior de las comunidades ancestrales y la presencia de nuevos grupos que nunca habían tenido nexos con los espacios costeros e insulares, con lo cual se introducen otras prácticas que inciden en la apropiación y explotación de los recursos marítimos y las costas."

Comisión Colombiana del Oceano (CCO). *Política Nacional Del Océano y de los Espacios Costeros*, op.cit, p. 43.

Therewith also transformations, adoptions, resistances or permanencies are generated that end up affecting the cultural traditions of the groups living there. These groups are diverse, and include black and indigenous groups (emberas, cunas and wainana); also those that recently have migrated to the area: displaced peasants, mestizos or members of groups on the margin of the law. There are also groups that leave the area generating particular social and cultural consequences which can yield among other things, violence and the displacement that this violence generates.

A scenario that allows a better understanding of all the above-mentioned, is that of the public school Pedro Grau where 5,010 indigenous children and displaced Afro-Colombians study. In this institution there are cases like the one of Potoe, an African-Colombian boy from Quibdo's north area (capital of Chocó):

[...] that one day got tired of going to school without stockings and decided to put on a couple of black garbage bags [...] or as that of a boy that a week ago asked not to have to clean his classroom because at 12:15 o'clock he should leave running to downtown – a half an hour on foot - to be able to arrive to the restaurants that give him the leftovers.²⁸⁴

In spite of everything, the teachers of this school teach to these children day by day to value their culture, their heritage, what they are, respecting the differences, for instance “A block of classrooms is called Barule, in honor to the slave that founded a ‘palenque’ (arena) in Tadó (Chocó), and it is beside another block called Muguinera that in embera language means ‘big people’.”²⁸⁵

Facing this context, the Colombian Government has not been indifferent, and has established some policies to try to improve the situation. However, these have not been as effective as

²⁸⁴ Translated by the author of the present study. Original spanish texts as follows “[...] que un día se canso de ir a la escuela sin medias y decidió ponerse un par de bolsas negras de basura [...] o como el de un niño que hace una semana pidió no tener que asear su salón porque a las 12:15 debía salir corriendo al centro -a media hora a pie- para alcanzar a llegar a los restaurantes, que le dan la comida que sobra.”

Periódico El Tiempo. El Colegio Pedro Grau, una Institución Publica de Choco, es Ejemplo de Etnoeducación. [El Tiempo Newspaper. The Pedro Grau School, a Public Institution in Chocó, is an example of Ethnoeducation] Bogotá, July 12 – 2007.

²⁸⁵ Translated by the author of the present study. Original spanish texts as follows “Un bloque de salones se llama Barule, en honor al esclavo que fundó un palenque en Tadó (Chocó), y está al lado de otro llamado Muguinera, que en embera significa 'gente grande’.”

Ibid.

hopped.²⁸⁶ This is the reason why, Government initiatives continue being generated, such as the recent installation in June of 2007 of two nutritional recovery centers in this department. ²⁸⁷

On the other hand, Tierra Bomba, located in the Cartagena Bay, in front of the peninsula of Bocagrande, is an island that currently constitutes one of the 15 townships that make up the tourist and cultural district of the famous Cartagena de Indias, humanity's cultural heritage. To Tierra Bomba belong the villages of Golden Beach and Punta Arenas.

The town of Tierra Bomba was formed by Afro-Colombian populations that arrived to the island, evicted from Bocagrande approximately eighty years ago. It is a town separated from the urban area of Cartagena by a couple of sea miles, and the only access to these small towns is by using transport boats.²⁸⁸

As in Chocó, the living conditions are precarious, they lack the necessary infrastructure for water (aqueduct), telephone, transport, and education and health services. And apparently, concerning the water, the situation will stay this way for long time since “[...] according to the Waters of Cartagena company, the project is not feasible in these moments, because its costs surpass the 14 billion pesos.”²⁸⁹ (figure 4).

²⁸⁶ Escobar, Luz Mary. *El Pacífico Colombiano, Puerta Hacia la Cuenca del Pacífico: Apuntes Para La Formulación De Un Plan De Acción*. [*The Colombian Pacific, Door to the Pacific Basin: Notes for the Formulation of an Action Plan*] Bogotá: Universidad Jorge Tadeo Lozano, 2005: p. 26.

²⁸⁷ Periódico *El Tiempo*. *ICBF Anuncia Instalación de dos Centros de Recuperación Nutricional en Chocó*. [*El Tiempo newspaper. ICBF Announces Installation of two Nutritional Recovery Centers in Chocó*] http://www.eltiempo.com/nacion/2007-06-07/ARTICULO-WEB-NOTA_INTERIOR-3586432.html accessed on 7 June 2007.

²⁸⁸ Translated by the author of the present study. Original spanish texts as follows “El corregimiento de Tierra Bomba se conformó por poblaciones afrocolombianas que llegaron a la isla, desalojados de Bocagrande hace aproximadamente ochenta años. Es una población que se encuentra separada del casco urbano de Cartagena por un par de millas de mar y el único acceso a estos pequeños pueblos es mediante la utilización de lanchas de transporte.” Del Cairo, Carlos y García, Catalina. *Informe Plan de Sensibilización: Visibilización, reconocimiento y auto-reconocimiento de la cultura marítima en la isla de Tierra Bomba (Cartagena de Indias)*. [*Report on Sensitization Plan: Visibility, acknowledgement and self-acknowledgement of the maritime culture in the Tierra Bomba (Cartagena de Indias)*] Bogotá: Ministerio de Cultura – Fundación Terra Firme, 2006: p. 3.

²⁸⁹ Translated by the author of the present study. Original spanish texts as follows “[...] según la empresa Aguas de Cartagena, el proyecto no es viable en estos momentos, por cuanto sus costos sobrepasan los 14 mil millones de pesos.”

Alvarez, Ruben Dario. *Tierra Bomba: Una Isla Rodeada de Sed*. [*Tierra Bomba: An Island Surrounded by Thirst*] El Universal, Cartagena – Colombia, 2006.

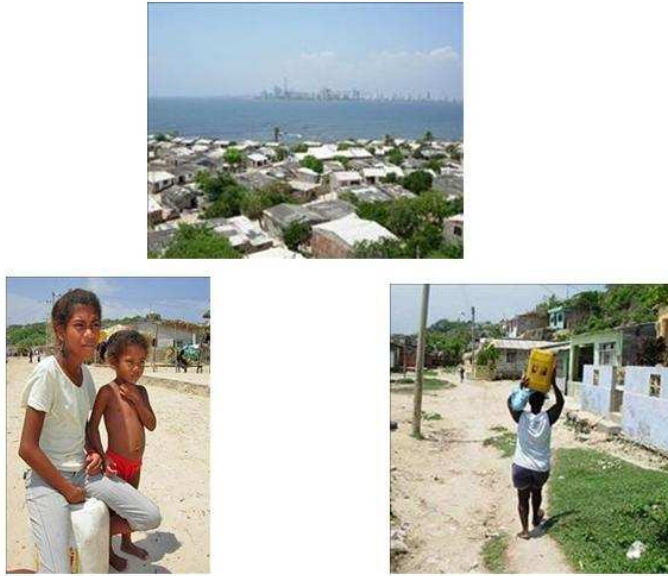


Figure 6. Tierra Bomba people carrying water.

Source: Alvarez, Ruben Dario. "Tierra Bomba: Una Isla Rodeada de Sed", *El Universal*, Cartagena – Colombia, 2006.

Although electricity was installed in 2000, the communities do not possess a garbage collection and sewer system, thus the waste and sewer waters are evacuated on the banks of the sea, generating favorable conditions for disease and illnesses.²⁹⁰

To walk around the island the visitor almost always begins by the port of Barrio Arriba, where the crafts stop daily and rush the loads and the passengers to the sand or to the water sometimes. From the port one walks first on a carpet of flat stones (those called "Chinese"), the ravine that separates the port from the initial streets is climbed and some huts of trunks and palm roofs where native women sell food are reached [...] In those streets there are girls, older and younger women of all ages loading plastic tanks of drinking water to take to their homes.²⁹¹

²⁹⁰ Del Cairo y García, *Historias Sumergidas: Hacia la Protección del Patrimonio Cultural Subacuatico en Latinoamérica*, op.cit.

Biblioteca Virtual Luis Ángel Arango. Cartagena Romance Histórico y Descriptivo. [Virtual Library Luis Angel Arango. Cartagena Historic and Descriptive Romance] <http://www.lablaa.org/blaavirtual/historia/sitio/sitio15.htm> accessed on 8 August 2007.

²⁹¹ Translated by the author of the present study. Original spanish texts as follows "Para caminar por la isla el visitante casi siempre empieza por el puerto del Barrio Arriba, en donde las embarcaciones se detienen diariamente y lanzan las cargas y los pasajeros a la arena, o al agua algunas veces. Desde el puerto se camina primero sobre una alfombra de piedras lisas (de esas que llaman "chinas"), se trepa el barranco que separa al puerto de las calles iniciales y se alcanzan unas primeras casetas de troncos, estibas y techos de palma en donde mujeres nativas venden comida [...] Sobre esas calles se ven niñas, mujeres mayores y jóvenes de todas las edades cargando tanques de plástico en los que llevan el agua potable hasta sus viviendas."

Álvarez, op.cit.

Due to the conditions of poverty, most of the population had to move to Cartagena; the youths to study and the women to work as maids and to get food supplies; while men are devoted to fishing and trading in Cartagena.

To face this situation, some solutions have been outlined. The islanders have tried to establish cooperatives among their neighbors to administer the boats, their means of transport; and to try to solve the garbage problem, generated by both natives and strangers (tourists). Unfortunately, these cooperatives have not been strong enough nor have they the necessary resources to put in place definitive solutions to the problems.

On the other hand the Government has propose some plans, including the Plan of Territorial Classification of the Tourist and Cultural District of Cartagena de Indias, adopted through Ordinance 0977 of 2001. This plan seeks, among other things, to improve the living conditions of the communities that inhabit the Tierra Bomba island; to conserve the natural ecosystems; and to protect and conserve the archaeological heritage of the island. Tierra Bomba possesses a large number of cultural goods belonging to the maritime cultural heritage, such as ships and colonial military structures on land and submerged, which are unfortunately being plundered. However, despite the efforts the situation has not improved, probably because there are not enough resources.

The idea is to look for solutions so that Colombia becomes a maritime country not only in theory but in practice, this by taking advantage of the fact that the Government is working on a long process to “stop turning Colombia’s back to the sea” through the implementation of diverse tools. In the first place, as it was stated in the previous chapter, with the document of policy proposals “2019: Colombia Vision Second Centennial” (2005), that includes a document presented in June 2007 along with the PNOEC, under the name “Taking advantage of the maritime-coastal territory in efficient and sustainable form.” Another tool is the National Development Plan 2006-2010; and also the National Policy of the Ocean and of the Coastal Spaces (PNOEC), (2007).

Within this framework, it is considered fundamental to outline the declaration of the Colombian maritime culture, of their goods, cultural and traditional expressions, as a strategy to inform the state of the existence of the seas, coasts and insular areas. Also to create awareness of the importance of their resources and diverse heritage, a result of the multiculturalism; of the need to adapt and preserve them, taking advantage of them in a sustainable way, so as to foster the domestic economic development and address social problems faced by the coastal and insular communities (San Andrés, Providencia and Santa Catalina).

Patrimonialization also makes possible the preservation of this heritage, fundamental and unique for the humanity, due to its poly-ethnic and multi-cultural character. As previously observed, this heritage is in danger of disappearing, due to the diverse current dynamics. But what will be understood then by Colombian maritime cultural heritage? Which could be some of the strategies to safeguard it?

5.2 The Sea: a Cultural Wealth Immersed in the Forgetfulness

Firstly, to be able to define and characterize the maritime cultural heritage of the Colombian territory, up to now “immersed in forgetfulness”, it is necessary to understand the general background of the topic in Colombia. These issues and perspectives uncovered through this review constitute the starting point for the development of maritime cultural heritage.

5.2.1 Background in Colombia

Until now, in Colombia the topic of the maritime cultural heritage has not been literally addressed under this denomination. However, it has to be recognized that with respect to seas several investigations have been carried out that approach the social and cultural perspective. Therefore, these studies embrace the wide universe of the maritime cultures, accounting for the expressions and cultural goods related to this water environment, and for the contexts and historical processes to which they are related.

To start, in the first place, one can speak of a group of researches that emphasize in the study of the social problems of the coastal communities - fishing, indigenous and Afro-Colombian, so much of the Pacific (Chocó, Tumaco, etc.) as of the Caribbean (Cartagena, San Andrés, etc.). In these

investigations the diverse processes that should confront these communities are analyzed, such as the conflict and negotiation of spaces and identities when facing phenomena like the violence, poverty, and the non sustainable development, for example of the tourism sector, and the urbanization. The research shows that these conflicts generate new dynamics, such as the forced displacement of these populations, affecting their traditional configurations, transforming their processes of construction of identity, and worsening their already precarious living conditions due, among other things, to their marginal character within the national territory.²⁹² All these aspects unquestionably affect and reconfigure the maritime heritage goods and the values granted to them. Secondly, there is a group of investigations focused on the legal analysis of the ethnic groups' rights, such as those of the Afro-Colombians that inhabit the coastal areas, keeping in mind territory issues and their appropriation²⁹³ which make part of the context of these communities, where they have had to adapt their practices and traditions to subsist.

