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**UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION**

CONVENTION ON THE PROTECTION OF THE UNDERWATER CULTURAL HERITAGE

MEETING OF STATES PARTIES

Fourth Session
Paris, UNESCO Headquarters, Room IV
28-29 May 2013

Item 7 of the Provisional Agenda:

Consideration and possible Adoption of the Operational Guidelines

Decision required : paragraph 4

1. In its first session and by Resolution 7 / MSP 1, the Meeting of States Parties requested the Secretariat to prepare, on the basis of a consultation with the States Parties, a preliminary draft of Operational Guidelines for the Convention on the Protection of the Underwater Cultural Heritage and to submit at the second ordinary session of the Meeting of States Parties, the results of its work for consideration and approval.
2. A draft of Operational Guidelines was prepared and discussed during the second session of the Meeting of State Parties. The Meeting then decided by Resolution 5 / MSP 2 to establish a Working Group consisting of representatives of 14 States Parties (two more States were added later) to examine the text more closely. The Working Group met in 2011 and amended the original draft.
3. The third session of the Meeting of States Parties considered the work result achieved and adopted by Resolution 8 / MSP 3, Chapters 1 and 3 of the draft Operational Guidelines. However, time was insufficient to come to an adoption of the whole of the Guidelines. It requested therefore that the Working Group proceed with its work by electronic exchange and then to meet again at UNESCO Headquarters. The meeting took place from 24 – 26 September 2012. The Working Group then submitted the results of its work for consultation to the States Parties through the Secretariat.
4. The Meeting might wish to consider this draft and to adopt the following resolution:

DRAFT RESOLUTION 7 / MSP 3

The Meeting of States Parties, in its fourth session,

1. Having examined document UCH/13/3.MSP/220/7 ;
2. Thanks the members of the Working Group of States Parties for their preparation of the new draft Operational Guidelines;
3. Adopts the Operational Guidelines for the Convention on the Protection of the Underwater Cultural Heritage, as contained in the Annex to this document.

ANNEX

Chapters I and III have been adopted by RESOLUTION 8 / MSP 3 during the 3rd session of the Meeting of States Parties 13 and 14 April 2011

A new Chapter VII on the Logo of the Convention has been drafted by the Secretariat according to general indications received in the Working Group Meeting.

**Operational Guidelines for the
Convention on the Protection of the Underwater Cultural Heritage**

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	<p>CHAPTER I. INTRODUCTION¹ [Chapter adopted by the Meeting of States Parties by RESOLUTION 8 / MSP 3]</p>
	<p>A. THE CONVENTION</p>
	<p>1. Context and Content of the Convention</p>
	<p>1) The Convention on the Protection of the Underwater Cultural Heritage (hereinafter "the Convention") was elaborated by the UNESCO Member States as a response to the growing damage done by human activities endangering submerged archaeological sites, including the damage that might arise from activities under their jurisdiction incidentally affecting underwater cultural heritage. These are for instance dredging, pipeline construction, mineral extraction, trawling and port works. The Convention also responds to the deep concerns by [Editing proposal: by regarding] the increasing commercial exploitation of underwater cultural heritage, and in particular by certain activities aimed at the sale, acquisition or barter of underwater cultural heritage.</p> <p>2) The Convention intends to enable States to better protect underwater cultural heritage, by setting high protection standards and by facilitating State cooperation. The protection standards of the Convention are comparable to that granted by other UNESCO Conventions or national legislation on cultural heritage on land. Nevertheless, they are specifically tailored to the treatment of traces of human existence found under water, having a cultural, historical or archaeological character and respect their peculiarities regarding, among others, their fragility, accessibility and underwater environment.</p> <p>3) In the long term the Convention is intended to achieve the appropriate legal protection of underwater archaeological sites wherever they are located. It should enable States Parties to collaborate and adopt a common approach to heritage preservation and ethical scientific management of submerged sites. [Editing proposal: It's goal is It is its goal] It is its goal to harmonize the protection of submerged heritage with that of heritage on land and provide archaeologists, State authorities and site management institutions with norms on how to treat it.</p> <p>4) The Convention contains minimum requirements. Each State Party, if it so wishes, may choose to develop even higher standards of protection, for example by also protecting on a national level remains submerged less than 100 years. Among others, the Convention:</p> <ul style="list-style-type: none"> • sets out basic principles for protecting underwater cultural heritage; • contains provisions for an international cooperation scheme; and • provides practical Rules on how to intervene on and research underwater cultural heritage sites.
<p>Article 3 of the Convention</p>	<p>5) The Convention does not regulate the ownership of underwater cultural heritage nor does it prejudice the rights, jurisdiction [Editing proposal:</p>

¹ The Meeting of States Parties agreed in its discussion that the numbering used in the Operational Guidelines should be changed to a continuing numbering of paragraphs. This was done here by the Secretariat.

