

# MARITIME TREASURES OFF PENINSULAR MALAYSIA

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## ABSTRACT

*The Malay Peninsula – or what is present day West/Peninsular Malaysia – shores are flanked on either side by the South China Sea on the east and the Straits of Malacca (Melaka) on the west, both essentially important sea-borne passages between the East and the West. By the first millennium BCE and the early part of the first millennium CE the Malay Peninsula possessed trading sites on the lower reaches of rivers and along the coasts. Complementing the peninsula's strategic location was the seasonal monsoonal pattern that facilitated the comings and goings of merchant fleets enabling long-distant seaborne trade to develop. The peninsula acted as a 'connector' for the confluence of traders from East Asia to interact with counterparts from South and West Asia and within Southeast Asia. The Straits of Malacca was a pivotal passage of the Maritime Silk Route. A multitude of natural elements and man-made disasters (warfare in particular) resulted in shipwrecks in the Straits and the South China Sea. This paper shall revisit the beginnings of maritime archaeology in that part of the Malay Peninsula, namely Peninsular Malaysia, ascertain the players and the contemporary playing field, the benefits of this endeavour, look towards its developments, and envisage its future directions.*

## ABBREVIATIONS

*ICSID = International Centre for Settlement of Investment Disputes*  
*JMA = Jabatan Muzium dan Antikuiti (Museum and Antiquities Department)*  
*JWN = Jabatan Warisan Negara (National Heritage Department),*  
*KPKM = Kementerian Peloncongan dan Kebudayaan Malaysia (Malaysian Ministry of Tourism and Culture)*  
*TLDM = Tentera Laut DiRaja Malaysia (Royal Navy of Malaysia)*  
*Sdn Bhd = Sendirian Berhad (Private Limited)*  
*MARE = Marine Archaeology Research Excavation*  
*MHS = Malaysian Historical Salvage Sdn Bhd*  
*NARA = National Aquatic Resources Research and Development Agency*  
*NHA = National Heritage Act 2005 (2006)*  
*PSD = Public Services Department*  
*SEAMEO SPAFA Southeast Asian Ministers of Education Organization Regional Centre for Archaeology and Fine Arts*

*UAD = Underwater Archaeology Division*

*UCH = Underwater Cultural Heritage*

*UKM = Universiti Kebangsaan Malaysia*

*UMS = Universiti Malaysia Sabah*

*UNESCO = United Nations Educational, Scientific and Cultural Organization*

## INTRODUCTION

The Straits of Malacca was a pivotal passage of the Maritime Silk Route. The Malay Peninsula then acted as a 'connector' for the confluence and interaction of traders deriving from East Asia with counterparts from South and West Asia and within Southeast Asia. A multitude of natural elements and man-made disasters (warfare in particular) resulted in shipwrecks in the Straits and the South China Sea. This paper shall revisit the beginnings of maritime archaeology in that part of the Malay Peninsula, namely Peninsular Malaysia, ascertain the players and the contemporary playing field, the benefits of this endeavour, look towards its developments, and envisage its future directions.

## HISTORICAL BACKGROUND: STRATEGICALLY ON THE MARITIME SILK ROUTE

Although the Sanskrit name of *Suvarnabhumi* ('Land of Gold') was generally attributed to Sumatra during the first century CE, it could also have referred to neighbouring Malay Peninsula across the Straits of Malacca (Wheatley 1961; 1980: 285). During this early period there were visits from the Indian sub-continent to the vicinity of the Straits. The auriferous area of central Pahang yielded gold, the much sought after precious metal by the Indians. It undoubtedly owed to this metal that the ancient Greek term 'Golden Khersonese' was likely attributed to the Malay Peninsula. The Indians also recorded the term *Suvarnadvipa* meaning 'Golden Peninsula (or Island)', again another probable reference to the Malay Peninsula. By the third century CE the Chinese were aware that the Malay Peninsula was an important intermediate point on the sea route to India. During the first millennium CE the Malay Peninsula was on the international trade route between China and India. The Straits of Malacca was the pivotal sea passage in this East-West maritime international trade particularly, from the fifth century CE owing to the decline and subsequent abandonment of the trans-peninsular

