

EXHIBIT F

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
IN ADMIRALTY**

ODYSSEY MARINE EXPLORATION, INC.,

Plaintiff,

v.

Case No. 8:07-CV-00614-SDM-MAP

THE UNIDENTIFIED SHIPWRECKED
VESSEL, if any, its apparel, tackle,
appurtenances and cargo located
within a five mile radius of the center
point coordinates provided to the Court
under seal,

Defendant,
in rem

and

THE KINGDOM OF SPAIN,

Claimant,

**DECLARATION OF ELISA DE CABO
ASSISTANT SUBDIRECTOR GENERAL FOR THE PROTECTION OF HISTORICAL
HERITAGE,
DIRECTORATE FOR THE PROTECTION OF FINE ART AND CULTURAL ASSETS
MINISTRY OF CULTURE, GOVERNMENT OF SPAIN**

1. I am Assistant Subdirector General for the Protection of Historical Heritage in the Directorate General for the Protection of Fine Arts and Cultural Assets of the Ministry of Culture of the Government of Spain. My responsibilities relating to the protection of Spain's cultural assets and historical heritage include activities relating to the protection of shipwrecks in which the Kingdom of Spain has a legal, cultural or historical interest. I am a citizen of Spain and am employed at the headquarters of the Ministry of Culture at Plaza del Rey, Madrid.

2. Attached as Annex 1 is a copy in English of a “Legal Brief” of Odyssey Marine Exploration, Inc. (“Odyssey”) dated September 28, 2006. The “Legal Brief” was submitted by Odyssey to appeal from a Decision of the General Director of Cultural Assets of the Council of Andalucía assessing against Odyssey a fine of 90,000 euros for conducting archaeological activities without authorization under the laws of the Autonomous Region of Andalucía. I received a copy of the “legal brief” shortly after it was submitted. I attach this document because it includes the statement by Odyssey that it is:

“the position in the international arena that the wreckages of ships belong, for all proprietary and other purposes, to the flag State, regardless of the waters in which they are found. This position strongly favors Spain, inasmuch as it has more sunken ships than any other State in the world, as a result of its discovery and conquest of the Americas and the war operations of its global empire, and it must assert its ownership and protect its property from looting, which is, unfortunately, on the rise.”

(Annex 1, p. 2)

The Odyssey legal brief also states that:

“The sunken warships of various countries are also the graveyards of marines who died while serving their homelands, and they should be properly handled by the State they served, which must take steps to prevent interference from foreign elements in that relationship.”

(Annex 1, p. 2)

The legal brief further states:

“Spain’s rights have been recognized in the courts on the strength of this line of reasoning. See the case of the historic Spanish vessels *Juno* and *La Galga*, which sunk off the coast of the United States.”

(Annex 1, p. 2)

3. During November 2006, José Luis Goñi, a lawyer in Madrid who represents Odyssey, requested an opportunity for representatives of that company to meet with the Directorate General for the Protection of Fine Arts and Cultural Assets. I was assigned to

receive the Odyssey representatives. The meeting occurred on November 13, 2006. Mr. Goñi came to our offices at Plaza del Rey in Madrid, accompanied by Gregory Stemm and a translator.

4. After a brief introduction by Mr. Goñi, Mr. Stemm stated that his company had requested the meeting because it was considering search operations that might result in locating shipwrecks in which the Government of Spain may have a historical, cultural or other interest. Mr. Stemm stated that he believed shipwrecks were in danger from activities of other treasure hunters and that Odyssey wanted to obtain authorization by the Government of Spain to conduct recovery operations. Mr. Stemm did not provide any details regarding where or when operations by Odyssey might be conducted. Mr. Stemm also did not provide any identification of other treasure hunters who were engaged in any such activities. Mr. Stemm also did not provide any information about any particular ship that he claimed was in danger or that Odyssey intended to locate.

5. I responded that I understood from Mr. Stemm's statement that Odyssey was not operating from altruistic motives and that it was seeking consent to engage in commercial activities involving taking artifacts from shipwrecks to sell for its commercial benefit. Mr. Stemm indicated that my understanding was correct. As I recall, he made some comments that Odyssey is highly skilled at conducting such activities.

6. I then told Mr. Stemm that Odyssey's proposal was not acceptable. I explained that the Ministry of Culture is legally obligated to apply its responsibilities regarding objects from archeological excavations to be for the public benefit. I explained that operations by Odyssey to take and sell objects from a shipwreck in which the Government of Spain has an interest would not be authorized or approved. Additionally, I stated the Government of Spain has adopted the 2001 UNESCO Convention on Underwater Cultural Heritage, which establishes

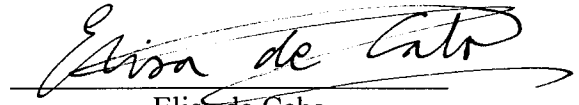
specific rules and procedures for the protection of underwater cultural heritage, including shipwrecks and their contents which have been underwater for more than 100 years. The UNESCO Convention includes prohibitions on disturbance and removal of underwater cultural heritage for commercial purposes such as taking and selling coins or other objects. Mr. Stemm indicated that he was aware of this. I informed Mr. Goñi and Mr. Stemm that Odyssey did not have and would not be given authorization or consent to conduct such activities.

7. Mr. Stemm and Mr. Goñi were obviously unhappy with what I told them and became angry. Mr. Goñi stated that “Spanish law is ridiculous, or “it has no sense.” I do not recall exactly which words he used. I responded that “this is our law.” Mr. Stemm and Mr. Goñi then ended the meeting and left. The meeting lasted approximately 15 or 20 minutes.

8. Attached as Annex 2 is a copy of the 2001 UNESCO Convention on Underwater Cultural Heritage and the Rules that are provided by the Convention.

9. I affirm that at the November 2006 meeting, I informed Odyssey that we objected to and refused any salvage or other disturbance by Odyssey with respect to any shipwreck in which the Government of Spain has an interest. After the meeting, Odyssey made no further contact with the Directorate General and did not disclose that it was engaged in operations to locate or take artifacts from the shipwreck that it has called the “Black Swan,” which has been identified as the Royal Spanish Frigate *Nuestra Señora de las Mercedes*, sunk in 1804. The first information we received that Odyssey had conducted this activity was in May 2007 when the media reported an Odyssey announcement that it had brought a large number of coins and other artifacts to the United States.

I affirm under penalty of perjury that the statements contained in my declaration are true and correct to my knowledge and belief:



Elisa de Cabo
Assistant Subdirector General

Signed at Plaza del Rey,
Madrid Spain

Dated: 12-09-2008

ANNEX 1
TO EXHIBIT F
(De Cabo Declaration)

HMS *SUSSEX*

LEGAL BRIEF

ODYSSEY MARINE EXPLORATION INC.

MADAME COUNCILLOR FOR CULTURE OF THE COUNCIL OF ANDALUCIA
Levías, 27. 41004 Sevilla

I, DON JOSE LUIS GOÑI ETCHEVERS, an attorney with registered address at 24 Velázquez, Madrid 28001, on behalf of **ODYSSEY MARINE EXPLORATION INC.**, by virtue of the power granted to me in these proceedings, before Your Honor and to the extent permissible by the law, **DO HEREBY STATE**:

Within the established period of one month, I hereby file an appeal against the **Decision of the General Director of Cultural Assets of the Council of Andalucía, of July 28, 2006**, notified to the entity I represent on August 28, 2006, in which a fine of 90,000 (ninety thousand) euros was imposed on my client "for conducting archaeological activities without the authorization of the Cultural Administration Office, which violates Article 52 of Law 1/1991, of July 2, on the artistic heritage of Andalucía."

APPEAL¹

LACK OF JURISDICTION OF THE COUNCIL OF ANDALUCÍA ON UNDERWATER ARCHAEOLOGY

1. **The wreckage of HMS *Sussex* belongs to the United Kingdom.**

*"Spain's Ministry of Culture and the Council of Andalucía recognize that the HMS *Sussex* shipwreck, wherever it may be, is the exclusive property of the British Government and that ODYSSEY MARINE EXPLORATION INC has an exclusive contract to excavate the aforementioned wreckage."*

This was the express statement made by the Spanish government and the Council of Andalucía in a communication from the Ministry of Foreign Affairs to the Presidential Advisory Committee of the Council of Andalucía on November 17, 2005, which appears as document 20 (page 3) in this disciplinary case file.

In the context of Spain's foreign relations, the basic position of the Ministry of Foreign Affairs, as set forth in Verbal Note 241/18 of July 28, 2005, to the Embassy of the United States, is stated thusly:

¹ The case file is not numbered, which makes it difficult to locate text and provide citations. This would seem to be in contravention of Article 3.4 of the regulations on disciplinary proceedings.

“[W]reckages of properly identified State ships belong to the flag State”

This statement was made in direct reference to the wreckage of the HMS *Sussex*.

The contested decision—initiated and imposed while talks on this matter were taking place between representatives of Spain’s Ministry of Foreign Affairs, the Embassy of the United Kingdom, and the Embassy of the United States in Madrid, which were attended by executives from Odyssey Marine Exploration Inc. (hereinafter referred to as “Odyssey”) and the legal firm of the author of this brief²—fails to recognize and attempts to ignore—among other facts of vital importance to this matter—this fact, which has been and continues to provide the basic premise for the operation to explore and recover wreckage from HMS *Sussex*, and talks held between the Spanish government, the Council of Andalucía, and other ministries (Ministry of Culture, Ministry of Defense, Naval Military Museum, etc.) over the course of eight years beginning in 1998 and continuing to the present day. This, by the way, is an outright contradiction of the findings of fact in the Decision, which suggests that Odyssey Marine Exploration’s activities have been nothing short of clandestine.

