

## SUMMARY

**Subject of the research thesis:** Actual problems of underwater cultural heritage

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**Relevance of the research issue:** Underwater cultural heritage is a huge cultural, scientific and financial value to humanity. Today, however, there are some gaps in the protection of the institution of underwater cultural heritage. Existing Conventions, international treaties and agreements are not able to resolve all disputes arising from this institution. Despite all efforts to protect underwater cultural heritage, a number of issues in this area is still open. For example, the problem of determining the ownership of the underwater cultural heritage, regulation of the rights of salvation and the rights of finds on the sea space, and the use of underwater cultural heritage for research for scientific purposes are nowhere secured and not settled. Lack of common rules, regulating these issues, leads to contradictory international practice, which adversely affects to the protection of underwater cultural heritage.

**The object of the study research** is a complex of issues related to the protection of underwater cultural heritage in contemporary international law.

**The subject of the study research** are international legal relations connected with the institution of the underwater cultural heritage, as well as factors affecting the safety of its facilities.

**The purpose** of the work is to examine and analyze the main aspects of the legal status of the Institute of underwater cultural heritage, as well as identifying specific implementation of protection of underwater cultural heritage.

**Research objectives:**

- to investigate the formation and development of the institution of the underwater cultural heritage;
- define the concept of underwater cultural heritage, reveal its contents;
- to analyze the basic types and forms of underwater cultural heritage;
- to study the characteristics of the international legal status of the underwater cultural heritage;
- to consider the international legal framework governing the protection of underwater cultural heritage.

**Scientific novelty:** It was considered the objects of underwater cultural heritage, as an integral part of mankind's history, requiring more effective protection, as well as reflected in the practical recommendations that will address existing gaps in the protection of underwater cultural heritage.

**Structure:** the introduction, two chapters containing three paragraphs, the conclusions and a 70-reference bibliography. The total volume is 74 pages.

**Summary:** For the most comprehensive study of the Institute of underwater

cultural heritage and the development of a strong legal legislation in this area it is necessary to conduct the classification of underwater cultural heritage. There is need to organize data objects for several reasons, which include the following: external features, a territorial basis, a value of the object, the remoteness of staying an object under water. This classification will provide an opportunity to accumulate knowledge obtained through the study of underwater cultural heritage.

Availability of maritime archeology objects can not only use these items for commercial purposes, but also puts them at risk of being ruined and destroyed. Because of contradictory international practice in conservation and protection of underwater cultural heritage, there are disputes concerning the resolution of these issues.

The main gap in the legal protection of the underwater cultural heritage is a complete lack of regulatory issues related to the definition of the ownership to these objects. While the objects of underwater cultural heritage will not be fixed by the owner who can guarantee them adequate protection, they will be subject to looting and destruction. Contentious issues also relate to the rights of salvation and the rights of finds, including the question of jurisdiction to resolve cases related to underwater cultural heritage beyond the territorial sea boundaries.

For the effective protection of underwater cultural heritage it is necessary a consolidation of the rules governing activities in this area in the domestic law. For the settlement of such problems on the sea areas where State jurisdiction is limited, it is necessary to conclude international agreements and treaties. In case of conflict of interests of States in respect of underwater cultural heritage, the issue should be addressed at the international level. Existing Conventions provide solutions for such situations by means of negotiations. At the same time, in the absence of a compromise a case can be transferred to the International Tribunal for the Law of the Sea.

Also there could be a problem when one of the parties to the case may be the state, which has not ratified the Convention, since it is not covered by their actions. In order to avoid the occurrence of such cases, it is need to establish an independent international body that would deal with cases relating to underwater cultural heritage sites. Such authority may be the International Court of Justice on maritime archeology, which will consider disputes arising in relation to the exclusive maritime archeology.

Besides it seems important to supplement the provisions relating to the right of finds and the right of salvation. The changes will be in the fact that the right of finds and the right of salvation shall exclude the right of ownership of the underwater cultural heritage, as these items are the public domain and the state can be its only owner, which directly representing the interests of all the people.