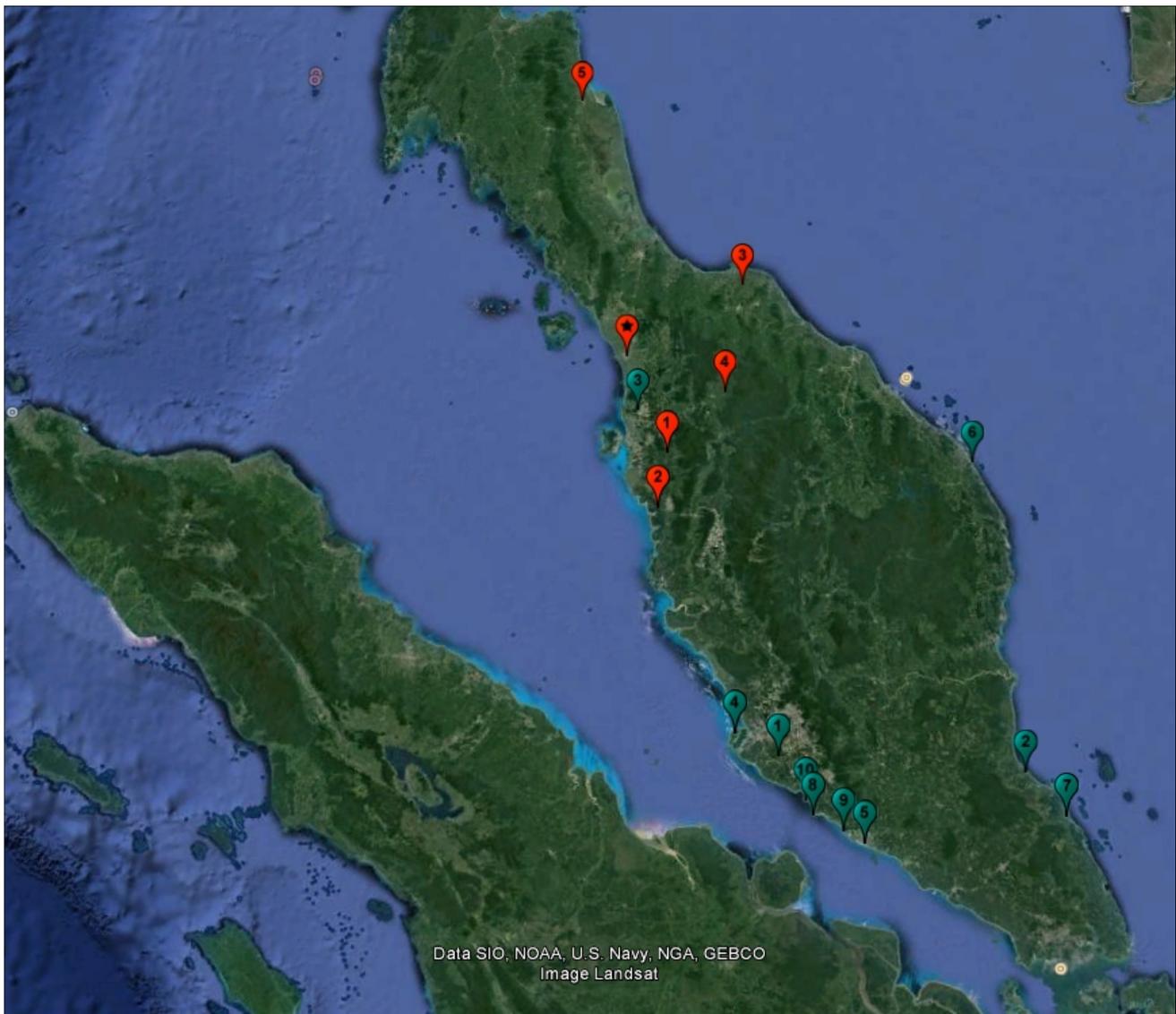


Figure 1: Malaysia Peninsula place names for terrestrial (red) and underwater (blue) archaeology sites mentioned in the text: Kedah, 1. Sungai Batu in Lembah Bujang, 2. Kuala Selinsing, 3. Langkasuka, 4. Chi-tu, 5. Khao Sam Kaeo (off map to the North), 6. Phu Kao Thong; 1. Sungai Langat, 2. Kuala Pontian, 4. Kuala Merbok, 5. Pulau Ketam, 6. Sungai Melaka, 7. Pantai Chendering, Japanese wreck, 8. Mersing, Johor – Risdam, 9. Cape Rachado – Vereenignk, 10. Tanjung Bidara – Diana, 11. Beting Bambek, Port Dickson, Negeri Sembilan – Nassau.

overland trade route that was beset with formidable natural obstacles (Miksic 1999: 74-5).

Trade between the Indian sub-continent and Southeast Asia was active during the first century CE. Not only were Indian goods, mainly luxurious items such as beads made from carnelian, agate and glass and intaglios made from Roman design, brought to Southeast Asia, but also point to trading relations between the Roman world and Southeast Asia (Southworth 2004a: 643; Glover 1989). At the same time intra trade between territories within Southeast Asia itself was evident from a notable example of the wide distribution of the Dongson bronze drums throughout the region pointing to trading links (Calo 2009, 2014).

Beginning from the second century CE there was an apparent steady decline in the use of the overland Silk Road trading network due to unsettling conditions in Central and West Asia. Gradually there was a shift to the Maritime Silk Route where the Straits of Malacca connected the South China Sea to the Bay of Bengal and the Indian Ocean. The Malay Peninsula then was strategically positioned on this maritime trade traffic. On the peninsula's west coast emerged the port-polity of Kedah (Rahman and Yatim 1990). Kedah's location (Figure 1) on the northeast shores of the Straits offered an unenviable position in commanding the sea traffic entering from the west and leaving from the east. At Sungai Batu in Lembah Bujang there were evidences pointing to iron smelting indi-

cating some form of long term settlement (Mokhtar Naizatul 2009; Mokhtar Naizatul, Mokhtar Saidin and Jeffrey Abdullah undated). Further south along the western coast of the peninsula was Kuala Selinsing, Perak that occupied an important point on the north-central path of the Straits. The Peninsula's east coast boasted two important points, viz. Langkasuka (present-day Patani, Southern Thailand) and Chi-tu ('Inland Kingdom') in Kelantan's interior. Langkasuka's prominence owed it to its commanding position between the Gulf of Thailand and the South China Sea, and proximity to the southern tip of the Indochinese peninsula (present-day southern Vietnam) (Wheatley 1961; 1980: 253-4, 26; Southworth 2004b: 2, 764-5).

Recent research on the Isthmus of Kra, Thailand in the last decade had pointed to the existence of polities such as Khao Sam Kaeo and Phu Kao Thong that were at least of the mid-first century CE (Bellina et al 2012; Bellina et al 2014; Glover and Bellina 2011; Hung et al 2013). Such discoveries lead to the likely and probable possibility of pushing further back the beginnings of intra-regional trade and even long-distance trade to the mid-first century CE.

There are clear evidences that Indian socio-cultural and economic exchanges were made with the Malay Peninsula in the late centuries BCE and early centuries CE, Kedah particularly was a significant example. Thereafter between the fifth and tenth centuries CE Chinese officials and religious pilgrims on seaward journeys en route to India made stopovers on the Malay Peninsula. In turn there were likely possibilities that some Malay traders and seafarers made sea voyages to coastal provinces of southern China. The late seventh century CE witnessed two developments in West and East Asia. The establishment of the Abbasid Caliphate (750-1258 CE) with its capital at Baghdad (762 CE) favoured peaceful conditions conducive for international trade either through a seaborne route via the Red Sea or a sea and overland journey from the Persian Gulf through Iraq thence Syria and the Mediterranean. Meanwhile the Tang Dynasty (618-906 CE) oversaw a *Pax Sinica* over the Chinese mainland fostering prosperity and affluence that led to the growth and expansion of the trade in luxury goods. The demands of the elites of West Asia and East Asia fostered the increasing importance of the commercial sea route to India and China as an attractive and lucrative enterprise. At the same time the overland Silk Road enjoyed prominence reaching its zenith in the mid-eighth century CE, declined towards the end of the Tang era, to revive with the ascendancy of the Song Dynasty (960-1279 CE) and prospered through the Yuan Dynasty (1279-1368 CE) and Ming Dynasty (1369-1644 CE).