	<p>and-or] and duties of States Parties under international law, including the United Nations Convention on the Law of the Sea (hereinafter “UNCLOS”). When a doubt arises with regard to the interpretation and the application of the Convention, the latter shall be interpreted and applied in the context of and in a manner consistent with international law, including UNCLOS.</p>
	<p>2. The Scope of Application of the Convention</p>
	<p>6) The Convention applies, as regulated in its text and with the limitations contained therein, to the entire jurisdiction of its States Parties, unless a reservation is made under its Article 29. This applies to internal waters, archipelagic waters, the territorial seas, the contiguous zones, the exclusive economic zones (hereinafter ‘EEZ’) and the continental shelves. It also applies to the Area (the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction). The Convention protects as well heritage that has been or is only periodically submerged by water, partially or totally for at least 100 years, as for instance, wrecks or remains of human dwellings located on land, but periodically inundated by the tides.</p>
<p><i>Article 33 of the Convention</i></p> <p><i>Article 28 of the Convention</i></p>	<p>7) The Rules concerning activities directed at underwater cultural heritage, contained in the Annex of the Convention (hereinafter “the Rules”), are an integral part of the Convention. They apply automatically on entry into force of the Convention for a State Party to maritime waters as provided in the Convention. Any State Party or territory may declare at any time that the Rules shall apply to its inland waters not of a maritime character.</p>
<p><i>Article 29 of the Convention</i></p>	<p>8) At the time of expressing its consent to be bound by the Convention, a State or territory may make a declaration to the Director-General of UNESCO that the Convention shall not be applicable to specific parts of its territory, internal waters, archipelagic waters or territorial sea, and shall identify therein the reasons for such declaration. Such State shall, to the extent practicable and as quickly as possible, promote conditions under which the Convention will apply to the areas specified in its declaration, and to that end shall also withdraw its declaration in whole or in part as soon as that has been achieved.</p>
	<p>B. STATES PARTIES TO THE CONVENTION</p>
	<p>1. General Remarks</p>
	<p>9) States are encouraged to become party to the Convention by ratifying, accepting, approving (legal acts open to Member States of UNESCO) or acceding to (legal act open to States not members of UNESCO and territories as defined by Article 26.2 (b)) of the Convention. A list of States Parties to the Convention as well as of declarations and reservations made is available on the UNESCO website www.unesco.org/en/underwater-cultural-heritage.</p>
	<p>10) While fully respecting the sovereignty or jurisdiction of the States or territories where the underwater cultural heritage is situated, States Parties to the Convention recognize the collective interest of the international community to cooperate in the protection of this heritage. States Parties to the Convention, have, among others the responsibility to:</p>
<p><i>Article 2.4 of the</i></p>	<p>i. individually or jointly, take all appropriate measures in conformity</p>

<i>Convention</i>	with the Convention and with international law that are necessary to protect underwater cultural heritage, using for this purpose the best practicable means at their disposal, in particular those foreseen in the Rules, and in accordance with their capabilities;
<i>Article 2.2 of the Convention</i>	ii. cooperate in the protection of underwater cultural heritage;
<i>Article 2.7 and 16 of the Convention</i>	iii. prevent intrusive activities directed at underwater cultural heritage aiming at commercial exploitation and avoid commercial exploitation of underwater cultural heritage.
	11) States Parties to the Convention are encouraged to ensure the participation of a wide variety of professionals, site managers, local and regional governments, local communities, underwater archaeologists, conservation specialists, non-governmental organizations ('NGOs') and the public at large in the protection of the underwater cultural heritage and the implementation of the Convention.
<i>Article 22.1 of the Convention</i>	12) States Parties are encouraged to bring together their underwater cultural heritage experts at regular intervals to discuss the proper implementation of the Convention.
	2. Competent Authorities
<i>Article 22.1 of the Convention</i>	13) States Parties shall establish competent authorities or reinforce the existing ones where appropriate, with the aim of providing for the establishment, maintenance and updating of an inventory of underwater cultural heritage, the effective protection, conservation, presentation and management of underwater cultural heritage, as well as research and education to ensure the proper implementation of the Convention.
<i>Article 22.2 of the Convention</i>	14) States Parties shall communicate to the Director-General the names and addresses of their competent authorities relating to underwater cultural heritage. They should immediately inform him/her about any change in the details communicated.
	15) The Director-General shall make available to all States Parties an updated list with the name and addresses of the competent authorities of all the States Parties to the Convention, through the website www.unesco.org/en/underwater-cultural-heritage .
<i>Articles 8 – 13 of the Convention</i>	16) All reports, notifications or information to be sent to States Parties, as provided in the Convention, shall be addressed to the competent national authorities through diplomatic channels.
	C. THE MEETING OF STATES PARTIES
<i>Article 23 of the Convention</i>	17) The Meeting of States Parties to the Convention is its main organ. It is convened in ordinary session by the Director-General at least once every two years. At the request of a majority of States Parties, the Director-General convenes an extraordinary session. The agenda for an extraordinary session includes only those questions for which the session has been convened. 18) The functions and responsibilities of the Meeting and the management of its session are regulated by the Convention complemented by its Rules of Procedure, which are available in electronic format at the website: www.unesco.org/en/underwater-cultural-heritage , or in paper version [Editing proposal: paper version hard copy] through the Secretariat.

