I. Course Description:

Far beneath the ocean waves, nestling silently on cold dark sea beds around the world, lie the remains of about three million shipwrecks. Among such wrecks are the coveted treasure vessels. In addition to valuable cargos of gold, silver, or jewels, these shipwrecks can also be a significant source of history derived from archaeological examination. This course will examine the relevant maritime law in the area of international treasure salvage, in particular the general maritime law of salvage and that of finds, the Abandoned Shipwreck Act, the Foreign Sovereign Immunities Act, and key international convention in this area, in particular the U.N. Convention on the Law of the Sea (UNCLOS III) and the 2001 UNESCO Convention on Underwater Cultural Heritage. The main themes of the course will be: advancements in technology which make deep sea salvage possible; the question of ownership rights in sunken vessels and cargoes; the application of salvage law or the law of finds; the question of jurisdictional competence to regulate activities beyond territorial sea limits; the salvage of sunken war ships, and the tension which exists between the apparent goals of the treasure salvor and the marine archeologist regarding historic wrecks. To see these issues in action, the discovery and ensuing litigation surrounding various vessels will be examined, including The Nuestra Senora Concepcion, The Atocha, The RMS Titanic, Japanese Submarine I-52, La Galga & The Juno, The SS Central America, The Whydah, and The Nuestra Senora de las Mercedes (the "Black Swan").

II. Course Goals and Learning Objectives:

At the end of the course, the student will have a great understanding of maritime law in the area of treasure salvage and of the growing international tension between those who view salvors as plunderers and destroyers of underwater cultural heritage and those who argue that treasure salvage should be encouraged; if international treaties and legislation discourage or ban those who are willing to take the economic and physical risks in searching for and recovering abandoned ship wrecks and sunken treasure, the artifacts will never be found and the cultural heritage completely lost to the ages.

Specifically the Student will:

- Have thoroughly studied the basic principles of the law of finds and that of salvage.
- Studied the history of salvage law as part of the Jus Gentium.
• Understand the various factors which go into a court's determination of a salvage award, including recognition of preservation of artifacts and environmental responsibility and the ramifications for salvor misconduct.

• Be familiar with the relevant provisions of the Abandoned shipwreck Act.

• Be familiar with the key provisions of international conventions relevant to international treasure salvage and underwater cultural heritage, including the UN Convention on the Law of the Sea 1982, the UNESCO Convention on the Protection of Underwater Cultural Heritage, and the Foreign Sovereign Immunities Act.

• Understand the concepts of "quasi in rem jurisdiction," constructive in rem jurisdiction," jurisdiction based on telepossession, and the doctrine of globally bonding constrictive notice which permit Federal U.S. Courts to assert jurisdiction over wrecks found in international waters.

• Will have examined the ethical and policy considerations existing from the current tensions between the law of salvage and maritime archeology in relation to historic wrecks.

• Will have improved their oral presentation and communication skills by giving a class presentation on a topic selected by the professor.

III. Course Procedures and Attendance:

You are required to prepare fully for each class. I will plan and conduct each class with the expectation that all students have read the assigned material and are ready to engage in a lively discussion about the subjects addressed. I will call on students to answer some questions and ask for volunteers for others. Of course, regular class attendance is essential to a coherent understanding of the course.

IV. Grading:

Your final grade will be based on three considerations. First, 10% of your final grade will be based on your classroom preparation & participation; second, 20% of your final grade will be based on a 20-25 minute individual or group classroom presentation on an assigned topic selected by the professor. You will be provided all necessary research materials needed to write the summary and to give a thorough and engaging presentation. Finally, 70% of your final grade will be based on a take home final exam consisting of both multiple choice and short answer essay questions.

VI. Student Feedback:

At the end of the course, you will be given an opportunity to complete course evaluation. Your comments will help me to design and teach the course more effectively. They will not affect your grade for the course.
VIII. Textbook:

IX. Class Assignments:

Reading Assignments will consist of newspaper and magazine articles, a number of shorter academic articles, a few longer Law Review pieces on specific topics or about particular vessels which have been edited, the relevant provisions from the two major international conventions, and court decisions. In addition, videos and films will be used in class to supplement the assigned materials.

**Week One: May 28 - June 31:**

**Major Concepts:** Introduction to the Law of Salvage, Two Key International Conventions, the Protection of Underwater Cultural Heritage & U.S. Admiralty Jurisdiction in Contiguous and International Waters.

**Assignment ► Class 1: The Law of Salvage vs. the Law of Finds & Criteria for Salvage Awards**

*Please bring the syllabus to class*

**Readings ►**


**The Vessel ► The Nuestra Senora Concepcion**


**Videos/Film to be shown in class ►**
TREASURE! THE WRECK OF *THE CONCEPTION* (A&E 1998) - 50 minutes

Readings ►

- UNCLOS Maritime and Airspace Zones (1 page illustration).

