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| **Salvage** |
| **Source:** MLA **Doc. No.:** 754 **Date:** November 3, 2000 **Committee:** [SALVAGE](http://www.mlaus.org/committee-profile.ihtml?id=280)   **FORMAL REPORT OF THE COMMITTEE ON**  **SALVAGE**    The Fall Meeting of the Salvage Committee was held on November 1 from 9:00 a.m. to 10:30 a.m. at the offices of Haight Gardner Holland & Knight. The regular meeting was followed by a special session chaired by Professor David Sharpe, discussing the work of the Study Group which had been established to review denunciation of the 1910 Salvage Convention and legislatively incorporating into U.S. law the 1989 Salvage Convention.    Twenty five persons attended the regular Salvage Committee meeting. The topics discussed included the most recent edition of the Lloyd's Standard Form of Salvage Agreement (LOF 2000), and the modifications to the SCOPIC Clause which may be incorporated into that Agreement. Copies of the new agreement and SCOPIC provisions were passed out, along with "ISU Bulletin 19," which included an article on LOF 2000 and the new SCOPIC clause. Additional articles on these same topics, published by London law firms and P&I Clubs, were handed out to attendees.    We spoke very briefly about the work that Professor Sharpe and the Study Group he chairs have done with respect to the 1910 and 1989 Treaties. This topic has become much more involved than we had originally envisioned, with many pros and cons to be considered in each decision. Professor Sharpe had prepared a comprehensive report on the subject and the points the Study Group has studied in reaching its preliminary recommendations. A special meeting was held after the Salvage Committee meeting amongst those interested in this topic. This enabled keeping to the schedule for the regular meeting for the benefit of those attending who wanted to hear the other topics being discussed.    We next spoke about treasure salvage and marine archeology. Peter Hess updated the attendees on various recent cases. This included injunctions against salvors working to recover U.S. naval property that had not been "expressly abandoned," and the Fourth Circuit decision on the two Spanish ships sunk off the coast of Virginia, which was resolved in favor of Spanish government ownership. Peter also provided an update on the SS Central America case. Bob Blumberg addressed Peter's remarks on salvage of U.S. Naval assets by eloquently setting forth the U.S. government position with respect to its property, requiring "express abandonment" for title to divest from the sovereign. This is, in fact, consistent with the position of the Fourth Circuit on the Spanish vessels.    In this same context, Marc Davis gave a brief update on the litigation arising from the Titanic, as well as some information on changes in ownership of RMS Titanic, Inc. Bob Blumberg followed up by discussing prospective agreements amongst France, the U.S., the U.K. and Canada with regard to handling the Titanic situation. Marc Davis expressed concern that these sorts of agreements inherently contain the threat of salvage law being usurped.    The Ferry Vessel Estonia situation was also discussed. Peter Hess remarked that divers on the wreck of that vessel had discovered information as to the cause of her sinking contradicting that officially offered. He advised, however, that arrest warrants have been issued for the leader of the divers. John Cartner advised that a SNAME committee is addressing this issue.    A UNESCO Treaty update was given by Bob Blumberg, noting that many of the earlier concerns of commercial and legal interests have been addressed, including the addition of some criteria to the definition of "underwater cultural heritage." It was asked noted there would be a meeting in the afternoon of the Study Group appointed by past-President McCormick to study this matter.    Other discussions related to the recovery of the confederate submarine Hunley, whether U.S. Government cargo on board a vessel would convey sovereign immunity status to the vessel itself, the Presidential proclamation extending the contiguous zone from twelve miles to twenty four miles, and "salvor's negligence" and "responder immunity."    The follow up meeting of the Study Group chaired by Professor David Sharpe covered in detail the work done by that group. It is their intention to have a firm proposal ready for vote at the Spring Meeting of the Salvage Committee, to be taken before the Board by resolution to the general meeting of the MLA.    Respectfully submitted,    James T. Shirley, Jr., Chair |