The Maritime Silk Route in between India and China with Southeast Asia, particularly the Malay Peninsula and the Straits of Malacca, as the go-between and stopover, saw seaborne traffic expanding in either direction. Vessels of every shape, size, and description from India and beyond (West Asia, the Mediterranean, and Europe), and from China, Korea and Japan made the long seaward journeys (Jacq-Hergouale'h 2002: 30-50; Wheatley 1961;

1980: 12; Hall 1985: 30). Within insular Southeast Asia native crafts crisscrossed the Malay Archipelago involved in local and regional commerce as well as feeding international trade with spices, jungle products, sea produce, and other exotic goods. 'The emergence of Melaka as a trading hub in the 15th and 16th centuries,' declared Muzium Negara (National Museum) Director-General Datuk Ibrahim Ismail in a news conference held in conjunction with the exhibition 'The Miracle of Shipwreck Treasures,' at the museum in Kuala Lumpur in September 2011, 'attracted merchants from around the world' (Bernama 2011).

The indigenous maritime empires that oversaw trade and commerce (local, regional, and international) in Southeast Asia, namely Srivijaya (seventh to thirteen centuries CE) and Melaka (1400-1511 CE) maintained and sustained the Straits of Malacca as the major East-West sea route. By the advent of the Portuguese and Spanish in the sixteenth century the seaborne East-West trading route was well established; both Iberian powers appeared as new players in an old (East-West) trading game. From the seventeenth century when the Protestant powers – Dutch and English – entered the scene, they reorganized the rules of the old trading system; they not only controlled the sea passages in the all-important Straits of Malacca but also in one form or another exerted power and influence over territories throughout insular Southeast Asia. In an agreement forged in London, the Netherlands and Great Britain, the two 'exclusive Lords of the East', apportioned the Malay Archipelago between them (Tarling 1962: 155). The Anglo-Dutch Treaty of 1824 established an imaginary plumb line running through the Straits of Malacca whereby all territories to the north and northeast of this divide was acknowledged as the British sphere of influence and conversely the lands to the south and southeast within the Dutch ambit. Therefore, what is contemporary Peninsular Malaysia and Singapore was placed under London's purview whilst Indonesia was Amsterdam's concern. This imperialistic partitioning was maintained, briefly interrupted by the Japanese military occupation (1941-5), until 1949 for Indonesia, and 1957 for Malaya/Malaysia.

The foregoing sketch of developments in East-West trade demonstrates the prime importance and significance of the Malay Peninsula with particular attention to what is present day Peninsular Malaysia and the Straits of Malacca in seaborne commerce. For the present purpose Malaysia refers specifically to Peninsular Malaysia. By implications the waters in and around Peninsular Malaysia and the Straits of Malacca are rich in maritime treasures especially shipwrecks, and submerged coastal and riverine trading polities and settlements.

#### HISTORIOGRAPHY OF MARITIME ARCHAEOLOGY IN MALAYSIA

The current available data on maritime archaeological sites in the vicinity of Peninsular Malaysia is that of the early 2000s where 19 sites are identified (see Table 1, Bala and Bee 2002). A majority of these sites were

**Table 1: Explored and Excavated Maritime Archaeological Sites in Malaysia (Source: Bala and Bee 2002:113-117.)**

Name and Location	Date of Site	Research Findings (information relating to wreck)	Information on Site Provenance	Material Evidence (artefacts uncovered from site)
1. Sg Langat; Kpg Jenderam Hilir, Dengkil, Selangor	2640 ± 100 BCE	Late prehistoric and proto-historic artefacts	Banks of Sg Langat	Paddles of native crafts
2. Kuala Pontian; Pahang	500-1000 CE	Small craft	Unknown	Ceramics
3. Kuala Selinsing; Taiping, Perak	4th century CE	Settlement site; dug-out shaped coffin	Mangrove-forested estuary	Various artefacts and eco-facts related to early maritime community living in Malay Peninsula
4. Kuala Merbok; Kedah	Classical Period Bujang Valley, 5th/6th -14th century CE	Probable maritime relations between west coast Malay Peninsula and China	Unknown	Song Dynasty <i>celadon</i> bowl caught in fishing net
5. Waters off Pulau Ketam; Klang, Selangor	Classical Period Bujang Valley, 5th/6th -14th century CE	Probable maritime relations between west coast Malay Peninsula and India	Unknown	Hindu figurine caught in fishing net
6. Japanese wreckage; Pantai Cendering, Terengganu	Pacific War (1941-5)	First maritime archaeology project in Malaysia. JMA with assistance from TLDM undertook research in mid-1980; abandoned due to strong undersea current	Unknown	None
7. Sg Melaka; estuary of Sg Melaka, Melaka	15th century CE	Maritime archaeology project undertaken consequent of sea reclamation project; 25 Apr to 1 May 1984	Comprised an area 5 km from the river estuary to the coast	Various ceramics originating from China, Cambodia, Thailand, and Europe
8. <i>Risdam</i> ; 2.25 N 103.5 E; Mersing, Johor	1 Jan 1727	Illegal salvaging work undertaken in 1983 by H.C. Besancon and Dutch East Indian Wreck Research Foundation. In 1984 the stolen cargo was recovered by the Malaysian authorities	10 m deep in muddy seabed	120 tin ingots, 29 ivory, 80 iron pieces, and several artefacts
9. <i>Azie</i> ; Cape Rachado, Melaka	Unknown	Discovered in December 1989; until April 1991 76 companies showed interest in salvaging operation	Hull at depth between 39 m and 45 m (81-93 m?); its lower half in mud	Believed to carry a cargo of gold valued at USD\$ 50 million, blue and white Chinese porcelain, jade, and various types of artefacts
10. <i>La Paix</i> ; Beting Bambek, Cape Rachado, Melaka	28 Nov 1895	A French ship bound to Bengal from China laden with a horde of chinaware. In 1993 attempts to discover this vessel failed	Unknown	Chinese ceramics
11. <i>Diana</i> ; 2.14 N 102.5 E, Tg Bidara, Melaka	5 Mar 1817	Discovered in 1993, and excavation work undertaken in Jan 1994 by Malaysian Historical Salvage Sdn Bhd. First legal commercial salvaging project; resulted in numerous problems relating to the concession	In proximity to Petronas oil platform with a depth of 34 m	24,000 pieces of Qing Dynasty (Jingdezhen) porcelain of various types, glass artefacts, beads, and plants; estimated worth of USD\$ 3.7 million
12. <i>Nassau</i> ; 31.55 N 41.19 E, Beting Bambek, Port Dickson, Negeri Sembilan	17/18 Aug 1606	Discovered in 1993 by Transea Sdn Bhd whence undertaking a search for <i>La Paix</i> . Work undertaken in 1995 for 3 months. It did not involve the raising of the hull.	Hull in a depth of 29 m	500 artefacts of various descriptions were recovered including 15 canons, shipping equipment, coins, and ceramic shards
13. <i>Duarte de Guerta</i> ; located 13 km from <i>Nassau</i>	17/18 Aug 1606	Discovered in 1993 by Transea Sdn Bhd whence undertaking survey for <i>Caroline</i> (1816).	Unknown	None
14. <i>Middleburg</i> ; located 13 km from <i>Nassau</i>	17/18 Aug 1606	Discovered in 1993 by Transea Sdn Bhd whence undertaking survey for <i>Caroline</i> (1816).	Unknown	None
15. <i>Sao Salvador</i> ; located 13 km from <i>Nassau</i>	17/18 Aug 1606	Discovered in 1993 by Transea Sdn Bhd whence undertaking survey for <i>Caroline</i> (1816).	Unknown	None
16. <i>Royal Nanhai</i> ; 11 nautical miles from Pulau Pemanggil, Pahang	1420-1450	Discovered and undertook illegal salvaging work in 1997 by Sten Sjostrand and his business partner Khalid Yusop in Nanhai Marine Archaeology Sdn Bhd.	Hull in a depth of 46 m in an area 28 m X 7 m	20,973 <i>celadon</i> plates, porcelain, tin ingots, and iron pieces
17. <i>Nanyang</i> ; located in proximity with <i>Royal Nanhai</i>	Unknown	Discovered during the survey operation for <i>Royal Nanhai</i> by Nanhai Marine	Hull believed to be in a depth of 54 m	None

