

ARTICLE 1

For the purpose of this Protocol:

"Convention" means the International Convention on Salvage, 1989.

"Organization" means the International Maritime Organization.

"Secretary-General" means the Secretary-General of the Organization.

ARTICLE 2

Article 1, subparagraph (a) of the Convention is replaced by the following text:

(a) Salvage Operation means any act or activity to assist a vessel or any other property (including services to or involving historic wreck) in danger in navigable waters or in any other waters whatsoever.

ARTICLE 3

The following text is added as subparagraphs (c)-1 and (c)-2 in Article 1 of the Convention:

(c)-1 Historic wreck means a vessel or cargo or artefacts relating thereto including any remains of the same (whether submerged or embedded or not) of prehistoric, archaeological, historic or other significant cultural interest.

(c)-2 Damage to the cultural heritage means damage to historic wreck including damage or destruction at the salvage site of any significant information relating to the wreck or in its historical and cultural context.

ARTICLE 4

The following text is added as subparagraph (k) in Article 13 paragraph 1 of the Convention:

(k) in the case of historic wreck, the extent to which the salvor has:

protected the same and consulted with, co-operated with and complied with the reasonable requirements of the appropriate scientific, archaeological and historical bodies and organizations (including complying with any widely accepted code of practice notified to and generally available at the offices of the Organization);

complied with the reasonable and lawful requirements of the governmental authorities having a clear and valid interest (for prehistoric, archaeological, historic or other significant cultural reasons) in the salvage operations and in the protection of the historic wreck or any part thereof; and

avoided damage to the cultural heritage."

Article 5

Article 18 of the Convention is replaced by the following text:

Article 18 Effect of the Salvor's Misconduct

A salvor may be deprived of the whole or part of the payment due under this Convention to the extent that he salvage operations have become necessary or

more difficult because of fault or neglect on his part or if the salvor has been guilty of fraud or other dishonest conduct. In the case of historic wreck misconduct includes a failure to comply with the requirements set out in Article 13 paragraph (k) or causing damage to the cultural heritage.

Article 6

Article 30, paragraph 1(d) of the Convention is replaced by the following text:

(d) when the property involved is historic wreck and is wholly or in part in the territorial sea (including on or in the seabed or shoreline) or wholly or in part in inland waters (including the seabed and shoreline thereof).