

EXHIBIT A

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

ODYSSEY MARINE EXPLORATION, INC.,

Plaintiff,

CIVIL ACTION

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, THE REPUBLIC OF PERU,
et al.,

Claimants.

_____ /

DECLARATION OF JAMES A. GOOLD

1. I am counsel to the Kingdom of Spain (“Spain”) in this case. I submit this declaration to provide true and correct copies of the exhibits attached hereto in support of Spain’s Response to Objections to the Magistrate Judge’s June 3, 2009 Report and Recommendation on Spain’s Motion to Dismiss Or For Summary Judgment and Spain’s Motion to Vacate Arrest.

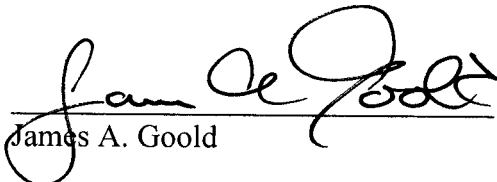
2. Exhibit 1 attached hereto consist of copies of the cover pages and pages 109-117 of *España Marítima or Spanish Coasting Pilot*, published by W. Faden, Geographer to His Majesty And To His Royal Highness The Prince Regent, (W. Bulmer and Co., London 1812). The *Spanish Coasting Pilot* contains “Directions For Navigating the Coasts and Harbours of

Spain . . . And Coast of Portugal.” Pages 112-114 provide sailing and navigation guidance for ships sailing in the area south of Cape Saint Mary, Portugal (where the Battle of Cape Saint Mary took place). Page 112 in particular reports that Cape Saint Mary is at “North Lat. 36° 56’ 34” and that Monte Figo, “a hill of middling elevation,” located inland of Cape Saint Mary, becomes visible on the horizon approximately 41 nautical miles to the south of Cape Saint Mary: “[f]rom the poop of a man of war, in clear weather, Monte Figo appears in the horizon, when you are due South from it, as far as in Lat. 36° 15’; that is, at the distance of 164 leagues.” (*Id.* at 112.)

3. Exhibit 2 is a copy of the Spanish original and a translation into English of the March 7, 2009 General Protocol Between The Spanish Ministries of Defence And Culture Concerning Their Mutual Collaboration And Cooperation For The Purpose Of Protecting The Underwater Archaeological Heritage, executed by the Minister of Defence and the Minister of Culture of the Government of Spain. The General Protocol provides for collaborative activities by these Ministries, including the Spanish Navy for the Ministry of Defence, for the protection of Spain’s “Underwater Archaeological Heritage.” (Page 2, Paragraph Fourth and Page 4, Clause Third). This document is submitted in view of the claim in Odyssey’s Objection to the June 3, 2009 Recommendation and Report, based solely on media references, that Spanish Navy vessels are seeking “gold reserves from shipwrecks.” (Odyssey Objs. at 29). Page 3, Clause 7 of the General Protocol provides that “Since sunken State vessels and aircraft, no matter where they are located, are the sole property of the Government, only the Ministry of Culture, coordinated with the Ministry of Defence, can authorize activities directed at this underwater property.” Page 6, Clause Seventh, of the General Protocol provides that “Under this Protocol, if sunken State vessels or aircraft, or any archaeological remains thereof, were salvaged and recovered, the

interests of the Naval Museum and the National Underwater Archaeological Museum in being their consignees should be considered and given priority . . .” and “[i]n any other case, the consignee of said property shall be a museum in public ownership to be decided by the relevant public Administration or official department.” The General Protocol thus provides that any recovered underwater archaeological remains shall be placed in a designated public museum.

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



James A. Goold

Dated: August 31, 2009

ANNEX 1
TO EXHIBIT A
(Goold Declaration)

*Lieutenant Roberts HMS Repulse
1812*

ESPAÑA MARITIMA,

OR

SPANISH COASTING PILOT;

CONTAINING

DIRECTIONS FOR NAVIGATING THE COASTS AND HARBOURS OF

SPAIN,

IN THE ATLANTIC AND MEDITERRANEAN,

WITH THE

BALEARIC ISLANDS AND COAST OF PORTUGAL.

ILLUSTRATED WITH TWENTY-EIGHT CHARTS AND PLANS,

DRAWN FROM THE SPANISH SURVEYS OF

BRIGADIER DON VICENTE TOFIÑO DE SAN MIGUEL,

DIRECTOR OF THE SPANISH NAVAL ACADEMIES, &c. &c. &c.

TRANSLATED FROM THE SPANISH BY JOHN DOUGALL.

LONDON:

PUBLISHED BY W. FADEN, GEOGRAPHER TO HIS MAJESTY, AND TO
HIS ROYAL HIGHNESS THE PRINCE REGENT.

1812.

PRINTED BY W. BULMER AND CO. CLEVELAND-ROW, ST. JAMES'S.



GOODEIAN
P
15 MAY 1969
LIBRARY

SECTION IV.

Description of the COAST of PORTUGAL and SPAIN, from CAPE ST. VINCENT to CAPE TRAFALGAR.

Cape St. Vincent, the S. W. extremity of the coast of the Province of Algarve in Portugal, is well known to every seaman : it lies in N. Lat $37^{\circ} 3'$, and in Long. $2^{\circ} 43' 11''$ W. from the Meridian of the Royal Observatory at Cadiz, corresponding to Long. $9^{\circ} 0' 11''$ W. from Greenwich. The Cape is of moderate height, steep over the water, and level on the summit, where stands a convent of Augustine Friars. About 20 fathoms off from the foot of the Cape is a large high rock, and the channel between them contains from 10 to 15 fathoms of water, on a bottom of coarse sand and shells : at a boat's length on the outside of that rock the depth is from 11 to 16 fathoms ; at a ship's length it is 17 fathoms, and at a cable's length 20 fathoms.

In addition to the marks already pointed out for discovering Cape St. Vincent, we must mention the *mountainous range of Monchique*, which is lofty and stretches East and West, divided into two parts, the Western being the largest and highest, the uppermost point of which bears N. 47° E. from the Cape : so that paying attention to this bearing when out at sea, you may take the proper course for falling in with the Cape, or taking your departure from it. In a clear day in the winter season, the highest part of Monchique may be seen in the horizon, when on its meridian, from Lat. $36^{\circ} 5'$, that is to say, at the distance of 25 leagues ; and the same from any other direction.

S. 46° E. 3 miles from Cape St. Vincent, is *Point Sagres*, as high as the cape itself, and perpendicular over the sea ; between them is the Bay of Boliche, open to the S. W.