This basic premise lies in the fact that HMS *Sussex* sailed under the British flag and that, more specifically, it was a warship of the British Admiralty and all that is implied thereby.

A number of sovereign States, including Spain, Great Britain, and the United States, have recognized and maintained the position in the international arena that the wreckages of ships belong, for all proprietary and other purposes, to the flag State, regardless of the waters in which they are found. This position strongly favors Spain, inasmuch as it has more sunken ships than any other State in the world, as a result of its discovery and conquest of the Americas and the war operations of its global empire, and it must assert its ownership and protect its property from looting, which is, unfortunately, on the rise.

The sunken warships of various countries are also the graveyards of marines who died while serving their homelands, and they should be properly handled by the State they served, which must take steps to prevent interference from foreign elements in that relationship. This occurs from time to time with wreckages belonging to the United Kingdom, including, specifically, HMS *Sussex*.

Spain’s rights have been recognized in the courts on the strength of this line of reasoning. See the case of the historic Spanish vessels *Juno* and *La Galga*, which sunk off the coast of the United States (Sea Hunt Inc. et al. v. Unidentified Shipwrecked Vessel or Vessels, etc. in rem. Case 2 98cv281, decision on April 27, 1999. The United States District Court for the Eastern District of Virginia, Norfolk Division). (Incidentally, the Spanish

² During these talks, an objection to the incongruous manner in which these disciplinary proceedings were initiated was voiced, and we were assured that the case would be immediately rejected.

government does not appear to have done anything thus far to recover these ships, with cases such as this one hindering its efforts in that regard.)

As a result, at least among the three countries involved in this operation (the United Kingdom, the United States, and Spain), there is no doubt that the wreckage of HMS *Sussex* belongs to the United Kingdom, regardless of whether it lies in Spanish waters.

We believe it is wise to make this assertion right away, because whoever reads this—not to mention the person who imposes a fine—should consider this basic premise, without which all other assertions made in regard to this matter would simply be inexplicable. The complete absence of this information in the Decision under appeal speaks for itself.

2. State authorization is unnecessary.

The immediate conclusion to be drawn from this basic premise is that Law 16/1985, of June 25, on the historical heritage of Spain, does not apply, because properties of foreign States are not part of Spain's national heritage. By extension, they are not part of Andalucía's heritage that is subject to said law either, unless the interpretation of the legal definition of national or Andalusian heritage is broad enough to apply to all cultural assets, without regard for any other factor (for example, a Murillo painting owned by a foreign museum). Generally speaking, in cases such as the ones described here, which are quite frequent, both Spain and Andalucía have an interest of an historical heritage nature.³ There are generally overlapping interests and conflicts of interest between the people, the State, and other organizations in the country, which cannot be resolved on premises as simplistic as a straightforward claim of ownership by one of the interested parties.

In the case of an asset that belongs to a foreign State and is not part of Spain's historical heritage, the assumption is that there is no imperative to request authorization from Spain—and even less of an imperative to request authorization from the Council of Andalucía—for the exploration and excavation of such property even if it found in Spain's maritime waters, inasmuch as such authorization pertains solely to assets covered by the Law, that is, assets that are part of Spain's historical heritage, or as the case may be, Andalucía's historical heritage.

As a matter of principle, the United States Embassy contacted the Spanish Government (Ministry of Foreign Affairs, hereinafter referred to as "the MAE") with regard to the survey of HMS *Sussex* for two basic reasons: the first reason was that, by virtue of their friendly relations, one State should provide the other with adequate information on underwater archaeological activities that in some way entail or elicit an interest on the part of that State (consider, for example, that there could be wreckage from Spanish vessels or vessels of interest to Spain in the area, inasmuch as it is a maritime zone in

³ However, there are undeniably certain cases involving cultural assets that do not belong to the State in which an interest can be claimed, i.e., the interest in working on protection with a foreign State or the right of first purchase interest, etc.

which the United Kingdom and Spain may have contradictory interests, etc.), which is in accordance with the spirit of UNCLOS [United Nations Convention on the Law of the Sea] in this regard and also the special cordiality and alignment of Spanish and U.S. (along with British) interests, as evidenced in the preparatory work done at UNESCO [United Nations Education, Scientific, and Cultural Organization] that led to the signing of the UNESCO Convention on the Protection of the Underwater Cultural Heritage in 2001.

The second reason was that during the course of the planned archaeological operations, especially the operation to locate the HMS *Sussex*, activities could eventually take place in maritime waters that are indisputably under the jurisdiction of Spain, and although the criterion of wreckage belonging to the British State would still be valid, it was thought to be wise to inform the Spanish Government.

From this point of view, it is clear that the United States Embassy could not have felt any obligation at any time to request "authorization" as such, as we have maintained at all times. Rather, in the event that activities might partly be conducted in Spanish waters (internationally speaking) it would act in accordance, as it did, with the provisions of R.D. 799/81 on underwater archaeological excavations in territorial waters, which are consistent with the generally accepted rules of diplomatic conduct (see more below).

It was the United States Embassy that channeled the [request for] authorization to enter Spanish waters as necessary, because the company Odyssey is headquartered in that State. This does not in any way imply lack of interest on the part of the Embassy of the United Kingdom, which has expressed its strong interest to the Spanish Government, particularly after the first identification tests were run and the resulting agreement was reached.

The best proof of this can be found in the handling of this so-called *placet* of the Spanish authorities, which includes a willingness to exchange information and work together. One look at the disciplinary case file—despite the paucity of important documents and its desire to obscure the actual underlying cause of the problem—is enough to realize that the entities involved are the Spanish Government, by virtue of its international relations (and consequently the MAE), and, because the archaeological company is a U.S. company, the Embassy of the United States, which has been joined by the Embassy of the United Kingdom, inasmuch as it has exclusive ownership of the HMS *Sussex* wreckage.

3. The Council does not have jurisdiction over underwater archaeology.

This fact notwithstanding, even if this case concerned a normal archaeological excavation in Spanish waters, which it does not, as we have just stated and will further discuss below, the Council of Andalucía would not have (and therefore, does not have) jurisdiction over archaeological activities in the sea. This is the exclusive jurisdiction of the Spanish State.

We will very briefly mention the provisions that establish this fact:

Spanish Constitution.-

“Article 149. 1. The State has exclusive jurisdiction over the following matters:

28.^a Defense of Spain’s cultural, artistic, and monumental heritage against exportation and looting...

The exclusive jurisdiction of the State over this matter prevents, as is obvious, an Autonomous Community from assuming jurisdiction. However, in the case of monuments, Communities may assume jurisdiction, provided it is in their interest, as established in Article 148 of the Constitution:

Article 148.1. Autonomous Communities may assume jurisdiction over the following matters:

16. Monumental heritage of interest to the Autonomous Community.

“Monuments” are defined in Article 15.1 of the Law of the State on National Historical Heritage:

Article 15.1. Monuments are immovable properties that constitute architectonic or engineering feats, or work of colossal sculpture, provided they are of historical, artistic, scientific, or social interest.

Clearly, this definition does not cover the wreckage of vessels submerged in the sea. Therefore, the Council of Andalucía cannot assume jurisdiction over them.

The inclusion of underwater archaeological assets in Spain’s historical heritage is established in Article 40.1 of the Law on National Historical Heritage:

Article 40.1. In accordance with Article 1 of this Law, movable and immovable historical assets that can be studied using archaeological methods are part of Spain’s historical heritage, regardless of whether they have been extracted or whether they are found aboveground, underground, in territorial waters, or on the continental shelf.

Even in the new text proposed for the Andalucían Statute, an express exception is made for Article 149.1.28 of Spain’s Constitution:

Article 67. Culture and heritage.

3. The Autonomous Community has exclusive jurisdiction, except where provided in paragraph 2, over:

1. Protection of historical, artistic, monumental, archaeological, and scientific heritage, without prejudice to Article 149.1.28 of the Constitution.

The text makes no express reference to underwater archaeology, and therefore, cannot be interpreted as including it.⁴

Spain's jurisdiction over its territorial waters, which is indisputable, does not necessarily mean that it has jurisdiction over activities pursued in those waters. Such jurisdiction must be explicitly stated in the corresponding regulatory hierarchy, and in this case, as we have seen, it is not.

In any case, according to established precedent, the jurisdiction over the sea of any entity other than the State must be clearly established by the corresponding formal law.

The Supreme Court Decision of March 9, 1998 (RJA 1998/2298) states: The maritime land zone is part of the municipio (and therefore of the territory of the Autonomous Community, according to Article 2 of the Statute) "*but territorial waters are not.*"

Constitutional Court Decision 38/2202, FJ 6 states, "Autonomous [communities] can only have jurisdiction over territorial waters in exceptional circumstances," and adds that such circumstances would require explicit statutory recognition.

As we have seen, there are no national or autonomous laws that explicitly state that the Council of Andalucía has jurisdiction **over territorial waters** adjacent to the Andalusian coast. This is especially so in the case of underwater archaeological heritage, and therefore the Council of Andalucía has no such jurisdiction.

4. Are we talking about Spanish waters?

We should state, aside from anything that will be said hereafter,⁵ with regard to the actions of the Odyssey captain—a foreign captain of a vessel sailing under a foreign flag, in the service of a foreign company, providing services to a foreign State—that the Spanish State has not yet determined the baselines in the area in which the excavation is being conducted, which is indispensable for international recognition of these waters as Spanish territorial waters. Such a statement is an indispensable requirement in international law for such recognition, in accordance with Articles 5 and 16.2 of the 1982 United Nations Convention on the Law of the Sea, which was ratified by Spain in 1997.

