

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
Northern Division**

GREAT LAKES EXPLORATION	)	
GROUP LLC	)	
Plaintiff,	)	
v.	)	Civil Action No. 1:04-CV-375
	)	
The Unidentified, Wrecked and (For Salvage-	)	HON. ROBERT HOLMES BELL
Right Purposes), Abandoned Sailing Vessel, etc.	)	
Defendant, et al.	)	

**AFFIDAVIT OF MICHEL CHANOUX**

Michel Chanoux, after first being duly sworn, deposes and states as follows:

1. I am an adult male. I have all my personal faculties. I make this Affidavit based upon personal knowledge and/or knowledge received by me in my official office as the Secretary General for the Embassy of France.
2. The Republic of France has claimed *Le Griffon* as a sovereign vessel and warship. Our nation has not abandoned its interests in *Le Griffon*; and has maintained its interests in *Le Griffon* as a sovereign vessel of the Crown of France, performing sovereign functions at the time of her loss, including as a vessel of exploration and warship on behalf of the Crown.
3. The Republic of France has asserted its ownership of *Le Griffon* since it first became aware of the possible location of the shipwreck in 2005. In each of those assertions, France has confirmed that it has never abandoned its interest in *Le Griffon* and has consistently asserted its rights of ownership.
- 4.. When we became aware of the possible location of *Le Griffon* in Lake Michigan, we notified the U.S. Department of State of our ownership of the shipwreck. This contact



with the U.S. Department of State was in conformity with the established customs and practices of nation-states in intercourse with other nation-states in our international community. In the past, we have also customarily communicated through the U.S. Department of State with the other Branches of the United States Government regarding matters affecting our property ownership and other interests located within the United States. The United States, likewise, has customarily communicated with our Ministry of Foreign Affairs in Paris with regard to matters affecting its ownership interests located within French territory.

5. In our communications, we requested that the U.S. Department of State do all things necessary and proper in compliance with the laws of the United States to assert the claim of the Republic of France as owner of *Le Griffon*. We have continued to do so throughout the proceedings before Judge Bell in the Western District of Michigan.

6. The Republic of France has never delayed in prosecuting its ownership interest. It has acted in accordance with the established customs and usages of international law regarding the process for sovereign-to-sovereign communications. As a sovereign nation-state and member of the international legal community, our actions within the territory of the United States are constrained by the international legal principles of sovereignty and non-interference. In everything we do, our nation strives to avoid interfering with, or infringing upon, the internal domestic affairs of the United States. In all of our actions regarding the assertion of our ownership interest in *Le Griffon*, we have sought to fulfill our obligations under the law of nations regarding non-interference.

7. We have thus looked to the U.S. Department of State to communicate with Judge Bell and the parties regarding our assertion of ownership of *Le Griffon*. Until recent

weeks, we had understood from the U.S. Department of State that it was not appropriate for France to directly participate in the proceedings, and that, on behalf of France, the State Department would give appropriate and lawful notice of France's ownership of *Le Griffon*. As an example, a copy of one of the communications provided by the U.S. Department of State is attached.

8 The role of foreign ministries in giving such notices to other branches of foreign governments is established under long-standing international customs and usages. At all times in our deeds and actions, we have tried in good faith to comply with our duty to respect the internal affairs of the United States and to fulfill our obligations under international law.

9. Within the past several weeks, we received notice from the U.S. Department of State and the U.S. Department of Justice that it would be lawful and proper for our nation to file a "Claim" directly with Judge Bell, in order to supplement the earlier assertions of our ownership interest by the U.S. Department of State. We have been advised that we may now file such a claim directly with the Court with the permission of the United States, without thereby being considered to be in violation of our duty of non-interference in the domestic affairs of the United States.

10 Upon receiving the "green light," we have proceeded as expeditiously as possible to prepare and file a Claim.

11. The interests of the Republic of France in this matter are simple: we desire to protect our people's sovereign rights in *Le Griffon*. As noted in our claim, (1) the Republic of France is the owner of the shipwreck of *Le Griffon*; (2) it has not abandoned its interests in *Le Griffon*; and (3) it maintains its interests in *Le Griffon* as a sovereign

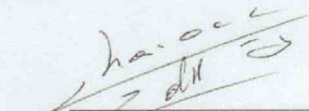
vessel of the Crown of France, performing sovereign functions at the time of her loss, including as a vessel of exploration and warship on behalf of the Crown.

12. We have not taken sides in the court dispute between the Plaintiff and the State of Michigan regarding the details of the exploration and recovery operations, other than (a) to note our belief that any and all work on the shipwreck site should be carried out in a way both that respects France's ownership of *Le Griffon* and that protects the scientific, historic and archaeological values of the underwater cultural deposits in question; and (b) to urge mutual cooperation and respect among all persons involved.

A handwritten mark, possibly a signature or initials, consisting of a series of connected lines, located on the right side of the page.

Embassy of France }  
Washington, D.C. } ss:

I, Michel Chanoux, having been duly sworn, state that I am the Secretary General of the Embassy of France in Washington D.C.; that I have read the foregoing claim; and that it is true to the best of my knowledge and belief.

  
Michel Chanoux

The foregoing was subscribed and sworn to before me this 4<sup>th</sup> day of February, 2009.

  
Notary Public

Sonia M. Marquez  
District of Columbia  
My Commission Expires  
September 30, 2013

My commission expires: \_\_\_\_\_

