

Statement of Ray Wanner,
U.S. Observer Delegate to the 31st UNESCO General Conference

Before the General Conference Plenary

Regarding the U.S. Views on the
UNESCO Convention on the Protection of Underwater Cultural
Heritage

November 2, 2001
Paris, France

Mr. Chairman:

I wish to thank the Chairman, the Secretariat, and other delegations for their hard work on this Convention.

We note and take satisfaction in the substantial progress that was been made in certain areas. In particular, the agreement reached on the Annexed Rules, Preamble and support of non-intrusive responsible public access was a substantial achievement.

Nonetheless, we regret that we cannot accede to this text in its present form because of objections to several key provisions relating to jurisdiction, the reporting scheme, warships, and the relationship of the convention to UNCLOS.

We do not believe the text is ripe for adoption. We do believe that if we had had more time, a broadly ratifiable text could have been arrived at by consensus. And we hope that there will be a future opportunity to build on the progress that we did make in regard to the Rules, the Preamble, Public Access and other provisions. Only a broadly ratifiable text will actually contribute to effective protection of the Underwater cultural heritage.

We wish to note for the record that in our view, as a matter of international law and with particular reference to Article 311(3) of UNCLOS, the convention's provisions apply only among Parties to it. This is particularly true of the provisions in the article on jurisdiction on the continental

shelf and the Exclusive Economic Zone. It is our assumption that other delegations share this understanding.

We ask that these views be incorporated into the formal records of this meeting and of the General Conference.