

Manifesto in favour of the Floating Maritime Heritage of the Spanish State
Gijón Statement in the Framework of the European Maritime Day
20 May 2010

The history of Europe is strongly related to the sea. Our past holds numerous crucial maritime episodes that have determined our process of development and our culture. This is a common culture to all the people of Europe, a culture which is both plural and rich in diversity. Its most visible materialization are the different vessels and ships that maintained the people of the coastline and offered them new prospects. This is an important heritage, as it is the expression of intangible traditional knowledge, sawyers, shipbuilders, seamen, fishermen, and many other occupations (activities) related to a territory and a natural landscape.

The European Union is aware of the value of such a legacy and is concerned about the littoral and coastal ecosystem damages and the lack of marine vocation. The policies of the European Union promote the preservation of marine environment and the recovery of activities related to the sea. The Green Paper - *Towards a future of Maritime Policy for the Union : a European vision for the oceans and seas* includes the chapter *Reclaiming Europe's Maritime Heritage and Reaffirming Europe's Maritime Identity*. This entails more active policies that give more visibility to maritime Europe, and the promotion of heritage, as well as the celebration of the European Maritime Day, due every May 20th.

Public Administrations of some European countries, particularly those with an Atlantic tradition, have already found the necessary instruments to develop a wider and more responsible policy related to the preservation of floating maritime heritage. These policies, which include the essential legal instruments, permit to develop a safeguarding policy for tangible and intangible traces of maritime activities and, in turn, to promote a long-lasting craft activity and the birth of new cultural and tourist activities related to this heritage.

In line with this, the endorsement of some European countries to the "*Memorandum of Understanding on the mutual recognition of certificates for the safe operation of traditional ships in European waters and of certificates of competency for crews on traditional ships (Wilhemshaven MOU 2000)*", should be interpreted as an important step towards the acknowledgement for the cultural value of traditional vessels and the promotion of its use.

Society has also mobilised in defence of this heritage and has constituted associations with the aim of recovering traditional maritime knowledge by means of restoration and preservation of historical and traditional ships. It is worth mentioning the role of the Association of European Maritime Heritage (EMH) in the protection of this heritage. As a result of their efforts, the Barcelona Charter of 2002, -based on the Venice Charter of 1964 related to the preservation of monuments-, established the criteria for the recovery and safeguarding of active traditional vessels.

Historical vessels and floating maritime heritage are taken into consideration in most of European legal systems. The Spanish State, despite its maritime vocation and heritage, has a current legislation that does not legally include these vessels. Such a lack of legal classification implies important obstacles for the conservation and recovery of the Spanish maritime heritage. It is essential to have a regulation on historic vessels and maritime heritage in general that ease effectively and efficiently their protection.

The most successful way to preserve this heritage completely, particularly concerning its intangible heritage – as specified in the principles and spirit of the UNESCO Convention on Intangible Heritage (2003) –, is to keep vessels in service. It is highly urgent to promote recovery and preservation measures for floating heritage in service, in order to avoid its loss due to scrapping or loss of its ability to sail.

The Maritime Navigation General Law Project is an opportunity for the Spanish State to give cultural value to floating heritage and offer a legal framework that encourages its use and preservation. –as well as other European countries already did in the past–. This Law is at present under consideration in the Parliament.

We the Museu Marítim de Barcelona and the Museo do Mar de Galicia, signatories of this statement, express the concern of institutions, entities, associations and individuals that have promoted and given support to the amendment to the Maritime Navigation Law in favour of the historical and traditional ships. We all value the efforts that the Spanish State makes to modernize and adapt the laws to the present requirements. However, in order to have one of the most advanced and noticeable projects related to the ship heritage it is necessary to take into consideration the following points as put forward but not in a thorough manner.

- That the regulation declare the extraordinary nature of vessels and ships declared of heritage interest by the competent authorities responsible for culture.

The Autonomous Communities shall promote, within their jurisdiction, the fulfilment of an active census on singular vessels and ships with the aim of creating a complete and detailed inventory of cultural and historical interest. The census will establish common criteria to classify maritime heritage, considering aspects such as authenticity, originality, having a representative nature, use and navigation technological components, and intangible values related to its historical scene and period, activity, ship owners, captains, or any other distinguished event or state of conservation.

The experience acquired by the *Museu Marítim de Barcelona* and the *Museo do Mar de Galicia*, in collaboration with different associations and entities, will allow to set up a common waybill to attain this goal.

Likewise, the efforts of Administrations should also head for the coordination of criteria related to restoration, preservation and operating capacity, taking into account the rules of the Barcelona Charter.

- That the regulation define and develop the notion of crafts.

The law provides for the distinction between vessel and ship in regards to the absence of flush deck and/or a length of less than 24 m. Likewise it is open to including a smaller crafts. Given that most of the hulls of heritage interest have a length of less than 24 m and that in most of the cases they are less than 12 m length it is necessary to determine the notion of a small craft, taking into account all the security requirements related to this type of boats.

- That once identified both the extraordinary nature of this floating heritage and the three ship categories already defined by law, the regulation allow to analyse and consider –even individually- the criteria to implement the law on boats of heritage interest. The minimal requirements of security must match the maintenance of these boats and their singular features, both of construction and navigation.

The European experiences related to identifying floating maritime heritage show that the number of listed boats is quite low in regards to the total census of the fleet. This allows to explore means of positive discrimination and to determine individualised and precise measures of security without undermining its cultural value, both tangible and intangible. Likewise the general implementation of the maritime regulation provide prevaingly for the cultural target of historical boats.

In order to analyse these concrete measures, we propose the creation of a mix commission formed by the competent Administrations and the relevant organisations in the field of maritime culture.

Finally, we would like to declare that these measures to consider in the decision process of the future Maritime Navigation Law should include measures of fiscal nature and that of the port tax exception, in accordance with the promotion and protection instruments included in European comparative law and our positive law: Law of Historical Heritage 81985) and other complementary legislation.

Thanks to all this Spain will move forward in the achievement of the objectives of the European Union for the European Maritime Day: the recovery of maritime heritage and the reaffirmation of the European maritime identity.

Gijón 20 May 2010