⁴ The definition of Andalusian cultural assets is so broad, as we have mentioned, that it includes assets that clearly belong to the State and even assets of other States (paintings by Andalusian artists in foreign museums, for example).

⁵ The author of this brief, his personal views on the matter notwithstanding, will limit the discussion to applicable laws in this matter, from which the conclusions presented will be drawn.

Furthermore, baselines have not been drawn even for internal purposes: Royal Decree 2510/1977, which established that straight baselines would be used to delineate Spain's jurisdictional waters, makes no mention of the coast of Gibraltar or adjacent areas, as no baselines have been drawn from Punta del Acebuche (36° 03' 06" N, 05° 27' 85" E) to Punta Carbonera (36° 14' 70" N, 05° 18' 00" E), coastline that encompasses the entire bay of Algeciras, all of the coast of Gibraltar, and several more miles of coastline north of Gibraltar.

This is similar to what has happened with the delineation of the Mediterranean coast, established (although only for fishing purposes) by Royal Decree 1315/1997, of August 1, which, although it could be understood as establishing generally applicable baselines, does not cover the zone of Gibraltar and adjacent areas, because the fishing reserve it establishes extends from an ideal line that starts more towards the north: from Cabo de Gata to France.

We are not saying that these are not Spanish waters, but simply that the Spanish State has not take the legal step required to obtain international recognition of these waters, that is, it has not made publicly available the marine maps showing the baselines in this area (or the list of geographic coordinates), nor has it delivered them to the Office of the Secretary-General of the United Nations. Therefore, there can be no doubt that, in terms of international law, these are international waters, at least at this time.

This is the case even within Spain, which officially designates the waters off Gibraltar as "disputed waters." This is how we understand the designation made by Spain's Cabinet of Ministers in its September 25, 2001, Resolution, the text of which we have requested for inclusion in this file (*vide infra*). Furthermore, in an official note sent, we believe, to the State Department in June 2001, the Spanish Embassy in Washington acknowledged that HMS *Sussex* operations were being conducted in "disputed waters": "Therefore, the Head Office for the Fine Arts of the Ministry of Education and Culture Hill invoke, on an exceptional basis, the public interest in asserting its own competence over this issue as the canon is in disputed waters," according to the version obtained by Odyssey.

We must insist, however, that this question as to whether the maritime waters in which the excavation of HMS *Sussex* is taking place are Spanish (in any event, they are "international waters" or "disputed waters") is irrelevant, because, as we have said, the fact that the wreckage is British property obviates the application of Spanish law regardless of the location of the wreckage.

It should further be noted that the fine has been imposed due to the actions, as we have already stated, of a foreign (British) captain on board a foreign vessel (United States) of a foreign company in the service of a foreign power (United Kingdom), who, in such circumstances, must heed international law, international maps, and the instructions he receives from his company (United States), which must adhere to the rules of the United Kingdom's Ministry of Defence.

5. The Council has no specific jurisdiction over this case.

Aside from the foregoing, in the case of archaeological operations that foreign States, "*directly or under their auspices,*" intend to conduct in Spanish territorial waters (or the exclusive economic zone or on Spain's continental shelf), which is the case in this instance, the jurisdiction of the Ministry of Foreign Affairs is expressly provided by law, without prejudice to the notification and participation *ad intra* of other departments, entities, or autonomous communities that may be affected.

This is the objective of Royal Decree 799/1981, of February 27 (Office of the President of the Government), which, after establishing in Article 1 that such operations are subject to the Decree ("*... will be conducted in accordance with the provisions of this Royal Decree*"), states in Article 6:

"Article 6.2. Requests for authorization to conduct scientific-marine research activities shall be delivered by the requesting State to the Ministry of Foreign Affairs no less than six months prior to the date on which activities are scheduled to commence.

3. The request shall be accompanied by the planned research program, which will include the following information..."

We would like to point out that, according to this law, **in the case of Spanish territorial waters**, the request must be made **by the requesting State**—not by private entities—to **the Ministry of Foreign Affairs**.

This explains Odyssey's actions over the past eight years. From the first moment the [Spanish] government's sensitivity over whether Spanish waters could be "touched" was communicated by the General Directorate of the Merchant Navy and the (then) Ministry of Education and Culture, it initiated diplomatic contact, as established in this Royal Decree, through the United States Department of State with the Ministry of Foreign Affairs. Not only has Odyssey conveyed at all times its utmost desire to work with Spain's central and autonomous authorities, it has generously offered on multiple occasions to host training, research, and other programs financed by it.

The Council of Andalucía, as well as other interested entities, took part from the very beginning in interagency meetings, some of which Odyssey attended by express invitation.

Furthermore, the Ministry of Foreign Affairs has very clearly expressed its jurisdiction and that, as far as it is concerned, the [request] has been handled entirely properly. The Director General expresses this very clearly in his official note of November 10, 2005, to the Presidential Advisory Committee of the Council of Andalucía (document #10 in the case file):

"I believe this is a very serious matter in which we cannot in any way suggest was handled improperly by us."

In this indisputable framework of diplomatic relations in which that matter has been and must be handled, not only has Odyssey continually expressed its utmost desire to work with Spain's central and autonomous authorities, it has generously offered on numerous occasions to host programs for Spain that it would completely finance for archaeological training and research, expositions, etc., or other ideas or plans that may emerge (such as, for example, a permanent exhibition of Spain's maritime presence in the United States, showcasing *Juno* and *La Galga*, in the state of Virginia), all in accordance with the ideas and lines of activity established with the Council of Andalucía, the Naval Museum, schools of underwater archaeology, etc.

Therefore, the Council lacks jurisdiction over this particular case, and Odyssey has acted at all times in accordance with Spanish and international laws and regulations with regard to any such authorizations as may have been required.

6. Lack of disciplinary authority of the Council of Andalucía.

1. Regardless of any statements made thus far, which prove, in any event, that Spanish law, particularly as it relates to disciplinary action, does not apply to this case, our understanding is that the Council of Andalucía has no disciplinary jurisdiction in the field of underwater archaeology (at least in the geographic marine area to which the facts of this case refer).

Disciplinary authority with regard to "*archaeological excavations or surveys conducted without the corresponding authorization, or those conducted in a way that does not comply with the terms under which they were authorized,*" under which the contested Decision classifies the penalized facts, is regulated by Article 42.3 of the Law on National Historical Heritage, and Article 76.1(f) in Title IX, on administrative infractions and penalties, lists: "*Archaeological excavations or other illegal works referred to in Article 42.3*" (provided these do not constitute a crime).

Therefore, disciplinary authority lies with the State, which at no time has delegated said authority through an express, specific order, in compliance with all the requirements established by law in matters as sensitive as this, which the Constitutional Court has come to classify as approaching criminal activity.

This was specifically established in the Regulations on the Procedure to Exercise Disciplinary Authority, of 1993, Article 1.1 of which states:

"Disciplinary authority shall be exercised... : a) by the General Administration of the State, with respect to those matters over which the State has exclusive jurisdiction."

This is the case, inasmuch as we have already explained—because Article 149.1.28 of the Constitution expressly establishes thusly—that the State has exclusive jurisdiction over underwater archaeological activity.

2. As revealed in the Civil Guard's Report, the Third Lower Court of La Línea de la Concepción (Cádiz) is initiating proceedings "for an alleged crime of disobedience to the authorities" concerning the same facts considered in this disciplinary procedure.

According to the principle "non bis in idem," these proceedings cannot be pursued, and to that end, according to Article 7.1 of the Disciplinary Code, an official request should be made of the Court for communication on the proceedings.

7. The alleged infraction on which the penalty was imposed.

In the FIFTH conclusion of law in the Decision, the conduct that has been classified as an infraction is described:

"The archaeological activities conducted by the interested party did not have the authorization of the Councillor for Culture, as required."

A basic piece of information is not indicated, which is the time that is being referred to, because the facts declared as evidence cover a period of nearly five years, from May 20, 2001, to January 25, 2006.

The EIGHTH [conclusion of law] states that there was a "repeat offense" (?), and consequently, a "punishable" act prior to the one identified ("punished" would be the correct word), which began on June 8, 2001 (there is no mention of until when). The alleged repeat offense, which, so as not to make this brief any longer, we will not describe here, could in any case be predicated on an action that is not punishable, but rather was, in fact, the subject of the earlier penalty. In any case, this alleged repeat offense is not described at all in this file and is not punishable because the archaeological activities that were conducted were accompanied by the express authorization of the Ministry of Education, Culture, and Sports from April 10, 2001 (document No. 4 in the case file) and, later, of the Ministry of Foreign Affairs.

But supposing that from May 20, 2001, there was authorization, as well as authorization on January 10, 2006, the date in the Decision on which the Tarifa [Control Center] states as the date of noncompliance (authorizations that are nevertheless unnecessary, as we have seen), at that moment, the noncompliance would have consisted of failing to take on board an archaeologist appointed by the Council of Andalucía, as required in the authorization from the Ministry (through diplomatic channels, that is, through the Embassy of the United States, remember).

However, there was no failure to comply. What really happened is that the Council of Andalucía declined to appoint an archaeologist, despite repeated requests in that regard by Odyssey. Obviously, if the Ministry had granted the "permit," the Council's lack of cooperation by failing to designate an archaeologist could not be considered as a denial of the permit, because that would be tantamount to contradicting the Ministry, which would have clearly been outside the bounds of its jurisdiction.

