

## 4 How human intervention is harming the wreck of R.M.S. Titanic, and how the site is protected by law

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I think this is a story that has been told enough before to forego repeating many of the details here. Suffice it to say that late on the night of April 14th 1912, on its maiden voyage, the liner R.M.S Titanic struck an iceberg and floundered at 02.22 the next morning – breaking in two as she went – and carrying over 1500 people to their deaths (Lynch et al., 2003 p34).

For the next 73 years the wreck lay undisturbed on the floor of the Atlantic, about 2 miles from the surface, until it was discovered in September 1985 by an expedition led by Oceanographer Dr Robert Ballard (Ballard, 2007 p12). Since then the location of the wreck has become common knowledge and numerous visits have been made by deep sea submersibles with purposes ranging from scientific study, plundering artefacts from the sizeable debris field that joins the disparate portions of the ship, or merely conveying (rich) sightseers.

### How is the wreck being treated today?

There are two schools of thought on how the wreck of the Titanic should be treated. One approach is that the best way to preserve the ship and its memory is to retrieve from the site any artefacts which have a particular historical or aesthetic significance, which can then be displayed to the public (Ballard, 2004 p6). The other belief is that the wreck is a memorial to the greatest peacetime maritime tragedy and should be respected and preserved as such with a policy of look, don't touch'.

Central to the philosophy that artefacts should be recovered is the knowledge that the metallic content of the ship is being consumed, at the rate of some several hundred pounds per day, by bacterial life-forms known as Rusticles' which, as the name suggests, appear to be metal stalactites clinging to the ship (Lynch et al., 2003 p46). It is believed that unchecked these lifeforms could consume enough of the ship to cause the structure to collapse and be rendered un-recognisable in as little as 80 years (Lynch et al., 2003 p47).

However, in recent years it has become apparent that the intervention of manned-submersible craft has in several areas exacerbated the natural deterioration of the wreck. The forward mast, which lay across the bow, has been shorn of its light and bell, with salvagers destroying the battered remains of the crow's nest to do so (Ballard, 2007 p81). Near to this spot on the remains of the bridge the brass tele-motor, all that is left of the ship's wheel, shows signs of attempts to forcibly wrench it from its position (Ballard, 2004 p143). More general damage has been found to the boat deck and roof of the superstructure of the bow section from repeated submersible landings or impacts, particularly to the roof of the Marconi wireless room (Lynch et al., 2003 p86), while the deck railings have been flattened in several places (Ballard, 2007 p16).

Elsewhere, in the debris field which has been comprehensively picked over in the last 20 odd years with everything from shoes to magnums of champagne

having been recovered, can be found chains and sandbags used to weight containers for artefacts, as well as lighting apparatus from previous expeditions and large quantities of fibre-optic tether from remotely operated cameras (Ballard, 2004 p172).

Although as stated the condition of the Titanic is deteriorating naturally, Dr Ballard noted on a return expedition to the wreck in 2004 that areas which are inaccessible to submersibles, like the forecandle and forward well deck, are in remarkably good condition compared to the more frequented parts of the ship (Ballard, 2004 p154). The stern section too has altered little in the years since its re-discovery. This section had imploded on its 2 mile journey to the ocean floor due to the pressure differential between the air trapped inside and the water surrounding it. Today much of the stern is mangled metal which is either too dangerous to approach or of little interest to visitors, and so has been largely left alone to decompose naturally (Ballard, 2004 p122). It would appear, then, that in order to preserve the wreck for as long as possible, access to the Titanic needs to be controlled.

### **So what is the legal position regarding protection of the Titanics site?**

The fact that the Titanic lies in international waters off the coast of Newfoundland has made legislating for its protection problematic. Legal battles over ownership and salvage rights have raged since the wreck's re-discovery, with the apparent victor being a company named R.M.S Titanic Inc (RMST), who has salvaged some 6,000 items from the ship ranging from a child's marble to a 17 ton section of the hull. In 1993 the French awarded RMST the right to keep the artefacts they had recovered since 1987, and exclusive salvage rights were granted by the U.S. Federal Court in 1994 (<http://tinyurl.com/q5bcj7>).

A ruling by a U.S. District Judge is expected imminently on whether R.M.S Titanic Inc is allowed limited ownership and sale rights of the artefacts it has recovered as compensation for its expenditure on salvage operations. Of the case the Judge stated (<http://tinyurl.com/r7ngpe>):

I am concerned that the Titanic is not only a national treasure, but in its own way an international treasure, and it needs protection and it needs to be monitored

This indicates that the likely outcome is that this huge collection will be expected to remain together and available for public display as opposed to being auctioned off piece-meal to private collectors or museums (USA Today (<http://tinyurl.com/r7ngpe>)).

However, despite this widely supported statement the U.S has not yet implemented the agreement it signed with the U.K. in 2003 whereby unregulated exploration and salvage of the wreck has been banned, and the treaty has yet to be signed by France and Canada, the other countries involved. Even if all concerned were to ratify this treaty, however, there would be nothing to stop other nations legally visiting the wreck, and RMST's exclusive salvage rights have proved practically impossible to enforce. All of which means, unfortunately, that for the short term at least there appears to be no un-equivocal way in which the remains of the Titanic will be protected once and for all.

I personally believe that, strictly controlled, exploration of the wreck should continue as there are vast portions of the ship which can only be accessed as remote camera technology improves, and a wealth of information about the ship itself and the circumstances of her sinking awaits discovery. However I would say that, although the retrieval of artefacts from the site is currently legal, there are a number of professional and moral questions raised, as arguably there are concerning any shipwreck, from the trawler F.V. Gaul to the Britannic, the Titanic's sister ship. The archaeological significance of items removed from the debris field is dubious when explored out of context and, being produced less than a century ago, such items are for the most part valuable only through their association with the Titanic. The real objects of significance are the two halves of the ship itself which, as they are impossible to salvage, are explored in situ. Considering now the moral point of view one could argue that the retrieval of personal effects from the site where 1500 men, women and children perished in an event still within living memory is at best mawkish, and at worst tantamount to grave-robbing, though as salvage operations continue at the site to date this is clearly not a universally held opinion! (See USA Today Article)

## References

1. Ballard, R. D. (2004) *Return to Titanic: A new look at the world's most famous lost ship*. National Geographic.
2. Ballard, R. D. (2007) *Titanic: The last great images*, Haynes/Madison Press.
3. Lynch, D.; Marschall, K. and Cameron, J. (2003) *Ghosts of the Abyss: A journey into the heart of Titanic*, Madison Press.
4. United States Court of Appeals for the Fourth Circuit (2006) *R.M.S. Titanic vs Wrecked and Abandoned Vessel*
5. USA TODAY.COM 3/24/2009, Federal Judge to rule on fate of Titanic artefacts (<http://tinyurl.com/r7ngpe>)
6. R.M.S. Titanic Inc Homepage (<http://tinyurl.com/q5bcj7>)