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## Ripples over sunken treasures

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ARE Malaysians averse to research and studies on culture and history in this age of cyberspace and high technology? A case in point is the recent ruckus over the recovery, by a foreign marine archaeological excavation team, of Ming Dynasty treasure off Mersing in Johor.

It prompted considerable Press coverage and a series of "raids" by Government authorities to ensure that "the foreigners do not make off with the treasures".

This is sad because these enforcement officers didn't seem to understand or appreciate the valuable archaeological work done by the researchers who had risked their lives to excavate the treasures.

In the words of Sten Sjostrand, the leader of the excavation group: "Every authority in the country was suddenly after the barang barang (600-year-old ceramics recovered from the sunken 15th-century Ming junk).

"They labelled me a criminal and threatened me with all sorts of legal action. The significance of the findings and research work was totally disregarded.

"Many experts familiar with this type of work, whom I had personally met and corresponded with, had expressed great interest in the research and provided much encouragement.

"It would have been nice if the Malaysian authorities shared the same sentiments instead of accusing me of trying to steal so-called national treasures," he says.

Sjostrand, 50, says no one seemed to understand the fact that the Malaysian Government has no legal jurisdiction over the wreck, codenamed Royal Nanhai, as it was found outside Malaysia's Exclusive Economic Zone (EEZ).

The local authorities, he notes, were obviously only after the money as they thought the treasures were worth millions (about 17,000 ceramic artifacts were recovered from the wreck).

"The fact is that ancient Thai ceramics, unlike Chinese ceramics, have little commercial value. Our find, therefore, is only significant in terms of its academic value."

Sjostrand says matters were made worse when the Malacca Museum Corporation (MMC), which had an agreement with him to excavate the Royal Nanhai, backed out over some misunderstandings.

"Newspaper reports also discredited me and my crew, as if we were a group of criminals," he adds.

Sjostrand, a marine and offshore engineer from Sweden and an amateur archaeologist, has been living in Singapore for the past 25 years.

According to Sjostrand, his Royal Nanhai excavation work officially began last year, after they struck an agreement with the MMC and its wholly-owned subsidiary Perzim to jointly undertake the task.

"We agreed on this deal on our own accord, notwithstanding the fact that under the United Nations International Convention of the Law of the Sea, to which Malaysia is a signatory, we do not require a Malaysian permit to carry out the work.

"We even took the step of studying the treatise on Malaysia and the Law of the Sea and other legal documents regarding the salvage of historical wrecks.

"It is clearly stated in these treatises that, 'The salvage of wrecks is therefore not determined by the EEZ rights but other rules of

international law (United Nations convention) since the rights to the EEZ only pertain to fishery rights'."

He says if any country has the right to stake a claim on the ship it would be Thailand (based on the wreck's cultural and historical origins).

"In my agreement with the MMC, I referred to this and pledged that certain artefacts excavated from the Royal Nanhai would be handed over to the Thai museums.

"We also included a paragraph stating: 'The excavators shall make all necessary arrangements such that artefacts recovered are available for the continued study of Southeast Asia's ceramic development, ship-building techniques and that the coherent value of the wreck and its artefacts support further studies of Southeast Asian historical and cultural heritage'."

Sjostrand says his crew's greatest mistake was entrusting the task of getting all necessary approvals from the Malaysian authorities for the excavation project to the MMC.

"It was on the personal instruction of the MMC, which gave an assurance that the Federal Government and State Government had authorised us to carry out the excavation, that we approached the Mersing and Endau police to provide security for our Endau warehouse."

Following the Federal Government authorisation outlined in a letter to the MMC dated May 9, 1995, and written by then Chief Secretary to the Government Tan Sri Ahmad Sarji Abdul Hamid, a Memorandum of Understanding was signed between Sjostrand and Perzim, pending approval by the legal advisor of the Malacca Government for the official working agreement.

This memorandum confirmed: "In the meantime Sten (Sjostrand) shall on an exclusive basis, weather permitting, proceed with the work in accordance with the draft agreement based on the approval of the project by the Honourable Prime Minister of Malaysia, in his letter of approval PM. 10355 Jld.IV dated 9th of May 1995 by the Chief Secretary to the Government of Malaysia."

"The irony is that the same Endau police who had kept guard over our warehouse since June 1995 nabbed us in October last year for illegally removing the artefacts from Johor waters.

"From then on, the various authorities began descending on us, piling more accusations against us, resulting in three of my crew being arrested and placed in prison for a day. Our passports were also seized by the Immigration authorities."

Sjostrand says on top of the initial charge that the crew had illegally removed artefacts from Malaysian waters, the crew members were also accused of illegally bringing the artefacts into the country, not possessing work permits and failing to report entry into the country.

He says subsequently, following investigations by the various departments, all the accusations against him and his crew were dropped, save for the alleged Customs Act violation.

Sjostrand claims that here again the authorities were deliberating their verdict in order to hold on to his passport.

He adds: "If they compound me for the offence, legally I can pay the fine and walk away with the artefacts.

"Of course my intention is to complete my excavation work on the Royal Nanhai and three other equally significant Ming wrecks in the region, the Nanyang, Xuande and Longquan that we have discovered."

Sipping tea on his boat The Cadenza, the principal vessel used by the crew for the excavation, Sjostrand says he and the crew have spent hundreds of thousands of ringgit for the years of research, and many months of writing a well-detailed 140-page report on the vessel and its ceramic artefacts.

The process, he adds, comprised visits to archives and museums all over the world, indepth research, and scientific testing and analysis.

"The crew also underwent great hardship at the dive site, facing the wrath of storms, contending with daily ocean currents which made dives and recovery work difficult and dangerous, plus the risks of repeated `extreme exposure diving'.

"I wonder now if it was all worth it.

"But for the moment, the Federal Government has invited us to negotiate the transfer of our agreement with the MMC to forge a new working arrangement directly with it.

"For this purpose I have now formed a Malaysian registered company with a Bumiputera partner, Nanhai Marine Archaeology Sdn Bhd, under the instructions of the Government.

"Our plan is to complete the excavation, which is only 30 per cent done, and give a representative share to the museums in the region. The balance will be sold to other museums and collectors to cover the costs of excavation.

"Many local and foreign institutions have already expressed interest in arranging exhibitions of the recoveries," says Sjostrand.

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