Now then, the fact that Odyssey acted at that time with the express authorization of the Ministry of Foreign Affairs, though the proper diplomatic channels established by communications (Verbal Notes) between the Ministry and the Embassy of the United States, is crucial. Any other channel, for example, the intervention of the Goñi & Co. Law Firm in Madrid, could only consist—bearing in mind the diplomatic nature of the communications—in material support in the execution of certain aspects, as has been repeatedly stated in the long course of these proceedings. The same is true of Odyssey itself, which as legally required by Spanish law, can only communicate in general through its Embassy, inasmuch as interactions in this area are between States, and especially so where the sovereignty of multiple States is concerned.

It was not until Verbal Note No. 11 (or 12/11) from the Ministry of Foreign Affairs to the Embassy of the United States, dated January 25, 2006 (document No. 20 in the case file), that it was communicated through the proper diplomatic channels that “*Odyssey Marine Exploration Inc. shall suspend immediately all activities in Spanish territorial waters*” (emphasis added).

This means that, on the one hand, the date on which it could be considered that there was “noncompliance” could not have been earlier than January 25, 2006, which is when it was communicated through proper channels that activities could not continue to be pursued in Spanish waters and always for activities in Spanish waters, which is not the case, as we have seen.

However, on the other hand, the official diplomatic language employed in the Verbal Note from the Ministry of Foreign Affairs in reference to activities “in Spanish waters” is unambiguous. Obviously, the Embassy of the United States could not construe anything other than that the suspension was restricted to Spanish waters and not to waters that, internationally, are considered international, that is, waters that Spain officially considers to be “disputed waters” (vide supra). And neither the Embassy, Odyssey, or the captain of the ship would be in any way obligated to consider whether the waters in which they were operating might be “Spanish waters”—unless they were operating in waters that were indisputably Spanish, which is not the case.

In addition, no international or Spanish marine maps, as has been said, provide any indication, in the zone in question, that would lead one to so much as suspect, much less determine, that the waters adjacent to Gibraltar might be Spanish territorial waters.

Therefore, there is no infraction on the basis of the facts either.

8. FINDINGS OF FACT

1. The findings of fact in the Decision are vague, purposefully confusing, and scandalously concise with respect to the reality of interactions that occurred over a period of eight years. Furthermore, they include unrelated facts and distort what really happened.

By way of example, the Decision makes extensive reference to press clippings, stating these news articles or commentaries are "equally significant," which begs the question, equally significant of what? What does the press have to do with a disciplinary proceeding?

2. This is not the time or place to describe all the dealings, exchanges of correspondence, delivery of documents, and meetings that have taken place since 1998 between national and autonomous authorities and agencies in Spain, with regard to Odyssey's archaeological operations concerning HMS *Sussex*.

The criteria that have governed Odyssey's actions have been entirely transparent to national and autonomous officials in Spain, such that at all times, they have known about planned activities in advance. The operations plan was provided to the Spanish authorities at the proper time, and additional copies have been provided whenever any entity has requested them, despite the fact that they deal with confidential information in many areas, as was stated, for obvious reasons.

Furthermore, Odyssey has reiterated its desire time and again to have Spanish archaeologists, appointed by the central government or the Autonomous Community, participate in the exploratory work. Indeed, albeit to a much lesser extent that Odyssey would have liked, this has happened when the government has so desired, and Spanish archaeologists appointed by the national and autonomous governments have boarded the vessel to monitor the work.

In addition, objects ("items" in archaeological language) recovered during the excavation operation have been turned over to the Andalusian authorities for storage and analysis.

Therefore, we must reject all of the assertions made in the Decision that suggest or give the impression that the Council only learned of the facts by chance or by the press. This is not in any way true.

3. To facilitate the reading of this brief, in which the basic facts that challenge the penalty that was imposed are set forth, a **CHRONOLOGICAL FINDINGS OF FACT** is attached as Annex I.

These findings are sufficiently expressive of the fact that the findings of fact in the Decision do not even approach reality, which at best could be considered as lacking in rigor.

4. Evidence. We are not providing the documents in which the facts appear, because they are included in the administrative files we cited, requesting at the same time that they be added to the file.

9. SUMMARY

1. The wreckage of HMS *Sussex* belongs to the United Kingdom, regardless of its location (even if this is in Spanish territorial waters).
2. The State has exclusive jurisdiction over underwater archaeology, and the Council has none.
3. The waters in which the archaeological operations are being conducted are international waters, according to international law, and disputed waters, according to the Spanish government.
4. In any case, the Council of Andalucía has no disciplinary authority in the area of underwater archaeology, because such authority is vested in the State.
5. The events that are being penalized are stated vaguely and imprecisely, contrary to what has been legally established in disciplinary procedure.
6. A repeat offense claim has been made that lacks any legal basis and has not been concretely described.
7. In any case, when the confusing events on which the penalty is purportedly based took place, the authorization from the government (in the case of Spanish waters) was still in effect. It was only suspended in a communication to the Embassy later.
8. Consideration, with regard to punishment, should be given, in any case to the subjectivity of the penalized party and its subjective representation of the actions that could be penalized when he had the full force of the law on his side from the point of view of his foreign status (British capital, vessel under a foreign flag, United States company, operations for the British Ministry of Defence).

By virtue of the foregoing,

I HEREBY PETITION MADAME COUNCILLOR: having received this brief in due time and proper form, to allow and hear this appeal against the penalty imposed on my client ODYSSEY MARINE EXPLORATION INC in the Decision issued by the General Director of Cultural Assets of the Council of Andalucía on July 28, 2006, for allegedly illegal underwater archaeological activities, and after conducting the routine procedures and the examination of the evidence that we request, issue a decision declaring the penalty without merit, to the full extent of the law.

At Madrid, en route to Sevilla, on September 26, 2006.

I FURTHER STATE:

DOCUMENTARY EVIDENCE

In accordance with Article 17 of the Regulations on Disciplinary Procedure, and in connection with Articles 80 and 137.4 of Law 30/1992, on the Legal Regime of Public Administrations and Common Administrative Procedure, we hereby request the immediate initiation of the corresponding discovery phase, in order to do the following, which we now request:

A. DOCUMENTS THAT SHOULD BE INCLUDED IN THE FILE:

We hereby request that the following documents, which are either missing or needed because they are key documents in this case, be incorporated in this disciplinary case file, or, as the case may be, that requests be made of the corresponding department or entity for their inclusion:

1. The report of the National Center for Underwater Archaeological Research referred to in the first paragraph of the communication dated April 10, 2004, from the (then) Ministry of Education, Culture, and Sports, document No. 4 in this disciplinary case file.
2. Translation of the letter dated April 18, 2001, from ODYSSEY to the Tarifa Control Center and annexes, which are part of document No. 4 in the case file (page 5).
3. Translation of the annex in English in document No. 5 in the case file.
4. The document that is said to be attached to the January 13, 2005, official note to the Councillor for Culture (document No. 7 in the case file), but has not been provided.
5. The Verbal Note sent to the Embassy of the United States that is said to be attached to a fax from the Ministry of Foreign Affairs to the Presidential Advisory Committee of the Council of Andalucía on November 17, 2005 (document No. 10 in the case file).
6. Verbal Note 118 of March 2, 2005, from the Embassy of the United States to the Ministry of Foreign Affairs, referred to in the first paragraph of Verbal Note 241/18 from the Ministry (document No. 11, page 3).
7. The navigation map of the Instituto Hidrográfico de la Marina Española [Hydrographic Institute of the Spanish Navy] that is said to be attached to aforesaid Verbal Note 241/18 (document No. 11, page 3, last line).
8. "Recitation of rights in the proceedings brought for the crime (sic) of disobedience to agents of the Authority," dated January 11, 2006, which is quoted in the Civil Guard's Report in document No. 19 of this case file (page 2).

B. OTHER DOCUMENTS NECESSARY TO THE DECISION

We hereby petition Madame Councillor to request that the corresponding entities provide the following documents for these disciplinary proceedings:

1. Large-scale marine maps officially recognized by Spain for the waters adjacent to Gibraltar and any maps or lists of geographic coordinates that have been delivered, as the case may be, to the [Office of the] Secretary-General of the

United Nations, as required by international law for the recognition of Spanish territorial waters in accordance with Articles 5 and 16.2 of the 1982 United Nations Convention on the Law of the Sea, which was ratified by Spain in 1997. This request should be made of the Ministry of Foreign Affairs.

2. The July 24, 2001, Resolution of the Government Council of Andalucía, resolving to request that the Spanish Government rescind all permits issued to ODYSSEY and asserting the Spanish Government's lack of jurisdiction in the matter.
3. The September 21, 2001, Resolution of the Cabinet of Ministers of the Spanish Government, resolving that the Spanish State has jurisdiction over the matter concerning the ODYSSEY.
4. The December 4, 2001, Resolution of the Government Council of Andalucía, recognizing the jurisdiction of the State over the ODYSSEY case.
5. Proceedings of the Third Lower Court of La Línea de la Concepción (Cádiz). This request should officially be made by Madame Councillor by virtue of Article 7.1 of the Regulations on Disciplinary Procedure ("when the competent entities are aware that criminal proceedings involving the same facts are taking place, the court will be asked to provide information on the proceedings adopted").
6. All files related to this case processed by the Ministry of Foreign Affairs, Ministry of Culture, the Spanish Embassy in Washington, or any other central or autonomous departments directly related to the case.

I HEREBY PETITION MADAME COUNCILLOR: to decide as necessary for the submission of evidence that we propose.