	D. SUBSIDIARY BODIES OF THE MEETING OF STATES PARTIES
	1. The Scientific and Technical Advisory Body
<i>Article 23.4 of the Convention</i>	19) The first Meeting of States Parties to the Convention established a Scientific and Technical Advisory Body to the Meeting of States Parties to the Convention (hereinafter “ the Advisory Body ”), in accordance with Article 23.4 of the Convention. Its functions and responsibilities are regulated by its Statutes available in electronic format at the website: www.unesco.org/en/underwater-cultural-heritage , or in paper version through the Secretariat.
	2. Other Subsidiary Bodies
<i>Rule 4 of the Rules of Procedure of the Meeting of States Parties</i>	20) Further subsidiary bodies may be established by the Meeting of States Parties as deemed necessary. They will be composed of States Parties. Their composition and their terms of reference, including their mandate and duration of office, will be defined at the time of their establishment.
	E. THE SECRETARIAT
<i>Article 24 of the Convention</i>	21) The Secretariat for the Convention is ensured by UNESCO. It organizes the sessions of the Meeting of States Parties and its Advisory Body and assists States Parties in the implementation of the decisions taken. The working languages of the Secretariat are English and French.
	F. THE PRESENT OPERATIONAL GUIDELINES
<i>Articles 26 and 29 of the Convention</i> <i>Article 12.2 of the Convention</i>	<p>22) The present Operational Guidelines can neither be understood as a subsequent agreement nor as rewriting, amending or interpreting the Convention. They merely aim to facilitate its implementation by giving practical guidance. In case of doubt, the text of the Convention prevails as interpreted according to the general rules of interpretation codified in the Vienna Convention of the Law of Treaties of 1969.</p> <p>23) The Operational Guidelines may be revised by the Meeting of States Parties to the Convention whenever deemed necessary.</p> <p>24) The key users addressed by the present Operational Guidelines are:</p> <ul style="list-style-type: none"> i. States Parties to the Convention and the territories to which Article 26 of the Convention refers; ii. the Advisory Body; iii. any subsidiary body that the Conference of the States Parties might create; iv. UNESCO and the Secretariat to the Convention; v. the International Seabed Authority; vi. concerned intergovernmental organisations (‘IGOs’) and/or their specialised agencies or organs; vii. concerned NGOs, in particular those accredited to work with and be consulted by the Advisory Body; and viii. site managers, archaeologists, interested parties and partners in the protection of underwater cultural heritage. <p>25) Irrespective of its legal nature or denomination, any entity dedicated to or</p>

	supporting the commercial exploitation of the underwater cultural heritage shall not be considered a user addressed by the present Operational Guidelines.
	CHAPTER II. STATE COOPERATION
	A. NOTIFICATIONS
<i>Article 9.3 and 11.2 of the Convention</i>	<p>26) State Parties notify the Director-General of UNESCO as promptly as possible through diplomatic channels of a discovery of underwater cultural heritage or an activity directed at it. When the concerned underwater cultural heritage is located in the Area, they notify in addition, the Secretary-General of the International Seabed Authority. In making its notification a State shall use the forms attached to the present Guidelines. It shall use:</p> <p>a.) Form 1 for notifying a discovery; and</p> <p>b.) Form 2 for notifying an activity.</p>
	B. DECLARATIONS OF INTEREST
<i>Article 9.5 of the Convention</i> <i>Article 11.4 of the Convention</i>	<p>27) A State Party wishing to declare its interest in being consulted on how to ensure the protection of a specific underwater cultural heritage shall send its declaration through diplomatic channels and using Form 3 attached to the present Guidelines:</p> <p>c.) to the State Party in which's EEZ or on which's continental shelf the concerned heritage is located;</p> <p>d.) to the Director-General of UNESCO if the heritage is located in the Area.</p>
	<p>28) In declaring its interest to be consulted, a State Party should inform on its link to the underwater cultural heritage concerned by accompanying its declaration by:</p> <p>a.) the results of scientific expertises;</p> <p>b.) historic documentation; or</p> <p>c.) any other adequate documentation.</p>
	CHAPTER III. OPERATIONAL PROTECTION [Chapter adopted by the Meeting of States Parties - RESOLUTION 8 / MSP 3]
	A. THE PROTECTION OF UNDERWATER CULTURAL HERITAGE
<i>Article 19.1 of the 2001 Convention</i>	<p>29) States Parties cooperate and assist each other in the protection and management of underwater cultural heritage, including, where practicable, collaborating in the investigation, excavation, documentation, conservation, study and presentation of such heritage. Such protection includes all necessary measures to avoid the commercial exploitation of underwater cultural heritage through trade, speculation or even barter. The underwater cultural heritage cannot be treated as commercial goods.</p> <p>30) States Parties should, in particular, endeavour to:</p>

