1. On January 19, 2001, the President stated United States policy on sunken government vessels, aircraft and spacecraft ("State craft") of the United States and foreign nations. See Weekly Compilation of Presidential Documents, vol. 37, no. 3, pages 195-196. The President advised, inter alia, "[t]hose who would engage in unauthorized activities directed at sunken State craft * * * that disturbance or recovery of such craft should not occur without the express permission of the sovereign * * *." (The full text is set out at the end of this notice.)

2. The Governments of France, Germany, Japan, Russian Federation, Spain and the United Kingdom have advised the State Department of their policies, as follows:

   France: "In accordance with the 1982 United Nations Convention on the Law of the Sea (among others art. 32 & 236) and Customary Law, every State craft (e.g. warship, naval auxiliary and other vessel, aircraft or spacecraft owned or operated by a State) enjoys sovereign immunities, regardless of its location and the period elapsed since it was reduced to wreckage (general principle of non limitation of rights of States).

   The primacy of the title of ownership is intangible and inalienable: no intrusive action may be taken regarding a French sunken State craft, without the express consent of the French Republic, unless it has been captured by another State prior to sinking.

   But this primacy does not forbid the State to freely renounce, whenever it wants to and in a formal way, to use some of its right on the wreck (except its ownership).


   Germany: "Under international law, warships and other vessels or aircraft owned or operated by a State and used only on government non-commercial service ("State vessels and aircraft") continue to enjoy sovereign immunity after sinking, wherever they are located. The Federal Republic of Germany also retains ownership of any German State vessel or aircraft owned by it or the German Reich at the time of its
sinking. Further, many sunken warships and aircraft are maritime
graves, which have to be respected. No intrusive action may be taken in
relation to German State vessels or aircraft without the express
consent of the German Government.'" Source: Communication from the
German Foreign Ministry, October 30, 2003.

Japan: "According to international law, sunken State vessels, such
as warships and vessels on government service, regardless of location
or of the time elapsed remain the property of the State owning them at
the time of their sinking unless it explicitly and formally
relinquishes its ownership. Such sunken vessels should be respected as
maritime graves. They should not be salvaged without the express
consent of the Japanese Government.'" Source: Communication from the

Russian Federation: "Under international law of the sea all the
sunken warships and government aircraft remain the property of their
flag State. The Government of the Russian Federation retains ownership
of any Russian sunken warship, including the warships of the Russian
Empire and the Soviet Union, regardless the time they sank. These craft
are considered places of special governmental protection and cannot be
salvaged without special permission of the Government of the Russian
Federation.'" Source: Communication from the Government of the Russian

Spain: "The Embassy of Spain presents its compliments to the
Department of State and has the honor to address the matter of Spanish
laws and policy regarding the remains of sunken vessels that were lost
while in the service of the Kingdom of Spain and/or were transporting
property of the Kingdom of Spain. In accordance with Spanish and
international law, Spain has not abandoned or otherwise relinquished
its ownership or other interests with respect to such vessels and/or
its contents, except by specific action pertaining to particular
vessels or property taken by Royal Decree or Act of Parliament in
accordance with Spanish law. Many such vessels also are the resting
place of military and/or civilian casualties.

"The Embassy of Spain accordingly wishes to give notice that
salvage or other disturbance of sunken vessels or their contents in
which Spain has such interests is not authorized and may not be
conducted without express consent by an authorized representative of
the Kingdom of Spain.'" Source: Embassy of Spain, Washington, DC, Note
No. 128, December 19, 2002.