²⁹² Zapata, Olivella Manuel. *Chambacú, Corral de Negros*. [Chambacú, Corral of Negros] Medellín: Bedout, 1967; Kaplan A., Myriam y Montoya G. María Isabel. Impacto de los Centros Urbanos sobre comunidades pesqueras: La Boquilla. [Impact of the Urban Centers on fishing communities: La Boquilla] Bogotá: Universidad de los Andes, 1978; Arocha, Jaime. Chocó: Paraíso de Paz. *Contribución Africana a la cultura de las Américas, Memorias*. [Chocó: Peace Paradise. African Contribution to the culture of the Américas, Memories] Bogotá: ICANH, 1993: p. 177-184; Molano, Alfredo. Como pavimentar una ciénaga. [How to pave a marsh] Revista Cambio 16, number 190, February, Bogotá (1997); Streicker, Joel. Spatial Reconfigurations, Images Geographies, and Social Conflicts in Cartagena, Colombia. *Cultural Anthropology*, volumen 12, number 1 (1997): p. 109 – 128; Arocha, Jaime. “Redes Polifónicas Deshechas y Desplazamiento Humano en el Afropacífico colombiano”, op.cit; Autores Varios. Cartagena: Entre Basura y Olvido. Colección La Tierra sin Ellos. [Cartagena: Amid Garbage and Forgetfulness. Collection Land without Them]. Bogotá: Audiovisuales, 1999; Rivas, Nelly Yulissa. Prácticas Espaciales y Construcción Territorial en el Pacífico Nariñense: el Río Mejicano, municipio de Tumaco. [Spatial Practices and Territorial Construction in the Pacific Nariñense: the Mexican River, Municipality of Tumaco] Cali: Universidad del Valle, CIDSE, 1999; Cabrales, Carmen. “Los Barrios Populares en Cartagena de Indias”. [The Popular Neighborhoods in Cartagena de Indias] In *Cartagena de Indias en el siglo XX*. [Cartagena de Indias in the XX Century], ed Haroldo Calvo y Adolfo Meisel. Cartagena: Universidad Jorge Tadeo Lozano – Banco de la Republica, 2000: p. 181 – 216; Samudio, Alberto. El Crecimiento Urbano de Cartagena en el Siglo XX: Manga y Bocagrande. [The Urban Growth of Cartagena in the XX Century: Manga and Bocagrande]. Meissel, ed Haroldo Calvo y Adolfo Meisel. Cartagena: Universidad Jorge Tadeo Lozano – Banco de la Republica, 2000: p. 139 – 179; Sanchez Gutierrez, Enrique y Roldán Ortega, Roque. Titulación de los Territorios Comunales Afro-Colombianos e Indígenas en la Costa Pacífica de Colombia. [Titling of the Afro-Colombian and Indigenous Communal Territories in the Colombian Pacific Coast]. Washington: Banco Mundial, 2002; Ruz, Gina. Cartagena, la exclusión de lo público. [Cartagena, the exclusion of the Public] Revista Aguila Nueve. Observatorio del Caribe Colombiano, 2003; Cunin, Elizabeth. *Identidades a Flor de Piel*. [Evident Identities] Bogotá: Instituto Colombiano de Antropología e Historia, Universidad de los Andes, Instituto Francés de Estudios Andinos, Observatorio del Caribe Colombiano, 2003; COLCIENCIAS. Gente Negra en Colombia: Dinámicas Sociopolíticas en Cali y el Pacífico. [Black People in Colombia: Sociopolitical Dynamics in Cali and the Pacific] Colombia, 2004; Pardo Rojas M., Mosquera C. y Ramírez M. *Panorámica Afro-Colombiana: Estudios Sociales en el Pacífico*. [Afro-Colombian Panoramic: Social Studies in the Pacific] Bogotá: ICANH, 2004; Buitrago, op.cit; Gómez, Ignacio. El Caso Chambacú: Corral de Empresarios, 2005. [The Chambacú Case: Corral of Entrepreneurs, 2005] www.colombia.indymedia.org July 2007.

²⁹³ Agier, Michel. “Las tierras de las comunidades negras en el Pacífico colombiano: interpretaciones de la ley, estrategias de los actores”. [The lands of the black communities in the Colombian Pacific: interpretation of the law, strategies of the actors] Territorios : Revista de Estudios Regionales y Urbanos, Bogotá, no. 2 (1999): p. 53-76; Córdoba, Alexandra y Villamizar, Martha (Compilers). *Legislación Afro-Colombiana: Cartilla Consecutiva de la*

Thirdly, there is a group of works that emphasizes goods and cultural expressions that can end up being part of the maritime cultural heritage in Colombian territory. In these works, specific studies on the typical music of the coastal areas (such as the *champeta*), the Barranquilla carnival (which is already part of the Colombian immaterial heritage) and the carnivals in general, among others, are carried out.²⁹⁴

Fourthly, there is a series of historical and anthropological ethnographic studies on the processes related to the sea in general, within the framework of the Colombian history; and on the regions and coastal communities. In these studies, the historical and ethno-historical background of the Caribbean and Pacific regions and of the communities that inhabit them, from the prehispanic period until the present time, are described. Also are included the social, linguistic, economic and cultural characteristics, and aspects such as the social organization, and the belief system (myths, legends) of groups like the native (*wayuu*) and Afro-Colombians, of places such as Chocó, Santa Marta and Santa María la Antigua del Darién.²⁹⁵ This is fundamental information at least to begin,

Jurisprudencia y Marco Legal. [Afro-Colombian Legislation: Consecutive Booklet of the Jurisprudence and Legal Framework] Bogotá: Ministerio del Interior y Justicia, Dirección de Étnias, 2004.

²⁹⁴ Serpa, Gonzalo. *Caribe: Universo Mágico. [Caribbean: Magic Universe]* El Colombiano, Medellín [s.f.]; Friedemann, Nina S. de. *Carnaval en Barranquilla. [Carnaval in Barranquilla]* Bogotá: La Rosa Editors, 1985; Friedemann, Nina S. de. "Marimondas en el Carnaval de Barranquilla, Colombia". [Marimondas in the Barranquilla Carnival, Colombia. Black America] *América Negra*, Bogotá no.8 (1994): p. 171-177; Peñaloza, Antonio María. Chambacú. En *Pacantó*, disco compilatorio, interpretado por Totó La Momposina. [Chambacú. In *Pacantó*, compilatory disc, interpreted by Totó la Momposina] Bogotá: Disquera MTM – Talento – Talento, 1999; Bohórquez Díaz, Leonardo. "La Champeta Criolla en Cartagena de Indias: de la Resistencia Local al Reconocimiento Nacional". [The native *Champeta* in Cartagena de Indias: from local resistance to National Acknowledgement] Diss., Universidad Nacional de Colombia, Bogotá, 2002.

²⁹⁵ Cruz Santos, Abel. *Por Caminos de Tierra, Mar y Aire: Evolución del Transporte en Colombia. [By Roads of Land, Sea and Air: Evolution of the Transportation in Colombia]* Bogotá: Kelly, 1973; Restrepo Tirado, Ernesto. *Historia de la Provincia de Santa Marta. [History of the Santa Marta Province]* Bogotá: Colcultura, 1975; Aguado, Pedro de. *Santa Marta 1525 – 1975. [Santa Marta 1525 – 1975]* Bogotá: Arco, 1976; Pacheco, Juan Manuel. "El año de la fundación de Santa Marta", [The year of the Foundation of Santa Marta] *Boletín de Historia y Antigüedades*, Bogotá, vol.63, no.712 (1976); Perea Díaz, Berta Inés. *La familia Afro-Colombiana en una comunidad minera del Chocó. [The Afro-Colombian family in a mining community of Chocó]* Bogotá: Universidad Externado de Colombia, 1986; Pardo Rojas, Mauricio. "Regionalización de Indígenas Chocó. Datos Etnohistóricos, Lingüísticos y Asentamientos Actuales". [Regionalization of Indigenous population in Chocó. Ethnohistoric and Linguistic Data and Current Settlements] *Boletín del Museo del Oro*, Bogotá no. 18 (1987): p. 46-63; Arocha, Jaime. "Concheras, manglares y organización familiar en Tumaco". [Sea shell places, marshes and family organization in Tumaco] In *Memorias Congreso Internacional de Americanistas Memories International Congress of Americanisms*, eds Fernando Cubiles y Camilo Domínguez. Bogotá: Universidad de los Andes, Facultad de Ciencias Humanas, CES, 1988: p. 144-147; Friedemann, Nina S. *Criele criele son, del Pacífico Negro: Arte, Religión y Cultura en el litoral Pacífico. [Criele criele tune of the Black Pacific: Art, Religion and Culture in the Pacific Littoral]* Bogotá: Planeta, 1989; Guerra, Weidler. "Apalanchi: una Visión de la Pesca entre los Wayuu". La Guajira, Universidad Nacional - Fondo Fen, Bogotá (1990): p. 163-189; Carrizosa E., Benhur C., Morales J., Ulloa E. y Chaves A, op.cit; Guerra, Wilder. *Guajira Tierra Exótica: los Wayuus. [Guajira Exotic Land: The Wayuus]* Bogotá: Banco de la República, 1992; Preuss, Konrad Theodor y Ortiz, María Mercedes. *Visita a los indígenas*

to visualize the goods and the material and immaterial cultural expressions that can make part of the Colombian maritime cultures.

Kágaba de la Sierra Nevada de Santa Marta: Observaciones, Recopilación de Textos y Estudios Lingüísticos. [Visit to the indigenous Kágaba of the Sierra Nevada de Santa Marta: Observations and Recopilation of Texts and Linguistic Studies] Bogotá: Colcultura - ICANH, 1993; Castillo N., Borrego C., Múnera A y Sourdis, A. *Historia Económica y Social del Caribe Colombiano.* [Economic and Social History of the Colombian Caribbean] Bogotá: Uninorte, 1994; Proyecto de Coordinación de Acciones Pastorales para el Pacífico Colombiano. *El Territorio Tradicional del Pacífico: un Don de Dios para el pueblo (reflexión sobre teología de la tierra).* [Project for Coordination of Pastoral Actions for the Colombian Pacific. The Traditional Pacific Territory: a Gift of God to the people (reflection on the land theology)] Diócesis de Quibdó, Vicariato Apostólico de Tumaco, 1994; Murillo Mena, Evangelina. "Actitud de los habitantes de Quibdó-Chocó con respecto a su habla". [Attitude of the inhabitants of Quibdó-Chocó regarding their language]. In *Symposium Memories: La recuperación de lenguas nativas como búsqueda de identidad étnica* [The recuperation of native languages as searching of ethnic identity], Bogotá: Universidad de los Andes, 1995: p. 123-133; Blanco Barros, José Agustín. *Dos Colonizaciones del Siglo XVII en la Sierra de Santa Marta.* [Two Colonizations of the XVII Century in the Sierra de Santa Marta] Bogotá: Archivo General de la Nación, 1996; Maya Restrepo, Luz Adriana. "África: Legados Espirituales en la Nueva Granada, Siglo XVII". [Africa: Spiritual Legacies in the Nueva Granada, XVII Century] *Historia Crítica*, Bogotá, no.12 (1996): p. 29 – 41; Muñoz Delgado, Juan Jacobo. "Santa María de la Antigua del Darién". *Boletín de Historia y Antigüedades*, Bogotá vol.83, no.794 (1996): p. 639-656; Bell, Gustavo. *La Costa Caribe en los Primeros 50 años de Independencia 1810-1860.* [The Caribbean Coast in the First 50 years of Independence 1810-1860] Barranquilla: Fundación para la promoción de la investigación y la tecnología, 1997; Guerra, Weidler. "Los conflictos interfamiliares wayú". [The Wayuu inter-family conflicts] *Revista de Antropología y Arqueología*, Bogotá vol. 9, no. 1 (1996 -1997): p. 81-92; Serpa, Gonzalo. *Pacífico: un Mundo por Descubrir.* [Pacific: a World to Discover] *El Colombiano*, Medellín, 1997; Munera, op.cit; Arocha, Jaime. *Obligados de Ananse: Hilos Ancestrales y Modernos en el Pacífico Colombiano.* [Obligados de Ananse: Ancestral and Modern Threads in the Colombian Pacific] Bogotá: Universidad Nacional de Colombia, 1999; Vargas Sarmiento, Patricia y Ferro, German. "Gente de Mar y Río, Gente de Luna". [People of Sea and River, People of Moon] In *Construcción territorial en el Choco*, Patricia Vargas Sarmiento. [Territorial Construction in Chocó] Bogotá: ICANH, 1999; Mosquera, Sergio Antonio. *Visiones de la Espiritualidad afrocolombiana.* [Visions of the Afro-Colombian Spirituality] Quibdó: Instituto de Investigaciones Ambientales del Pacífico, 2001; Trillos Amaya, María. *Ayer y Hoy del Caribe Colombiano en sus Lenguas.* [Yesterday and Today of the Colombian Caribbean in its Languages] Cartagena: Observatorio del Caribe Colombiano, 2001; Bravo Molina, C., Escobar Belalcázar, C y Rivera Galindo, L. *Estudios Afrocolombianos y Educación Intercultural.* [Afro-Colombian Studies and Intercultural Education] Pereira: Universidad Tecnológica de Pereira, 2002; Guerra, Weidler. *La Disputa y la Palabra: la Ley en la Sociedad Wayuu.* Ministerio de Cultura, Bogotá, 2002; Díaz Merlano, Juan Manuel. *La Guajira, Colombia.* [La Guajira, Colombia] Bogotá: Editores M, 2003; Ospina, Francisco y Torres Del Río, Tatiana. *Historia Breve de Santa Marta y la Costa Caribe colombiana: Taironas, Conquistadores y Piratas.* [Brief History of Santa Marta and the Colombian Caribbean Coast: Taironas, Conquers and Pirates] Bogotá: Editorial Carrera 7ª, 2003; Arboleda Ortiz, Martha C y Montaña Montenegro, Julio C. *Los Abuelos lo contaron: Mitos y Leyendas del Pacífico Sur Colombiano.* [Grandparents Told It: Myths and Legends of the Colombian South Pacific] Insumo Etnoeducativo, Cátedra afrocolombiana. CADEP, AMDES, Emisora Comunitaria y Cultural, 2004; Guerra, Weidler. "Las comunidades costeras wayuu: diversidad intracultural y conocimientos de recursos marinos." [The Wayuu coastal communities: intracultural diversity and knowledge of marine resources"] Masters Diss., Universidad de los Andes, Bogotá, 2004; Jiménez Meneses, Orian. *El Chocó: un Paraíso del Demonio. Nóvita, Citará y El Baudó, siglo XVIII.* [El Chocó: a Paradise of the Demon. Nóvita, Citará and El Baudó, XVIII century] Medellín: Universidad de Antioquia, 2004; Leal León, Claudia María. "Un puerto en la Selva: Naturaleza y Raza en la creación de la ciudad de Tumaco, 1860-1940". [A port in the jungle: Nature and Race in the creation of the city of Tumaco, 1860-1940] *Historia Crítica*, Bogotá, no. 30 (2005): p. 39 – 65; Ospino Valiente, Alvaro. *Santa Marta Vista por Viajeros.* [Santa Marta Seen by Travelers] Santa Marta: Bastianos Editores, 2005; Guerra, Weidler. *El universo simbólico de los pescadores wayuu.* [The symbolic universe of the Wayuu fishermen] In *City and Region.* http://www.ocaribe.org/revista_aguaita/11/ciudad_1.htm accessed on 9 August 2006; García, Catalina. "Un Espacio Invisible: el Espacio Marítimo en el Siglo XIX". [An Invisible Space: the Maritime Space in the XIX Century]; op.cit Universidad del Norte. *De las Indias Remotas: Cartas del Cabildo de Santa Marta, 1529-1640.* [From the Remote Indians: Letters from the Santa Marta Town Council] Barranquilla: Uninorte Editions, 2007.