	<p>a.) share information about envisaged, on-going and completed projects;</p> <p>b.) make available expertise and expert advice;</p> <p>c.) facilitate the setting up of, and participation in, capacity-building programmes, the creation of specialized museums, the implementation of educational programmes (at an undergraduate, graduate and postgraduate level) and the exchange of exhibitions; and</p> <p>d.) put in place mechanisms and measures facilitating and enhancing the sharing of expertise and best practices.</p>
	B. THE RULES
<i>Article 33 of the Convention</i>	31) The Rules concerning activities directed at underwater cultural heritage are an integral part of the Convention. They set standards for all activities targeting traces of human existence in the sense of Article 1.1 of the Convention.
	C. UNDERTAKING ACTIVITIES
<i>Rule 22 and 23 of the Rules</i>	<p>32) Activities directed at underwater cultural heritage must only be undertaken under the direction and control of, and in the regular presence of, a qualified underwater archaeologist with scientific competence appropriate to the project.</p> <p>33) All persons on the project team must be qualified in their respective specialisation and have demonstrated competence appropriate to their role(s) in the project.</p>
	D. RESEARCH
	<p>34) An appropriate investigation is a prerequisite for any decision concerning desired interventions and the establishment of a site protection plan.</p> <p>35) States Parties are encouraged to employ a variety of archaeological sciences for investigation purposes, as for instance archaeology, namely underwater, nautical and maritime archaeology, archaeo-botany, archaeo-zoology, chemistry, cultural anthropology, dendrochronology, geology, history, historical documentation, physical and information sciences and x-raying, as appropriate, for the gathering of archaeological data.</p> <p>36) They should consult appropriately qualified experts in the concerned fields.</p>
	E. IN SITU PRESERVATION AND EXCAVATION
<p><i>Article 2.5 of the Convention and Rule 1 of the Rules</i></p> <p><i>Rule 4 of the Rules</i></p>	<p>37) The preservation of underwater cultural heritage <i>in situ</i> shall be considered as the first option before allowing or engaging in any activities directed at it. Activities should be authorized in a manner consistent with protection, and for the purpose of making a significant contribution to protection, knowledge or enhancement.</p> <p>38) Before deciding on preservation measures or activities, an assessment should be made of:</p> <p>a.) the significance of the concerned site;</p> <p>b.) the significance of the expected result of an intervention;</p> <p>c.) the means available; and</p> <p>d.) the entirety of the heritage known in the region.</p>

	<p>39) Appropriate consideration needs to be given to the importance of inventories of sites.</p> <p>40) Activities directed at underwater cultural heritage must use non-destructive techniques and survey methods in preference over the recovery of objects. If excavation or recovery is necessary for the purpose of scientific studies or for the ultimate protection of the underwater cultural heritage, the methods and techniques used must be as non-destructive as possible and contribute to the preservation of the remains.</p> <p>41) Equally, any activity directed at underwater cultural heritage must balance the environmental impact or damage to be created, if any.</p>
	<p>F. DOCUMENTATION AND PREPARATION OF INVENTORIES</p>
	<p>42) Archaeological sites are fragile and sensitive to intrusion. It is important that information contained within the site is carefully recorded.</p> <p>43) It is recommended that States prepare inventories of their underwater cultural heritage. They should do so in due consideration of the desirability of common standards for all national inventories of States Parties and their inter-changeability to facilitate research.</p> <p>44) To inventory their underwater cultural heritage, States Parties are encouraged to require all national authorities, in particular coast guards, the navy, dredging services, research services and fishery monitoring services, to cooperate with and forward acquired information to the national competent authorities in the sense of Article 22.2. States Parties may also request assistance from any international or national specialized body, as appropriate.</p>
	<p>G. PRESERVATION AND CONSERVATION</p>
<p><i>Article 2.6 of the Convention</i> <i>Rule 25</i></p>	<p>45) Site supervision and the physical protection of sites are recommended, where needed, to dissuade intrusion and avoid the damaging of submerged archaeological sites, including looting. States Parties should establish site management plans in conformity with Rule 25 of the Rules and encourage all national authorities undertaking or supervising activities to take the existence of underwater cultural heritage into account.</p> <p>46) Recovered underwater cultural heritage shall be deposited, conserved and managed in a manner that ensures its long-term preservation. Particular regard should be given to the specific needs of the conservation of artefacts recovered from underwater, as for instance the effects of oxygen influence, the impact of drying, and the development of damaging substances.</p>
	<p>H. ACTIVITIES INCIDENTALLY AFFECTING UNDERWATER CULTURAL HERITAGE</p>
<p><i>Article 5 of the Convention</i></p>	<p>47) Each State Party shall use the best practicable means at its disposal to prevent or mitigate any adverse effects that might arise from activities under its jurisdiction incidentally affecting underwater cultural heritage.</p> <p>48) States should endeavour to set national rules for the authorization of interventions on underwater cultural heritage sites, which include also rules concerning activities only incidentally affecting them and areas where such sites could only possibly be located. They are encouraged to require the approval of their national competent authorities in the sense of Article 22.1 of the Convention for any such intervention. [Editing proposal replacing 47: States should endeavour to establish national rules for the</p>

	<p>authorization of interventions on underwater cultural heritage sites. These rules should also cover activities which only incidentally affect underwater cultural heritage sites as well as areas where it is not certain that such sites exist but there is a possibility of their presence. States are encouraged to require the approval of their national competent authorities as described in Article 22.1 of the Convention for any such intervention.]</p> <p>49) Where and when appropriate, local communities directly linked [Editing proposal: with to] with the underwater cultural heritage sites should be engaged in any activity directed at this heritage.</p>
	<p>I. PUBLICATIONS FOR SCIENCE AND THE PUBLIC</p>
<p><i>Rule 10, 26 and 27 of the Rules</i></p>	<p>50) States Parties should require that any significant activity directed at underwater cultural heritage is accompanied by a scientific publication and that the public is appropriately informed about on-going projects and the results of the research. No activity directed at underwater cultural heritage should be authorized without a programmed and affordable plan of publication according to the available financial resources. Such plan must include both information addressed to the scientific community as well as information addressed to the general public.</p> <p>51) Scientific publications should permit the evaluation of the activities undertaken and the knowledge obtained by them. They should be published after the end of the activity by a reasonable deadline according to the type and scale of the activity and of the researched site.</p>
	<p>J. CAPACITY-BUILDING</p>
<p><i>Article 21 of the Convention</i></p>	<p>52) States Parties shall cooperate in the provision of training in underwater archaeology, in techniques for the conservation of underwater cultural heritage and, on agreed terms, in the transfer of technology relating to underwater cultural heritage, including, but not limited to:</p> <ul style="list-style-type: none"> a.) organizing and participating in regional and international training programmes; b.) training specialists to work in the research and protection of underwater cultural heritage; and c.) creating specialized national or international institutions for the training in underwater archaeology and research in underwater cultural heritage and material conservation. <p>53) States Parties are encouraged to elaborate and adopt, in so far as possible, common standards to promote qualifications and competences in underwater archaeology and to exchange information thereon.</p>
	<p>K. PUBLIC ENJOYMENT AND AWARENESS</p>
<p><i>Article 20 of the Convention</i></p>	<p>54) States Parties shall take all practicable measures to raise public awareness regarding the value and significance of underwater cultural heritage and the importance of protecting it under the Convention. They should, <i>inter alia</i>:</p> <ul style="list-style-type: none"> a.) cooperate in regional or international awareness raising campaigns; b.) foster the publication of information on the protection and the value of underwater cultural heritage via the media and the Internet; c.) facilitate community, group or public events focusing on the