18. <i>Xuande</i> ; located in proximity with <i>Royal Nanhai</i>	Unknown	Archaeology Sdn Bhd. Discovered during the survey operation for <i>Royal Nanhai</i> by Nanhai Marine Archaeology Sdn Bhd.	Hull believed to be in a depth of 52 m	None
19. <i>Longquan</i> ; located in proximity with <i>Royal Nanhai</i>	End of 14th century CE?	Archaeology Sdn Bhd. Discovered during the survey operation for <i>Royal Nanhai</i> by Nanhai Marine Archaeology Sdn Bhd.	Hull believed to be in a depth of 63 m	Believed to possess a cargo of ceramics of between 120,000 and 230,000 pieces

Sg = *sungai* (river)  
 Kpg = *kampung* (village)  
 Tg = *tanjung* (cape)

explored and some excavated with significant findings of artefacts including gold, tin ingots, iron pieces, coins, ceramics, cannons, beads, glass, and shipping paraphernalia. One of these sites (Sungai Langat; Kampung Jenderam Hilir, Dengkil, Selangor) dates back to the late prehistoric and proto-historic period. Another site (Kuala Pontian; Pahang) is dated to the early first millennium during the time of interaction between Peninsular Malaysia and the Indian sub-continent. At Kuala Selinsing, Taiping, Perak, a mangrove-forested estuary, a settlement was founded in the fourth century CE with various artefacts and ecofacts related to early maritime community living. Two other sites – Kuala Merbok, Kedah and off Pulau Ketam, Klang, Selangor – were contemporaneous of the Classical Period (early centuries CE) of the Bujang Valley. Another site is located in the estuary of Sungai Melaka, Melaka, dates to the era of the Malay Muslim Melaka Sultanate (1400-1511 CE), and comprises an area 5 km from the river estuary to the coast. There, artefacts of various types with provenance from China, Cambodia, Thailand, and Europe testify to the operation of international sea-going trade. Fifteenth century Malacca was a significant centre and port-of-call of the Maritime Silk Route that linked China through the Straits of Malacca, the Indian Ocean, Arab Sea, Persian Gulf, Red Sea to the Mediterranean and Europe.

Shipwrecks dating from the late fourteenth century to the mid-twentieth century comprise the majority of the maritime archaeological sites off the waters of Peninsular Malaysia such as the *Longquan* purportedly dating to the end of the fourteenth century, and remnants of Pacific War (1941-5) Japanese wreckage, off Pantai Cendering, Terengganu appear to be the most recent chronologically of the sites. European vessels (Portuguese, Dutch, English) predominates the variety of shipwrecks, many believed to be laden with valuable cargo.

Although excavation works were undertaken on a few shipwrecks, many still remain unexplored and only scant details are known of them apart from their probable existence and location. Out of 19 explored and excavated maritime archaeological sites in Peninsular Malaysia (Table 1), information on the provenance of the site listed as ‘unknown’ is almost half the number (items 2, 4, 5, 6, 10, 13, 14, 15) whilst another three cited as ‘Hull believed to be in a depth of ...’ (items 17, 18, 19). Overall much more exploration and excavation works are needed of the known sites as the exertions to date remained at best patchy. Furthermore, efforts to uncover new finds need to

be stepped up lest they are consumed and lost to the elements.