Inside this group, there is a subgroup of works which has been focused in the study of the fisher communities and of fishing as an activity of subsistence, starting from the exploitation of specific resources. These studies, among other things, emphasize the role of women in these families, and the fishing techniques employed throughout history by Afro-Colombian, indigenous, and peasant coastal communities from areas such as Chocó, Guajira, and Santa Marta.²⁹⁶ The studies also allow to identify traditional knowledge that can be incorporated as part of the domestic maritime immaterial heritage.

Fifthly, there is a group of investigations that present, using an analytic approach, aspects such as the problems of Colombia concerning the sea, the invisibility regarding the sea and their communities, the lack of geopolitical vision and the consequences that this has brought to the national history. These studies make evident the diverse discourses that have been generated concerning the sea, along the diverse Colombian historical periods.²⁹⁷

Sixthly, there is a group of investigations related to the archaeological heritage associated to coastal areas, and to the submerged cultural heritage. Among them, diverse types of archaeological and historical studies are presented, including: remains of cities such as Santa

²⁹⁶ Mendoza Tolosa, Enrique. "El Puerto: Estudio Socio Económico de una Comunidad de Campesinos Pescadores". [The Port: Socio Economic Study of a Peasant Fishing Community] Thesis, Universidad de los Andes, 1972; Papel socioeconómico das mulheres chefes de familia num povoado de pescadores da costa Atlántica, Colombia. Socioeconomic role of women head of household from a fishermen village in the Atlantic Coast, Colombia] Barranquilla, 1975; Vanegas, María Cristina y Marquez, Elizabeth. La Incorporación del indígena a la Explotación de la Langosta. [The incorporation of the indigenous groups to lobster Exploitation] Bogotá: Universidad de los Andes, 1977; Leesberg, July y Valencia, Emperatriz. Los Sistemas de Producción en el Medio Atrato, Chocó: proyecto DIAR-Codechocó. The Production Systems in Mid Atrato, Chocó: DIAR Project – Codechocó] Quibdó: Codechoc, 1987; Angulo Valdés, Carlos. *La Ciénaga Grande. Caribe Colombia*. [The Big Marsh. Colombian Caribbean] Bogotá:FEN, 1990; Arocha, Jaime. *La Pesca en el Litoral Pacífico, entre la Incertidumbre y la Utopía*. [Fishing in the Pacific Littoral, between the uncertainty and the utopia] Bogotá: Universidad Nacional de Colombia, 1990; Cocomá Arciniegas, Gonzalo. "Descripción de la Actividad Pesquera en el Corregimiento de Jurubidá, Chocó, Colombia". [Description of the Fishing Activity in the Town of Jurubidá, Chocó, Colombia] Thesis, Universidad de los Andes, 1999; Ospina, Francisco. *Taironas, conquistadores y piratas: los mejores navegantes y pescadores en el mar caribe*. [Taironas, conquers and pirates: the best sailors and fishermen in the Caribbean sea] Bogotá, 2004.

²⁹⁷ Vázquez Carrizosa, Alfredo. *Colombia y los Problemas del Mar*. [Colombia and the Sea Problems] Bogotá: Imprenta Nacional, 1971; Arocha, Jaime. "La ensenada de Tumaco: Invisibilidad, Incertidumbre e Innovación", [The Tumaco inlet: Invisibility, Uncertainty and Innovation. Black América] América Negra, Bogotá, no.1(1991): p. 87-112; Roman, Enrique (CNR). *Examen histórico del poder marítimo colombiano*. [Historic exam of the Colombian maritime power] Cartagena: Armada Nacional, 1998; Sánchez, *Colombia y el Océano*, op.cit; Avella, Francisco. Visión Geopolítica y Perspectiva Ambiental In Gustavo Montañez ed. *El Mundo Marino de Colombia: Investigación y Desarrollo de Territorios Olvidados*. [The Colombian Maritime World: Investigation and Development of Forgotten Territories.], Colombia: Universidad Nacional de Colombia, 2003: p. 218; Fuentes Crispín, Nara. Del mar, la llanura líquida [From the sea, the liquid praire]. In Contribuciones en ciencias del mar en Colombia, investigación y desarrollo de territorios promisorios. Bogotá: Universidad Nacional de Colombia, Red de estudios de Espacio y Territorio, 2004.

María la Antigua del Darién; local and foreign ceramic materials present in the archaeological excavations of the coastal areas in places as the House of the Inquisition and San Pedro Claver cloister in Cartagena; ports in the Caribbean; fortifications in places like Cartagena, Bocachica and Tierra Bomba; archaeological places such as shell villages; and even the elaboration of an archaeological and historical map of the Cartagena bay.²⁹⁸ These studies make possible the identification of cultural goods that can be part of the maritime material heritage.

²⁹⁸ Oyuela Caycedo, Augusto. “Las fases arqueológicas de las ensenadas de Nahuange y Cinto, parque Nacional Natural Tairona, Departamento del Magdalena”. [The archeologic phases of the Nahuange and Cinto inlets, Tairona National Natural Park] Thesis, Universidad de los Andes, 1985; Presidencia de la República. Santa María de la Antigua del Darién: la Primera Ciudad de la América Continental y la Primera Sede Episcopal de América. [Presidency of the Republic. Santa María de la Antigua del Darién: the First City of the Continental América and the First Episcopal Site of América] Bogotá: Secretaría de Información y Prensa, 1986; Segovia Salas, Rodolfo. *Las Fortificaciones de Cartagena de Indias: Estrategia e Historia*. [The Fortifications of Cartagena de Indias: Strategy and History] Bogotá: Tercer Mundo Editors, 1992; Correal, Gonzalo. Prospección Arqueológica en la Casa de la Inquisición. [Archaeological Prospecting in the Inquisition House] Boletín de Arqueología, Cartagena año 9, no 2. (1994); Herrera Díaz, Alberto. “Parque Histórico y Cultural de las Fortificaciones de Bocachica”. [Historic and Cultural Park of the Bocachica Fortifications] In *Memorias de la Reunión de Expertos, Fortificaciones del Caribe Colcultura*, Cartagena, 1996; Zúñiga, Gonzalo. *San Luis de Bocachica, Un Gigante Olvidado*. [San Luis de Bocachica, a Forgotten Giant], Cartagena: Punto Centro Forum, 1996; Stemper, David M. “Arqueología y Movimientos Sociales en el Pacífico Colombiano”. [Archeology and Social Movements in the Colombian Pacific] Revista Colombiana de Antropología, Bogotá, vol.34 (1998):p. 166-193; Alzate, Adriana. “Mayólicas del Siglo XVI, Presencia Española en el Darien Colombiano” [Tiles (Mayólicas) of the XVI Century, Spanish Presence in the Colombian Darien] Codice Boletín Científico y Cultural del Museo, Universidad de Antioquia, año 2, no 2 (2001); Therrien, Monika. “Correrías de San Pedro Claver: Narrativas alrededor de la Cultura Material”. [Trips of San Pedro Claver. Narratives about the Material Culture] Revista de Antropología y Arqueología, vol 13 (2001 – 2002); Del Cairo, Carlos y García, Catalina (compilers). *Memorias Curso de Protección y Conservación del Patrimonio Cultural Sumergido*. [Memories Protection and Conservation of the Heritage Course] Bogotá: Ministerio de Cultura y Escuela Naval Almirante Padilla, 2002; Therrien, Monika; Uprimny Elena; Lobo Guerrero Jimena; Salamanca María Fernanda; Gaitán Felipe; Fandiño Marta. *Catálogo de Cerámica Colonial y Republicana de la Nueva Granada*. [Catalogue of Colonial and Republican Ceramic of the Nueva Granada] Bogotá: Fundación de Investigaciones Arqueológicas Nacionales. Banco de la República, 2002; Mc Bride, John. Informe Prospección e Inventario de los Recursos Culturales Sumergidos en la Bahía de Cartagena de Indias. [Report and Inventory of the Cultural Resources Submerged in the Cartagena de Indias Bay] Cartagena, 2003; Perez, Juan Felipe y Rene Romero. “Naufragios y Puertos Marítimos del Caribe Colombiano desde Siglo XVI al XVIII”. [Shipwrecks and Maritime Ports of the Colombian Caribbean since the XVI Century to the XVIII] Thesis, Universidad Nacional de Colombia, 2003; Del Cairo Hurtado, Carlos. “Arqueología subacuática de los restos de una construcción militar del siglo XVII en Tierrabomba (Cartagena de Indias)”. [Subaquatic Archeology of the remains of a military construction of the XVII century in Tierra Bomba (Cartagena de Indias)] Thesis, Universidad Nacional de Colombia, 2004; García Chaves, María Catalina. “El Mapa Arqueológico e Histórico de la Bahía de Cartagena: Una propuesta Metodológica para la Gestión del Patrimonio Cultural Subacuático”. Archaeological and Historical Map of the Cartagena Bay: a Methodological Proposal to the Management of the Subaquatic Cultural Heritage] Thesis, Universidad Nacional de Colombia, 2004; Fuquen, Clara. “Nuevos Caminos para la Investigación Arqueológica en Colombia: el Patrimonio Cultural Sumergido”. [New Roads for the Archeological Investigation in Colombia: the Cultural Submerged Heritage] Thesis, Universidad Nacional de Colombia, Bogotá, 2005; Del Cairo, Carlos. “Documentos Escritos y Representaciones Bélicas en Cartagena de Indias: la Historia Sumergida de una Construcción Militar del Siglo XVIII”. [Written Documents and Belic Representations in Cartagena de Indias: the Submerged History of a Military Construction of the XVIII Century.] In Carlos Del Cairo y Catalina García (compilers). *Historias Sumergidas: Hacia la Protección del Patrimonio Cultural Subacuático en Latinoamérica*, op.cit, p. 111; Fuquen, Clara. “Hacia una Gestión adecuada de los Recursos Culturales que reposan en Aguas Colombianas”. In Carlos Del Cairo y Catalina García (compilers). *Historias Sumergidas: Hacia la Protección del Patrimonio Cultural Subacuático en Latinoamérica*, op.cit,

Seventhly, there is a group of works that analyze the current contexts of these Caribbean and Pacific communities and their problems. Starting from which, a series of policies or plans, educational or of sustainable development have been developed, with the intention to address the most relevant issues.²⁹⁹ These studies allow visualizing the current contexts in which those groups are immersed.