Madrid, September 26, 2006

**ANNEX 2
TO EXHIBIT F
(De Cabo Declaration)**



**CONVENTION ON THE
PROTECTION OF THE UNDERWATER CULTURAL HERITAGE**

UNESCO
Paris, 2 November 2001

CONVENTION ON THE PROTECTION OF THE UNDERWATER CULTURAL HERITAGE

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 15 October to 3 November 2001, at its 31st session,

Acknowledging the importance of underwater cultural heritage as an integral part of the cultural heritage of humanity and a particularly important element in the history of peoples, nations, and their relations with each other concerning their common heritage,

Realizing the importance of protecting and preserving the underwater cultural heritage and that responsibility therefor rests with all States,

Noting growing public interest in and public appreciation of underwater cultural heritage,

Convinced of the importance of research, information and education to the protection and preservation of underwater cultural heritage,

Convinced of the public's right to enjoy the educational and recreational benefits of responsible non-intrusive access to *in situ* underwater cultural heritage, and of the value of public education to contribute to awareness, appreciation and protection of that heritage,

Aware of the fact that underwater cultural heritage is threatened by unauthorized activities directed at it, and of the need for stronger measures to prevent such activities,

Conscious of the need to respond appropriately to the possible negative impact on underwater cultural heritage of legitimate activities that may incidentally affect it,

Deeply concerned by the increasing commercial exploitation of underwater cultural heritage, and in particular by certain activities aimed at the sale, acquisition or barter of underwater cultural heritage,

Aware of the availability of advanced technology that enhances discovery of and access to underwater cultural heritage,

Believing that cooperation among States, international organizations, scientific institutions, professional organizations, archaeologists, divers, other interested parties and the public at large is essential for the protection of underwater cultural heritage,

Considering that survey, excavation and protection of underwater cultural heritage necessitate the availability and application of special scientific methods and the use of suitable techniques and equipment as well as a high degree of professional specialization, all of which indicate a need for uniform governing criteria,

Realizing the need to codify and progressively develop rules relating to the protection and preservation of underwater cultural heritage in conformity with international law and practice, including the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 14 November 1970, the UNESCO Convention for the Protection of the World Cultural and Natural Heritage of 16 November 1972 and the United Nations Convention on the Law of the Sea of 10 December 1982,

Committed to improving the effectiveness of measures at international, regional and national levels for the preservation *in situ* or, if necessary for scientific or protective purposes, the careful recovery of underwater cultural heritage,

Having decided at its twenty-ninth session that this question should be made the subject of an international convention,

Adopts this second day of November 2001 this Convention.

Article 1 – Definitions

For the purposes of this Convention:

1. (a) “Underwater cultural heritage” means all traces of human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least 100 years such as:
 - (i) sites, structures, buildings, artefacts and human remains, together with their archaeological and natural context;
 - (ii) vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archaeological and natural context; and
 - (iii) objects of prehistoric character.
- (b) Pipelines and cables placed on the seabed shall not be considered as underwater cultural heritage.
- (c) Installations other than pipelines and cables, placed on the seabed and still in use, shall not be considered as underwater cultural heritage.
2. (a) “States Parties” means States which have consented to be bound by this Convention and for which this Convention is in force.
- (b) This Convention applies *mutatis mutandis* to those territories referred to in Article 26, paragraph 2(b), which become Parties to this Convention in accordance with the conditions set out in that paragraph, and to that extent “States Parties” refers to those territories.

3. “UNESCO” means the United Nations Educational, Scientific and Cultural Organization.
4. “Director-General” means the Director-General of UNESCO.
5. “Area” means the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.
6. “Activities directed at underwater cultural heritage” means activities having underwater cultural heritage as their primary object and which may, directly or indirectly, physically disturb or otherwise damage underwater cultural heritage.
7. “Activities incidentally affecting underwater cultural heritage” means activities which, despite not having underwater cultural heritage as their primary object or one of their objects, may physically disturb or otherwise damage underwater cultural heritage.
8. “State vessels and aircraft” means warships, and other vessels or aircraft that were owned or operated by a State and used, at the time of sinking, only for government non-commercial purposes, that are identified as such and that meet the definition of underwater cultural heritage.
9. “Rules” means the Rules concerning activities directed at underwater cultural heritage, as referred to in Article 33 of this Convention.

Article 2 – Objectives and general principles

1. This Convention aims to ensure and strengthen the protection of underwater cultural heritage.
2. States Parties shall cooperate in the protection of underwater cultural heritage.
3. States Parties shall preserve underwater cultural heritage for the benefit of humanity in conformity with the provisions of this Convention.
4. States Parties shall, individually or jointly as appropriate, take all appropriate measures in conformity with this Convention and with international law that are necessary to protect underwater cultural heritage, using for this purpose the best practicable means at their disposal and in accordance with their capabilities.
5. The preservation *in situ* of underwater cultural heritage shall be considered as the first option before allowing or engaging in any activities directed at this heritage.
6. Recovered underwater cultural heritage shall be deposited, conserved and managed in a manner that ensures its long-term preservation.
7. Underwater cultural heritage shall not be commercially exploited.

8. Consistent with State practice and international law, including the United Nations Convention on the Law of the Sea, nothing in this Convention shall be interpreted as modifying the rules of international law and State practice pertaining to sovereign immunities, nor any State's rights with respect to its State vessels and aircraft.

9. States Parties shall ensure that proper respect is given to all human remains located in maritime waters.

10. Responsible non-intrusive access to observe or document *in situ* underwater cultural heritage shall be encouraged to create public awareness, appreciation, and protection of the heritage except where such access is incompatible with its protection and management.

11. No act or activity undertaken on the basis of this Convention shall constitute grounds for claiming, contending or disputing any claim to national sovereignty or jurisdiction.

Article 3 – Relationship between this Convention and the United Nations Convention on the Law of the Sea

Nothing in this Convention shall prejudice the rights, jurisdiction and duties of States under international law, including the United Nations Convention on the Law of the Sea. This Convention shall be interpreted and applied in the context of and in a manner consistent with international law, including the United Nations Convention on the Law of the Sea.

Article 4 – Relationship to law of salvage and law of finds

Any activity relating to underwater cultural heritage to which this Convention applies shall not be subject to the law of salvage or law of finds, unless it:

- (a) is authorized by the competent authorities, and
- (b) is in full conformity with this Convention, and
- (c) ensures that any recovery of the underwater cultural heritage achieves its maximum protection.

Article 5 – Activities incidentally affecting underwater cultural heritage

Each State Party shall use the best practicable means at its disposal to prevent or mitigate any adverse effects that might arise from activities under its jurisdiction incidentally affecting underwater cultural heritage.

Article 6 – Bilateral, regional or other multilateral agreements

1. States Parties are encouraged to enter into bilateral, regional or other multilateral agreements or develop existing agreements, for the preservation of underwater cultural heritage. All such agreements shall be in full conformity with the provisions of this Convention and shall not dilute its universal character. States may, in such agreements, adopt rules and regulations which would ensure better protection of underwater cultural heritage than those adopted in this Convention.
2. The Parties to such bilateral, regional or other multilateral agreements may invite States with a verifiable link, especially a cultural, historical or archaeological link, to the underwater cultural heritage concerned to join such agreements.
3. This Convention shall not alter the rights and obligations of States Parties regarding the protection of sunken vessels, arising from other bilateral, regional or other multilateral agreements concluded before its adoption, and, in particular, those that are in conformity with the purposes of this Convention.

Article 7 – Underwater cultural heritage in internal waters, archipelagic waters and territorial sea

1. States Parties, in the exercise of their sovereignty, have the exclusive right to regulate and authorize activities directed at underwater cultural heritage in their internal waters, archipelagic waters and territorial sea.
2. Without prejudice to other international agreements and rules of international law regarding the protection of underwater cultural heritage, States Parties shall require that the Rules be applied to activities directed at underwater cultural heritage in their internal waters, archipelagic waters and territorial sea.
3. Within their archipelagic waters and territorial sea, in the exercise of their sovereignty and in recognition of general practice among States, States Parties, with a view to cooperating on the best methods of protecting State vessels and aircraft, should inform the flag State Party to this Convention and, if applicable, other States with a verifiable link, especially a cultural, historical or archaeological link, with respect to the discovery of such identifiable State vessels and aircraft.

Article 8 – Underwater cultural heritage in the contiguous zone

Without prejudice to and in addition to Articles 9 and 10, and in accordance with Article 303, paragraph 2, of the United Nations Convention on the Law of the Sea, States Parties may regulate and authorize activities directed at underwater cultural heritage within their contiguous zone. In so doing, they shall require that the Rules be applied.

**Article 9 – Reporting and notification
in the exclusive economic zone and on the continental shelf**

1. All States Parties have a responsibility to protect underwater cultural heritage in the exclusive economic zone and on the continental shelf in conformity with this Convention.

Accordingly:

- (a) a State Party shall require that when its national, or a vessel flying its flag, discovers or intends to engage in activities directed at underwater cultural heritage located in its exclusive economic zone or on its continental shelf, the national or the master of the vessel shall report such discovery or activity to it;
 - (b) in the exclusive economic zone or on the continental shelf of another State Party:
 - (i) States Parties shall require the national or the master of the vessel to report such discovery or activity to them and to that other State Party;
 - (ii) alternatively, a State Party shall require the national or master of the vessel to report such discovery or activity to it and shall ensure the rapid and effective transmission of such reports to all other States Parties.
2. On depositing its instrument of ratification, acceptance, approval or accession, a State Party shall declare the manner in which reports will be transmitted under paragraph 1(b) of this Article.
3. A State Party shall notify the Director-General of discoveries or activities reported to it under paragraph 1 of this Article.
4. The Director-General shall promptly make available to all States Parties any information notified to him under paragraph 3 of this Article.
5. Any State Party may declare to the State Party in whose exclusive economic zone or on whose continental shelf the underwater cultural heritage is located its interest in being consulted on how to ensure the effective protection of that underwater cultural heritage. Such declaration shall be based on a verifiable link, especially a cultural, historical or archaeological link, to the underwater cultural heritage concerned.

