

MEMORANDUM OF UNDERSTANDING

PURSUANT TO THE
NATIONAL MARINE SANCTUARIES ACT
16 U.S.C. 1435 (c)

BETWEEN THE

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL OCEAN SERVICE
OFFICE OF NATIONAL MARINE SANCTUARIES

AND THE

MINISTRY OF CULTURE OF THE GOVERNMENT OF SPAIN

ON

COOPERATION IN MANAGEMENT, RESEARCH, PROTECTION,
CONSERVATION, AND PRESERVATION OF UNDERWATER CULTURAL
HERITAGE RESOURCES AND SITES

The National Ocean Service of the National Oceanic and Atmospheric Administration of the Department of Commerce of the United States of America (hereinafter referred to as NOAA) and the Ministry of Culture of the Government of Spain (hereinafter referred to as the Ministry of Culture):

Recognizing that NOAA (16 U.S.C, 1431, 1435(c)), and the Ministry of Culture each has authority and responsibilities within their respective governments and nations for the protection for public benefit of underwater cultural heritage resources and sites, including shipwrecks and associated remains of vessels of historical and/or archaeological significance;

Considering the shared historic and cultural heritage of Spain and the United States, which is embodied in part in sunken vessels of historical and/or archaeological significance and their associated remains and may constitute property of their respective Flag State under the domestic laws of the United States and Spain and international law;

Considering the potential for cooperation between NOAA and the Ministry of Culture (hereinafter referred to collectively as the “Signatories”) in programs and projects concerned with identification, preservation, research, recovery and conservation of underwater cultural heritage resources for which each of the Signatories respectively has such responsibilities;

Aware that underwater cultural heritage resources and sites may embody, reflect and commemorate archaeological and historic events and/or periods that are of significance to the national history and patrimony of the United States and/or Spain and, in many cases, to the world, and may represent irreplaceable elements of the heritage and identity of the people of the United States and/or Spain within the existing responsibility and authority of the Signatories to preserve and protect such for public benefit;

Noting the mutual interest in continuing and strengthening the programs of the Signatories relating to underwater cultural heritage resources and sites and facilitating of exchanges of information or other collaboration concerning potential site-specific projects;

Convinced that regular and sustained cooperation between the Signatories can be of significant benefit in enhancing their existing and future programs in these areas;

Have reached the following understandings:

FIRST

This Memorandum has as its objective the creation of a framework for cooperation between the Signatories in particular concerning the identification, protection, management and preservation of underwater cultural resources and sites within the Signatories' respective areas of responsibility.

SECOND

1. The Signatories intend to establish a Coordination Committee, to be co-chaired by the Director of Maritime Heritage of NOAA's Office of National Marine Sanctuaries, National Ocean Service, and the Director General of Directorate of Fine Arts and Cultural Heritage of the Ministry of Culture, or their designated representatives, to review and discuss progress on projects, possible areas for future cooperation and issues between the Signatories. The Coordination Committee should meet as mutually agreed, alternating between the two countries. Representatives of both the Department of State and the Ministry of Foreign Affairs and Cooperation may be invited to the meetings of the Coordination Committee.

2. The Signatories intend for the Committee to determine programs and/or projects for cooperation within the scope of this Memorandum and possible areas for extension of programs or projects within the framework of this Memorandum. The Co-Chairs should

designate appropriate representatives to oversee, direct, jointly negotiate, approve, implement and monitor the progress of joint activities agreed to by the Coordination Committee for the accomplishment of the objectives defined in this Memorandum.

3. Summaries of the progress of activities undertaken by the Signatories pursuant to this Memorandum should be provided to the Coordination Committee for review as requested.

THIRD

1. The forms of cooperative activities under this Memorandum may include exchanges of historical, archaeological and technical information, participation in seminars, conferences, training courses, and work shops in areas within the objectives of this Memorandum, the loan of equipment and making available personnel, specialists, consultants and other resources for programs and/or projects.