Finally, the most recent studies are beginning to emphasize and investigate Colombian maritime cultures, which is fundamental to be able to open the way to the development of the topic of the maritime cultural heritage in the state.³⁰⁰

5.2.2 Strategies to Remember that Colombia is a Maritime Country

Taking into account these investigations,³⁰¹ their topics, and having clear the concept of maritime cultural heritage presented in section 2.4 of Chapter 2, it is possible to start defining what could be considered as part of the maritime cultural heritage of the national territory.

p.137; Therrien, Monika. "Leyendas Bajo el Agua: Patrimonio Sumergido y Arqueología Subacuática". ["Underwater Legends: Underwater Heritage and Subaquatic Archeology"], op.cit, p.151.

²⁹⁹ Márquez G y González E. *Desarrollo Sostenible de la Zona Costera del Caribe Colombiano* [Sustainable Development of the Coastal Zone of the Colombian Caribbean] Bogotá: OEA – Colciencias – IDEA, 1992; Márquez G y Pérez, M.E. *Desarrollo Sostenible del Archipiélago de San Andrés, Providencia y Santa Catalina* [Sustainable Development of the San Andrés, Providencia and Santa Catalina Archipelago] Bogotá: OEA – Colciencias – IDEA, 1992; Lemos de Uribe, Inocencia. *Diagnóstico Cultural del Departamento del Chocó: Elementos para un Plan de Desarrollo cultural*. [Cultural Diagnostic of the Department of Chocó: Elements for a Cultural Development Plan] Chocó: Universidad Tecnológica del Chocó "Diego Luis Córdoba". 1994; Agudelo C., Rivas N and Hoffmann O. *Hacer Política en el Pacífico Sur: Algunas Aproximaciones*. [Making politic in the South Pacific: Some Approximations] Cali: CIDSE, Universidad del Valle, 1999; Instituto Colombiano de Antropología e Historia. *Acción colectiva, estado y etnicidad en el Pacífico colombiano*. [Colective action, state and ethnicity in the Colombian Pacific] Colciencias, Bogotá, 2001; Sánchez, op.cit; Enciso Patiño, Patricia. *Sistematización de Proyectos Educativos Institucionales Sobresalientes en Etnoeducación Afrocolombiana*. [Afro-Colombian Ethno-education] Bogotá: Ministerio de Educación Nacional, 2004.

³⁰⁰ Comisión Colombiana del Océano. *Hacia el Reconocimiento de la Cultura Marítima en Colombia*. [Colombian Comission of the Ocean. Toward the Acknowledgement of the Maritime Culture in Colombia] Bogotá – Colombia, 2006; Fundación Terra Firme. *Visibilización, reconocimiento y auto-reconocimiento de la cultura marítima en la isla de Tierra Bomba (Cartagena de Indias)*. [Visibility, acknowledgement and self-acknowledgement of the maritime culture in the island of Tierra Bomba (Cartagena de Indias)] Bogotá: Ministerio de Cultura - Fundación Terra Firme, 2006.

³⁰¹ These are just some of the existing studies. Here probably are not cited all the investigations that have been developed up to now. However, it is a representative sample of them that allow having a general overview about the issues treated.

As was established in the section 4.1.1, the first thing that characterizes this heritage is that it is derived of the poly-ethnic and multi-cultural wealth that Colombia possesses; result of a history that includes the prehispanic period, and that with the conquest of America (prehispanic-indigenous) gave place to the encounter of diverse cultural traditions, such as the Spaniards, indigenous, black African, and English, among others.

With regard to the natives, it is known that Colombia, until the present time, has been inhabited by diverse groups. In the coastal areas, in areas like Chocó, for example, the occupations of the *emberá* and *cuna* are known; in the Guajira of the *wayuu*; between Córdoba and Sucre of the *zenu*; and in the Atlantic of the *caribes* and the *arawak*, and today of the *mokana*.³⁰²

Therefore, some of the goods and expressions that compose the Colombian maritime cultural heritage, the same as the contexts and discursive practices in which those were used or developed, can be denominated as inter-cultural. This because "[...] they provide the opportunity to formulate questions and topics on their appropriation, transformation of meanings and uses in contexts as those after the contact."³⁰³

It is fundamental then to protect this diversity, the coastal communities and their traditions, since they are part of the world heritage, due to their particularity. For instance, in San Andrés Island are found the *raizales*. The term *raizal* means those that in this island are descendants of the first inhabitants:

[...] the raizal is sustained in the presence of ancestral contents that have as foundation the bond with the first colonization stages, in which the British and the Anglo-Caribbean [...] [African - Anglo - Caribbean] [...] constitute a decisive factor.³⁰⁴

³⁰² Restrepo, *El Caribe Colombiano: Aproximación a la Región y al Regionalismo*, op.cit. Etnias de Colombia. Grupos Étnicos.[Colombian Ethnicity. Ethnic Groups] http://www.etniasdecolombia.org/grupos_pueblos.asp accessed on 10 August 2007.

³⁰³ Translated by the author of the present study. Original spanish texts as follows "[...] proveen la oportunidad de formular preguntas y temas sobre su apropiación, transformación de significados y usos en contextos como los posteriores al contacto."

Singleton, Theresa and Bograd Mark. "Breaking Typological Barriers. Looking for the Colono in Colonware" In J. Delle, S. Mrozowski y R. Paynter eds. *Lines that Divide. Historical Archaeologies of Race, Class and Gender*, Knoxville: The University of Tennessee Press, 2000: p. 11.

³⁰⁴ Translated by the author of the present study. Original spanish texts as follows "[...] lo raizal está sustentado en la presencia de contenidos ancestrales, que tienen como fundamento el vínculo con las primeras etapas de colonización, en las que lo británico y lo anglo-caribeño...[afro – anglo - caribe]... constituyen un factor determinante."

On the Pacific coast, to the north of Nariño, the “*culimochos*”, a group of white people, with attitudes and behaviors of black people, are found “[...] they manufacture and play marimbas, dance currulao, sing lullabies and make coconut sweets.”³⁰⁵

This group affirms that it descends from Basque navigators that arrived in America a hundred years before Colón, reason why, their main activity is ship building. However, after centuries of intercultural coexistence with the Afro-descendants, they adopted activities such as fishing, banana, cane and coconut growing, and even culinary preparations. In spite of this, the *culimochos* prefer to maintain the identity limits (making emphasis that they are different from the afrodescendants groups) and do not like to talk about this. This group constitutes an example of the implications brought about by the inter-ethnic coexistence after contact.³⁰⁶

It is important then to protect these goods and maritime cultural expressions through their patrimonialization, mainly because at the present time many of these traditions and groups are in danger of disappearing due to diverse phenomena such as the violence, non-sustainable development, illicit traffic, forced displacement, etc. A clear example of this is that of the *boquilleros*, a group of majority afro-descendants, who until the mid XX century were devoted to fishing, cattle rising, and small scale agriculture. Later on, due to the modernization processes, the economic development and the urbanization of Cartagena, they were expropriated of their lands, worsening their living conditions and weakening their traditions.³⁰⁷

Having clear one of the main aspects that characterizes the Colombian maritime cultural heritage, and following the proposal of section 2.4 regarding the need to start thinking about the patrimonialization of goods and maritime cultural expressions, as part of social spaces and

Leiva, Andrea. Dinámicas de Reivindicación y Auto-Definición del Movimiento para la Autodeterminación del Pueblo Raizal De La Isla De San Andrés (Amen S.D), en Medio de un Escenario “Pluriétnico y Multicultural”. [Vindication Dynamics and Self-definition of the Movement for the Self-Determination of the Raizal Population of the San Andrés Island, Amid a Pluriethnic and Multicultural Scenario]. Masters Diss, Universidad de los Andes University, 2004: p. 67.

³⁰⁵ Translated by the author of the present study. Original spanish texts as follows “[...] fabrican y tocan marimbas, bailan currulao, cantan arrullos y hacen cocadas.”

Arocha, Jaime y Rodríguez, Stella. “Los Culimochos: Africanías de un Pueblo Eurodescendiente en el Pacífico Nariñense”. [The *Culimochos: Africanías* of a Euro-descendent Population in the Pacific Nariñense] *Historia Critica*, no 4 (2002): p. 79.

³⁰⁶ Ibid.

³⁰⁷ Buitrago, Alenjandra, op.cit.

maritime cultural landscapes, the way will be opened to a first approach on what can begin to be identified as part of this heritage in the national territory.

To begin, perhaps very common and well-known example, none the less very clear, is that of Cartagena (Figure 5), declared by UNESCO humanity's heritage in 1984. Cartagena represents entirely the idea of social space and cultural landscape, as it constitutes a historical, economic, political, and cultural scenario that includes its terrestrial and maritime environment, since it is taken into account its urban-defensive (fortifications) and port character.

From its foundation, the economic condition that defined the operation of the city was the one of becoming one of the main ports of the Caribbean Sea: both as node of reception and penetration of the pro-slavery market for South America, and of collection of the tributes of the Nueva Granada for the Spanish crown. It was also a port used for the supply and trade of goods, raw materials and resources of flora and fauna between the two continents.”³⁰⁸



Figure 7. Cartagena de Indias, Colombia. Pictures Courtesy Terra Firme Foundation

Some of the main cultural goods that provide evidence of it are its fortifications, which are the most extensive of South America. These were used, among other things, as defense mechanisms to protect the city from pirate attacks.

³⁰⁸ Translated by the author of the present study. Original spanish texts as follows “Desde su fundación, la condición económica que definió el funcionamiento de la ciudad fue la de convertirse en uno de los principales puertos del mar Caribe: como nodo de la recepción y penetración del mercado esclavista para Suramérica y del recaudo de los tributos de la Nueva Granada para la corona española. Era también puerto de abastecimiento y de comercio de mercancías, materias primas y recursos de flora y fauna entre los dos continentes.” Instituto Colombiano de Antropología e Historia. Informe sobre el Valor Histórico o Cultural de los Objetos Transportados en las Embarcaciones Hundidas en la Época de la Colonia, tales como El Galeón San José, op.cit, p. 12.

Today the ramparts are an alive part of the city, where take place meetings and parties, they are visited by the tourism and still maintain an economic use in some of their vaults where coffee shops and craft sales exist.³⁰⁹

Among the group of diverse goods that comprise this social space and maritime cultural landscape are also included the Santo Domingo Church and Convent (1580), the Dique Channel (road of fluvial communication that facilitates the sailing between Cartagena and the Magdalena river. It was built in the XVI century, the Santa Clara Church and Convent (1621), the San Pedro Claver Church and Cloister (XVII and XVIII centuries), the Inquisition Palace (XVI century), the Marquees of Valdehoyos House (XVII century), the San Felipe de Barajas Castle and the collateral batteries 1647-1762 (XVII-XVIII centuries), the Shipwreck El Conquistador (1741 - Old Santa Cruz Castle, internal channel of the Cartagena Bay), among others.

All of them acquire meaning inside this social space and cultural landscape, giving account of diverse processes developed along history since the conquest period. The conquest brought discursive practices such as the evangelization and the inquisition, the development of an intercontinental trade, and the encounter and cultural exchange, altering the daily life and the traditions of the various groups of inhabitants.

The case of Cartagena as social space and cultural landscape can also be supplemented by undertaking investigations such as archaeological ones, in land and in water, that allow to inquire about possible establishments or evidences of settlements pre-dating to the conquest; of the human subsistence practices, starting from the use of the maritime environment (sailing, exchange, fishing); of all that was brought with contact: exchange of raw materials and of natural resources; migration of population and of material culture, and therefore of all the aspects related with this example of colonial dominance up to independence.³¹⁰

Likewise, as a result of this history of encounters and intercultural fights, and as sample of the multi-cultural aspect that characterizes Colombia, among the immaterial cultural expressions

³⁰⁹ Translated by the author of the present study. Original spanish texts as follows “Hoy las murallas son una parte viva de la ciudad, donde se celebran reuniones y fiestas, son visitadas por el turismo y aún mantienen un uso económico en algunas de sus bóvedas donde existen cafés y ventas de artesanías.”

Ibid.

³¹⁰ Ibid.

characteristic of Cartagena are the fishermen parties held by the *boquilleros* during the last week of June. These parties reaffirm the relationship of this community with its territory, demarcating it through their appropriation in the symbolic environment.

As part of these celebrations several activities are carried out like: the procession of San Juan Bautista, the fishermen's patron, that goes along the town; a fandango and a parade float by the beach; a regatta at the sea; and a beauty contest in which each sector, the upper, the lower and that of the middle has its representative. All these activities are developed in places that are important in the population's life, as their streets, the beach, and the sea.³¹¹

Another example to keep in mind, in a more general way, is that of Manaure. This is a municipality located on the Caribbean coast, in the department of La Guajira. This town is inhabited by, among others, the *wayuu* indigenous group. Among the cultural expressions characteristic of this municipality is the fact that the *Wayuu* maintain their mother tongue whose linguistic family is the *Arawak*, although many understand and speak Spanish. Their form of social organization is the matrilineal clan, where all the relatives are identified by maternal line. The one in charge of solving conflicts among the clans is the *palabrero* or *pütchipü'ü*:

[...] who has inherited the occupation of the word to mediate among the families in dispute. He goes and comes between the two parts that avoid themselves mutually to prevent worsening the situation. The 'palabrero' settles the payment of the damage with jewels, money or shepherding animals.³¹²

One of the collective dances characteristic of this town is the *yonna* (immaterial heritage), which is practiced in marriages or celebrations to thank the spirits for curing the sick persons "In this

³¹¹ Translated by the author of the present study. Original spanish texts as follows "Como parte de estas celebraciones se realizan varias actividades como la procesión de San Juan Bautista, patrono de los pescadores, que recorre toda la población, un fandango y un desfile de carrozas por la playa, una regata en el mar, y un concurso de belleza en el cual cada sector, el de arriba, el de abajo y el del medio tienen su representante. Todas estas actividades se dan en lugares que son importantes dentro de la vida de la población, como sus calles, la playa, y el mar." Buitrago, op.cit, p.4.

