

Ocean War Graves

Memorials engraving

...Who have no known graves (London)

...Their graves are unknown (Halifax)

But many of them do have a known grave!

**19 wrecks with 480 sailors in Canadian territorial
waters alone**

Initiated by
Captain Paul Bender (MN)
In Spring of 2013

Project Goal

That the wreck of every Canadian-registered merchant ship and every warship of the Royal Canadian Navy lost through enemy action that contain the remains of personnel (including their apparel and personal effects) associated with those vessels be designated an “Ocean War Grave” and, once so designated, that measures be taken to secure their protection from unauthorized interference.

RCN sunken warships

French Territorial Waters

HMCS <i>Athabaskan</i>	48° 43'N 04° 32'W	Torpedo boat	128
HMCS <i>Guysborough</i>	46° 43'N 09° 30'W	U-boat	51

Protected by Heritage Code of France

***Protection by France Heritage code has
already been received***

RCN Sunken Warships

UK Territorial Waters

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|--------------------------|-------------------|--------|----|
| • HMCS <i>Regina</i> | 50° 42'N 05° 03W | U-boat | 30 |
| • HMCS <i>Alberni</i> | 50° 18'N 00° 51'W | U-boat | 59 |
| • HMCS <i>Trentonian</i> | 50° 06'N 04° 50'W | U-boat | 6 |

GAC legal position to be challenged

Inclusion under UK “Protection of Military remains Act” to be requested !!! (UK awaiting submission from Canada)

RCN Sunken Warships

Canadian Territorial Waters

HMCS <i>Charlottetown</i> , St. Lawrence River ,	10
HMCS <i>Racoon</i> , Gaspé coast U-boat	37
HMCS <i>Bras d'Or</i> , Gulf of St. Lawrence	30
HMCS <i>Otter</i> 11 km. S. of Sambro Is.	19
HMCS <i>Windflower</i> , Off Grand Banks,	23
HMCS <i>Chedabucto</i> , 48° 14'N 69° 16'W,	1
HMCS <i>Shawinigan</i> , 47° 34'N 59° 11'W,	91
HMCS <i>Esquimalt</i> , 44° 26'N 63° 10'W,	44
HMCS <i>Clayoquot</i> , Off Sambro Is.,	8

Requiring adoption of the “Ocean War Graves concept” and domestic legislation to enable Jurisdictional Enforcement

Support to date...

June 4, 2013 from Canadian Merchant Navy Veterans Association, Inc.:

“ . . . fully endorses the proposal so ably articulated by Capt. Paul Bender concerning the designation of the sites of wartime Canadian Merchant ship losses as “ocean war graves”.

June 13, 2013 from Hon. John Baird:

“At first glance, this does appear to be a worthwhile endeavour and, as your Member of Parliament, I’d be happy to discuss this with the Minister Responsible, as well as my caucus and cabinet colleagues on your behalf.”

26 June 2013 from British High Commission:

“I was disheartened to hear that sports’ diving has taken place on the wreck [of the Canadian registered merchant ship “Avondale Park”] and my staff will now pass on your letter to the correct authorities in the U.K. I find the thoughts of disturbing any wreck from the bitterly fought Battle of the Atlantic an anathema.”

04 July 2013 from The Naval Association of Canada – Ottawa:

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“The Board of Directors of NAC-O has reviewed this proposal. . . [and] fully supports Mr. Bender’s project as contributing to one of the NAC-O’s objectives.”

24 July 2013 from Chief of Staff, Judge Advocate General:

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“I commend your desire to ensure that the final resting places of our lost sailors are given appropriate recognition and respect. I have therefore forwarded your correspondence to the Commander, Royal Canadian Navy, as well as the Chief, Military Personnel, for their consideration.”

September 13, 2013 from The Canadian Maritime Law Association (of which Association I was a member at the time):

“ . . . the concern expressed over those sites containing merchant ships located within Canadian legislative identification, is a matter of on-going study by the Committee. The process concerns the identification of the most practical way of encouraging the Canadian government to protect “heritage wreck”. This is a work in progress. . .” (No further communication on this matter).

October 6, 2013 from the Royal Commission on the Ancient and Historical Monuments of Scotland that:

“ . . . [the Canadian-registered merchant ship “Avondale Park”] will henceforth be acknowledged, recognized and respected as an “Ocean War Grave” while retaining her status as an essential component of the maritime heritage of Scotland.” (Note: This merchant ship was the last allied casualty of the Battle of the Atlantic. She has been under the protection of the Royal Commission since about 1960).