N. 51° E. $1\frac{1}{2}$ mile from Point Sagres is the South end of the broad *Point of Baylera*, neither so high nor so steep as the former ; and between them is the Bay of Sagres, better than that of Boliche, and open to the S. E. On

the North side of Point Baylera, is the Bay of that name, open to the East, and partly covered by three large rocks of different sizes, but of some height.

The two first mentioned Bays afford good anchorage in summer, for every sort of vessels, according to their burthen, the usual station being in from 14 to 16 fathoms; but the Bay of Baylera is fit only for small vessels. None of these Bays are good in winter; nor even in summer, when the wind is from the Eastward, to which quarter the last Bay lies open, as do the two former to the heavy sea sent in by that wind.

All these Bays and Points, as well as Cape St. Vincent, are furnished with artillery for the defence of the coast.

N. 64° E. 15 miles from Point Sagres, is the High land of Barril, the intervening coast forming a small bight, and the shore of middling height, with some breaks in it, and patches of low beach, where small barks may put in, defended by the Forts of Figuera, Almadana, and Na. Sa. de la Luz.

The high land of Barril is the end of a broad head, high, and perpendicular, of a white colour, which slopes down to the *Point of La Piedad*, at the distance of $2\frac{1}{2}$ miles S. 81° E.

Point La Piedad lies in North Lat. 37° 6' 54", and in Long. West from Cadiz 2° 20'; it is of moderate height, but broken and rugged, with a number of large rocks before it; on the summit is a Chapel, and on the South side is a shoal extending about $\frac{1}{2}$ cable's length. This Point is the Western boundary of the Bay of Lagos, and lies E. 21° N. from Point Sagres.

The principal Church of the *Town of Lagos*, situated on the North side of Point La Piedad, lies in North Lat. 37° 8' 50". In this Bay is a River navigable for small vessels, but the entry requires a Pilot: in the Bay itself, in summer, a number of vessels may anchor, as it is capacious and clean, and within less than a cable of Point La Piedad, within the Bay, there are 9 fathoms of water. It is sheltered from the winds of the N.W. and N.E. quarters, but the others are on shore; in coming to anchor with a man of war, the best station is in 18 fathoms E. N. E. from Point La Piedad, distant 1 mile, where you will be ready to get under sail with any wind. A frigate may lie closer to the land, in 15 fathoms, and smaller vessels in 8 fathoms,

before the town, where they will be in some sort defended from the S. W. The North shore of this Bay is all low beach, the land behind rising up into a moderate height, and presenting an agreeable view from the number of houses scattered over it, and the little towns of Armesilluera and Albor, with the River of this name, which falls into the Bay 4 miles N. $43^{\circ} 30'$ E. from Point La Piedad; and near its mouth the bottom is rocky all the way from the shore out to the depth of 18 fathoms.

N. 67° E. 7 miles from Point La Piedad, lies the *Point de Los tres Hermanos* (of the Three Brothers), of middling height, and not projecting, where the Eastern part of the Bay of Lagos may be said to terminate; although to the Eastward and Southward the coast projects still more, at the mouth of the River of Villanueva and Cape Carbonero.

S. 7° E. from the gap in the Mountains of Monchique, is the mouth of the River of *Villanueva*, distant from Point La Piedad 10 good miles E. 17° N. This River can only be taken at two-thirds flood, and with a Pilot, on account of the Bar at the entrance; on each side of which is a Fort. At high water of spring tides the depth on the Bar is 23 palms ($17\frac{1}{2}$ feet), and at low water 10 palms ($7\frac{1}{2}$ feet); in neap tides the respective depths are 19 and 11 palms ($14\frac{1}{4}$ and $8\frac{1}{4}$ feet), although the River be deeper within the Bar, and navigable Northwards, beyond Villanueva to the town of Silves.

E. 1° N. 15 miles from Point La Piedad, is *Cape Carbonero*, of moderate height, with the Fort of La Encarnacion or La Rocca, to defend small Bays lying on each side of the Cape, from which the gap in Monchique bears N. 22° W. Two miles more to the Eastward is another Fort, called Na. Sa. de Rocha; on a bluff advancing into the sea, forming likewise on each side small clean Bays, affording shelter respectively in winds from N. E. and N. W.

S. $86^{\circ} 35'$ E. $5\frac{1}{2}$ miles from Cape Carbonero, is the *Point of Albufera*, on the East side of which is a small Bay, in the bottom of which is the town of the same name, situated on a height close to the shore, and inclosed with ancient walls and towers; on the beach is a Battery of 8 guns. In this Bay is good anchorage and shelter with winds from the N. W. and N. E. quarters.

S. 65° E. $12\frac{1}{2}$ miles from Point Albufera, lies the City of Faro, the intermediate coast forming a bight, in the middle of which, on an eminence, stands the town of *St. Antonio de La Quarteyra*, with a River and a Fort in the

vicinity. The *City of Faro* lies along the shore, near the entrance of the channel, called *La Barreta*, bearing N. $24^{\circ} 30'$ W. from Cape St. Mary.

Cape Santa Maria (St. Mary) lies in North Lat. $36^{\circ} 56' 34''$, and in Long. West from Cadiz $1^{\circ} 37' 15''$; it is a flat beach on the South side of a low sandy island, between which and the land are two other islands of the same kind, all separated from the main land and from each other, by arms of the sea. The entrance between the land and the island next it on the West, is called, as we have just said, the *Barreta*, or *Little Bar*, on which, at high water, the depth is only 10 feet; the entrance between the land and the island next it on the East side, is called the *Great Bar*, having on it, at high water, 13 feet; and by this all vessels go in. There is also another mouth, having 9 feet at high water, called the *New Bar*, between this last mentioned island, and the Eastern part of that which forms Cape St. Mary. The depth of water sufficiently points out what sort of vessels these channels will receive, to go to Faro. Cape St. Mary bears S. 22° W. from Monte Figo.

To the Eastward of the town of Faro you will see St. Antony's Chapel, and still further East, the Town of Hullon; this place bears N. 36° E. from Cape St. Mary, and the Chapel N. 15° W.

Within a cable's length of the shore, all along the island forming the Cape, (excepting at the mouths of the channels), the depth is from 2 to $2\frac{1}{2}$ fathoms; at 3 cables it is from 3 to $3\frac{1}{2}$ fathoms; at 5 cables it is 5 fathoms; and at 1 mile's distance the depth is 9 fathoms, rapidly increasing to 15, 20, and 25, so that at a league off there are 80 to 90 fathoms, every where sand, with some small shells.