³¹² Translated by the author of the present study. Original spanish texts as follows "[...] quien ha heredado el oficio de la palabra para mediar entre las familias en disputa. Él va y viene entre las dos partes que se evitan mutuamente para no empeorar la situación. El palabrero concilia el pago del daño con joyas, dinero o animales de pastoreo." Ministerio de Cultura, Colombia. Expresiones del Patrimonio Cultural Inmaterial, op.cit.

(dance) the woman symbolizes the wind that puts to test the man's force, trying to knock him down while he dances taking backward steps to the rhythm of a drum, box or roller.”³¹³

In Manaure are also found the most important Colombian marine salines that supply to the state with 90% of the salt used in culinary and industrial processes. From ancestral times up to the present, the *wayuu*, apart from being devoted to activities like fishing, hunting, shepherding and horticulture, have dedicated their time to harvest and to extract the salt using traditional techniques.

With these two examples, a first approach is made to what could be understood as part of the maritime cultural heritage in Colombian territory. Following, in a more specific way, some examples of goods and cultural expressions will be suggested which can be part of these social spaces and cultural landscapes as components of this heritage. This classification makes part of the first action line for the safeguarding of the heritage, which is focused on their knowledge and valuation (Chapter 2 - section 2.3).

1. Maritime Material Universe in Colombian Territory

1.1 Coastal or Maritime Infrastructure (on land or submerged):

- San Luis de Bocachica Castle, located at the south side of the Tierra Bomba Island, was built in the XVII century.

- San Fernando de Bocachica Fort 1647-1759, XVII-XVIII centuries. Located in Bocachica-Cartagena.

- El Morro Fort, 1739, 1748, 1762. XVIII century. Located in Santa Marta.

- Puerto Colombia: the origin of this port took place with the disappearance of Cartagena as the most important port. Built by the Cuban engineer Francisco Javier Cisneros, it was inaugurated June 15 of 1893 and constituted one of the most important works in the Caribbean Coast in the XIX century.³¹⁴

1.2 Settlements or Places - Evidence of coastal or insular settlements (in land or submerged):

- The sea shell areas or *caracuchas*: they are mounds formed from remote time, starting from waste left by the fishermen and mollusk gatherers, in the Atlantic coast, and recently in the Pacific

³¹³ Translated by the author of the present study. Original spanish texts as follows “En ésta la mujer simboliza el viento que pone a prueba la fuerza del hombre, intentando tumbarlo, mientras él baila dando pasos hacia atrás al ritmo de un tambor, caja o redoblante.”

Ibid.

³¹⁴ Roman Bazurto, Enrique. *Análisis Histórico del Desarrollo Marítimo Colombiano*, op.cit, p. 30.

Coast. The most notorious sea shell areas are those of the Salamanca Island, formed by the indigenous tribes that inhabited those areas, and those of the Ciénaga Grande (Atlantic coast).³¹⁵

- Santa María la Antigua del Darién: considered as the first European city founded in America, in the Caribbean Sea. It is in the Darién region and was established in 1510 by Vasco Núñez de Balboa.

- Santa Marta: in 1525 city founded by Rodrigo de Bastidas, located in the current Magdalena department. It is the oldest colonial city in South America and Colombia.

- San Andrés: site from the XVI century in which establishments of farmers, sailors, merchants and Dutch corsairs were present. Many of these were military bases to fight against the Spanish Empire.

- Santa Catalina and Providence Islands: In 1629 the first English establishments were built by colonists coming from Bermuda, Barbados, Saint Kitts and the Turkish and Caicos islands. During 1641-1670, Spain occupied Providence.

- Tejar de San Bernabé, Tierra Bomba Island: these archaeological evidences are part of a hacienda (property) that belonged to the Jesuits between the XVI and XVII centuries. During this period, materials needed for the construction of military structures were produced, such as Cartagena's walls.³¹⁶ (Figure 6).



Figure 8. Tejar de San Bernabé, Tierra Bomba Island. Picture Courtesy Terra Firme Foundation

³¹⁵ Therrien, Monika. *Preservación del Patrimonio Cultural Nacional*. [Preservation of the National Cultural Heritage] Bogotá: ICANH, 1992: p. 7.

³¹⁶ Fundación Terra Firme. *Un Museo In Situ: Propuesta de Sostenibilidad para Beneficio de las Comunidades Costeras de Tierra Bomba*. 2008: Proyecto Inédito.

1.3 Ritual or Ceremonial Coastal or Maritime Places and their material culture:

- It is necessary to carry out a deeper investigation process.

1.4 Crafts (in land or submerged - many of these are part of the archaeological heritage):

- Salmedina Shipwreck, XVIII century. Located in front of the southeast side of Tierra Bomba. (Figure 7)



Figure 9. Salmedina Site. Picture courtesy Terra Firme Foundation.

Source: Uribe, Carlos Alberto. "Los orígenes de la Arqueología Subacuática en Colombia: Salmedina I" In *Historias Sumergidas: Hacia la Protección del Patrimonio Cultural Subacuático en Latinoamérica*. ["Submerged Histories: Toward the Protection of the Underwater Cultural Heritage in Latin America."], Carlos Del Cairo y Catalina Garcia (compilers). Bogotá: Universidad Externado de Colombia, 2006.

- The Galleon San José sunk along the Colombian coasts in 1708.

1.5 Maritime or Coastal visual representations:

- Drawings of ships, of battles among ships and of people in fortifications like that of San Fernando, in Bocachica, 1647-1759, XVII-XVIII centuries.

1.6 Historical Documents: All written testimony, primary sources on the seas, environments, practices, history, discourses, imaginaries, among others.

- Travel journals, sailing treaties, port registers and reports, among others.

1.7 Material culture of the daily life (in land or submerged): all type of objects that have made part of the daily discursive practices of the coastal communities.

- In archaeological excavations carried out in the coastal city of Tumaco, in the department of Nariño on the Pacific Coast, objects like goldsmith pieces, threads of gold in square sections

worked with the hammered technique and from the year 325 A.C have been found, and constitute the oldest pieces of the Pacific Coast. Also instruments such as mortars, weight nets and axes for agriculture and fishing; and ceramic objects, such as anthropomorphous figures, bowls, and pottery.³¹⁷

- Archaeological excavations carried out in Santa María la Antigua del Darién have yielded ceramic objects belonging to types like the stoneware produced in central European states between 1530 and 1600. This fact gives account of the contact and exchange of traditions and cultural material.³¹⁸

2. Maritime Immaterial Universe

2.1 Languages, oral expressions and names of places:

- The language of the *embera* of Chocó is the Embera that belongs to the independent family of Chocó, and it is related to the *Waunana* language.

- The *raizales* of San Andrés, Providence and Santa Catalina archipelago speak a language that combines African roots and elements of English.

2.2 Knowledge and Practices on Nature and the Universe: related with activities like fishing and its routes, sailing, exchange, hunting, the construction of housings and crafts, the elaboration of objects of the material culture and of armament - everything in connection with the coastal, insular and maritime areas.

- The knowledge of the *culimochos* of the Pacific, who are considered descendants of the Basque sailors, on the techniques of construction of crafts.

2.3 Culinary knowledge:

- The *piangua* tamale, dish that in August 2007 won the National Gastronomy Prize granted by the Colombian Ministry of Culture. This is an ancestral traditional recipe of the afro-descendent women of Tribuga, on the Pacific coast of Chocó. The tamale is prepared with the *piangua*, a mollusk gathered by the women and mixed with a plantain flour.³¹⁹

2.4 Traditional medicine:

- A good example is that of the occupation of the midwives in the Colombian Pacific. It is considered that 1,800 women carried out such work. Two months before the childbirth, they meet the mother and recommend medicinal plants, position changes and special food. The day of the childbirth, if problems presented themselves, they applied strategies such as putting the clothes

³¹⁷ Patino, Diógenes. "Orfebrería prehispánica en la costa Pacífica de Colombia y Ecuador, Tumaco La Tolita". [Prehispanic Goldsmith in the Pacific coast of Colombia and Ecuador, Tumaco La Tolita] Biblioteca Virtual Luis Ángel Arango, 2005.

<http://www.lablaa.org/blaavirtual/publicacionesbanrep/bolmuseo/1988/22/boe1.htm> accessed on 9 August 2007.

³¹⁸ Alzate, op.cit, p. 23.

³¹⁹ Ministerio de Cultura, Colombia. Información General. [Colombian Ministry of Culture. General Information] <http://www.mincultura.gov.co/vbecontent/NewsDetail.asp?ID=1109&IDCompany=3> accessed on 13 September 2007.

inside out to the parturient; or telling them to enter by the back door; or asking them to pray. They are also bathed with an herbal liquid.³²⁰

2.5 Elaboration of objects, instruments, wardrobes, constructions and corporal ornamentation:

- The *palafitos* is a type of traditional housing that is found in the coastal areas of Buenaventura the construction of which is derived from ancestral knowledge. These are wooden houses that are sustained with long vertical sticks.³²¹

- The *embera* women and men of Chocó put makeup on their lips and cheekbones, with such traditional figures as hairsprings and wavy forms of red color, to be more attractive.

2.6 Musical and sound expressions:

- The marimba, used by the Afro-Colombians and *culimochos* of the Pacific, is elaborated with *macanas* and *guadua* (kind of bamboo).

- *Tinajón*: instrument elaborated by the communities that inhabit the San Andrés, Providencia and Santa Catalina archipelago.

This instrument is nothing more than a large metallic basin to wash clothes, with a hole in the center from where a rope, which is tempered with a stick, comes out. When making vibrate that rope with the hand, the basin produces low sounds that, combined and ordered with the sonorities of the donkey jaw, the mandolin, the guitar and the maracas, is coupled to the rhythms characteristic of the region like the mazurka and the schotti.³²²

2.7 Dance expressions:

- In the Pacific region diverse dance types are practiced. These are legacies of the traditions of the afro-descendants and include the quadrille, the polka, the jota, the currulao, the mazurka, the bunde and the juga.

In the 'currulao', while the woman shakes her skirt smoothly and takes short steps in a coquettish way around the man, he tap-dances, jumps and makes flexions with his body. Both wave their handkerchiefs marking the rhythm of the drummers, 'cununos', 'guasá', marimba, and with the women's song.³²³

³²⁰ Periódico El Tiempo. Parteras de África y Valle compartieron sus secretos: en Buenaventura vivieron encuentro de saberes, June 2, 2007. [Midwives from Africa and Valle shared their secrets: in Buenaventura lived a meeting of knowledge] http://www.eltiempo.com/nacion/calii/2007-06-03/ARTICULO-WEB-NOTA_INTERIOR-3581351.html accessed on 15 June 2007.

³²¹ Ministerio de Cultura, Colombia. Expresiones del Patrimonio Cultural Inmaterial, op.cit.

³²² Translated by the author of the present study. Original spanish texts as follows "Este instrumento no es otra cosa que una tinaja metálica para lavar la ropa, con un hueco en la mitad de donde sale una cuerda que se temple con un palo. Al hacer vibrar esa cuerda con la mano, el tinajón produce sonidos bajos que, combinados y ordenados con las sonoridades de la quijada de burro, la mandolina, la guitarra y las maracas, se acopla a los ritmos propios de la región como la mazurca y el schotti."

Ibid.

³²³ Translated by the author of the present study. Original spanish texts as follows "En el currulao, mientras la mujer agita su falda suavemente y da pasos cortos de manera coqueta alrededor del hombre, él zapatea, salta y hace

- In the Caribbean region the dance of the raven has been practiced during the Barranquilla carnival since 1919.

To the tune of the accordion, the 'dulzaina' and the drum, with masks and ruffle disguises, dancers perform the moment in which a flock of these birds goes down to devour a dead animal and cross verses with the hunter and his dog who try to prevent the act.³²⁴

2.8 Ritual, scenic and ceremonial expressions, festivals, games and sports:

- In Raspadura, Chocó, one week after the holly week, parties are held in honor of the divine Ecce Homo that has accompanied them from 1802, and according to tradition helped them in their liberation from slavery.³²⁵

- The Carnival of Barranquilla is held during February in Barranquilla. This event has been declared by UNESCO in 2003 world's intangible heritage.

- In San Andrés, in the month of November, the Coconut Carnival is held during which the anniversary of the island is celebrated and the Coconut pageant is developed, and in which participate several states from the Atlantic Coast and some neighboring islands.

2.9 Traditional forms of social, legal and political organization:

- The social organization of the *embara* is based on the extended family, in a kinship system where relatives are recognized both by maternal and external line.

The group of family of an individual is of about four grades of consanguinity, what constitutes a kinship. There is not another group type like lineages or clans. According to their social norms, it is forbidden to unite in marriage with any member of the kin or with any non indigenous person.³²⁶

2.10 The diverse social actors' social representations regarding the maritime environments and the social, economic and political aspects related to them:

flexiones con su cuerpo. Ambos baten sus pañuelos marcando el ritmo de los bombos, cununos, guasá, marimba y canto de las mujeres.”