30 October 2013 from Commonwealth War Graves Commission:

***I want you to know how much I personally admire what you are attempting to do. .
.The Commonwealth War Graves commission would be morally supportive of any
initiative(s) taken by member governments to protect their ship wrecks and
especially the remains of their war dead who lie on the ocean floor entombed in the
ships they served. (Note: Canada contributes more than one million dollars each and
every month towards the work of the Commonwealth War Graves Commission.)***

2 December 2013 from The Royal Canadian Legion:

***“The Royal Canadian Legion is very supportive of your proposal and highly
commends you for bringing this situation to light. Please use this letter as an
expression of our support for the designation of ships’ remains as an Ocean War
Grave.”***

8 April 2014 from Parks Canada

***“Your request regarding heritage wreck regulations is currently under review. We
will follow up with you as soon as it is possible to do so.***

15 April 2014 from Ambassade de France au Canada:

Following your request dated November 29th. 2013, and after consulting the permanent services in France, it is my honour to inform you that France considers the wreck of the HMCS Athabaskan as a maritime cultural asset and, as a result, it is referenced on France's national archeological map.

Furthermore, France recognizes the sovereign immunity of State vessels; in the event of archeological projects involving the remains of a State vessel flying a foreign flag (as is the case of the HMCS Athabaskan) in waters under French jurisdiction, the government of Canada, as the owning State, will be officially solicited by the relevant services of the French Republic before any authority is given. (Translation). (Note: By letter dated 30 November 2015, the foregoing provisions apply as well to the wreck site of HMCS Guysborough).

July 14, 2014 from Minister of National Defence Nicholson:

“Our government takes this issue (ocean war graves and the protection of military remains) very seriously and continues to explore options to better protect military wrecks and human remains found in them. I have asked officials at the Department of National Defence to inform you of the results of this review. _

I applaud your ongoing endeavour to honour and protect crew members of the Royal Canadian Navy and of the Canadian Merchant Navy whose remains have not been recovered or have been solemnly committed to the sea.”

August 14, 2014 from Minister of the Environment Aglukkaq:

“Parks Canada in co-operation with Transport Canada, is working with the Department of Justice to draft regulations for the protection of heritage wreck. These regulations have not yet been implemented.”

September 17, 2014 from His Excellency the Governor-General of Canada who wrote, in his own handwriting, in response to my report to him dated September 15, 2014 which he requested:

“Dear Paul:

Thank you for your report on Ocean War Graves. I congratulate you on the important and detailed work you have done on this unique project. I wish you every success in bringing it to completion.

Sincerely,

David Johnson.”

January 27, 2015 from Minister of National Defence Nicholson:

“I was sorry to learn about the difficulties you are having in getting a response from departmental officials about ocean war graves and the protection of maritime military remains. You have indeed highlighted a legitimate concern, which we share, and I assure you that we are working towards a solution that protects all those who lost their lives in service and for whom there is a delayed burial or even no hope of a known burial place.

In June, representatives from casualty identification, the military environmental commands ordnance disposal and legal advisors met to discuss the problem you outlined in your earlier letters. Pursuing legislation only for those lost in ships would not go far enough.”

May 19, 2016 from Minister of the Environment and
Climate Change McKenna:

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“As your concern relates to the wrecks of warships and merchant ships lost through enemy action and remains of personnel associated with those vessels, I have taken the liberty of forwarding a copy of your correspondence to the Honourable Harjit S. Saijan, minister of National Defence.)

June 9, 2016 from Minister of National Defence Saijan
correspondence unit:

“ . . . I would like to acknowledge receipt of your letter of March 15, 2016, about the designation and protection of wrecks of Canadian vessels. Please be assured that your correspondence is being reviewed.)

Next Steps...

- **A Political Champion!**
- Legalize “Ocean War Graves” designation Concept
- Assign responsibility to Canadian Agency to Commonwealth War Graves Commission (CWGC)
- Global Affairs Canada position to be challenged (No enforcement of International customary laws)
- RCN Sunken vessels in UK Territorial waters (British willing and waiting to go ahead)
- RCN Warships in Canadian waters (Domestic law for jurisdictional enforcement)
- Canadian Merchant ships in Canadian waters to be protected as “Heritage Value”(Canada Shipping Act 2001 amendment)

Canada 2017!

Positive outcome for all, but most importantly for Veterans Affairs Canada...in a year of celebrations of our proud military heritage!

2017 Battle of the Atlantic Gala dinner