It was already noticed that *Monte Figo* bears N. 22° E. from Cape St. Mary; this hill is of middling elevation, but it is the most remarkable of any high lands near the Cape, particularly when the hill is seen from the West or the East, for then it appears detached from other hills to the Northward, with which it is confounded when viewed from the Southward. The summit of this hill lies in North Lat. $37^{\circ} 4'$, and in Long. West from Cadiz $1^{\circ} 32' 50''$. From the poop of a man of war, in clear weather, Monte Figo appears in the horizon, when you are due South from it, as far as in Lat. $36^{\circ} 15'$; that is, at the distance of $16\frac{1}{4}$ leagues; hence we see that it cannot be seen at Cape St. Vincent, nor even until you come 2 or 3 leagues to the

Eastward of the Meridian of Point Sagres; hence the observations said to have been made of Monte Figo, from the neighbourhood of Cape St. Vincent, must unquestionably have been made not on it, but on a small range of hills resembling Monte Figo, but situated more to the N. W. On the East side of Monte Figo, is another hill of much the same shape, called Monte Pequeño or the Little Mount.

N. 55° E. 6 leagues from Cape St. Mary, is the *Bar of Tavira*, in the middle of which space is the Bar called La Focetta, advancing a little into the sea; this Bar is small and of little importance, serving only for fishing and coasting barks; that of Tavira is of sand, and liable to change, so that it ought not to be attempted without a Pilot; but on the outside, you may anchor in 4 to 5 fathoms, with the wind off shore.

From the Great Bar of Faro to that of Tavira, the coast is lined with a number of sandy islands and salt ponds, separated by narrow channels; and up the country, are ranges of high land, all the way from Monte Figo to Monte Gordo, lying above Ayamonte; this last Mountain ought certainly to be visible at a greater distance than the former.

N. $81^{\circ} 10'$ E. 4 leagues from Tavira, is *Point San Antonio*, the West point of the entrance of the *River Guadiana*, and between these extremes are seen the Churches of La Concepcion and Cazerla. Point S. Antonio is sandy and low, with a sand bank extending S. S. E. about $\frac{1}{2}$ league, called the Western Picacho. The Eastern point of that River is Canelas, from which also runs out a sand bank Southerly, for 2 miles, called the Eastern Picacho. Between these banks is a channel about a cable broad, called the Bar of Ayamonte. A little way from Point S. Antonio, up the River, is the town of Villa Real, and higher up is that of Castro Marin; but between these places an arm of the River runs in to the Westward. From Point Canelas up the River 1 mile, lies the *Town of Ayamonte*, on the East bank; and between them are two small channels, nearly dry at low water, but when the tide flows having water enough for coasters; these channels lead, the one to La Higuieretta, the other passing by that Bar, on to that of Tuta.

S. 47° E. $\frac{1}{2}$ league from Point Canelas, is *Point La Mojarra*, on which the Latitude was found by observation to be $37^{\circ} 9' 30''$; a short way N. 14° E. from this Point is the Tower of Canelas.

In taking the bar of Ayamonte, you must bring the Church of Cazerla, just mentioned, on a small hummock near the mountain called Montegordo, known by the name of Mogote azul (the blue knoll or hummock), and follow that direction until two windmills, which are whitened, and very noticeable; on the East side of of the Castle of Ayamonte, come to be in one, which will be the case when they bear from you, N. 30° 30' W.: in this direction you will run along the mid-channel, until you come within 2 cables length of being abreast of Point S. Antonio; when you will neglect all land marks, and stand up the middle of the river, until you are East and West with the place called Villa Real, where, if the ship be large, you must come to anchor, but small vessels may run up much higher.

At low water on full and change there is on the bar only 1 fathom of water, but the depth increases as you go in, to 2 and 3 fathoms: it is to be observed also, that at those periods the tide rises above 2 fathoms: high water, then falling at 3 p. m.

The River Guadiana here divides Portugal from Spain.

N. 72° E. 1 good league from the Tower of Canelas, is the small town of *La Higuereita*, with a *Bar* to the S. S. E. of the place, and the sand banks which form it extend about $\frac{1}{2}$ mile out from the land. To take this bar, you must bring the Point of Cayman on the East side of the entrance, in a line with the church of the place, and keep that direction until you come near the point, where you will be on the inside of all the shoals; and thence keeping the middle of the channel, come to anchor before the town in 3 fathoms at low water, when on the bar there is only $\frac{1}{2}$ fathom.

East 5 short miles from the Bar of Higuereita is that of Tuta, formed on the East side, by a very low sandy Point, and on the West by the end of an island, making the most Northerly of the small channels, already mentioned in speaking of Ayamonte. This bar of Tuta falls dry, and even at high water is only fit for small coasting and fishing barks; and on the shore are some huts for the use of those employed in the Tuuny fishery.

E. b. N. 1 good league from the *bar* of Tuta is that of *Terron*. opened some time ago, by a severe storm, with the entrance towards the South; it is very narrow, and at low water the depth on it is only 5 palms, or 3 $\frac{1}{4}$ feet.

N. 79° W. $\frac{1}{2}$ league from the mouth of this bar, stands the *Tower* of the

Catalan (Catalonian), on an eminence of rugged, red-coloured ground, which reaches Westward to the Bar of Tuta.

N. 67° E. $\frac{1}{2}$ league from the Tower of Catalan, stands the *Tower of Terron*, up the river, and not easily seen from without, both on account of its colour, and of its position on low ground.

• East, 1 league from the *Bar* of Terron is that of *Marijata*, formed by a sandy point, running out on the East side, with a sand bank to the S. S. W. and a sandy island close to the West shore, extending to the bar of Terron. On the bar of *Marijata*, when the tide is out, there is only $\frac{1}{2}$ fathom of water, but within, the depth is from 4 to 5 fathoms, the opening is to the S. W. To take this bar, you must keep nearer to the island than the Point, the broken water pointing out the channel, which is very narrow. When you have entered, you must follow the channel between the island and the main, to the W. by N., and come to anchor where may be most adviseable, and be defended from every wind. This bar and the preceding lead up to *Lepo* and *Cartaya*.

S. 70° E. 2 short leagues from the bar of *Marijata*, are the *Tower* and *Point* of *Umbrio*, being the West point of the bar of *Huelva*, called *Engaña Bobos* (Cheat Booby), in N. Lat. $37^{\circ} 8' 56''$, from which runs out a bank S. S. E. for 1 mile. Opposite to this point begins another bank, leaving a channel between it and the coast, and following its direction for $6\frac{1}{2}$ miles: the extremity of this bank and that of another small bank, running out from the point of the *Picacho* on the land, to the Southward about $\frac{1}{2}$ league, from the principal mouth of the inlet of *Huelva*, called the bar of *Rodrigo*. Between this bar and the former, that is to say, about the middle of the bank just mentioned, is another channel called *La Choza*, where vessels may also enter, as well as at *Engaña Bobos*; but this can only be done at high water, and requires a perfect knowledge of the ground.