Ibid.

³²⁴ Translated by the author of the present study. Original spanish texts as follows “Al son del acordeón, la dulzaina y el redoblante, con máscaras y disfraces de goleros, teatralizan el momento en que una bandada de estas aves carroñeras bajan a devorar un animal muerto y cruzan versos con el cazador y su perro que tratan de impedir el acto.”

Ibid.

³²⁵ Ibid.

³²⁶ Translated by the author of the present study. Original spanish texts as follows “El conjunto de familiares de un individuo es de unos cuatro grados de consanguinidad, lo que constituye una parentela. No hay otro tipo de grupo como linajes o clanes. Según sus normas sociales, está prohibido unirse en matrimonio con algún miembro de la parentela o con alguna persona no indígena.”

Étnias de Colombia. Los Embera. [Colombian ethnicity. The *Embera*]

http://www.etniasdecolombia.org/indigenas/embara_organizacion.asp accessed on 17 September 2007.

- These will be derived of the studies to be developed, focused on the understanding of the diverse perception grades and social representations of the Colombian people regarding the sea as social space and cultural landscape.

The above understanding of this universe of goods and maritime cultural expressions demonstrates the broad spectrum of topics to be investigated. Study themes are glimpsed, such as the urbanization processes in the coastal areas before and after the conquest; the intercultural relationships and their consequences in the daily life; the warlike contexts and the defensive strategies; the commercial practices and routes; and the exchange activities, among many others.

It is important to note that all the goods, including the archaeological ones and the cultural expressions that comprise this heritage embrace all the historical periods, meaning: prehispanic, colonial, republican and modern or contemporary. This because it is considered fundamental to state the need to reassess Article 6 of Law 397 of 1997, General Law of Culture, where are left out of the archaeological heritage the goods belonging to the republican and contemporary periods, only the prehispanic and colonial ones are considered.

Article 6°. Archaeological heritage. Are integral goods of the archaeological heritage, chattels or real state that are originated from disappeared cultures, or that belong to the colonial time, as well as the human and organic remains related to those cultures. Likewise, are part of this heritage the geologic and paleontologic elements related to man's history and to his origin.

Also there will make part of the archaeological heritage, the chattels and real state representative of the tradition and cultural identity, belonging to the indigenous communities currently existent that are declared as such by the Ministry of Culture, through the Colombian Institute of Anthropology, and in coordination with the indigenous communities.³²⁷

This is considered relevant, among other reasons, because in Colombia after the colony a pro-independence process took place, which ended the Spanish period of dominance, transforming the

³²⁷ Translated by the author of the present study. Original spanish texts as follows "Artículo 6°. Patrimonio arqueológico. Son bienes integrantes del patrimonio arqueológico aquellos muebles o inmuebles que sean originarios de culturas desaparecidas, o que pertenezcan a la época colonial, así como los restos humanos y orgánicos relacionados con esas culturas. Igualmente, forman parte de dicho patrimonio los elementos geológicos y paleontológicos relacionados con la historia del hombre y sus orígenes.

También podrán formar parte del patrimonio arqueológico, los bienes muebles e inmuebles representativos de la tradición e identidad culturales pertenecientes a las comunidades indígenas actualmente existentes, que sean declarados como tal por el Ministerio de Cultura, a través del Instituto Colombiano de Antropología, y en coordinación con las comunidades indígenas."

Ministerio de Cultura Colombia. Ley 397 de 1997 – Ley General de Cultura, op.cit.

history not only of this territory, but of many Latin American states in general. In the first half of the XIX century, naval campaigns for freedom were developed in the Caribbean in which Cartagena occupied a significant role. This city's decadence occurred later on, allowing the construction of ports like Puerto Colombia. Also, in 1851 the abolition of slavery took place.

During this period it was also observed the slow influence of processes such as the industrialization were observed: at the beginning of the XX century the construction of railroads toward Tumaco and Buenaventura was achieved, and also the development of port infrastructure that transformed Buenaventura into one of the main domestic ports. Likewise, as it was previously explained, in Colombia at this time, the process of decadence, marginalization and invisibility of the seas, the coasts and their people also took place.

All these occurrences ended up altering the lifestyles, the economic, political, social and cultural processes, and even the material culture; giving place to a restructuring not only on the coasts but in the Colombian territory in general, amid a process of construction of the State - Nation.

These dynamics and new processes that changed the domestic history, and that affected the maritime social spaces, are considered fundamental to be studied, among other things, through the historical and industrial archaeology. In the case of Colombia, the historical archeology takes charge of studying the processes after the contact up to contemporary time; and the industrial archeology investigates the places, machinery and methods used by the industry starting from the industrial revolution at the end of the XVIII century.³²⁸

After a first approach to the identification of this heritage from an academic point of view that allows to know and to begin to value it (action line 1 - section 2.3, chapter 2); the second step, as it was explained in the section 2.4 of the chapter 2, is the determination of the value associated to this heritage. For this purpose, it is fundamental the work with diverse actors, keeping in mind the maritimity and the maritime differential fact

³²⁸ Ome, op.cit.

The Association of Industrial Archaeology. <http://www.industrial-archaeology.org.uk/> accessed on 9 September 2007.

To this respect, although a concrete example can not be outlined in the present study, due to its objectives, field work was not carry out, some considerations can be stated. In the Colombian case, it is considered necessary that the value repertoire be wide and diverse with the purpose that take into account the pluri-ethnic and multi-cultural domestic character “[...] meaning that it should be able to show in a significant and distinctive way, before other objects, how the Good of Cultural Interest is perceived by those who identify, recognize and assume it.”³²⁹

It is also fundamental that the valuations that are identified be powerful, deep and lasting, since this will ensure the success of the protection strategies. In the Colombian context, where regrettably, due to the domestic problems, the resources are not sufficient to implement very structured strategies, the members of the coastal communities are the ones that should protect this maritime heritage, hence the importance for them to identify with it “[...] the purpose is exalting several values, so that the threat or risk of loss of a value is attenuated by the exaltation of the other ones [...]”³³⁰

5.2.3 Routes toward the Characterization and Safeguarding of the Maritime Cultural Heritage in Colombian Territory

After the process of identification of the maritime heritage in the Colombian territory, and of its valuations, it is fundamental to design strategies for its safeguarding. According to what has been stated, these measures will be directed not only to the objects or maritime cultural expressions, but to the group or context that confers meaning to them, that is to say, to their social space and cultural landscape.

³²⁹ Translated by the author of the present study. Original spanish texts as follows “[...] es decir, que sea capaz de mostrar de manera significativa y distintiva, frente a otros objetos tal y como es percibido el Bien de Interés Cultural por quienes lo identifican, reconocen y asumen.”

Instituto Colombiano de Antropología e Historia. *Informe sobre el Valor Histórico o Cultural de los Objetos Transportados en las Embarcaciones Hundidas en la Época de la Colonia, tales como El Galeón San José*, op.cit, p. 9.

³³⁰ Translated by the author of the present study. Original spanish texts as follows “[...] de lo que se trata es de exaltar varios valores, con lo cual la amenaza o riesgo de pérdida de un valor se ve atenuado por la exaltación de los demás [...]”
Ibid.

Keeping in mind the identification, protection and conservation strategies outlined in the section 3.3 of Chapter 3, and following the action lines of the Colombian Ministry of Culture, the following are some measures that can be taken:

Action 1: Foster the investigation and the elaboration of inventories of the goods and cultural expressions; Action 2: Develop programs for the training of specialized personnel; stimulate undergraduate programs or graduate degrees in marine topics; implement campaigns of sensitization, popularization and dialogue among the civil population in general and the communities associated with this heritage, such as cultural days, conferences, lectures, publications, exhibitions, documentaries and events like congresses about the Sea. Also develop sustainable cultural tourism and organize local, regional and national associations; Action 3: Design and implement plans that assure a constant protection, conservation, restoration and maintenance of the maritime cultural goods; and Action 4: Create or strengthen scientific and technical institutions, and institutional development, among many others.

Regarding these measures, it is suggested to keep in mind the following considerations:

Action 1: For the promotion and support of research it is fundamental to observe that because in Colombia the development of the topic is just beginning, it is necessary to carry out a survey of previous investigations so as to identify and characterize the maritime cultures in the state.

The said information will be diffused and popularized through of diverse strategies, such as those of communication through mass media, conferences, publications and other proper mechanisms. These strategies will be designed carefully, depending on the public to which they are directed and keeping in mind the diverse types of local and regional identities and their approaches regarding the sea.

The above mentioned strategies have as a main purpose to start generating an identity regarding the sea which implies a valuation of it, and a national awareness about the importance of the maritime resources for the state's development. This is a mechanism that will become another strategy that will guarantee the safeguarding of the maritime heritage in the Colombian territory. Since this will allow identifying, recognizing, valuing and adapting the contexts, goods and maritime cultural expressions that are sought to be patrimonialize.

Simultaneously, it is considered that studies derived and enriched by the previous ones can be carried out, and should be focused on the goods and maritime cultural expressions that begin to be identified as part of this heritage. Concretely, in the verification of their intrinsic values and in the identification of the extrinsic values that are granted to them.

Regarding the development of archaeological studies on this topic, it is considered essential to be able to guarantee the conservation in situ of certain cultural goods and to ensure the protection of areas with archaeological potential that are considered at risk so as to be able to investigate them.³³¹

Action 2: Regarding the training of personnel campaigns, and the sensitization, popularization and dialogue among the population in general and the coastal communities in particular, there are several points to suggest. To achieve the formation of local experts' groups, it is fundamental to invest in the development of undergraduate and graduate programs in marine topics. The financing aspect is fundamental so that national experts in similar areas can go overseas to complete graduate work. It is also important to carry out the necessary administrative and managerial work to establish liaisons with organisms like UNESCO and to develop workshops on the topic with high-level experts.

As for the development of educational campaigns in schools and universities, some projects that at the moment the Ministry of Culture have in course could be used. One of these being developed jointly with the Ministry of Education is the binnacle of the cultural and natural heritage. This program constitutes a pedagogic tool seeking to sensitize school teachers on the topic of heritage, with the objective of promoting the inclusion of these topics in the programs of basic and secondary education nationwide.

Another approach which could be pursued is that of implementing the CCO's proposal on High Schools of the Sea. Alternatively, a subject on the sea could be incorporated in the curriculum of schools and universities; or that at least lectures could be dictated to the topic in these institutions at the national level.

³³¹ In this respect, it is worthwhile to note that at the moment the Colombian Ministry of Culture, with the support of the Tierra Firme Foundation, is working on the elaboration of the inventory of archaeological subaquatic places through the design of archaeological maps.

For the civil population in general, conferences, lectures, itinerant exhibitions, shows in public places on Colombia, their maritime cultures and maritime heritage can be organized, with the objective of public outreach and sensitization.

With relation to the sensitization plans with the communities, it is important to keep in mind that, up to now no policies or concrete normative tools regarding the maritime cultural heritage have been developed and that those that have been given to related aspects, such as the submerged heritage, regrettably have not been really effective. This is due to multiple cultural, economic and social factors of the coastal, and domestic communities in general, that have not allowed their application.

It should be clear that these populations have their own social representations with regard to the maritime culture and to the goods and cultural expressions that comprise “[...] different from those of the people that foster their study and protection from the academy or the State.”³³²

In many cases these populations ignore the meaning and characteristic importance of these goods, what generates a looting risk and constant destruction of this heritage. For example, the case of canyons extracted by the inhabitants of areas like Tierra Bomba.³³³

Therefore, it is considered fundamental (even if laws and policies on the topic exist) to develop plans for sensitization with the coastal communities where, through dialogue all the actors involved directly or indirectly with this heritage participate. These plans will be focused in making evident the diverse types of valuations that these populations (and even the diverse actors) have regarding the goods and cultural expressions that are part of the maritime culture. This is done with the objective of identifying and strengthening the bonds (extrinsic values) that allow establishing a cultural identity relationship between the goods and the maritime cultural expressions and these populations.

³³² Translated by the author of the present study. Original spanish texts as follows “[...] diferentes a las de las personas que propenden por su estudio y protección desde la academia o el Estado.”

Del Cairo, Carlos y García, Catalina. Informe Plan de Sensibilización: Visibilización, reconocimiento y auto-reconocimiento de la cultura marítima en la isla de Tierra Bomba (Cartagena de Indias), op.cit, p. 2.

³³³ Ibid.

Therefore, it is considered that by means of this patrimonial appropriation from the local realm, in the first place, it would be possible to carry out a construction process among all the actors on what will be understood as maritime culture in Colombia, and the rationale of their importance and preservation. In second place, the current impact originating from the deterioration, looting and illicit trade of the maritime cultural evidences (objects) will be mitigated, since an attachment among the populations and these goods and expressions will be developed, so that this heritage will be assumed as their own.

In third place, and in the long term, perhaps this can be the only way to assure the real safeguarding of this heritage, even by means of the sustainable use of it, which will benefit these communities that in general live under precarious conditions. Finally, these coastal populations the ones that cohabit daily with these goods and expressions, and therefore, they constitute the best allies for their protection, independently of whether there are or not policies, laws, tourism plans, etc. in place.