**Article 10 – Protection of underwater cultural heritage
in the exclusive economic zone and on the continental shelf**

1. No authorization shall be granted for an activity directed at underwater cultural heritage located in the exclusive economic zone or on the continental shelf except in conformity with the provisions of this Article.
2. A State Party in whose exclusive economic zone or on whose continental shelf underwater cultural heritage is located has the right to prohibit or authorize any activity directed at such heritage to prevent interference with its sovereign rights or jurisdiction as provided for by international law including the United Nations Convention on the Law of the Sea.
3. Where there is a discovery of underwater cultural heritage or it is intended that activity shall be directed at underwater cultural heritage in a State Party's exclusive economic zone or on its continental shelf, that State Party shall:
 - (a) consult all other States Parties which have declared an interest under Article 9, paragraph 5, on how best to protect the underwater cultural heritage;
 - (b) coordinate such consultations as "Coordinating State", unless it expressly declares that it does not wish to do so, in which case the States Parties which have declared an interest under Article 9, paragraph 5, shall appoint a Coordinating State.
4. Without prejudice to the duty of all States Parties to protect underwater cultural heritage by way of all practicable measures taken in accordance with international law to prevent immediate danger to the underwater cultural heritage, including looting, the Coordinating State may take all practicable measures, and/or issue any necessary authorizations in conformity with this Convention and, if necessary prior to consultations, to prevent any immediate danger to the underwater cultural heritage, whether arising from human activities or any other cause, including looting. In taking such measures assistance may be requested from other States Parties.
5. The Coordinating State:
 - (a) shall implement measures of protection which have been agreed by the consulting States, which include the Coordinating State, unless the consulting States, which include the Coordinating State, agree that another State Party shall implement those measures;
 - (b) shall issue all necessary authorizations for such agreed measures in conformity with the Rules, unless the consulting States, which include the Coordinating State, agree that another State Party shall issue those authorizations;

- (c) may conduct any necessary preliminary research on the underwater cultural heritage and shall issue all necessary authorizations therefor, and shall promptly inform the Director-General of the results, who in turn will make such information promptly available to other States Parties.

6. In coordinating consultations, taking measures, conducting preliminary research and/or issuing authorizations pursuant to this Article, the Coordinating State shall act on behalf of the States Parties as a whole and not in its own interest. Any such action shall not in itself constitute a basis for the assertion of any preferential or jurisdictional rights not provided for in international law, including the United Nations Convention on the Law of the Sea.

7. Subject to the provisions of paragraphs 2 and 4 of this Article, no activity directed at State vessels and aircraft shall be conducted without the agreement of the flag State and the collaboration of the Coordinating State.

Article 11 – Reporting and notification in the Area

1. States Parties have a responsibility to protect underwater cultural heritage in the Area in conformity with this Convention and Article 149 of the United Nations Convention on the Law of the Sea. Accordingly when a national, or a vessel flying the flag of a State Party, discovers or intends to engage in activities directed at underwater cultural heritage located in the Area, that State Party shall require its national, or the master of the vessel, to report such discovery or activity to it.

2. States Parties shall notify the Director-General and the Secretary-General of the International Seabed Authority of such discoveries or activities reported to them.

3. The Director-General shall promptly make available to all States Parties any such information supplied by States Parties.

4. Any State Party may declare to the Director-General its interest in being consulted on how to ensure the effective protection of that underwater cultural heritage. Such declaration shall be based on a verifiable link to the underwater cultural heritage concerned, particular regard being paid to the preferential rights of States of cultural, historical or archaeological origin.

Article 12 – Protection of underwater cultural heritage in the Area

1. No authorization shall be granted for any activity directed at underwater cultural heritage located in the Area except in conformity with the provisions of this Article.

2. The Director-General shall invite all States Parties which have declared an interest under Article 11, paragraph 4, to consult on how best to protect the underwater cultural heritage, and to appoint a State Party to coordinate such consultations as the “Coordinating State”. The Director-General shall also invite the International Seabed Authority to participate in such consultations.

3. All States Parties may take all practicable measures in conformity with this Convention, if necessary prior to consultations, to prevent any immediate danger to the underwater cultural heritage, whether arising from human activity or any other cause including looting.
4. The Coordinating State shall:
 - (a) implement measures of protection which have been agreed by the consulting States, which include the Coordinating State, unless the consulting States, which include the Coordinating State, agree that another State Party shall implement those measures; and
 - (b) issue all necessary authorizations for such agreed measures, in conformity with this Convention, unless the consulting States, which include the Coordinating State, agree that another State Party shall issue those authorizations.
5. The Coordinating State may conduct any necessary preliminary research on the underwater cultural heritage and shall issue all necessary authorizations therefor, and shall promptly inform the Director-General of the results, who in turn shall make such information available to other States Parties.
6. In coordinating consultations, taking measures, conducting preliminary research, and/or issuing authorizations pursuant to this Article, the Coordinating State shall act for the benefit of humanity as a whole, on behalf of all States Parties. Particular regard shall be paid to the preferential rights of States of cultural, historical or archaeological origin in respect of the underwater cultural heritage concerned.
7. No State Party shall undertake or authorize activities directed at State vessels and aircraft in the Area without the consent of the flag State.

Article 13 – Sovereign immunity

Warships and other government ships or military aircraft with sovereign immunity, operated for non-commercial purposes, undertaking their normal mode of operations, and not engaged in activities directed at underwater cultural heritage, shall not be obliged to report discoveries of underwater cultural heritage under Articles 9, 10, 11 and 12 of this Convention. However States Parties shall ensure, by the adoption of appropriate measures not impairing the operations or operational capabilities of their warships or other government ships or military aircraft with sovereign immunity operated for non-commercial purposes, that they comply, as far as is reasonable and practicable, with Articles 9, 10, 11 and 12 of this Convention.

Article 14 – Control of entry into the territory, dealing and possession

States Parties shall take measures to prevent the entry into their territory, the dealing in, or the possession of, underwater cultural heritage illicitly exported and/or recovered, where recovery was contrary to this Convention.

Article 15 – Non-use of areas under the jurisdiction of States Parties

States Parties shall take measures to prohibit the use of their territory, including their maritime ports, as well as artificial islands, installations and structures under their exclusive jurisdiction or control, in support of any activity directed at underwater cultural heritage which is not in conformity with this Convention.

Article 16 – Measures relating to nationals and vessels

States Parties shall take all practicable measures to ensure that their nationals and vessels flying their flag do not engage in any activity directed at underwater cultural heritage in a manner not in conformity with this Convention.

Article 17 – Sanctions

1. Each State Party shall impose sanctions for violations of measures it has taken to implement this Convention.
2. Sanctions applicable in respect of violations shall be adequate in severity to be effective in securing compliance with this Convention and to discourage violations wherever they occur and shall deprive offenders of the benefit deriving from their illegal activities.
3. States Parties shall cooperate to ensure enforcement of sanctions imposed under this Article.

Article 18 – Seizure and disposition of underwater cultural heritage

1. Each State Party shall take measures providing for the seizure of underwater cultural heritage in its territory that has been recovered in a manner not in conformity with this Convention.
2. Each State Party shall record, protect and take all reasonable measures to stabilize underwater cultural heritage seized under this Convention.
3. Each State Party shall notify the Director-General and any other State with a verifiable link, especially a cultural, historical or archaeological link, to the underwater cultural heritage concerned of any seizure of underwater cultural heritage that it has made under this Convention.
4. A State Party which has seized underwater cultural heritage shall ensure that its disposition be for the public benefit, taking into account the need for conservation and research; the need for reassembly of a dispersed collection; the need for public access, exhibition and education; and the interests of any State with a verifiable link, especially a cultural, historical or archaeological link, in respect of the underwater cultural heritage concerned.

Article 19 – Cooperation and information-sharing

1. States Parties shall cooperate and assist each other in the protection and management of underwater cultural heritage under this Convention, including, where practicable, collaborating in the investigation, excavation, documentation, conservation, study and presentation of such heritage.
2. To the extent compatible with the purposes of this Convention, each State Party undertakes to share information with other States Parties concerning underwater cultural heritage, including discovery of heritage, location of heritage, heritage excavated or recovered contrary to this Convention or otherwise in violation of international law, pertinent scientific methodology and technology, and legal developments relating to such heritage.
3. Information shared between States Parties, or between UNESCO and States Parties, regarding the discovery or location of underwater cultural heritage shall, to the extent compatible with their national legislation, be kept confidential and reserved to competent authorities of States Parties as long as the disclosure of such information might endanger or otherwise put at risk the preservation of such underwater cultural heritage.
4. Each State Party shall take all practicable measures to disseminate information, including where feasible through appropriate international databases, about underwater cultural heritage excavated or recovered contrary to this Convention or otherwise in violation of international law.

Article 20 – Public awareness

Each State Party shall take all practicable measures to raise public awareness regarding the value and significance of underwater cultural heritage and the importance of protecting it under this Convention.

Article 21 – Training in underwater archaeology

States Parties shall cooperate in the provision of training in underwater archaeology, in techniques for the conservation of underwater cultural heritage and, on agreed terms, in the transfer of technology relating to underwater cultural heritage.

Article 22 – Competent authorities

1. In order to ensure the proper implementation of this Convention, States Parties shall establish competent authorities or reinforce the existing ones where appropriate, with the aim of providing for the establishment, maintenance and updating of an inventory of underwater cultural heritage, the effective protection, conservation, presentation and management of underwater cultural heritage, as well as research and education.