In taking the principal entrance by the bar of *Rodrigo*, you must bring a large Pine-tree, on a ridge bearing N. 45° W. from the mouth of the bar, in a line with another smaller Pine-tree, situated to the S. E. of the great tree, and keeping this direction, run along the mid-channel until you come very near the Point of the *Picacho*: there you will run along the shore at the distance of 1 cable, or even less, on account of the sand bank mentioned,

until you come to the Point of Padre Santo, which is sandy, and of moderate elevation, from which the Point of the Picacho bears S. 62° E. $\frac{1}{2}$ league: you will now find the channel from 2 to 3 cables broad, and be entirely free from broken water, even when there is a heavy sea without. The coast here turns short to the Northward, which you must run along, at the distance of 1 cable, to the tower of the Arenilla, where you may come to anchor, well-defended from all winds: but if you are bound for Huelva, you will stand on, observing a very flat rock above water, called La Ballena (the Whale), bearing from the Tower of the Arenilla N. 40° W. 1 mile; this rock you will leave on the starboard side, because on the North side of it, the water is shallow. When you have passed this spot you will make for the town of *Huelva* distant $\frac{3}{4}$ league, and near it you may come to in 4 to 5 fathoms.

This bar of Rodrigo, is not quite 1 cable in breadth, but at low water the depth on it is 3 fathoms, gradually increasing to 16 fathoms as you run in.

If you are bound to *Palos* or to *Moguer*, you must follow the course here pointed out, as far as the tower of the Arenilla, and thence follow the branch of the river, extending N. 47° E.

To the Northward of Point Umbria, and close to the shore (which from thence bears away N.W. to form the Haven of Huelva), lie a number of little islands, separated by small channels, practicable at high water.

We have thus given the best directions in our power for using these bars; but as they are all sandy, they are liable to change: it is therefore necessary to come to on the outside of the entrances, and wait for a Pilot, to carry the vessel in with safety.

S. 65° 30' E. 7 miles from the Point of the Picacho stands the *Tower of Oro*, so close to the sea as to be surrounded at high water. About midway between these spots, in a small bight of the coast, are a number of huts called *La Morla*, at which begins the tract called *Las Arenas gordas* (the sand-hills or sandy downs), the ground rising very gradually to the Eastward all of sand.

S. 56° 30' E. 1 league from the *Tower of Oro*, is that of *Asperillo*, placed $\frac{1}{2}$ cable length back from the beach, on the top of the sandy cliffs, which are there so steep that at high water there is no passage between them and the sea.

S. 54° 30' E. 2 short leagues from the *Tower of Asperillo*, is that of

Higuera, which having been built on the sand hills, the foundation has given way, and the tower has been overthrown, but still remains intire: between these two towers is the most elevated part of the Arenas gordas, or sand-hills.

S. 37° E. 4. miles from the *Tower* of *Higuera*, stands that of *Carbonera*, about $1\frac{1}{2}$ cable back from the beach, on the top of the sand-hills, which are here of little elevation, and broken into little hummocks: near the tower are some houses and shops, where provisions may be obtained.

S. 24° E. $3\frac{1}{2}$ miles from the *Tower* of *Carbonera*, is that of the *Salabal*, 2 cables back from the beach, on sandy ground not very high, bearing N. 10° 30' E. $6\frac{1}{2}$ miles from the *Point* of *Chipiona*.

S. 24° E. 1 league from the *tower* of the *Salabal* stands that of *St. Jacinto*, among the sand-hills, about 3 cables length from the shore of the point of the same name, on the North side of the mouth of the river Guadalquivir; from this point the coast running eastwardly forms another *point* called *Malandar*, which narrows the river opposite to the middle of the town of San Lucar.

From *Point St. Jacinto*, runs out a sand bank W. S. W. about 1 mile in length, and $\frac{1}{2}$ mile in breadth, called the *Cape Bank*: in some places it appears above the surface at low water, but in others the depth on it is 6 feet.

S. W. by W. $1\frac{1}{2}$ mile from the tower of *St. Jacinto*, is a *rocky shoal* of great extent, called *Juan Pul*, having on it, in some places, 7 feet of water: this shoal forms the narrowest part of the entrance of the bar of San Lucar.

S. W. by W. $\frac{1}{2}$ W. 2 miles from the same tower, is another *rocky shoal*, less than the former, called *La Pabona*, but having on it the same depth of water.

In the same direction $\frac{1}{2}$ mile farther out is another *rocky shoal* still smaller than the last, called the *Picacho*, but which is above the surface at low water.

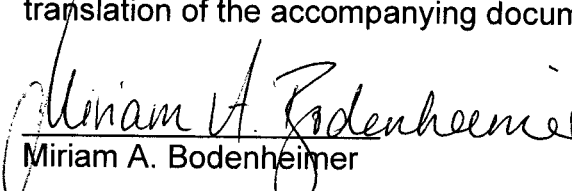
S. 34° W. 4 good miles from *Point St. Jacinto*, is that of *Chipiona*, situated in N. Lat. 36° 44' 18", being the Southern point of the entrance of the river Gaudalquivir; it is flat and rocky, with a reef extending W. N. W. nearly 1 mile, called *El Perro*, or the Dog. On the North side of this point are a number of fishing crawls.

About 2 miles West from the point of *Chipiona* lies the most northerly part of the *Shoal of the Sabinal*, of which the South part bears S. 63° W. from that Point. This shoal extends about 1 mile in the direction N. W. by N.

ANNEX 2
TO EXHIBIT A
(Goold Declaration)

CERTIFICATE OF ACCURACY

I, Miriam A. Bodenheimer, hereby certify that I am fluent in Spanish and English and that the following is, to the best of my knowledge and belief, a true and accurate translation of the accompanying document "General Protocol" from Spanish to English.


Miriam A. Bodenheimer

MINISTRY
OF DEFENCE

MINISTRY
OF CULTURE

Regulations Office
No. **96**
Date: **07/03/09**

General Protocol between the Spanish Ministries of Defence and Culture concerning their mutual collaboration and coordination for the purpose of protecting the Underwater Archaeological Heritage

Approved by
The General Technical
Secretary

In Cartagena, on 2009

B O T H P A R T I E S :

Doña Carme Chacón Piqueras, Minister of Defence by virtue of her appointment through Royal Decree 436/2008 dated 12th April,

And Doña Ángeles González-Sinde Reig, Minister of Culture by virtue of her appointment through Royal Decree 558/2008 dated 7th April.