From these plans could be derived another series of campaigns, beyond the legal ones, that by means of the exaltation and promulgation of the immaterial heritage promote the transmission (in consensus), perdurability, protection and conservation of the material heritage. This could be implemented for instance by means of the design of sustainable tourism circuits -at small scale³³⁴ done by the communities themselves. One way of doing this is, for example, through the fishermen cooperatives, or other groups, where the traditional knowledge is used to explain and to set the environment for the cultural goods, and to allow the tourists to understand their significance within a social space and a cultural landscape, not as isolated objects. It is important to control, for example, by means of guided visits, the number of visitors so as to avoid the alteration and destruction of the locations.

³³⁴ This means that the type of tourism circuits to be developed by the community, be financed or not, should be implemented according to the conditions of the places - maintaining their sustainability character, preserving and not altering or destroying them. Most of them don't have the necessary infrastructure for big tourism projects. It always should be kept in mind that the main objective is to generate better living conditions for the communities, for example investing in the restoration of the maritime cultural goods, and not in their destruction through the construction of tourism resorts, which benefit just a few exploiting the inhabitants to achieve the projects.

The above activities will not require a capital investment (or a minimum if it is required), and will guarantee an income, so that the inhabitants of the maritime heritage places can satisfy their basic needs. Also promoting the state economic development, among other things, by means of investments in the restoration and preservation of the patrimonial goods, not in their destruction. This type of strategies can also be used for the design of management plans that should be implemented for all the patrimonial places.

And in fourth place, it is considered that by means of these plans, the representatives of the State, academic and private entities will be able to know, understand and concert the diverse points of view and the needs and real problems regarding the topic. These will allow for the development of new strategies or mechanisms - not imposed - (policies, norms and regulations, tourism, etc), probably more effective to promote the preservation of the heritage and assuring the conditions for its possible development.

In turn, and by means of these spaces, the communities will come closer to the perspectives of the other parties so that through this agreement exercise the inhabitants of the coastal regions will come to understand, adapt and execute those (old) or new policies or strategies that resulted from their new role as “watchman of the heritage”. Furthermore, this new role places “advocates of heritage” with the communities thus reducing barriers to implementation, such as remoteness, and delays due to lengthy legal and policy application processes. Furthermore:

[...] while the community perceives the submerged remains as susceptible elements of sale and commercialization, due to its social conditions, to its marine tradition and the ignorance of the regulatory scheme that governs these objects, the official and academic entities consider them as part of an archaeological and cultural unit without any economic value, that should be preserved and prevented from any transaction type.³³⁵

³³⁵ Translated by the author of the present study. Original spanish texts as follows “[...] mientras la comunidad percibe los restos sumergidos como elementos susceptibles de venta y comercialización, debido a sus condiciones sociales, a su tradición marítima y al desconocimiento del marco legal que rige estos objetos, las entidades oficiales y académicas los consideran como parte de una unidad arqueológica y cultural sin valor económico que debe ser preservada sin lugar a ningún tipo de transacción.”

Del Cairo, Carlos y García, Catalina. Informe Plan de Sensibilización: Visibilización, reconocimiento y auto-reconocimiento de la cultura marítima en la isla de Tierra Bomba (Cartagena de Indias), op.cit, p. 3.

This way, all the direct or indirectly actors will benefit from this process, including the state in general, as a traverse transmission of the knowledge, valuation and appropriation of the maritime cultures, and of the importance of the maritime resources for the state's sustainable development. At the same time there will be a promotion and strengthening of the national identity regarding the sea. Mainly the coastal communities will be the beneficiaries:

[...] because when having a vision that starts with the appropriation and knowledge of the cultural resources, they will find in them a tool of direct relationship with their cultural past and with their identity value, and which they will transmit, at the same time, to the rest of the population.³³⁶

For the development of this type of sensitization plan, one can make use of some of the tools that have the Ministry of Culture has implemented. In the first place, the sensitization plan that the entity developed with the support of the Eriagie Foundation and the Terra Firme Foundation in the Tierra Bomba island can be reproduced in the diverse coastal areas. There was some work with the community and a booklet on the submerged heritage was elaborated, which was socialized and popularized among the inhabitants, by experts on the topic (Figure 8).

The program of participation of watchmen of the heritage that stimulates the civic participation in the work of protecting, managing and diffusing the cultural patrimony, through voluntary work, can also be implemented.

³³⁶ Translated by the author of the present study. Original spanish texts as follows "[...] pues al contar con una visión que parte de la apropiación y el conocimiento de los recursos culturales, encontraran en ellos una herramienta de relación directa con su pasado cultural y con su valor identitario, y que a la vez transmitirán al resto de la población." Ibid.

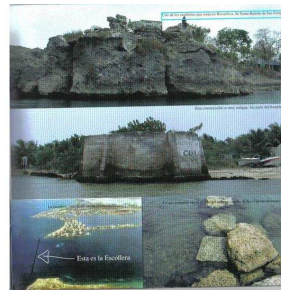
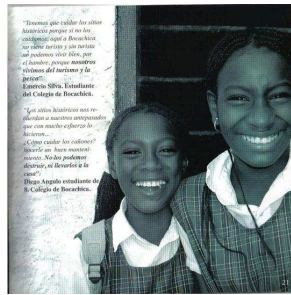


Figure 10. Tierra Bomba Underwater Cultural Heritage Booklet. Images Courtesy Terra Firme Foundation

Another initiative is the use of the vocational schools that train in traditional occupations, taking advantage that there is one located in Cartagena. In these centers the transmission of constructive techniques and of knowledge of occupations is guaranteed through the training of youths. In this case, emphasis could be made on fishing, for instance.

Just as stated in the Article 23 of Law 397 of 1997, the culture houses also could be used as mechanisms for the diffusion, projection and development of the policies and cultural programs at local, municipal, distrital, departmental, regional and national levels. Therefore, they also become coordination spaces between the communities and the public, private and academic entities. Finally, there is the program of cultural tourism of the Ministry of Culture, with the support of the Direction of Tourism of the Ministry of Trade, Industry and Tourism. This programme seeks to integrate the cultural heritage with tourism activities, keeping in mind the potential that the approach should offer the communities and the guarantees that this should assure for the preservation of heritage.

As for the development of plans that assure the constant protection, conservation, restoration, maintenance and sustainability of the maritime cultural goods, the following actions are suggested: Action 3: the creation of museums in situ, to avoid the destruction of the maritime cultural goods; and of local museums, to assure the perdurability and transmission of this heritage. Obviously, by means of the design of museum scripts that give account of the information obtained in the plans of sensitization, which should reflect the agreed construction of the maritime heritage within the framework of the social space and of the maritime cultural landscape. It is also considered important that in museums such as the National Museum, exhibitions and rooms associated with the topic are included, so as to foster the strengthening of the national identity regarding the sea.

Another strategy could be the creation of new investigation centers, or the strengthening of the existing ones, such as the Observatory of the Caribbean and the Observatory of the Pacific, with the purpose of guaranteeing the formation and training of the required personnel for the conservation and preservation of the maritime heritage.

Of the programs that promotes the Ministry of Culture, the intervention of goods of cultural interest can be used, since through this, activities to formulate, advice and negotiate projects for the maintenance, restoration and intervention of cultural goods are implemented, with the purpose of assuring their preservation in time.

The campaign against the illicit traffic of cultural goods that seeks to prevent the looting, illegal trade, secret excavations and the illicit export of cultural goods, through the support of the ICANH, of the National General File, of the National Direction of Taxes Customs (DIAN) and of the Ministry of Culture.

The national plan for the recovery of historical centers, which is carried out through special protection plans defined with the participation of the community, and of the private and public actors, from the diverse levels: local, departmental and national. They guarantee the sustainability of these centers, because they take into account the specific problems of each one. For example, the special plans of protection of Santa Marta and Barranquilla, two coastal cities, were formulated in 2005.

Another initiative regarding the cultural property heritage is the national plan for risk prevention and protection of cultural heritage, which guides and supports the national program for the prevention and attention to disasters of the Ministry of Internal Affairs.

Actions that allow the prevention and mitigation of the risks are developed; and it is sought to achieve the quick recovery of the real state properties, places or affected areas. In this plan it is of vital importance the protection of cultural goods in the event of armed conflict.³³⁷

As for the sustainability, the aforementioned strategies are suggested, and should be derived from the sensitization plans, such as the sustainable tourism circuits.

Finally with regard to the action Number 4, related to institutional strengthening, as it has been observed, requires the design of normative and political instruments that promote, assure and disseminate the necessary strategies for the safeguarding of the maritime cultural heritage. Among other things, this could be achieved through the securing of resources through national and international cooperation.

It is fundamental to leave it clear that the 4 previous actions should be consistently developed, so as to become routine, daily activities for all, since the protection and conservation of maritime cultural heritage in Colombian territory will only be successful if it constitutes in itself a task of daily life in the short, medium and long term.

³³⁷ Translated by the author of the present study. Original spanish texts as follows “Se desarrollan acciones que permiten la prevención y mitigación de los riesgos y se pretende lograr la recuperación rápida de los inmuebles, sitios o zonas afectadas. En este plan cobra vital importancia la protección de bienes culturales en caso de conflicto armado.”

Ministerio de Cultura Colombia, Dirección de Patrimonio. 2007. Colombian Ministry of Culture, Heritage Direction. 2007. Conservación, Salvaguarda, Protección, Recuperación y Sostenibilidad del Patrimonio Cultural. [Conservation, Safeguarding, Protection, Recovery and Sustainability of the Cultural Heritage] <http://www.mincultura.gov.co/VBeContent/newsdetail.asp?id=248&idcompany=9> accessed on 29 May 2007.

Conclusion

Throughout the previous pages a proposal for the construction of the concept of maritime cultural heritage in the Colombian territory outlined from an anthropological perspective. It was suggested that its definition, safeguard and conservation could be understood within a wider and integral framework like the one of fresh and salt aquatic surroundings. Which, according to UNESCO, are the surroundings whose patrimonial resources are more unprotected, forgotten and highly threatened by activities such as tourism, contamination, and over exploitation of resources, among others.

This approach implied understanding the heritage from a holistic perspective, where the material goods, and the intangible cultural expressions of the aquatic cultures are understood within a social space and a cultural landscape that grant sense to them.

In the case of maritime cultures, this approach considered both the maritimity and the maritime differential fact, which allowed to consider not only the degrees of perception and the levels of appropriation of the fishing communities regarding the sea, but also those of the diverse social groups, in a scenario like Colombia, where it was observed that:

[...] without a way to see the sea as part of the tradition and the common representations to all, that integrates the space as collectively appropriated territory, is frequent that populations and countries remain in the simple folkloric contemplation of their coasts and are not able to see the importance that the sea has in its development.³³⁸

With the above established, it was made clear that for the Colombian case it is fundamental to strengthen (the already existents) and / or develop new strategies directed both to the appropriation, valuation and protection of the maritime cultural heritage in Colombian territory, and to the improvement of the conditions of living of the coastal communities, related directly to this heritage.

³³⁸ Translated by the author of the present study. Original spanish texts as follows "[...] sin una manera de ver el mar que haga parte de la tradición y de las representaciones comunes a todos, que integre el espacio como territorio apropiado colectivamente, es frecuente que pueblos y países se queden en la simple contemplación folclórica de sus costas y no alcancen a ver la importancia que tiene el mar en su desarrollo." Avella, "Espacio y Territorio en la Construcción de una Visión Marítima", op.cit, p. 213.

On the one hand, the need was emphasized to design normative policies and instruments as obvious strategies to regulate and guide the subject at national level, through the support and the planning of the State. Nevertheless, considering the Colombian context, where the implementation of policies and normative tools takes time; beyond this, the following aspects were mainly considered.

Sensitization campaigns directed to the coastal communities were proposed to be carried out, as part of the *patrimonialization* process of the maritime culture, understood as an instrument to create awareness in the state of the existence and importance of its seas, coasts and insular zones; of its resources and diverse heritage; of the need to adapt, safeguard and take advantage of them in a sustainable way for the social and economic development of the state.

In this regard it was emphasized that these campaigns do not need immediate resources, but the creation of cultural, almost affective bonds, between the communities and the heritage. This will assure the long term and sustainable safeguarding of the heritage, specially during those lapses where the policies or norms are not yet implemented. Besides, the basic living conditions of the inhabitants of coastal zones will be improved, and they are who at last become the main guardians of the maritime heritage and the best allies of the State to exert sovereignty in the territory.

In a scenario where Colombia's focus is returning to the seas, the following ideas are provided so as to contribute to the future elaboration of policies, laws etc for the protection of this cultural heritage.

- The maritime cultural heritage must be understood as part of the aquatic cultural heritage.
 - The maritime cultural heritage in Colombian is comprised of goods (material) and maritime cultural expressions (immaterial), pertaining to the pre-Hispanic, colonial, republican and contemporary periods; that have sense within a social space and a maritime cultural landscape.
- As promulgated by the Law of the Sea, the Underwater Cultural Heritage Convention and the PNOEC, the scientific and interdisciplinary research on heritage, in this case maritime, should be fostered with the objective of knowing and safeguarding it; and nondestructive scientific methods

and techniques should be used. This with the support of organizations such as the Colombian Institute of Anthropology and History - ICANH, the Ministry of Culture, COLCIENCIAS, the General Maritime Direction - DIMAR, the Colombian Association of Universities - ASCUN, INVEMAR, the Observatory of the Pacific, the Observatory of the Caribbean, and the Foundation Terra Firme.