United Kingdom: "Under international law, warships, naval
auxiliaries, and other vessels or aircraft owned or operated by a State
and used only on government non-commercial service ("State vessels and
aircraft") enjoy sovereign immunity. State vessels and aircraft
continue to enjoy sovereign immunity after sinking, unless they were
captured by another State prior to sinking or the flag State has
expressly

relinquished its rights. The flag State's rights are not lost merely by
the passage of time. Further, many sunken State vessels and aircraft
are maritime graves, which should be respected. No intrusive action may
be taken in relation to the United Kingdom's sovereign immune State
vessels or aircraft without the express consent of the United
Kingdom.'" Source: Communication from the UK Foreign and Commonwealth

3. Anyone believing to have located or wishing to salvage a sunken
State craft are advised to contact the government office noted below:


Germany: Ausw[uml]rtiges Amt, Referat 504, 11013 Berlin, Germany, Tel (011) 49 1888 17 3832; fax (011) 49 1888 17 53832; e-mail: --@dipl.de.

Japan: Embassy of Japan, 2520 Massachusetts Avenue, NW., Washington, DC 20008, Tel (202) 238-6700; fax (202) 328-2187.

Russian Federation: Legal Department, Ministry of Foreign Affairs, Russian Federation, Moscow, Fax (011) 7-095-241-11-66; e-mail: DP@mid.ru.

Spain: Minister for Cultural Affairs, Embassy of Spain, 2375 Pennsylvania Avenue, NW., Washington, DC 20037, Tel (202) 728-2334; fax (202) 496-0328; e-mail: ocultura@erols.com.

United Kingdom: NP Sec (P + P) 2, Room 125 Victory Building, HNB Portsmouth, England UK, PO1 3LS, Tel: (011) 44 23 92 720548 or 727326; fax: (011) 44 23 92 727304, e-mail: npsec-moduk@dial.pipex.com.


Any other nation not listed above: Office of Ocean Affairs (OES/OA), U.S. Department of State, 2201 C. Street, NW., Washington, DC 20520, Tel (202) 647-3880; fax (202) 647-9099.

4. The Presidential Statement on United States Policy for the Protection of Sunken State Craft reads in full as follows:

Thousands of United States government vessels, aircraft and spacecraft ("State craft"), as well as similar State craft of foreign nations, lie within, and in waters beyond, the territorial sea and contiguous zone. Because of recent advances in science and technology, many of these sunken government vessels, aircraft and spacecraft have become accessible to salvors, treasure hunters and others. The unauthorized disturbance or recovery of these sunken State craft and any remains of their crews and passengers, is a growing concern both within the United States and internationally. In addition to deserving treatment as gravesites, these sunken State craft may contain objects of a sensitive national security, archaeological or historical nature. They often also contain unexploded ordnance that could pose a danger to human health and the marine environment if disturbed, or other substances, including fuel oil and other hazardous liquids, that likewise pose a serious threat to human health and the marine environment if released.

I believe that United States policy should be clearly stated to meet this growing concern. Pursuant to the property clause of Article IV of the Constitution, the United States retains title indefinitely to its sunken State craft unless title has been abandoned or transferred in the manner Congress authorized or directed. The United States recognizes the rule of international law that title to foreign sunken State craft may be transferred or abandoned only in accordance with the law of the foreign flag State.

Further, the United States recognizes that title to a United States or foreign sunken State craft, wherever located, is not extinguished by passage of time, regardless of when such sunken State craft was lost at sea.

International law encourages nations to preserve objects of
maritime heritage wherever located for the benefit of the public.

Those who would engage in unauthorized activities directed at
sunken State craft are advised that such disturbance or recovery should
not occur without the express permission of the sovereign, and should
only be conducted in accordance with professional scientific standards
and with the utmost respect for any human remains.

The United States will use its authority to protect and preserve
sunken State craft of the United States and other nations, whether
located in the waters of the United States, a foreign nation, or in
international waters.

Public Papers of the Presidents: William J. Clinton, vol. III, page
srchpaps.html; Weekly Compilation of Presidential Documents, vol. 37,
no. 3, pages 195-196, available through http://www.access.gpo.gov/nara/
nara003.html.

5. The failure to mention other sunken Government property of any
nation should not be construed as abandonment or waiver of that
nation's right.

Margaret F. Hayes,
Director, OES/OA, Department of State.
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