In their capacity as representatives, they recognize their mutual ability to bind themselves and enter into an agreement, and

S T A T E :

First.

The legal framework currently in force establishes that different organisations within the Spanish Public Administration have responsibilities in the protection of Spanish Historical Patrimony.

Second.

In Spain, the magnitude of Underwater Archaeological Patrimony, together with the growing challenges encountered for its protection, demand of all public organisations with responsibilities in the matter to join efforts and define their activities so as to maximize the effectiveness of its safeguard.

Third.

Article 46 of the Spanish Constitution establishes that the official authorities will guarantee the conservation and promote the enrichment of the historical, cultural and artistic patrimony of Spain's peoples, as well as all the property thereof, regardless of their legal

regime or ownership. Within this framework, the regulation of our archaeological patrimony in general, and underwater patrimony in particular, shall be arranged in pursuance of the responsibilities allocated by the Spanish Constitution as specified in Article 6 of the 16/1985 Act on Spanish Historical Patrimony dated June 25, in accordance with the interpretation thereof issued by the Constitutional Court [of Spain] in Judgment 17/1991, dated January 31.

Fourth.

On November 30, 2007, the Spanish Cabinet passed the National Plan for the Protection of Underwater Archaeological Patrimony (hereto forth, the PNPPAS). The aim of this Plan is to give a general outline on the basic guidelines to be pursued, so that the essential procedures can be designed to adopt an effective policy for the integral protection of our Underwater Archaeological Patrimony. For this reason, and in order to define the scope of the activities under this Plan, a two-fold perspective has been agreed upon:

a) On the national level, the PNPPAS provides the essential policy to be applied by both our Central State Administration and Autonomic Communities in order to implement an effective policy for the protection of any wreck located in Spanish sovereign or jurisdictional waters.

b) On the international level, the PNPPAS outlines the policy to be applied in order to protect our interests and rights over any Spanish vessel and aircraft sunk in third-country or international waters.

Fifth.

The PNPPAS responds to a single goal, namely, to coordinate all official departments and public organisations involved in the protection of our underwater patrimony so as to create awareness thereof by taking specific measures for the safeguard, preservation and spread of knowledge about the rich heritage located in our waters. The aim is thus to achieve the maximum effectiveness and coordination in this undertaking so as to preclude any plunder of this kind of cultural heritage, and to prevent any adverse effects on the conservation thereof that might arise from legally authorised underwater activities.

Sixth.

The PNPPAS provides that “the Ministry of Culture, within the scope of its capacities, shall promote and take all appropriate measures to further develop and enforce this Plan. The Ministries concerned, within the scope of their respective capacities, will take all appropriate measures to develop and enforce this Plan to the maximum extent feasible in keeping with the limits on expenditure from the State’s General Budget as established each fiscal year.”

Seventh.

There are four major reasons why the Ministry of Defence, and particularly the Spanish Navy, plays an essential role in the development of the PNPPAS:

a) 5/2005 Organic Act on National Defence dated November 17th and Royal Decree 787/2007 dated June 15th – enacted to further develop the former in all matters connected to operational structure – entrust the Armed Forces with the surveillance and security of our sovereign spaces, either on the high seas or in any other place as provided by International Law, as well as with the mission of supporting any State activity in such spaces. The Spanish Navy's tasks, together with all Public Organisations with responsibilities in this area, include the surveillance and security of the Underwater Archaeological Patrimony.

b) The Spanish Navy's Historical Archives are a point of reference both when it comes to documenting the activities to be conducted in our sovereign waters and to protecting our vessels and aircraft sunk in third-country waters.

c) Since sunken State vessels and aircraft, no matter where they are located, are the sole property of the Government, only the Ministry of Culture, coordinated with the Ministry of Defence, can authorize activities directed at this underwater property.

d) They have adequate means and proven experience to collaborate in fulfilling the Plan objectives.

Eighth.

The PNPPAS, establishing the measures to be taken to implement the activities herein regulated, provides that the Ministries of Defence and Culture will enter into any appropriate collaboration agreement so as to put in place any appropriate cooperation mechanism for an effective protection of our Underwater Archaeological Patrimony.

Based on all provisions set forth above, the parties undertake to enter into this General Protocol that shall be governed by the following

C L A U S E S:

First. Objective of the General Protocol

This General Protocol aims to enforce all provisions contained in the National Plan for the Protection of the Underwater Archaeological Patrimony (PNPPAS) and to establish itself as the framework for any collaboration and coordination procedure between the Ministries of Defence and Culture in the field of the protection of our Underwater Archaeological Patrimony.

Second. *Specific objectives*

The provisions include the following specific objectives, among others:

a) To establish procedures in order to coordinate, within the framework of the annual Archaeological Survey Programme, all collaboration activities, particularly within the scope of our waterfront Autonomous Communities, designed to draw Archaeological Charts of the areas where wrecks, and particularly State vessels and aircraft, have been found in Spanish sovereign or jurisdictional waters.

b) To establish procedures to standardize information exchanges and collaboration requests.

c) To collaborate in developing the Programme for the Integrated Management of the Information on Underwater Cultural Patrimony.

d) To promote mutual educational and training opportunities in the field of underwater archaeology, to ensure the effectiveness of all collaboration activities.

Each of these specific objectives, as well as further objectives that might emerge under this Protocol, shall be developed by a public department or organisation directly involved in the collaboration and belonging to either Ministry, through appropriate addenda thereto.

Third. *Contributions of each party*

1. The Ministry of Defence, through the Spanish Navy, shall supply all material and human resources deemed appropriate in each case, and shall put all its documental funds and archives at the disposal of the concerned party.

2. The Ministry of Culture shall supply the technical advising and assistance from the General Deputy Directorate for the Protection of Historical Patrimony, the Spanish Cultural Patrimony Institute, together with the National Underwater Archaeology Museum's resources and personnel. Equally available will be all means that this Ministry may have or contract in the future.

3. All opportunities for mutual education and training in the areas identified as being of common interest will be considered.

4. All activities covered by this General Protocol should be conducted at the highest level of excellence allowed for by the operational priorities and human and material resources available within both parties hereto.

Fourth. *Direction and coordination of the projects*

1. All projects should have the support of qualified personnel from the Spanish Navy and any appropriate organisation of the Central State Administration, in collaboration with any further personnel that the Autonomous Communities may choose.

2. Upon agreement by both parties, resources outside the Public Administration may be included and involved in the projects.