#### Genesis of Maritime Archaeology in Malaysia

Maritime archaeology in Malaysia is at best pedestrian as far as development and progress in the field is concerned. The earliest work in this area was in 1927 when I. H. N. Evans discovered and investigated the remnants of a vessel on Sungai Pontian, Pahang (Evans 1927). This ‘Pontian Ship’ was believed to date between 500 and 1000 CE. Others who had commented on this vessel were C. A. Gibson-Hall and Adrian Horridge, the former postulated that it was of Thai design and build (Gibson-Hall 1962; Horridge 1981). In the late 1920s Evans discovered kitchen midden in Province Wellesley that shared similarities with counterparts in northeast Sumatra revealing the existence of prehistoric maritime activities some 8,000 years ago although the type of activity remained yet unclear (Evans 1930; Callenfells 1936). In the mid-1970s boat paddles together with Neolithic artefacts and ceramics that registered a dating of between 2640 ± 100 BP (about 600 CE) were found at the banks of Sungai Langat near Kampung Jenderam, Dengkil, Selangor (Batchelor 1978; Leong 1977). There were undoubtedly ancient maritime activities on Peninsular Malaysia, where various sites excavated in the early 1960s uncovered Dongson bronze drums that originated from the Red River Delta of Vietnam (Calo 2009, 2014). About a metre in height and could weigh to 100 kg these heavy drums with decorative designs (depicting fauna, scenes of daily life, battles, boats, or geometric patterns) were made some time between 600 BCE (or earlier) and the third century CE. A pair of Dongson drums was found buried on top of the remnants of a boat in Kampung Sungai Lang, Banting, Selangor; the latter was dated to about 500 CE (Peacock 1964). In 1932 at Kuala Selinsing, Taiping, Perak, a site of a maritime community in existence of about the fourth century CE uncovered *inter alia* boat coffins with skeletons together with numerous artefacts for use in the nether world (Evans 1964). The 400 km<sup>2</sup> Bujang Valley archaeological site dating to the Classical Age (Hindu-Buddhist Period) further revealed maritime activities on the Peninsular Malaysia (Rahman and Zakaria 1993).

It could be said that there was a prolonged hiatus in this field of endeavour until the early 1980s. Common denominators of factors that adversely retarded development of maritime archaeology in Malaysia include neglect and/or disinterest, paucity of information, high costs of

exploration and excavation projects, lack of expertise and experience in the field, and lack of institutional support.

The *Jabatan Muzium dan Antikuiti* (JMA, Department of Museum and Antiquities) was the initial government authority involved with maritime archaeology in post-independence Malaysia. JMA was the governing body tasked to enforce the *Akta Artifak* 1976 (Artefact Act 1976) and other legislations related to the protection and preservation of national treasures and heritage. In 1979 there were plans in the pipeline to establish a maritime archaeology department or unit in the country. Efforts were underway in 1982 to realize this intention but lack of funding commitment delayed approval by the Public Services Department (PSD) until 1988 (Regis and Koon 1992; Adi Haji Taha 1986: 136). PSD's approval notwithstanding there was no qualified and appropriate candidate for the establishment's directorship hence no maritime archaeology department or unit was established. Likewise, when an underwater archaeology unit was created within the Sabah Museum in 1986, the dire pool of expertise retarded the progress. The Sabah Museum is under the Sabah State government as is the case with other state museums in Malaysia. It is unclear to what extent JMA has control over the Sabah Museum (or other state museums); federal-state relations could be problematic.

In Peninsular Malaysia despite the dire circumstances of personnel and funding issues, JMA undertook the responsibilities of establishing an Underwater Archaeology Unit in 1988; at best, the work was considered secondary and undertaken on an *ad hoc* basis. Prior to the unit's formal establishment, JMA in 1980 assisted by *Tentera Laut DiRaja Malaysia* (TLDM, the Royal Malaysian Navy) with support from the Terengganu State Government, investigated the wreckage of a Japanese warship off Pantai Chendering. Work, however, had to be abandoned owing to the strong undercurrent in the vicinity of the wreckage. Three years later in 1983 JMA faced the case of illegal salvaging work carried on *Risdam*, a *Vereenigde Oost-Indische Compagnie* (VOC, United East India Company) flute (fluyt) of dimensions, 46 metres long, 15 metres in beam, and 12 metres in height (Taha 1986: 137-8) sunk off Mersing, Johor. The treasure hunters seized 120 tin ingots, 29 ivories (no other description accompanied this object), 80 iron pieces, and several other artefacts. JMA, and again with the assistance of TLDM, undertook investigation into this site. Finally, with assistance rendered by the Singapore authorities, JMA recovered the stolen treasures without any protracted legal issues. It was believed that gold was also part of *Risdam*'s cargo when it left Ligor in early 1727 but was not declared, apparently a common practice, on the ship's manifest. Meanwhile in 1989 the Sabah Museum's Underwater Archaeology Unit undertook exploratory work in the waters north of Pulau Banggi consequent of information from local inhabitants but failed to discover any ship's remnants. At the same time JMA on its part carried out similar exploratory work at the mouth of Sungai Melaka uncovering various types of ceramics originating from China, Cambodia, Thailand, and Europe. A similar survey was again made in 1995

prompted by rapid land reclamation work that might adversely impact on any shipwrecks on Malacca's coastal waters (*New Straits Times*, 15 Oct 1995.). In this second effort neither any shipwrecks nor artefacts were discovered. At this juncture JMA merely played the function of custodian, saviour and conservationist of maritime archaeological sites in line with UNESCO's guidelines to archaeological excavations (UNESCO 1956.). It was the least that JMA could do owing to the lack of expertise and infrastructure in this discipline.

The late 1980s and the 1990s witnessed developments with positive and negative impact on maritime archaeology in Malaysia. Public interests and imagination peaked in December 1989 with the rumoured treasure of *Azie* estimated at USD\$ 50 million (*Utusan Malaysia*, 27 Apr 1991). The wreckage was found in a depth between 39 m and 45 m with the lower half of the hull in mud. Gold, tin, Ming porcelain, jade, and other precious artefacts were believed to compose the cargo of this VOC ship *Vereenigk* off Cape Rachado, Melaka. JMA was startled with this publicity and consequently inundated with 76 companies pursuing permit for salvaging operation. On hindsight *Azie* stirred public attention to maritime archaeology in the country although the rich cargo undoubtedly was the main focus and not the hull wreckage itself for historical inquiry and/or scientific study.