2. States Parties shall communicate to the Director-General the names and addresses of their competent authorities relating to underwater cultural heritage.

Article 23 – Meetings of States Parties

1. The Director-General shall convene a Meeting of States Parties within one year of the entry into force of this Convention and thereafter at least once every two years. At the request of a majority of States Parties, the Director-General shall convene an Extraordinary Meeting of States Parties.

2. The Meeting of States Parties shall decide on its functions and responsibilities.

3. The Meeting of States Parties shall adopt its own Rules of Procedure.

4. The Meeting of States Parties may establish a Scientific and Technical Advisory Body composed of experts nominated by the States Parties with due regard to the principle of equitable geographical distribution and the desirability of a gender balance.

5. The Scientific and Technical Advisory Body shall appropriately assist the Meeting of States Parties in questions of a scientific or technical nature regarding the implementation of the Rules.

Article 24 – Secretariat for this Convention

1. The Director-General shall be responsible for the functions of the Secretariat for this Convention.

2. The duties of the Secretariat shall include:

- (a) organizing Meetings of States Parties as provided for in Article 23, paragraph 1; and
- (b) assisting States Parties in implementing the decisions of the Meetings of States Parties.

Article 25 – Peaceful settlement of disputes

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention shall be subject to negotiations in good faith or other peaceful means of settlement of their own choice.

2. If those negotiations do not settle the dispute within a reasonable period of time, it may be submitted to UNESCO for mediation, by agreement between the States Parties concerned.

3. If mediation is not undertaken or if there is no settlement by mediation, the provisions relating to the settlement of disputes set out in Part XV of the United

Nations Convention on the Law of the Sea apply *mutatis mutandis* to any dispute between States Parties to this Convention concerning the interpretation or application of this Convention, whether or not they are also Parties to the United Nations Convention on the Law of the Sea.

4. Any procedure chosen by a State Party to this Convention and to the United Nations Convention on the Law of the Sea pursuant to Article 287 of the latter shall apply to the settlement of disputes under this Article, unless that State Party, when ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, chooses another procedure pursuant to Article 287 for the purpose of the settlement of disputes arising out of this Convention.

5. A State Party to this Convention which is not a Party to the United Nations Convention on the Law of the Sea, when ratifying, accepting, approving or acceding to this Convention or at any time thereafter shall be free to choose, by means of a written declaration, one or more of the means set out in Article 287, paragraph 1, of the United Nations Convention on the Law of the Sea for the purpose of settlement of disputes under this Article. Article 287 shall apply to such a declaration, as well as to any dispute to which such State is party, which is not covered by a declaration in force. For the purpose of conciliation and arbitration, in accordance with Annexes V and VII of the United Nations Convention on the Law of the Sea, such State shall be entitled to nominate conciliators and arbitrators to be included in the lists referred to in Annex V, Article 2, and Annex VII, Article 2, for the settlement of disputes arising out of this Convention.

Article 26 – Ratification, acceptance, approval or accession

1. This Convention shall be subject to ratification, acceptance or approval by Member States of UNESCO.

2. This Convention shall be subject to accession:

- (a) by States that are not members of UNESCO but are members of the United Nations or of a specialized agency within the United Nations system or of the International Atomic Energy Agency, as well as by States Parties to the Statute of the International Court of Justice and any other State invited to accede to this Convention by the General Conference of UNESCO;
- (b) by territories which enjoy full internal self-government, recognized as such by the United Nations, but have not attained full independence in accordance with General Assembly resolution 1514 (XV) and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General.

Article 27 – Entry into force

This Convention shall enter into force three months after the date of the deposit of the twentieth instrument referred to in Article 26, but solely with respect to the twenty States or territories that have so deposited their instruments. It shall enter into force for each other State or territory three months after the date on which that State or territory has deposited its instrument.

Article 28 – Declaration as to inland waters

When ratifying, accepting, approving or acceding to this Convention or at any time thereafter, any State or territory may declare that the Rules shall apply to inland waters not of a maritime character.

Article 29 – Limitations to geographical scope

At the time of ratifying, accepting, approving or acceding to this Convention, a State or territory may make a declaration to the depositary that this Convention shall not be applicable to specific parts of its territory, internal waters, archipelagic waters or territorial sea, and shall identify therein the reasons for such declaration. Such State shall, to the extent practicable and as quickly as possible, promote conditions under which this Convention will apply to the areas specified in its declaration, and to that end shall also withdraw its declaration in whole or in part as soon as that has been achieved.

Article 30 – Reservations

With the exception of Article 29, no reservations may be made to this Convention.

Article 31 – Amendments

1. A State Party may, by written communication addressed to the Director-General, propose amendments to this Convention. The Director-General shall circulate such communication to all States Parties. If, within six months from the date of the circulation of the communication, not less than one half of the States Parties reply favourably to the request, the Director-General shall present such proposal to the next Meeting of States Parties for discussion and possible adoption.
2. Amendments shall be adopted by a two-thirds majority of States Parties present and voting.
3. Once adopted, amendments to this Convention shall be subject to ratification, acceptance, approval or accession by the States Parties.
4. Amendments shall enter into force, but solely with respect to the States Parties that have ratified, accepted, approved or acceded to them, three months after the deposit of the instruments referred to in paragraph 3 of this Article by two thirds of

the States Parties. Thereafter, for each State or territory that ratifies, accepts, approves or accedes to it, the amendment shall enter into force three months after the date of deposit by that Party of its instrument of ratification, acceptance, approval or accession.

5. A State or territory which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention by that State or territory, be considered:

- (a) as a Party to this Convention as so amended; and
- (b) as a Party to the unamended Convention in relation to any State Party not bound by the amendment.

Article 32 – Denunciation

1. A State Party may, by written notification addressed to the Director-General, denounce this Convention.

2. The denunciation shall take effect twelve months after the date of receipt of the notification, unless the notification specifies a later date.

3. The denunciation shall not in any way affect the duty of any State Party to fulfil any obligation embodied in this Convention to which it would be subject under international law independently of this Convention.

Article 33 – The Rules

The Rules annexed to this Convention form an integral part of it and, unless expressly provided otherwise, a reference to this Convention includes a reference to the Rules.

Article 34 – Registration with the United Nations

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General.

Article 35 – Authoritative texts

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authoritative.

Annex

Rules concerning activities directed at underwater cultural heritage

I. General principles

Rule 1. The protection of underwater cultural heritage through *in situ* preservation shall be considered as the first option. Accordingly, activities directed at underwater cultural heritage shall be authorized in a manner consistent with the protection of that heritage, and subject to that requirement may be authorized for the purpose of making a significant contribution to protection or knowledge or enhancement of underwater cultural heritage.

Rule 2. The commercial exploitation of underwater cultural heritage for trade or speculation or its irretrievable dispersal is fundamentally incompatible with the protection and proper management of underwater cultural heritage. Underwater cultural heritage shall not be traded, sold, bought or bartered as commercial goods.

This Rule cannot be interpreted as preventing:

- (a) the provision of professional archaeological services or necessary services incidental thereto whose nature and purpose are in full conformity with this Convention and are subject to the authorization of the competent authorities;
- (b) the deposition of underwater cultural heritage, recovered in the course of a research project in conformity with this Convention, provided such deposition does not prejudice the scientific or cultural interest or integrity of the recovered material or result in its irretrievable dispersal; is in accordance with the provisions of Rules 33 and 34; and is subject to the authorization of the competent authorities.

Rule 3. Activities directed at underwater cultural heritage shall not adversely affect the underwater cultural heritage more than is necessary for the objectives of the project.

Rule 4. Activities directed at underwater cultural heritage must use non-destructive techniques and survey methods in preference to recovery of objects. If excavation or recovery is necessary for the purpose of scientific studies or for the ultimate protection of the underwater cultural heritage, the methods and techniques used must be as non-destructive as possible and contribute to the preservation of the remains.

Rule 5. Activities directed at underwater cultural heritage shall avoid the unnecessary disturbance of human remains or venerated sites.

Rule 6. Activities directed at underwater cultural heritage shall be strictly regulated to ensure proper recording of cultural, historical and archaeological information.

Rule 7. Public access to *in situ* underwater cultural heritage shall be promoted, except where such access is incompatible with protection and management.

Rule 8. International cooperation in the conduct of activities directed at underwater cultural heritage shall be encouraged in order to further the effective exchange or use of archaeologists and other relevant professionals.

II. Project design

Rule 9. Prior to any activity directed at underwater cultural heritage, a project design for the activity shall be developed and submitted to the competent authorities for authorization and appropriate peer review.

Rule 10. The project design shall include:

- (a) an evaluation of previous or preliminary studies;
- (b) the project statement and objectives;
- (c) the methodology to be used and the techniques to be employed;
- (d) the anticipated funding;
- (e) an expected timetable for completion of the project;
- (f) the composition of the team and the qualifications, responsibilities and experience of each team member;
- (g) plans for post-fieldwork analysis and other activities;
- (h) a conservation programme for artefacts and the site in close cooperation with the competent authorities;
- (i) a site management and maintenance policy for the whole duration of the project;
- (j) a documentation programme;
- (k) a safety policy;
- (l) an environmental policy;
- (m) arrangements for collaboration with museums and other institutions, in particular scientific institutions;
- (n) report preparation;

- (o) deposition of archives, including underwater cultural heritage removed; and
- (p) a programme for publication.

Rule 11. Activities directed at underwater cultural heritage shall be carried out in accordance with the project design approved by the competent authorities.

Rule 12. Where unexpected discoveries are made or circumstances change, the project design shall be reviewed and amended with the approval of the competent authorities.