3. As a general rule, the technical direction of a project shall fall to the authority determined in each case by the Joint Monitoring Committee, referred to in the sixth clause herein, without prejudice of any Autonomous responsibilities.

4. In order to develop any activity covered by this Protocol, the means and procedures for communication among the involved organisations will be established.

Fifth. Financial provisions

1. The Ministry of Culture, within its budgetary possibilities, shall defray all expenses incurred during the campaigns and collaboration projects conducted by Spanish Navy units, as well as those related to the installation, maintenance, repair or modification of the underwater exploration or survey equipment, or those employed in these activities. These campaigns and projects will be conducted in coordination with the Spanish Navy and, insofar as possible, within the channels of logistical support of the Navy, who will be in charge of their direction and inspection. All contracts closed in connection with these activities will be subjected, if necessary, to 30/2007 Act on Public Sector Contracts dated October 30th.

2. The Ministry of Defence shall defray the ordinary expenses corresponding to the material means (ships and facilities) and human resources that it contributes.

3. Where the activities scheduled require extraordinary expenses to be incurred, the procedure established in the regulations in force shall be implemented in order to place the relevant economic compensations.

4. This Protocol opens the possibility to set up any appropriate procedure designed to elaborate programmes so as to renew/acquire more specific means in order to further develop the PNPPAS.

Sixth. Control and monitoring measures

1. A Joint Monitoring Committee shall be set up which shall be in charge of the fulfilment of the objectives and the promotion of the actions foreseen herein.

2. Said Committee shall submit to the Director of Fine Arts and Cultural Property, under the Ministry of Culture, and to the Director of Institutional Relations of the Ministry of Defence, for their endorsement and signature, any addenda to this General Protocol, including any proposal, coordination measure, rule and procedure that it deems conducive to the

objectives herein, as well as monitoring reports of any related activity that may have been decided.

3. Composition of the Joint Monitoring Committee:

a) For the Ministry of Culture: The Deputy Director for the Protection of the Historical Patrimony, and the Curator of the National Underwater Archaeology Museum.

b) For the Ministry of Defence: The Deputy Director for the Defence of Historical and Artistic Patrimony, and the Director of the Department of Naval History and Culture.

In the meetings called by the Joint Monitoring Committee, apart from the permanent members, other representatives that the Committee may deem relevant will be involved, depending on the topics to be tackled.

4. Tasks and functions of the Joint Monitoring Committee:

a) To propose any addenda to this Protocol for their sanctioning and signature.

b) To propose within the framework of the specific objectives of this Protocol the specific operational rules and procedures for the collaboration in each activity, establishing to this end a work group who shall prepare and submit these proposals.

c) To create the work groups it deems appropriate to meet the objectives and actions scheduled in this General Protocol and specified in the addenda hereto.

d) To establish the procedure for each organisation to regularly submit the schedule of activities and exercises offering educational and training possibilities for both parties.

e) To set the procedure for each year's list of training courses for the personnel of both Ministries to be sent.

5. Periodicity of meetings: The Committee shall hold an ordinary meeting twice a year and extraordinary meetings will be held where circumstances so require, at the request of one of the parties.

6. Decision-making procedure: All decisions should be made by common agreement between both parties.

Seventh. Collaboration with Autonomous Communities and other public organisations

Any appropriate agreement that might be needed to undertake with an Autonomous Community or other public organisation involved in the Protection of the Underwater Archaeological Heritage shall be entered into by the Ministry of Culture with the approval of the Ministry of Defence, through the Spanish Navy.

Under this Protocol, if sunken State vessels or aircraft, or any archaeological remains thereof, were salvaged and recovered, the interests of the Naval Museum and the National Underwater Archaeology Museum in being their consignees should be considered and given priority, and any piece salvaged that would complete their already existing collections, or that has particular historical, naval, nautical or archaeological significance, should be consigned to them on a temporary basis. In any other case, the consignee of said property shall be a museum in public ownership to be decided by the relevant public Administration or official department.

Eighth. Settlement of disputes

Any dispute arising from the interpretation or enforcement of this collaboration Protocol, if the ordinary procedure with the Joint Monitoring Committee foreseen in the Sixth Clause has been exhausted without success, should be settled as provided in 50/1997 Act on the Government and Law dated November 27th and in 52/1997 Act on Legal Aid for the State and Public Institutions dated November 27th.

Ninth. Duration and amendments

This Protocol shall enter into force on the date of its signature and shall be of indefinite duration.

Any amendment to this Protocol should be introduced through a relevant addendum expressly approved by both undersigned parties.

Tenth. Causes for cancellation

This Protocol may be denounced by any of the undersigned parties through written and certified notice to the other party at least four months in advance of the date of desired cancellation. In such a case, the collaboration activities already underway at the time of the notice should be completed.

In witness thereof, both parties have affixed their signatures to this General Protocol in two original copies equally valid in the place and on the date indicated above.

THE MINISTER OF DEFENCE

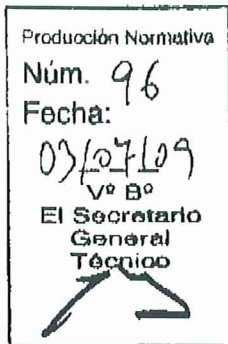
THE MINISTER OF CULTURE

- Carme Chacón Piqueras -

- Ángeles González-Sinde Reig -



MINISTERIO DE DEFENSA MINISTERIO DE CULTURA



Protocolo General entre los Ministerios de Defensa y Cultura sobre colaboración y coordinación en el ámbito de la protección del Patrimonio Arqueológico Subacuático.

En Cartagena, a de de 2009

REUNIDOS:

De una parte, la Sra. Dña. Carme Chacón Piqueras, Ministra de Defensa, en virtud de su nombramiento por Real Decreto de 436/2008, de 12 de abril.

Y de otra, la Sra. Dña. Ángeles González-Sinde Reig, Ministra de Cultura, en virtud de su nombramiento por Real Decreto 558/2009, de 7 de abril.

Ambas partes, en la representación que ostentan, se reconocen mutua capacidad para obligarse y convenir y

EXPONEN:

Primero.

El marco jurídico actual contempla que diversos organismos de la Administración del Estado tengan competencias en el ámbito de la protección del Patrimonio Histórico Español.

Segundo.

En España, la magnitud del Patrimonio Arqueológico Subacuático y la evolución de los desafíos a los que debe enfrentarse su protección, demandan aunar los esfuerzos de todas las Administraciones competentes y delimitar actuaciones que maximicen la eficacia en la salvaguarda del mismo.

Tercero.