	<p>enhancement or protection of the underwater cultural heritage, including, in particular, programs for divers, fishermen, sailors, coastal developers and marine spatial planners;</p> <p>d.) make available general information on underwater cultural heritage located on their territory, as appropriate;</p> <p>e.) inform the public about activities directed at underwater cultural heritage and the recovery of artefacts from sites, including about their final storage; and</p> <p>f.) take any other appropriate measures.</p>
	<p>L. INFORMATION-SHARING</p>
<p><i>Article 19 of the Convention</i></p>	<p>55) Subject to Article 19.3 of the Convention, States Parties are encouraged to share information with other States Parties concerning underwater cultural heritage, including its discovery and location, heritage excavated or recovered contrary to this Convention or otherwise in violation of international law, pertinent scientific methodology and technology, and legal developments relating to such heritage by:</p> <p>a.) sharing information on inventories and databases with authorized bodies;</p> <p>b.) publishing, if appropriate, information on the discovery and research concerning underwater cultural heritage;</p> <p>c.) making available to all other States Parties and UNESCO statistics on actions concerning underwater cultural heritage.</p> <p>56) Each State Party should take all practicable measures to disseminate information about underwater cultural heritage excavated or recovered contrary to this Convention or otherwise in violation of international law, including, where feasible, through appropriate international databases, and cooperate to this goal with UNESCO and other intergovernmental and governmental organizations, as for example, Interpol.</p>
	<p>M. PROMOTION OF BEST PRACTICES</p>
	<p>57) States Parties are encouraged to propose national, regional or international programmes, projects and activities for safeguarding underwater cultural heritage to the Meeting of States Parties for selection and endorsement by publication and designation as best practices and best reflecting the principles and objectives of the Convention and the annexed Rules.</p> <p>58) In its selection and promotion of safeguarding programmes, projects and activities, the Meeting of States Parties should pay special attention to the needs of developing countries and to the principle of equitable geographic distribution.</p> <p>59) Such programmes, projects and activities may be completed, in progress, or planned at the time they are proposed for selection and promotion.</p>
	<p>N. MOBILIZATION OF NATIONAL AND INTERNATIONAL SUPPORT FOR THE CONVENTION</p>


	<p>60) States Parties should endeavour and cooperate to mobilize international support in favour of the Convention and its principles by facilitating:</p> <ul style="list-style-type: none"> a.) the elaboration of publications on the underwater cultural heritage, including the publication of the results of related research work; b.) the expositions of or on underwater cultural heritage; c.) the making available of information to the media; d.) any other appropriate means.
	<p>CHAPTER IV. FINANCING</p>
	<p>A. FINANCING THE IMPLEMENTATION OF THE STATE COOPERATION MECHANISM</p>
<p><i>Article 10.5, 12.4 and 12.5 of the Convention</i></p> <p><i>Rule 17 – 19 of the Annex to the Convention</i></p>	<p>61) When a State Party implements measures of protection, issues authorizations or conducts necessary preliminary research agreed upon by a group of consulting States in the framework of Article 10.5 or Article 12.4 and 5 of the Convention, the group of consulting States Parties should decide on the common financing of such measures.</p> <p>62) In deciding on the financing of measures, States Parties should take into consideration</p> <ul style="list-style-type: none"> a) the capacity of the respective States; b) the strength of the verifiable link to the concerned heritage and the interest in its protection; and c) the location of the concerned heritage. <p>63) Except in cases of immediate danger no measure should be decided to be implemented unless adequate funding is ensured.</p>
	<p>B. THE UNDERWATER CULTURAL HERITAGE FUND</p>
	<p>64) The Underwater Cultural Heritage Fund (“the Fund”) is managed as a Special Account pursuant to Article 1.1 of its Financial Regulations². The resources of the Fund consist of voluntary contributions as regulated in Article 4 of the above-mentioned Financial Regulations.</p> <p>65) The Fund will be used as decided by the Meeting of States Parties and in conformity with the provisions and the spirit of the Convention and in complement of national efforts to finance in particular:</p> <ul style="list-style-type: none"> a.) the functioning of the Convention and its State Cooperation Mechanism; b.) international cooperation projects in relation to the scope of the Convention; c.) the building of capacity in States Parties; and d.) the enhancement of the protection of the underwater cultural heritage. <p>66) States Parties, institutions and private entities are invited to provide support</p>

² The Secretariat: See RESOLUTION 8 / MSP 2 and UCH/09/2.MSP/8. The latter approved financial regulations for this Fund, as annexed to document UCH/09/2.MSP/8.