2. Topics of mutual interest and benefit for ongoing or future cooperative, activities may include but are not limited to:

- A. Exchanging and sharing of information concerning the actual or potential location and identity of underwater cultural heritage resources or sites of potential archaeological or historical interest to either Signatory and/or as to which either Signatory may be the Flag State or otherwise have a potential ownership or other legal or programmatic interest.
- B. Cooperating in research, archaeological examination and other activities concerning underwater cultural resources consistent with international standards as set forth in the Rules in the Annex to the 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage.
- C. Conducting surveys or other studies of areas or sites which may contain underwater cultural heritage resources or sites of interest to either of the Signatories and the exchange of information developed by such activities.
- D. Providing information concerning actual or potential unauthorized disturbance of underwater culture heritage resources or sites within the areas of responsibility of either of the Signatories in which either of the Signatories may have an archaeological, historical, ownership or programmatic interest, including sites of sunken vessels for which either of the Signatories is the Flag State.

- E. Cooperating in projects concerning underwater cultural resources with non-governmental organizations engaged in historical or archaeological research and/or other programs compatible with the objectives of this Memorandum and the laws, regulations and policies of the United States and Spain. Each of the Signatories may also enlist the participation of other organizations or agencies of their respective governments or local, state or regional government agencies or organizations of their respective nations to the extent compatible with existing laws, regulations and policies of their respective governments.
- F. Cooperating in the preparation and dissemination of reports, public education and other interpretive materials and other outreach to make available for public benefit information developed by programs and projects within the framework of this Memorandum.

3. High priority geographic areas or specific sites or projects for potential collaboration between the Signatories may be designated by the Co-Chairs or their designated representatives and such designations may be reviewed and updated on an ongoing basis.

4. The Signatories intend to seek to work collaboratively to determine and pursue any necessary actions to address programs, projects, or other initiatives of an urgent or emergency nature.

FOURTH

Both Signatories may seek participation of the Department of State and the Ministry of Foreign Affairs and Cooperation, or other relevant governmental bodies, for the implementation of this Memorandum, when appropriate or necessary.

FIFTH

1. Cooperation under this Memorandum is subject to the availability of funds and personnel to each Signatory, and to the laws and regulations of each Signatory's country. The terms of reference for each project or activity should be agreed upon in writing by the Signatories before its commencement.

2. This Memorandum is not a funds transfer or funds obligating document. Any activities involving reimbursement or transfer of funds between the Signatories are to be handled in accordance with applicable laws, regulations, and procedures of the Signatories. Such activities should be documented in separate instruments.

3. The Signatories intend to cooperate on activities of mutual interest. However, this Memorandum of Understanding is not legally binding under international law.

SIXTH

1. The points of contact for activities under this Memorandum are:

James P. Delgado
Director of Maritime Heritage
Office of National Marine Sanctuaries
National Ocean Service
1301 East-West Highway
Silver Spring, Maryland, USA
20910
Telephone: (301) 713-7235
Facsimile: (301) 713-0404
E-mail: james.delgado@noaa.gov

Angeles Albert
Director General of Fine Arts and
Cultural Heritage
Directorate General of Fine Arts and
Cultural Heritage
Ministry of Culture
Plaza del Rey, 1
Madrid, Spain
28004
Telephone: 34-91-701-7054
Facsimile: 34-91-522-9305
E-mail address: angeles.albert@mcu.es

2. The Signatories intend to notify each other in writing of such changes to this contact information.

SEVENTH

1. Cooperation in accordance with this Memorandum commences upon signature, and is intended to continue for five years.

2. The Signatories should endeavor to give advance notice to each other of their intent to discontinue cooperation in accordance with this Memorandum.

3. The Signatories may review this Memorandum at regular intervals to determine if it should be revised, extended or discontinued.

EIGHTH

1. If the Signatories disagree over how to interpret this Memorandum, they intend to present their differences to each other in writing, and discuss them. If the Signatories fail to resolve their differences within 30 days, they may refer the matter to a higher level of authority within their respective organizations.

Signed in Washington, D.C. on December 1st, 2010 in duplicate copies in English and Spanish.

FOR THE NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION OF
THE U.S. DEPARTMENT OF COMMERCE
OF THE UNITED STATES OF AMERICA:

FOR THE MINISTRY OF CULTURE
OF THE GOVERNMENT OF SPAIN:



Assistant Administrator of the National Ocean
Service

Minister of Culture