- Programs for the qualification of personnel specialized in maritime subjects, through training of the human resources in areas such as sub-aquatic archaeology should be developed. In this case with the support of the Ministry of Education, the Ministry of Culture, DIMAR, and ASCUN, among others.

- Sensitization strategies of the public in general as well as of the coastal communities should be developed. In the first case, for example, through mass media and including the subject in formal and non formal education. As far as the coastal communities, an emotional valuation and preservation of the maritime heritage should be fostered constantly, beginning from its acknowledgement. Giving rise to a *patrimonialization* of the nonrenewable, but usable cultural maritime resources, in a sustainable way; by the local areas and by the same community, with the support of the State, who should generate the conditions for its safeguarding. The involved organizations could be the Ministry of Culture, and the Ministry of Communication, among others.

- Programs of sustainable development such as tourism should be formulated, which consider that the maritime heritage constitutes a nonrenewable resource “[...] promote the use of materials, techniques and skills based on tradition and explore their potential for contemporary application.”³³⁹ This should be done with the fundamental objective of improving the living conditions of the coastal populations and the economy of the state in general. Activities performed through the Ministry of Culture, the ICANH and the Ministry of Commerce, Industry and Tourism, among others.

- The management of this heritage must be integrated to programs of local, regional and national planning, to assure its safeguarding. This can be achieved with the support of the National Department of Planning - DNP.

³³⁹ Council of Europe. Framework Convention on the Value of the Cultural Heritage of the Society. Council of Europe Treaty Series, 2006: p. 4.

- The preservation in situ of this heritage should be prioritized. The involved organizations could include the Ministry of Culture, ICANH and DIMAR.

- The State, through the Ministry of Culture, the Ministry of Justice and Internal Affairs, and the ICANH, must promote the spaces for dialogue and commitment among the State, the private sector, academia, civil population in general, and the coastal communities, with the objective of achieving a mutual recognition of interests and needs, and of developing the process of patrimonialization by means of a specialized guidance. Also with the intention to “Encourage everyone to participate in the process of identification, study, interpretation, protection, conservation and presentation of the [...] [maritime] [...] cultural heritage”³⁴⁰

- Additional legal tools should be developed (laws, decrees, among others), to strengthen the normative and political framework for the safeguarding of this heritage; and to generate feasibility conditions, meaning the financing for its protection and conservation. This can be carried out with the support of the DNP, and the Ministry of Culture, among others.

- Management plans or special safeguarding plans should be developed for all those cultural goods and expressions that are declared as part of the maritime cultural heritage, in order to plan their conservation, management, diffusion and sustainability in a short, medium and long term. Presenting these social spaces and cultural landscapes as tourist and educational resources, of territorial development and management.³⁴¹

According to Article 11 of Law 397 - General Law of Culture:

[...] with the declaration of a good as of cultural interest, a special plan for its protection will be elaborated by the competent authority.
The special plan of protection will indicate the affected area, the zone of influence, the allowed level of intervention and the conditions of management, and the plan of diffusion that will assure the communitarian endorsement to the conservation of these goods, in coordination with the corresponding territorial organizations.

³⁴⁰ Ibid, p. 5.

³⁴¹ Instituto Colombiano de Antropología e Historia. “Informe sobre el Valor Histórico o Cultural de los Objetos Transportados en las Embarcaciones Hundidas en la Época de la Colonia, tales como El Galeón San José”, op. cit.

For the specific case of the recognized and prospected archaeological heritage in development of the construction of networks of hydrocarbon transport it will be understood as “Special Plan of Protection” the Plan of Archaeological Management that is part of the Environmental Management Plan presented to the Ministry of the Environment within the process of obtaining the environmental license.³⁴²

For the elaboration of such plans, to establish the following recommendations are considered important. In the first place, it is essential to have the participation of the coastal communities, as well as the local, departmental and national authorities, in order to carry out the valuation of goods and patrimonial expressions within the social space and the maritime cultural landscape. All this with the purpose of defining plan variables by identifying positive and negative impacts, seeking to mitigate the last ones.

Simultaneously, sensitization workshops regarding the declarations of maritime cultural heritage and their implications have to be undertaken. An explanation should be made to the coastal populations, to the governmental organizations, and to the private sector, that the main objective of the plans is to guarantee conservation and sustainability of the goods and patrimonial expressions, and, in general, of social spaces and maritime cultural landscapes, through their sustainable utilization. This with the main intention of benefiting the local communities, in this case the coastal groups.

The development of tourist circuits is suggested, as mentioned in chapter 4 as part of the strategies of sustainable development (positive impact) that enable the sustainability of the goods and hereditary expressions. This will also improve the living conditions of the inhabitants of the spaces and maritime hereditary cultural landscapes. For their design, the idea of social space and maritime cultural landscape is determinant in the measure it allows circuits where the hereditary

³⁴² Translated by the author of the present study. Original spanish texts as follows “[...] con la declaratoria de un bien como de interés cultural se elaborará un plan especial de protección del mismo por parte de la autoridad competente. El plan especial de protección indicará el área afectada, la zona de influencia, el nivel permitido de intervención y las condiciones de manejo y el plan de divulgación que asegurará el respaldo comunitario a la conservación de estos bienes, en coordinación con las entidades territoriales correspondientes.

Para el caso específico del patrimonio arqueológico reconocido y prospectado en desarrollo de la construcción de redes de transporte de hidrocarburos se entenderá como “Plan Especial de Protección” el Plan de Manejo Arqueológico que hace parte del Plan de Manejo Ambiental presentado al Ministerio del Medio Ambiente dentro del proceso de obtención de la licencia ambiental.”

Ministerio de Cultura, Colombia. Ley 397 de 1997 – Ley General de Cultura, op. cit, p. 6.

goods acquire sense inside their contexts by means of the use of peoples' traditional knowledge, that is, their immaterial heritage.

Tourist circuits make it possible to include within the tours traditional practices such as the elaboration of ceramics, fishing, having typical food, among others, constituents of the maritime patrimony. The circuits will therefore provide a source of income from all the sale of ceramic materials and traditional dishes.

Just as it is observed in the case of St. Andrews, a coastal city of Scotland, touristic walking routes can be designed for visitors to be guided by notices explaining the history of the sites and the historic path along the city. (Figure 9).



Figure 11. St Andrews – Scotland. Personal Picture File.

These tourist routes could also be guided by the settlers of the places who would explain to the visitors the local hereditary goods through their traditional knowledge.

Up to this point, it is important to note the following: for the development of this type of strategies, or of any others promoting tourism to in hereditary places,³⁴³ it should be kept in mind that in many cases coastal communities do not have the required infrastructure. Therefore, negative impacts can be generated by the visitors arriving to the said places as the exhaustion of services and resources of the populations, who mostly do not even cover their basic needs. Hereditary goods can be affected if a process of conservation or adequate and regular restoration is not applied to them.

It becomes imperative to think, at least until the problem is solved, about a way to control the number of visitors, or to achieve support from the private sector and the State. In this case, an agreement with each sector, by means of a program of investment looking for the benefit of the parts would be achieved, taking care that neither hereditary spaces nor populations would be affected. In this regard, any agreement, for example the inclusion of these places inside tourist packages of the private sector, should generate a labor offering for the inhabitants of the hereditary zones and assure both restoration and conservation of the places.

In all these cases, if the relations are not developed in a space of understanding and intercultural tolerance, it should be kept in mind that the relations can alter the traditions of the zones, even accelerate their disappearance. For example, the inclusion of new technologies will modify and transform the daily practices. Or the displacement of coastal communities to privileged tourist developments.

This can be mitigated by adopting that a philosophy of a sustainable development for the benefit of the community and of the maritime heritage; is applied thus to prolonging safeguard inside a normal context, flexible to changes, but avoiding said changes to be accelerated and promoting endangered processes.

³⁴³ It is considered important, that whatever is the tourist strategy that is design, this must be done within de framework of the new Cultural Tourism Policy: Identity and Competitive Development of the Heritage that was approved in Colombia this year.

Ministerio de Cultura Colombia. Política de Turismo Cultural: Identidad y Desarrollo Competitivo del Patrimonio. <http://www.mincultura.gov.co/eContent/newsDetail.asp?id=1133&IDCompany=3&IDCategory=528> accessed on 12 October 2007.

[...] Cultural heritage... [maritime]... become the engine for the sustainable development by means of the validation, rescue and rehabilitation of the cultural places and of the local populations, so that the hold of the customs be maintained and traditions of the receptor communities, by preserving their identity and guaranteeing the true social appropriation of these patrimonies on the part of their real population context [...]³⁴⁴

Concerning the management of incomes and competences generated inside the coastal populations (negative impacts), a suggestion is pertinent. Cooperatives can be created to manage money and to assure a balanced income through the promotion of a loyal competence, with the objective to assure group unit. Likewise, mechanisms should be generated that guarantee the work of all the community, including the neediest groups, for example, families headed by single women, so as not to generate imbalances inside the populations.

In the meantime, as reiterated, all this process should be accompanied by spreading – sensitizing campaigns by all mass media, and through educational campaigns in schools, universities and non formal education institutions, inviting the citizens to appropriate, to value and to conserve heritage, and to strengthen a national maritime identity. Ministries of Culture, Communications, and members of institutions as the CCO can support the development of this process.

A Sensitization Plan is necessary for the valuation of the good be diffused adequately, in order to strengtening the sense of ownership of the community toward the good, to assure its common endorsement and its recognition as fundamental intake of the social and economic development.³⁴⁵

³⁴⁴ Translated by the author of the present study. Original spanish texts as follows “El patrimonio cultural... [marítimo] [...] se convierta en el motor para el desarrollo sostenible mediante la validación, rescate y rehabilitación de los sitios culturales y de las poblaciones locales, de manera que se mantenga el arraigo de las costumbres y tradiciones de las comunidades receptoras, preservando su identidad y garantizando la verdadera apropiación social de estos patrimonios por parte de sus contextos poblacionales reales.”

Ministerio de Comercio, Industria y Turismo y Ministerio de Cultura. *Política de Turismo Cultural: Identidad y Desarrollo Competitivo del Patrimonio*. September 2007, p. 15.

<http://www.mincultura.gov.co/eContent/newsDetail.asp?id=1133&IDCompany=3&IDCategory=528> accessed on 23 October 2007.

³⁴⁵ Translated by the author of the present study. Original spanish texts as follows “El Plan de Divulgación es necesario para que los valores del bien se difundan adecuadamente, con el fin de fortalecer el sentido de pertenencia de la comunidad hacia el mismo, para asegurar el respaldo comunitario y su reconocimiento como insumo fundamental del desarrollo económico y social.”

Ministerio de Cultura. Proyecto de Reglamentación de los Planes Especiales de Protección, p. 12.

<http://www.mincultura.gov.co/eContent/newsdetail.asp?id=765&idcompany=3> accessed on 18 October 2007.

Finally, the plans should include mechanisms for the monitoring to report the processes as well as to highlight positive and negative impacts in order to generating new strategies to increase or mitigate them.

Whether the worst case arrives that in a short term a policy or regulatory instrument can not be designed to manage and control the cultural maritime heritage in the Colombian territory, the above issues should be included in the PNOEC, or at least, a new line of investigation in the Ministry of Culture, in the ICANH and / or in the Ministry of Education should be implemented. The important matter refers to be able to continue working harder to safeguard the Colombian maritime cultural heritage. Because while submerged into oblivion, our maritime cultural heritage will be in danger of disappearing.

Annex 1

United Kingdom main legal instruments and policies related with the safeguard of the maritime heritage:³⁴⁶

United Kingdom

Protection of Wrecks Act 1973

Ancient Monuments & Archaeological Areas Act 1979

Electricity Act 1989 (Sch.9, s.38) (require operators to have regard for the protection of archaeological heritage)

Town and Country Planning Act 1990 (Does not apply beyond water mark)

Water Industry Act 1991 (s.3.2(b) (require operators to have regard for the protection of archaeological heritage)

Transport and Works Act 1992 (require operators to have regard for the protection of archaeological heritage)

Merchant Shipping Act 1995 (as amended)

Merchant Shipping and Maritime Security Act 1997
(s.24)

Protection of Military Remains Act 1986

Food and Environment Protection Act 1985

Dealing in Cultural Objects (Offences) Act 2003

England

National Heritage Act 2002

Planning Policy Guidance 16 - Archaeology and Planning

Planning Policy Guidance 20 - Coastal Planning

Taking to the Water: English Heritage's Initial Policy for the Management of Maritime Archaeology in England, English Heritage 2002

³⁴⁶ Joint Nautical Archaeology Policy Committee, op.cit.
English Heritage, op.cit.

Scotland

National Planning Policy Guideline 5 - Archaeology and Planning

National Planning Policy Guideline 13 - Coastal Planning

Wales

Planning Guidance (Wales): Planning Policy Section 5 - Conserving and Improving Natural Heritage and the Coast

Planning Guidance (Wales): Planning Policy Section 6 - Conserving the Historic Environment
Welsh Office Guidance 60/96 'Planning and the Historic Environment: Archaeology'

Northern Ireland

Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage

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