	<p>to the Convention by contributions paid to the Fund or direct financial and technical contributions to projects intended to ensure the protection of the underwater cultural heritage.</p>
	<p>C. FINANCIAL ASSISTANCE</p>
	<p>67) The Meeting of States Parties may receive, evaluate and approve requests for financial assistance from the Fund depending on the available resources.</p> <p>68) In its decision on the attribution of funds, priority is given to requests for assistance to developing States Parties and projects enhancing State cooperation involving more than two States Parties.</p> <p>69) The Meeting should base its decisions on granting assistance on the following criteria:</p> <ul style="list-style-type: none"> a.) the amount of assistance requested is appropriate; b.) the proposed activities are well conceived and feasible and fully in line with the objectives of the Convention; c.) the project can be expected to have lasting results; d.) the beneficiary State Part(y/ies) share(s) the cost of the activities for which international assistance is provided, within the limits of its/their resources; and e.) the assistance will build or reinforce capacities in the field of safeguarding underwater cultural heritage. <p>70) The Advisory Body will evaluate the requests of financial assistance for projects which fall under the application of the Rules and give its recommendations to the Meeting of States Parties.</p> <p>71) Interim and final reports will be submitted to the Secretariat according to the timetable set out in the funding request as approved by the Meeting of States Parties.</p> <p>72) The Advisory Body will examine and evaluate the reports and submit its advice on them to the Meeting of States Parties.</p>
	<p>D. PROCEDURE AND FORMAT</p>
	<p>73) States Parties intending to apply for international assistance are encouraged to consult the Secretariat for the elaboration of requests. The application is to be made on the form annexed to these Guidelines. The Secretariat will verify the completeness of the information provided.</p> <p>74) The complete requests for international assistance shall be submitted by States Parties to the Secretariat at least 4 months before the next ordinary session of the Meeting of States Parties.</p> <p>75) Requests shall be submitted in English or French electronically or in hard copy. They shall be signed and transmitted by the National Commission for UNESCO or the State Party's Permanent Delegation to UNESCO to the following address:</p> <p style="text-align: center;">UNESCO Secretariat of the Convention on the Protection of the Underwater Cultural Heritage 1, Rue Miollis, 75732 Paris cedex 15, France Tel: + 33 (0) 145684406</p>

	<p>Fax: + 33 (0) 145685596</p> <p>E-mail: xxx</p> <p>76) The Secretariat shall submit the requests for international assistance concerning activities directed at Underwater Cultural Heritage to the Advisory Body. The Advisory Body shall provide its recommendations on the requests to the Meeting of States Parties for consideration and final decision at least two months before the Meeting of States Parties.</p>
	CHAPTER V. PARTNERS
	A. PARTNERS IN THE IMPLEMENTATION PROCESS OF THE CONVENTION
	<p>77) Partners in the implementation process of the Convention may be:</p> <ul style="list-style-type: none"> a.) Governmental and government-related institutions established in the States Parties to the Convention working in activities related to the scope of the Convention; b.) Centres working in activities related to the scope of the Convention and under the auspices of UNESCO, granted by the General Conference; c.) NGOs accredited by the Meeting of States Parties and those having activities related to the scope and spirit of the Convention; d.) Scientific institutions, museums, universities and any other similar entity whose activities are in full conformity with the principles of the Convention; e.) Private entities working in full conformity with the principles of the Convention. <p>78) Irrespective of its legal nature or denomination, any entity supporting the commercial exploitation of underwater cultural heritage or engaged in its irretrievable dispersal is not a partner.</p>
	B. PARTNERS AT THE NATIONAL LEVEL
	<p>79) States Parties are encouraged to establish cooperation with and among non-governmental organizations, communities, groups and individuals, as well as experts, centres of expertise and research institutes to enhance the protection of the underwater cultural heritage. States Parties are encouraged to facilitate their participation, in particular with respect to:</p> <ul style="list-style-type: none"> a.) the identification, documentation and protection of underwater cultural heritage present on their territories; b.) the establishment of inventories; c.) the elaboration and implementation of programmes, projects and activities aiming at raising the awareness of the importance of underwater cultural heritage and ensuring its protection.
	CHAPTER VI. ACCREDITATION OF NGOS
	A. CRITERIA FOR THE ACCREDITATION OF NGO
<i>Article 1 (e) of the Statutes of the</i>	<p>80) In order to apply for accreditation, NGOs must comply with the following criteria:</p>