The early 1990s witnessed another adverse impact on the field of maritime archaeology in Malaysia. Although a common occurrence in this field, it was the country's first legal tangle over recovered cargo. The English East Indiaman *Diana*, a country trader, brought forth the controversial legal issues of concessions, contracts, and valuable cargo. The salvaging of this vessel that sunk off Tanjung Bidara, Melaka from Macau en route to England with stopover at Calcutta had a significant impact on maritime archaeology in Malaysia. Following a decade-old search, Dorian Ball, a Singapore-based treasure hunter, finally found *Diana* in December 1993 (Ball 1995; Flecker 2002: 19). Salvage work begun from January the following year undertaken by Malaysian Historical Salvage (MHS) Sdn Bhd, a private commercial enterprise under the supervision of JMA. The fruits of Ball's and MHS's labour were a valuable treasure cache comprising some 24,000 pieces of Qing Dynasty (*Jingdezhen*) porcelain of various types, glass artefacts, beads, and plants. The estimated market value was ascertained at USD\$ 3.7 million. Under the conditions of the permit license given by the Malaysian government to MHS was that RM 200,000 as 'license guarantee fee' were held as collateral by the former to be returned upon the completion of the excavation work. The RM 200,000 for all intent and purposes were a guarantor in the event that MHS absconded with the findings. Apparently no specific time frame of the license was agreed between the parties. Furthermore, the Malaysian government was to partake thirty-five per cent of the value of the cargo recovered and sold (Wells 1995: 45). Ball and MHS were dissatisfied with the concession agreement that was perceived to be to their disadvantage; subsequently the two parties met in court in a protracted legal

tangle over pecuniary issues that concluded in favour of the Malaysian government (JMA No. 53).

MHS turned to the International Centre for Settlement of Investment Disputes (ICSID) arbitration under the Malaysia-United Kingdom bilateral investment treaty. Arbitrator Judge Michael Hwang in 2007 declined ICSID jurisdiction 'concluded that Malaysian Historical Salvors' investment in a marine salvage operation had not made a significant contribution to the Malaysian economy, and therefore fell outside the scope of the ICSID Convention' (Vis-Damon 2009). However, in 2009 Hwang's disqualification was annulled by an ICSID committee (Vis-Dunbar 2009).

The legal complications of *Diana* pressed the Malaysian authorities to give greater emphasis in building up expertise and infrastructure for maritime archaeology hitherto undeveloped. In facing Ball and MHS in court a *Jawatankuasa Kebangsaan Pengurusan Kapal-Kapal Karam Bersejarah* (National Committee for the Management of Historical Shipwrecks) was constituted under the Ministry of Finance drawing its members from various government departments *inter alia* *Kementerian Kebudayaan, Kesenian dan Pelancongan* (Ministry of Culture, Arts, and Tourism), JMA, *Jabatan Peguam Negara* (State Legal Department), *Jabatan Arkib Negara* (National Archives Department), *Perbadanan Muzium Negeri Melaka* (Melaka State Museum Corporation). This national committee worked in tandem with JMA that had representatives on the committee. The *Diana* episode was an eye-opener, a wake-up call for the government to adopt a more proactive stance on maritime archaeology that has increasingly become significant.

The excavation project of the *Nassau*, a Dutch galleon, was a milestone in the field of maritime archaeology in Malaysia. On 17 August 1606 the Portuguese then in control of Malacca confronted a large Dutch armada of galleons and galleys led by Admiral Matalieff de Jonge. The Portuguese on the defensive had fourteen galleons, four galleys, and some fifteen or sixteen smaller support crafts. The two fleets clashed off Cape Rachado, north of the port-city of Malacca. Although the battle swung to de Jonge's favour (Portuguese lost four galleons to two of the Dutch), he failed to capture Malacca. The 320-tonne *Nassau*, one of the combatant vessels, was burnt and sank (Bala and Baszley 2002: 116, 122; Wells 1995: 115-16). Its remnants were discovered in 1993 on a perchance by a commercial salvage company, Transea Sdn. Bhd. then undertaking a search for *La Paix*, a French ship bound to Bengal from China laden with a horde of chinaware when it sank in 1805 at Beting Bambek, Port Dickson, Negeri Sembilan.

The Malaysian government for the first time granted an exploration contract worth RM 3.5 million to Transea Sdn. Bhd. for undertaking maritime archaeological excavation on *Nassau*. Transea undertook work in 1995 for a three-month period, engaged Oxford city-based specialists MARE (Marine Archaeology Research Excavation Unit), and worked with JMA and Universiti Kebangsaan Malay-

sia (UKM). The scope of excavation did not involve the raising of the hull.

The *Nassau* maritime archaeological excavation project was regarded by the public in Malaysia as an exemplary success in terms of cooperation, coordination, and tandem action between JMA, a local public university, foreign experts and a private company. In contrast to the consequences of *Diana*, it appeared as a positive attempt to a close working cooperation between a private commercial company (Transea Sdn. Bhd.) and government agencies (JMA and UKM). Both JMA and UKM gained hands-on experience from foreign specialists (Oxford MARE) involved in the project. According to the terms of the license, artefacts considered directly relevant to the history and/or culture of Malaysia were vested with the government; but the problem remains that the remainder artefacts could be auctioned or sold with a portion of the proceeds claimed by the Malaysian government (Adi Taha 1989).

But cooperation and coordination aside, from the perspective of good archaeology *Nassau* was not a successful story. Firstly, information is scant with regards to the outcome of *Nassau*'s 'treasures'. Secondly, there has yet to be produced an archaeology report published on the 'excavation' so information was lost to all of us about our ancestors' past interaction with the sea. Consequent of the aforesaid the *Nassau* case appears to be an example of malpractice, a not uncommon phenomenon.

Whilst working on *Nassau*, several other sunken European vessels involved in the naval engagement off Cape Rachado in 1606 were discovered: *Alioza de Caruilla* (*Caravailla*), *Simon Mau*, *Duarte de Guerra*, *Saint Symon*, *Nossa Senhora Concepcion*, *San Nicholas*, *Santa Cruz*, and *Don Antonio* from the Portuguese fleet, and the Dutch ship *Erasmus* (Borschberg 2011; Wells 1995: 115; Yatim 1995).

In the mid-2000s JMA was succeeded by *Bahagian Konservasi dan Arkeologi* (Conservation and Archaeology Section), *Jabatan Warisan Negara* (JWN, Department of National Heritage), *Kementerian Pelancongan dan Kebudayaan Malaysia* (Malaysian Ministry of Tourism and Culture). The background and functions of JWN are presented in Appendix A. Procedures for exploration license including terms and conditions are detailed in Appendices B, C (Underwater), and D (Land).