El artículo 46 de la Constitución Española establece que los poderes públicos garantizarán la conservación y promoverán el enriquecimiento del patrimonio histórico, cultural y artístico de los pueblos de España y de los bienes que lo



integran, cualquiera que sea su régimen jurídico y su titularidad. Dentro de ese marco, la regulación del patrimonio arqueológico en general y, el subacuático en particular, se articula según el criterio de reparto competencial que establece la Constitución Española y concreta la Ley 16/1985, de 25 de junio, del Patrimonio Histórico Español, en su artículo 6, de acuerdo con la interpretación realizada por el Tribunal Constitucional en la Sentencia 17/1991, de 31 de enero.

Cuarto.

Con fecha 30 de noviembre de 2007, se aprueba en Consejo de Ministros el Plan Nacional de Protección del Patrimonio Arqueológico Subacuático, en adelante PNPPAS. Este Plan pretende establecer una reflexión general sobre las líneas básicas que deben adoptarse, para que se constituyan como guías fundamentales que permitan llevar a cabo una política eficaz de protección integral del Patrimonio Arqueológico Subacuático. Por ello y para delimitar el ámbito de actuación del Plan, se contempla una doble perspectiva:

a) A nivel nacional, el Plan determina las líneas básicas de actuación entre la Administración General del Estado y las Administraciones Autonómicas, para llevar a cabo una política eficaz de protección de los pecios que se encuentren en las aguas de soberanía o jurisdicción española.

b) A nivel internacional, el Plan determina las líneas de actuación para proteger los intereses y derechos sobre los pecios españoles hundidos en aguas de terceros países o internacionales.

Quinto.

El PNPPAS obedece a un fin único, que es concienciar de una manera coordinada a todos los departamentos y administraciones públicas implicadas en esta protección, adoptando una serie de medidas concretas para la salvaguardia, conservación y difusión de este rico patrimonio que se encuentra en nuestras aguas. Con ello se pretende alcanzar el mayor grado de eficacia y coordinación en esta labor, para evitar cualquier tipo de actividad expoliadora que afecte directamente a este patrimonio y velar para que actividades subacuáticas legalmente autorizadas no incidan negativamente en su conservación.



Sexto.

El PNPPAS establece que "el Ministerio de Cultura promoverá y adoptará las medidas necesarias para el desarrollo y ejecución de este Plan en el ámbito de sus competencias. Los Ministerios afectados adoptarán las medidas necesarias para el desarrollo y aplicación del presente Plan en el ámbito de sus respectivas competencias, siempre dentro de las disponibilidades de crédito que anualmente se fijan en los Presupuestos Generales del Estado".

Séptimo.

Cuatro son los motivos fundamentales por los que el Ministerio de Defensa y en particular la Armada, juega un papel fundamental en el desarrollo del PNPPAS:

a) La Ley Orgánica 5/2005, de 17 de noviembre, de la Defensa Nacional y el Real Decreto 787/2007, de 15 de junio, que la desarrolla en lo que a su estructura operativa se refiere, asigna a las Fuerzas Armadas la vigilancia y seguridad en los espacios de soberanía, en la alta mar o en otros lugares donde resulta lícito con arreglo al derecho internacional y el apoyo a la acción del Estado en dichos espacios. Dentro de sus cometidos, la Armada, junto con las Administraciones competentes, es responsable de la vigilancia y seguridad del Patrimonio Arqueológico Subacuático.

b) Los Archivos Históricos de la Armada, son un punto de referencia tanto para documentar las acciones a realizar en nuestras aguas de soberanía, como para defender nuestros pecios en aguas de terceros países.

c) Los pecios de los buques de Estado, allá donde se encuentren, son exclusivamente de titularidad estatal, por lo que sólo el Ministerio de Cultura, en actuación coordinada con el de Defensa, puede autorizar actuaciones sobre dichos pecios.

d) Disponer de medios adecuados y experiencia acreditada para colaborar en el cumplimiento de los objetivos del Plan.

Octavo.

EL PNPPAS, al establecer las medidas de actuación, determina que los Ministerios de Defensa y Cultura suscribirán los convenios de colaboración



oportunos que articulen los mecanismos de cooperación, en interés de la adecuada protección del Patrimonio Arqueológico Subacuático.

Por lo expuesto, las partes acuerdan suscribir este protocolo general que se regirá por las siguientes

CLÁUSULAS:

Primera. Objeto del Protocolo general.

Este protocolo general tiene por objeto dar cumplimiento a lo establecido en el Plan Nacional de Protección del Patrimonio Arqueológico Subacuático (PNPPAS) y servir de marco para establecer mecanismos de colaboración y coordinación entre los Ministerios de Defensa y Cultura en el ámbito de la protección del Patrimonio Arqueológico Subacuático.

Segunda. Objetivos específicos.

Se contemplan, entre otros, los siguientes objetivos específicos:

- a) Establecer procedimientos para, en el marco del Programa de Prospecciones Arqueológicas anual, coordinar las actividades y colaboraciones, especialmente en los ámbitos de las Comunidades Autónomas ribereñas, para el levantamiento de las Cartas Arqueológicas de pecios y, en particular, de los pecios de buques de Estado, que se encuentran en las aguas de soberanía o jurisdicción española.
- b) Establecer procedimientos para normalizar los intercambios de información y peticiones de colaboración.
- c) Colaborar en el desarrollo del Programa de Gestión Integrada de Información del Patrimonio Cultural Subacuático.
- d) Promover oportunidades de formación y adiestramiento mutuo en el campo de la arqueología subacuática, que permitan asegurar la eficacia de las colaboraciones.



Cada uno de estos objetivos específicos, así como otros que puedan surgir al amparo de este protocolo, serán desarrollados por los organismos de ambos Ministerios directamente implicados en la colaboración, mediante las correspondientes adendas al protocolo.

Tercera. Aportaciones de las partes.

1. El Ministerio de Defensa, a través de la Armada, aportará los medios materiales y humanos que en cada caso se determinen y pondrá a disposición de la parte interesada los fondos documentales y archivísticos de que dispone.

2. El Ministerio de Cultura aportará el asesoramiento técnico de la Subdirección General de Protección de Patrimonio Histórico, del Instituto del Patrimonio Cultural de España, así como los medios de que dispone el Museo Nacional de Arqueología Subacuática, con su correspondiente personal. De igual modo se podrá contar con aquellos medios que el citado Ministerio pueda disponer o contratar en el futuro.

3. Se estudiarán oportunidades de formación y adiestramiento mutuo en aquellas áreas que se identifiquen de interés común.

4. Las actuaciones derivadas de este protocolo general, se efectuarán en la medida que las prioridades operativas y las disponibilidades de personal, material y recursos de ambas partes lo permitan.