<p><i>Scientific and Technical Advisory Body</i></p>	<ul style="list-style-type: none"> a.) have statutes, objectives and activities in full conformity with the principles and objectives of the Convention; b.) be engaged in activities and have recognized competence, expertise and experience in safeguarding underwater cultural heritage; c.) not be (or not have been) engaged in any activity dedicated to the commercial exploitation or the irretrievable dispersal of the underwater cultural heritage against the principles enshrined in the Convention; d.) have a local, national, regional or international nature, as appropriate; e.) possess operational capacities, including: <ul style="list-style-type: none"> i. a regular active membership; ii. an established domicile; iii. and a legal status according to the applicable domestic law; iv. having existed and having carried out appropriate activities for at least four years when being considered for accreditation.
	<p>B. PROCEDURES OF ACCREDITATION</p>
	<p>81) The request of an NGO wishing to be accredited should be made by using the form annexed to these Guidelines and available online.</p> <p>82) The Secretariat shall check the completeness of the requests and present them for consideration to the Advisory Body 3 months before each Meeting of the States Parties.</p> <p>83) The Advisory Body will send the Secretariat a report with its advice concerning the accreditation, based on objective data provided by the Secretariat, by any State Party or by any other reliable source, as well as on the expertise of its members.</p> <p>84) The Secretariat will submit all requests for accreditation together with the Advisory Body's report to the Meeting of States Parties for decision.</p> <p>85) In taking its decision on the accreditation of NGOs, the Meeting of States Parties will pay attention to the principle of equitable geographical representation.</p> <p>86) The Secretariat shall register all requests and keep up-to-date and publicly accessible a list of the NGOs accredited by the Meeting of States Parties.</p>
	<p>C. REVIEW OF ACCREDITATION <i>[See recommendation 4/MAB 1 of the Advisory Body]</i></p>

	<p>87) The Meeting of State Parties shall review already accredited NGOs every four years as to maintaining or terminating relations with the organization in question. The Advisory Body shall report to the Meeting of the States Parties through the Secretariat on its collaboration with accredited NGOs.</p> <p>88) In case of a recommendation for terminating the accreditation, the Secretariat will inform the NGO concerned which will have the opportunity to express its views in writing, which will be submitted to the Meeting of States Parties.</p> <p>89) The Meeting of States Parties will take its decision based on all documents submitted for its consideration. The Meeting of States Parties may:</p> <ul style="list-style-type: none"> a) decide to terminate the accreditation; or b) decide that there is no actual reason for the termination of the accreditation. <p>90) The Meeting of States Parties may also decide to terminate accreditation taking into account the “Directives concerning UNESCO relations with NGOs” in the case of total absence of collaboration.</p> <p>91) When deemed necessary, including the non-fulfillment of the criteria of accreditation, the Advisory Body may decide at any time to suspend the collaboration with an NGO pending a final decision by the Meeting of States Parties.</p>
	<p>CHAPTER VII. - THE LOGO OF THE CONVENTION</p>
	<p>A. THE LOGO</p>
	<p>92) The Logo of the Convention (hereinafter “the Logo”) represents a shipwreck covered by waves. It stands for the universal values of the Convention. The logo is round, as a symbol of global protection for the submerged heritage of humankind. The blue colour used for the logo is consistent with the colour used by the United Nations System.</p> <p>93) The design of the linked Logo is as follows:</p> <div style="text-align: center;">  <p>The image shows two logos side-by-side, separated by a vertical dotted line. On the left is the UNESCO logo, which consists of a classical building facade with the word 'UNESCO' in a bold, serif font below it. Underneath the UNESCO logo is the text 'United Nations Educational, Scientific and Cultural Organization'. On the right is the logo for the Convention for the Protection of the Underwater Cultural Heritage, which features a circular emblem with a shipwreck and waves. Below this emblem is the text 'The Protection of the Underwater Cultural Heritage'.</p> </div> <p>94) The Logo shall be accompanied by UNESCO’s logo and may not be used in isolation, it being understood that each of them is governed by a separate set of rules and that any use must be authorized in accordance with their respective sets of rules.</p>
	<p>B. RULES APPLICABLE TO USE OF THE UNESCO LOGO AND THE LOGO OF THE CONVENTION</p>
	<p>95) The provisions of the present Guidelines apply only to the use of the Logo of the Convention.</p> <p>96) The use of UNESCO’s logo, associated with the Logo of the Convention (linked logo), is governed by the “Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO”, as</p>

	<p>adopted by the General Conference of UNESCO³.</p> <p>97) The use of the linked logo, therefore, must be authorized under the present Guidelines (for the Convention’s Logo) and under the “Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO” (for UNESCO’s logo) in accordance with the respective procedures provided under each of these texts.</p>
	<p>C. RIGHT OF USE</p>
	<p>98) Only the statutory organs of the Convention, i.e. the Meeting of States Parties and the Advisory Body, and the Secretariat have the right to use the Logo of the Convention without prior authorization, subject to the rules set out by the present Guidelines.</p>
	<p>D. AUTHORIZATION</p>
	<p>99) Authorizing the use of the Logo of the Convention is the prerogative of the statutory organs of the Convention. In specific cases as set out by the present Guidelines, the statutory organs empower, by delegation, the Director-General to authorize such use to other bodies. The power to authorize the use of the Logo of the Convention cannot be granted to other bodies.</p> <p>100) The Meeting of States Parties and the Advisory Body authorize the use of the Logo of the Convention by means of resolutions and decisions, notably in the case of activities carried out by official partners, global or regional prizes, and special events in the States Parties. The Meeting of States Parties and the Advisory Body may authorize the National Commissions for UNESCO, or other duly designated authority, at the request of the State Party concerned, to use the Logo and to deal with questions relating to its use at the national level.</p> <p>101) The statutory organs of the Convention should ensure that their resolutions and decisions stipulate the terms of the authorization granted, in accordance with the present Guidelines.</p> <p>102) The Director-General is empowered to authorize the use of the Logo in connection with patronage and contractual arrangements and partnerships, as well as specific promotional activities and commercial uses benefitting the Convention.</p> <p>103) Authorization of the use of the Logo shall be given based on the evaluation of:</p> <ul style="list-style-type: none"> i. Relevance to and compliance with the Convention’s principles and objectives; ii. Potential impact to raise visibility and awareness of the Convention and the underwater cultural heritage; and iii. Adequate assurance of the successful organization of a proposed activity, including the professional experience and reputation of the requesting body and the financial and technical feasibility of the proposed activity.