Appendix A presents the background, details the functions and organization structure of JWN. Its Archaeology Branch is headed by a Curator that oversees four units, viz. Mapping (Assistant Curator), Gallery and Information (directly under the Curator), Exploration Unit (Assistant Curator), and Underwater (manned by two Museum Assistants). The last mentioned unit with its manpower of low-ranking personnel reflects the overall importance of maritime archaeology as far as the JWN is concerned.

Appendix B is essential for would-be explorers, salvage companies, and maritime archaeologists as it lists the relevant documents to be downloaded in the application of a license. The prerequisites, terms and conditions

are detailed for three categories of license, namely license for the export of heritage artefacts, license for the exploration and salvaging of underwater heritage culture (Appendix C), and application for license for excavation of land for the purpose of uncovering heritage objects (Appendix D). Appendices C and D are the detailed information pertaining to the aforesaid criteria for obtaining 'license for the exploration and salvaging of underwater heritage culture,' and 'application for license for excavation of land for the purpose of uncovering heritage objects' respectively. In Appendix C, the regulations that governed the actions of licensees are given in English to assist readers of this present paper.

#### HUMAN RESOURCES AND MANAGEMENT: PLAYERS AND THE PLAYING FIELD

It could not be over emphasized that the waters in the vicinity of Peninsular Malaysia, strategically situated on the Maritime Silk Road, present an undersea graveyard of many vessels that were lost and sunk.

Treasure hunters who seek shipwrecks for financial rewards on the one hand, and maritime archaeologists in pursuit of knowledge of the past, and government authorities responsible for safeguarding and preserving national heritage and history on the other hand appear to be the overall scenario of the state of maritime archaeology in contemporary Peninsular Malaysia. Although on first impression it seems that treasure hunters are pitted against academic-oriented maritime archaeologists and government agencies (departments, ministries) responsible for national heritage. Although a notable exception, the case of the *Nassau* has demonstrated how a private commercial salvage enterprise could work to a commendable extent with maritime archaeologists with cognizance and approval of the Malaysian government. Yet, the lack of substantial publication on the excavation and the selling of artefacts with no record available on who owns what and provenance of the artefacts leaves this case as an unsuccessful attempt in terms of good archaeology practice. Unfortunately, in Southeast Asia, as in much of the world, this sort of malpractice is problematic and antagonistic.

On the part of the Malaysian government there are legislations to safeguard and preserve national heritage and history but they are not yet ideal or appropriate. The Antiquities Act 1976 'provides for the control and preservation of, and research into ancient and historical monuments, archaeological sites and remains, antiquities and historical objects. ... [and] regulates dealings in and export of antiquities and historical objects' (Doraisamy 1986: 175). This Act, however, is only applicable to Peninsular Malaysia. According to Doraisamy (1986: 175-6) this law,

Section 3 (1) recites that every antiquity discovered in West [Peninsular] Malaysia shall be the absolute property of the [Malaysian Federal] government. Section 4 ... requires any person who discovers any object or monument which he has reason to believe to be an antiquity or ancient monument to give notice to the

Penghulu [Headman] or the District Officer of the area, and if practicable to deliver the antiquity to the District Officer. ... If the object is retained by the Director-General [Department of National Heritage] 'reasonable compensation' has to be paid, but the finder forfeits his right to that compensation if he had failed to give notice of the discovery in accordance with the mandatory provision of section 4 of the Act.

The penalty for not reporting a find by an individual 'is liable to imprisonment not exceeding one year or to a fine not exceeding two thousand ringgit or to both' (Doraisamy 1986: 176). The penalty appears to be too light as a deterrent considering that artefacts might fetch high prices in the open market. More often finds are made by fishermen, and majority do report to the local authorities, usually the penghulu of their kampung (village). The latter will take the matter to the police and/or District Officer. As fishermen lived in closed-knit kampung, it is unlikely that any goings-on on the seas are not discussed on shore and village.

Three decades forward, the Antiquities Act 1976 was repealed by the National Heritage Act 2005 (NHA 2006). Appendix E contains abstracts drawn from the National Heritage Act 2005 (2006, henceforth the NHA) published by the Government of Malaysia. 'Part IX – Underwater Cultural Heritage' (2006: 44-6), and 'Part XII – Licensing' (2006:53-8) provide pertinent information for practitioners in the field. The NHA (2006) is formulated 'to provide for the conservation and preservation of National Heritage, natural heritage, tangible and intangible cultural heritage, underwater cultural heritage, and other related matters' (NHA 2006: 11). Matters pertaining to underwater cultural heritage are detailed in Part IX that comprises six sections, namely (61) Underwater cultural heritage; (62) Possession, custody or control of moveable underwater cultural heritage; (63) Declaration of underwater cultural heritage; (64) Protected zone; (65) Salvage and excavation works to be licensed; and (66) Ownership of underwater cultural heritage found during survey, salvage and excavation (Appendix E). As regards to licensing (Part XII), 'No person shall excavate any land for the purpose of discovering an object unless he holds a license approved by the Commissioner [of Heritage]' (NHA 2006: 54).

Although there is no water-tight guarantee that a licensee could be a practicing treasure hunter or decided to 'convert' to this profitable profession after having uncovered a hoard of treasure too lucrative to 'share' with the government, thorough background checks on prospective applicants appear to be the only option to the Federal Government-appointed Commissioner of Heritage. The current licensing procedure appears not to be tight or efficient in disqualifying malpractices. Admittedly more checks and balances are needed to weed out abuses. For instance, the penalty for wrongdoers of 'a fine of Malaysian Ringgit MYR 50,000.00 or imprisonment of not more than five years or both', and for second-time offenders and thereafter, 'imprisonment of not more than ten years or both (inclusive of the aforesaid fine)' (Ap-

pendix C – (11)) should be raised, both fine and period of imprisonment, to signal the government's seriousness and act as a deterrent to would-be treasure hunters.