Cuarta. Dirección y coordinación de los proyectos

1. En todos los proyectos se podrá contar con la participación de personal cualificado de la Armada y de cualquier órgano de la Administración Central del Estado que sea preciso, en colaboración con los que la Administración Autonómica determine.

2. Con la conformidad de ambas partes, se podrá incluir en los proyectos la participación de medios ajenos a la Administración Pública.

3. Como regla general, la dirección técnica de un proyecto recaerá en la autoridad que en cada caso determine la Comisión Mixta de Seguimiento a que se refiere la cláusula sexta de este protocolo, sin perjuicio de las competencias autonómicas.



4. En el desarrollo de cualquier actividad cubierta por este protocolo, se establecerán medios y procedimientos de comunicación entre los organismos implicados.

Quinta. *Financiación.*

1. El Ministerio de Cultura, dentro de sus posibilidades presupuestarias, se hará cargo de los gastos derivados de las campañas y proyectos de colaboración que realicen las unidades de la Armada, así como de los de instalación, mantenimiento, reparación o modificación de los equipos de exploración submarina o de prospección, o los empleados en estas actividades. Estas campañas y proyectos se realizarán de forma coordinada con la Armada y, en lo posible, dentro de los cauces del apoyo logístico de la misma, correspondiendo a ésta su dirección e inspección. Las contrataciones derivadas de estas actuaciones se someterán, en su caso, a la Ley 30/2007, de 30 de octubre, de Contratos del Sector Público.

2. El Ministerio de Defensa sufragará los gastos corrientes correspondientes a los medios materiales (buques e instalaciones) y humanos que proporcione.

3. En aquellos supuestos en que las actividades a realizar impliquen gastos extraordinarios, se habilitará el procedimiento establecido en la normativa vigente para efectuar las compensaciones económicas correspondientes.

4. Este protocolo abre las vías de actuación necesarias para el desarrollo de programas de renovación/adquisición de medios más específicos para el desarrollo del PNPPAS.

Sexta. *Medidas de control y seguimiento.*

1. Se constituirá una Comisión Mixta de Seguimiento que será responsable de alcanzar los objetivos y promover las acciones previstas en este documento.

2. Dicha comisión presentará al Director General de Bellas Artes y Bienes Culturales del Ministerio de Cultura y al Director General de Relaciones Institucionales del Ministerio de Defensa, para su aprobación y firma, las adendas a este protocolo, que incluirán cuantas propuestas, medidas de coordinación, normas y procedimientos estimen oportunos para los fines que se persiguen en este



protocolo general, así como el seguimiento de todas las actuaciones que en este sentido se determinen.

3. Composición de la Comisión Mixta de Seguimiento:

a) Por el Ministerio de Cultura: el Subdirector General de Protección del Patrimonio Histórico y el Director del Museo Nacional de Arqueología Subacuática.

b) Por el Ministerio de Defensa: el Subdirector General de Patrimonio Histórico-Artístico de Defensa y el Director del Órgano de Historia y Cultura Naval.

En las reuniones convocadas por la Comisión Mixta de Seguimiento, además de los miembros permanentes, podrán participar otros representantes que la comisión considere oportunos, de acuerdo con los asuntos a tratar.

4. Cometidos y atribuciones de la Comisión Mixta de Seguimiento:

a) Proponer, para su aprobación y firma, las adendas a este protocolo.

b) En el marco de los objetivos específicos de este protocolo, proponer las normas y procedimientos operativos concretos de colaboración para cada actividad, estableciendo para ello un grupo de trabajo que elabore y eleve propuestas en este sentido.

c) Podrá crear los grupos de trabajo que considere necesarios para la consecución de los objetivos y acciones contemplados en este protocolo general y concretados en las adendas.

d) Arbitrará el procedimiento para que cada organismo remita, de forma regular, la previsión de actividades y ejercicios que puedan ofrecer posibilidades de formación y adiestramiento para ambas partes.

e) Fijará el procedimiento para que se le remita anualmente la relación de cursos donde exista posibilidad de formación del personal de ambos organismos.

5. Periodicidad de las reuniones: Se reunirá ordinariamente con una periodicidad semestral y extraordinariamente cuando las circunstancias lo requieran, a petición de una de las partes.

6. Procedimiento de toma de decisiones: Las decisiones se tomarán de común acuerdo entre las partes.



Séptima. Colaboraciones con otras Administraciones Públicas.

Los acuerdos que sea preciso establecer con las Comunidades Autónomas o con otras Administraciones implicadas en la Protección del Patrimonio Arqueológico Subacuático, serán concertados por el Ministerio de Cultura, previo acuerdo con el Ministerio de Defensa, a través de la Armada.

En el caso de que, en aplicación de este protocolo, se efectúe la extracción y recuperación de pecios o restos arqueológicos pertenecientes a buques de Estado, se tendrá en cuenta el interés del Museo Naval y del Museo Nacional de Arqueología Subacuática en ser destinatarios, en forma de depósitos temporales, de aquellas piezas extraídas, que completen las colecciones ya existentes en los mismos o que tengan una especial significación histórica, naval, náutica o arqueológica, dándoseles prioridad. En cualquier otro caso, el destinatario de dichos bienes será un museo de titularidad pública que determine la administración pública competente.

Octava. Solución de controversias.

Las controversias sobre la interpretación y ejecución de este protocolo de colaboración, una vez agotada la vía de la Comisión Mixta de Seguimiento prevista en la cláusula sexta, deberán ser resueltas de conformidad con lo dispuesto en la Ley 50/1997 de 27 de noviembre, del Gobierno y la Ley 52/1997, de 27 de noviembre, de Asistencia Jurídica al Estado e Instituciones Públicas.

Novena. Vigencia y modificaciones.

Este protocolo entrará en vigor en el momento de su firma con carácter indefinido.

La modificación de este protocolo se realizará mediante la correspondiente adenda, por acuerdo expreso de las partes firmantes.



Décima. *Causas de resolución.*

Podrá ser denunciado por cualquiera de las partes firmantes mediante comunicación escrita y fehaciente a la otra, con un plazo de al menos cuatro meses de antelación a la fecha en que se desee dar por terminado. En este supuesto, deberán finalizarse las colaboraciones que estén en marcha en el momento de la comunicación.

Y en prueba de conformidad de cuanto antecede, firman este protocolo general en dos ejemplares originales, igualmente válidos, en lugar y fecha arriba indicados.

LA MINISTRA DE DEFENSA

LA MINISTRA DE CULTURA

- Carme Chacón Piqueras -

- Ángeles González-Sinde Reig -