Rule 13. In cases of urgency or chance discoveries, activities directed at the underwater cultural heritage, including conservation measures or activities for a period of short duration, in particular site stabilization, may be authorized in the absence of a project design in order to protect the underwater cultural heritage.

III. Preliminary work

Rule 14. The preliminary work referred to in Rule 10 (a) shall include an assessment that evaluates the significance and vulnerability of the underwater cultural heritage and the surrounding natural environment to damage by the proposed project, and the potential to obtain data that would meet the project objectives.

Rule 15. The assessment shall also include background studies of available historical and archaeological evidence, the archaeological and environmental characteristics of the site, and the consequences of any potential intrusion for the long-term stability of the underwater cultural heritage affected by the activities.

IV. Project objective, methodology and techniques

Rule 16. The methodology shall comply with the project objectives, and the techniques employed shall be as non-intrusive as possible.

V. Funding

Rule 17. Except in cases of emergency to protect underwater cultural heritage, an adequate funding base shall be assured in advance of any activity, sufficient to complete all stages of the project design, including conservation, documentation and curation of recovered artefacts, and report preparation and dissemination.

Rule 18. The project design shall demonstrate an ability, such as by securing a bond, to fund the project through to completion.

Rule 19. The project design shall include a contingency plan that will ensure conservation of underwater cultural heritage and supporting documentation in the event of any interruption of anticipated funding.

VI. Project duration - timetable

Rule 20. An adequate timetable shall be developed to assure in advance of any activity directed at underwater cultural heritage the completion of all stages of the project design, including conservation, documentation and curation of recovered underwater cultural heritage, as well as report preparation and dissemination.

Rule 21. The project design shall include a contingency plan that will ensure conservation of underwater cultural heritage and supporting documentation in the event of any interruption or termination of the project.

VII. Competence and qualifications

Rule 22. Activities directed at underwater cultural heritage shall only be undertaken under the direction and control of, and in the regular presence of, a qualified underwater archaeologist with scientific competence appropriate to the project.

Rule 23. All persons on the project team shall be qualified and have demonstrated competence appropriate to their roles in the project.

VIII. Conservation and site management

Rule 24. The conservation programme shall provide for the treatment of the archaeological remains during the activities directed at underwater cultural heritage, during transit and in the long term. Conservation shall be carried out in accordance with current professional standards.

Rule 25. The site management programme shall provide for the protection and management *in situ* of underwater cultural heritage, in the course of and upon termination of fieldwork. The programme shall include public information, reasonable provision for site stabilization, monitoring, and protection against interference.

IX. Documentation

Rule 26. The documentation programme shall set out thorough documentation including a progress report of activities directed at underwater cultural heritage, in accordance with current professional standards of archaeological documentation.

Rule 27. Documentation shall include, at a minimum, a comprehensive record of the site, including the provenance of underwater cultural heritage moved or removed in the course of the activities directed at underwater cultural heritage, field notes, plans, drawings, sections, and photographs or recording in other media.

X. Safety

Rule 28. A safety policy shall be prepared that is adequate to ensure the safety and health of the project team and third parties and that is in conformity with any applicable statutory and professional requirements.

XI. Environment

Rule 29. An environmental policy shall be prepared that is adequate to ensure that the seabed and marine life are not unduly disturbed.

XII. Reporting

Rule 30. Interim and final reports shall be made available according to the timetable set out in the project design, and deposited in relevant public records.

Rule 31. Reports shall include:

- (a) an account of the objectives;
- (b) an account of the methods and techniques employed;
- (c) an account of the results achieved;
- (d) basic graphic and photographic documentation on all phases of the activity;
- (e) recommendations concerning conservation and curation of the site and of any underwater cultural heritage removed; and
- (f) recommendations for future activities.

XIII. Curation of project archives

Rule 32. Arrangements for curation of the project archives shall be agreed to before any activity commences, and shall be set out in the project design.

Rule 33. The project archives, including any underwater cultural heritage removed and a copy of all supporting documentation shall, as far as possible, be kept together and intact as a collection in a manner that is available for professional and public access as well as for the curation of the archives. This should be done as rapidly as possible and in any case not later than ten years from the completion of the project, in so far as may be compatible with conservation of the underwater cultural heritage.

Rule 34. The project archives shall be managed according to international professional standards, and subject to the authorization of the competent authorities.

XIV. Dissemination

Rule 35. Projects shall provide for public education and popular presentation of the project results where appropriate.

Rule 36. A final synthesis of a project shall be:

- (a) made public as soon as possible, having regard to the complexity of the project and the confidential or sensitive nature of the information; and
- (b) deposited in relevant public records.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization during its thirty-first session, which was held in Paris and declared closed the third day of November 2001.

Le texte qui précède est le texte authentique de la Convention dûment adoptée par la Conférence générale de l'Organisation des Nations Unies pour l'éducation, la science et la culture à sa trente-et-unième session, qui s'est tenue à Paris et qui a été déclarée close le troisième jour de novembre 2001.

Lo anterior es el texto auténtico de la Convención aprobada en buena y debida forma por la Conferencia General de la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura, en su trigésimo primera reunión, celebrada en París y terminada el tres de noviembre de 2001.

Приведенный выше текст является подлинным текстом Конвенции, надлежащим образом принятой Генеральной конференцией Организации Объединенных Наций по вопросам образования, науки и культуры на ее тридцать первой сессии, состоявшейся в Париже и закончившейся третьего ноября 2001 года.

ويعتبر النص المتقدم هو النص الأصلي للاتفاقية التي اعتمدها على النحو الواجب المؤتمر العام لمنظمة الأمم المتحدة للتربية والعلم والثقافة في دورته الحادية والثلاثين المنعقدة في باريس والتي أعلن اختتامها في اليوم الثالث من نوفمبر/تشرين الثاني ٢٠٠١.

上述文本为在巴黎召开的，于2001年11月3日闭幕的联合国教科文组织第三十一届大会正式通过的公约的正式文本。

IN WITNESS WHEREOF we have appended our signatures this 6th day of November 2001.

EN FOI DE QUOI ont apposé leur signature, ce 6ème jour de novembre 2001.

EN FE DE LO CUAL estampan sus firmas, en este día 6 de noviembre de 2001.

В УДОСТОВЕРЕНИЕ ЧЕГО настоящую Конвенцию подписали 6 ноября 2001 года.

وإثباتاً لما تقدم وقعنا بإمضائنا في هذا اليوم السادس من نوفمبر/تشرين الثاني ٢٠٠١.

为此，我们于2001年11月6日签上我们的名字，以资证明。

The President of the General Conference
Le Président de la Conférence générale
El Presidente de la Conferencia General
Председатель Генеральной конференции

رئيس المؤتمر العام

大会主席

The Director-General
Le Directeur général
El Director General
Генеральный директор

المدير العام

总干事

Certified Copy
Copie certifiée conforme
Copia certificada conforme
Заверенная копия
صورة طبق الأصل
兹证明文本无误

Paris,

Legal Adviser
United Nations Educational, Scientific and Cultural Organization

Conseiller juridique
De l'Organisation des Nations Unies pour l'éducation, la science et la culture

Consejero jurídico
de la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura

Юридический советник
Организации Объединенных Наций по вопросам образования, науки и культуры

المستشار القانوني
لمنظمة الأمم المتحدة للتربية والعلم والثقافة

联合国教育、科学及文化组织
法律顾问

Done in Paris this 6th day of November 2001 in two authentic copies bearing the signature of the President of the thirty-first session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization and certified true copies of which shall be delivered to all the States and territories referred to in Article 26 as well as to the United Nations.

Fait à Paris ce sixième jour de novembre 2001, en deux exemplaires authentiques portant la signature du Président de la Conférence générale réunie en sa trente-et-unième session, et du Directeur général de l'Organisation des Nations Unies pour l'éducation, la science et la culture, qui seront déposés dans les archives de l'Organisation des Nations Unies pour l'éducation, la science et la culture, et dont les copies certifiées conformes seront remises à tous les États et territoires visés à l'article 26 ainsi qu'à l'Organisation des Nations Unies.

Hecho en París en este día seis de noviembre de 2001, en dos ejemplares auténticos que llevan la firma del Presidente de la Conferencia General, en su trigésimo primera reunión, y del Director General de la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura, ejemplares que se depositarán en los archivos de esta Organización, y cuyas copias certificadas conformes se remitirán a todos los Estados y territorios a que se refiere el Artículo 26, así como a las Naciones Unidas.

Совершено в г. Париже 6 ноября 2001 года в двух аутентичных экземплярах за подписью Председателя Генеральной конференции, собравшейся на тридцать первую сессию, и Генерального директора Организации Объединенных Наций по вопросам образования, науки и культуры, надлежащим образом заверенные копии которых будут направлены всем государствам и территориям, указанным в статье 26, а также Организации Объединенных Наций.

صدرت في باريس في هذا اليوم السادس من نوفمبر/تشرين الثاني ٢٠٠١، من نسختين أصليتين تحملان توقيع رئيس المؤتمر العام في دورته الحادية والثلاثين والمدير العام لمنظمة الأمم المتحدة للتربية والعلم والثقافة، وستودع في محفوظات منظمة الأمم المتحدة للتربية والعلم والثقافة، وسترسل نسخ مُصدّق عليها مطابقة للأصل إلى جميع الدول المشار إليها في المادة ٢٦ وإلى منظمة الأمم المتحدة.

2001年11月6日订于巴黎，正本两份，由联合国教科文组织大会第三十一届会议主席和联合国教科文组织总干事签署，并将存放于联合国教科文组织的档案中。经核准的副本将分送第26条所提及的所有国家和地区以及联合国。