The NHA (2006) appeared to have addressed most of the pertinent issues related to its scope of coverage and objective. Enforcement of any legislation is often a challenge but diligence and surveillance are called for on the part of the Commissioner of Heritage, the various State governments, and general public (to report suspicious activities to the authorities) in ensuring that no compromises are made in regards to heritage and historical issues, as should have been in the Nassau case. Public awareness of the importance to protect the country's maritime heritage and treasures need to have greater publicity in dissemination efforts with regular campaigns and roadshows, the display of informative posters and signboards, and public talks to educate and inform the general populace. Meanwhile enforcement need to be stepped up and any prosecution of malpractices need to be widely publicised as showcases that the government is fully committed to protect and safeguard the nation's heritage.

#### DISCUSSION: DEVELOPMENTS AND FUTURE DIRECTIONS

Malaysian maritime archaeologists as academics and practitioners of the discipline should take cognizance of the important role they play. Not only must the number of maritime archaeologists be increased but also, and more importantly, their knowledge, skills, and experiences need to be enhanced through training, exposure, and participation in field projects within the country and in collaboration with foreign counterparts abroad in exploration and excavation outside Malaysia. The UNESCO Foundation Course on the Protection and Management of Underwater Cultural Heritage in Asia and the Pacific (2009, 2010 and 2011) followed by the training course conducted by the Southeast Asian Ministers of Education Organization Regional Centre for Archaeology and Fine Arts (SEAMEO SPAFA) in collaboration with the Underwater Archaeology Division (UAD) of the Thai Fine Arts Department, Ministry of Culture have provided training for Malaysian maritime archaeologists (see below). These are currently the main outlets for training in the interim but more needs to be done locally. Public universities need also contribute in laying the groundwork for offering degree-level courses in maritime archaeology, facilitate research grants for exploration and excavation projects, and institutional support for those involved in this discipline.

Thus far Malaysia's efforts are in line with UNESCO Convention on the Protection of the Underwater Cultural Heritage as far as the main principles are concerned, viz. 'Obligation to Preserve Underwater Cultural Heritage', 'In Situ Preservation as first option', and 'No Commercial Exploitation' (UNESCO 2001). Efforts at weeding out would-be treasure hunters and prosecution of culprits guilty of malpractices need to be stepped up on the part of the government. At the same time public awareness of the importance of the country's Underwater Cultural Heritage (UCH) needs to be heightened and regularly promoted.

Besides regulations and legislations to protect UCH, Malaysia could consider a cue from Sri Lanka whereby 'Any activities directed at a shipwreck have to be approved with the consent of all ministries', namely 'National Aquatic Resources Research and Development Agency (NARA), the Ministries of Culture and Arts, National Heritage, Fisheries, Coast Conservation, Foreign Affairs, Defense, Shipping, Tourism, Environment, Science and Technology and Sri Lanka Police' (Lin 2015: 256). A concerted effort by the relevant authorities could further ensure any malpractices or illegal activities by any quarter be stemmed from the bud.

Besides shipwrecks, maritime archaeology in Malaysia needs to also focus on past drowned coastal villages, sunken harbours and ports, submerged settlements on rivers and lakes that might have archaeological and historical significance. Local knowledge needs to be tapped from local inhabitants, namely villagers, fishermen, coastal dwellers of their immediate vicinity. In other words, local history as a source of information of ancient sites, old settlements posed as impetus to exploration and discovery in maritime realms. Meanwhile academics need to read deeper and with an open mind of traditional literary works that tell of myths and legends, ancient tales, folklores, and traditions as there might be 'treasures' of knowledge and information to further understand better maritime aspects of culture. Moreover, recent works on the Isthmus of Kra that point to the existence of mid-first millennium polities as mentioned earlier should act as an impetus to further prompt efforts at exploration and excavation of maritime archaeological sites on Peninsular Malaysia.

Furthermore, a national institution for maritime archaeology that combines a museum and training and research centre is long overdue. Besides initiating and undertaking research, the institute also offer instructions and training in maritime archaeology as capacity building in human resource in this discipline to ensure sustainability. This proposed institute will act as a repository for documentation and storage of artefacts as well as a dissemination centre for exhibitions, publications, and public outreach. Through such an institute, partnerships to be established with neighbouring and regional counterparts across Southeast, South and East Asia for joint research, sharing of expertise, facilities and information. JWN, perhaps in collaboration or joint venture with local public universities, is in a position to initiate such an educational institution to promote awareness, interest in this specialized pursuit of national importance among the public, the younger generation in particular.

In the establishment of the proposed centre there are numerous leading examples to learn from, to model on or emulate, for instance National Maritime Museum in Galle, Sri Lanka (1992); National Research Center for Archaeologist (Puslit Arkenas) in Jakarta, Indonesia (2012); National Research Institute of Maritime Cultural Heritage in Mokpo, South Korea (2009); and, Underwater Archaeology Division of the Fine Arts Department, Ministry of Culture in Chanthaburi, Thailand (1974). The last men-

tioned which is working within the UNESCO regional project (2009-2011) supported by the Royal Government of Norway, entitled 'Safeguarding the Underwater Cultural Heritage of Asia and the Pacific: Building Regional Capacities to Protect and Manage Underwater Archaeological Sites through the Establishment of a Regional Centre of Excellence Field Training Facility and Programme of Instruction', established the Asia-Pacific Regional Field Training Centre on Underwater Cultural Heritage on the premises of Underwater Archaeology Division of the Fine Arts Department. This project was jointly organized by Ministry of Culture of Thailand and UNESCO Bangkok that benefitted 17 participants (UNESCO Bangkok n.d.). Malaysia can take heed of the advances from these aforesaid established centres to develop its own.

Maritime archaeology in Malaysia should be given more attention and emphasis in the next decade and beyond by all concerned parties. A commendable effort has been undertaken by Universiti Malaysia Sabah (UMS) (2002) and Baszley Bee B. Basrah Bee and Bilcher Bala (2002). Both Bala and Bee are natives of the East Malaysia state of Sabah where they earned their Bachelor degrees from Universiti Kebangsaan Malaysia (UKM), Bangi. Bee continued with a Master's of Letters from UKM, whilst Bala continued his Master's in Arts from University of York, England, and Doctor of Philosophy (PhD) from University of Malaya, Kuala Lumpur. To a great extent this pair of home-grown talent currently serving in the Faculty of Humanities, Arts and Heritage, UMS needs to be given opportunities to further their interests and skills.

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