Videos/Film to be shown in class ►

- U.N. Convention on Law of the Sea: Origins and Importance (18:06), [available at](https://www.youtube.com/watch?v=3SOqz1Yu8tY)
- UNESCO Convention on the Protection of the Underwater Heritage (11:56), [available at](https://www.youtube.com/watch?v=aoNV8tRVRqo)
- Introduction to Maritime Zones (Part I of 3) (11:47), [available at](https://www.youtube.com/watch?v=kLkvnLjYmg8&t=22s (djaguilfoyle Aug 22, 2013)).
- Introduction to Maritime Zones (Part 2 of 3) (17:47), [available at](https://www.youtube.com/watch?v=HlYSyBRsK0c&t=27s).
- Introduction to Maritime Zones (Part 3 of 3) (20:22), [available at](https://www.youtube.com/watch?v=AOB-HsPqf5k).
Assignment ► Class 3: The Assertion of U.S. Maritime Jurisdiction in Contiguous Waters (*Quasi In Rem* to obtain personal jurisdiction) in *The Atocha*

*The Final Exam & Materials for class presentations will be distributed*

Readings ►


The Vessel ► *The Atocha*


Videos/Film to be shown in class ►

THE SEARCH FOR *THE ATOCHA* (The History Channel 1998 - 50 minutes)

Assignment ► Class 4: The Assertion of U.S. Maritime Jurisdiction in International Waters (constructive *in rem*) and *The Titanic* Litigation

Readings ►


The Vessel ► *The Titanic*

Week Two: June 4 - June 7

Constructive in rem Maritime Jurisdiction in International Waters (continued); The Doctrine of Globally-binding Constructive Notice; Salvage as part of the JUS GENTIUM; Telepossession as a basis for constructive in rem jurisdiction;

Assignment ► Class 5: The Titanic & Constructive in rem Maritime Jurisdiction in International Waters (continued); The Doctrine of Globally-binding Constructive Notice; Salvage as part of the JUS GENTIUM; The Unique Features of the Maritime Lien & Personification of the Vessel.

Readings ►


The Vessel ► The Titanic


Videos/Film to be shown in class ►

GHOSTS OF THE ABYSS - 92 minutes

Assignment ► Class 6: Telepossession as a basis for Maritime Jurisdiction; Technological advancements (The "ROV" & Broadcasting Video), The Sad Tale of Tommy Thompson & The S.S. Central America

Readings ►


*The Vessel ► The SS Central America*

• *Columbus-America Discovery Group, Inc. v. Atlantic Mutual Insurance Co.*, 974 F.2d 450 (4th Cir. 1992).

Videos/Film to be shown in class ► HISTORY'S MYSTERIES: SHIP OF GOLD (History Channel 50 minutes)

**Assignment ► Class 7: The Battle Over La Nuestra Senora de Las Mercedes (aka The Black Swan), and Issues Surrounding the Apparent Conflict Between Salvors and the Protection of Underwater Cultural Heritage**

Readings ►


*The Vessel ► La Nuestra Senora de Las Mercedes*

Videos/Film to be shown in class ►

Treasure Quest Season 1: BATTLE FOR THE BLACK SWAN (Discovery Channel 50 minutes).
Assignment ► Class 8: The case of La Nuestra Senora de Las Mercedes, Sovereign Immunity and the Foreign Sovereign Immunities Act, Attorneys' Fees

Readings ►


The Vessel ► La Nuestra Senora de Las Mercedes


Videos/Film to be shown in class ►
RECLAIMING BURIED TREASURE IN THE "BLACK SWAN" CASE, James A. Goold, Covington and Burling LLP and Dr. James P. Delgado, NOAA, Department of Commerce June 15, 2015, https://www.youtube.com/watch?v=9s0cqZ_1Pjc (1:32)


Readings ►


The Vessels► *La Galga & The Juno*

• *Sea Hunt, Inc. v. The Unidentified, Shipwrecked Vessel or Vessels*, 221 F.3d 634 (2000).


Videos/Film to be shown in class►

SUBMARINE I-52: SEARCH FOR WW2 GOLD (National Geographic - 50 minutes)

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**Assignment ► Class 10: The Salvage of a Pirate Treasure Ship: The Whydah Galley**

**Readings►**


• Barry Clifford, *REAL PIRATES: The Untold Story of The Whydah From Slave ship to Pirate Ship, Ye Articles of ye Gentlemen of Fortune*, 14 (National Geographic Society 2008).

The Vessel► *The Whydah Galley*


Videos/Film to be shown in class►

THE PIRATE CODE: REAL PIRATES (National Geographic 50 minutes)
Barry Clifford: Pirate Treasure Found/Nat Geo Live,
https://www.youtube.com/watch?v=XZCvZ8ToSj0 (27:47).
Assignment ► Class 11: Class presentations Begin (worth 20 % of your final grade).

See the Grading Guide Below.

Week Four: June 18 - June 21: Class Presentations

Assignment ► Classes 13-16
Class presentations continue (worth 20 % of your final grade).

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Grading Guide for Class Presentation for International Treasure Salvage & Underwater Cultural Heritage

Class Presentation – 20 % of the final grade (20 points)

Name: _____________________________________________________

(5 points) **Presentation**: Clear, organized, and engaging coverage (physical presence and vocal energy) of the assigned topic within the 25 minute allotted time frame. _______

(5 points) **Visual aids**: Use of visual aids (hand-outs, pictures, white board, PowerPoint presentation, etc.) to assist the audience in understanding the topic of the paper. _______

(10 points) Mastery of the subject matter assigned & the ability to field any questions from fellow students _______

Total Points: ___________