³. The most recent version of the Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO is found in the annex to Resolution 86 of the 34th session of the General Conference (34 C/Resolution 86) or at <http://unesdoc.unesco.org/images/0015/001560/156046e.pdf>.

	<p>104) The statutory organs may ask the Director-General to put specific cases of authorization before them and/or submit to them an occasional or regular report on specific cases of use and/or of authorization, notably concerning the granting of patronage, partnerships and commercial use.</p> <p>105) The Director-General may decide to put specific cases of authorization before the statutory organs of the Convention.</p>
	<p>E. CRITERIA AND CONDITIONS FOR THE USE OF THE LOGO FOR PATRONAGE</p>
	<p>106) The use of the Logo for the purpose of patronage may be authorized for various kinds of activities, e.g. trainings, research activities, congresses, meetings and conferences, the awarding of prizes, and other national and international events.</p> <p>107) The procedures for requesting the use of the Convention’s Logo for the purpose of patronage shall follow the procedures provided for in the UNESCO “Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO”, and in line with the following criteria and conditions:</p> <p>108) Criteria:</p> <ul style="list-style-type: none"> i. Impact: use may be granted to exceptional activities likely to have a real impact on safeguarding underwater cultural heritage and to enhance significantly the Convention’s visibility. ii. Reliability: adequate assurance should be obtained concerning those in charge (professional experience and reputation, references and recommendations, legal and financial guarantees) and the activities concerned (political, legal, financial and technical feasibility). <p>109) Conditions:</p> <ul style="list-style-type: none"> i. The use of the Logo for the purpose of patronage must be requested from the Secretariat at least three months prior to the first day of the period of use intended; the use of the Logo for the purpose of patronage is authorized in writing, and exclusively by the Director-General. ii. In the case of national activities, the decision regarding the authorization to use the Logo for the purpose of patronage is made on the basis of obligatory consultations with the State Party in whose territory the activity is held. iii. The Convention must be afforded an appropriate degree of visibility, notably through the use of its Logo. iv. The use of the Logo for the purpose of patronage may be authorized to specific activities of limited duration or to regularly repeated activities. In the latter case, a new request for authorisation is required for each repeated activity.
	<p>F. COMMERCIAL USE AND CONTRACTUAL ARRANGEMENTS</p>
	<p>110) Any contractual arrangement between the Secretariat and outside organizations involving commercial use of the Logo by those organizations (for example, in the framework of partnerships with the private sector or civil society, co-publication or co-production agreements, or contracts with professionals and personalities supporting the Convention) must include a standard clause stipulating that any use of the Logo must be requested and approved previously in writing.</p>

	<p>111) Authorizations accorded under such contractual arrangements must be limited to the context of the designated activity.</p> <p>112) The sale of goods or services bearing the Logo chiefly for profit shall be regarded as ‘commercial use’ for the purpose of these Guidelines. Any commercial use of the Logo of the Convention must be expressly authorized by the Director-General, under a specific contractual arrangement.</p> <p>113) Except when authorized in accordance with the present Guidelines, it is not legitimate for commercial entities to use the Logo to show their support for Underwater Cultural Heritage protection.</p> <p>114) When commercial benefits of the use of the Logo can be anticipated, the Secretariat should ensure that the Underwater Cultural Heritage Fund receives a fair share of the revenues and conclude an agreement that documents the nature of the understandings that govern the project and the arrangements for provision of income to the Fund.</p>
	<p>G. GRAPHICAL STANDARDS</p>
	<p>115) The Logo shall be reproduced according to the precise graphic standards elaborated by the Secretariat and published on the website of the Convention, and shall not be altered unless the Meeting of States Parties decides to do so.</p>
	<p>H. PROTECTION</p>
	<p>116) To the extent that the Logo has been notified and accepted by the Paris Union Member States under Article 6 ter of the Paris Convention for the Protection of Industrial Property, adopted in 1883 and revised at Stockholm in 1967, UNESCO has recourse to Paris Convention Member States’ domestic systems to prevent the use of the Logo of the Convention where such use falsely suggests a connection with UNESCO, the Convention, or any other abusive use.</p> <p>117) The Director-General of UNESCO is responsible for instituting proceedings in the event of unauthorized use of the Logo of the Convention at the international level. At the national level this shall be the responsibility of the relevant national authorities.</p> <p>118) The Secretariat and the Parties cooperate closely in order to prevent, in conjunction with competent national bodies and in line with these operational guidelines, any unauthorized use of the Logo of the Convention at the national level.</p>



CONVENTION ON THE PROTECTION OF THE UNDERWATER CULTURAL HERITAGE

FORM 1 - NOTIFICATION OF A DISCOVERY

States shall notify UNESCO through diplomatic channels of discoveries according to Articles 9.3 and 11.2 of the 2001 Convention in transmitting the following information:

Discovered Underwater Cultural Heritage:

Maritime Zone:

Approximate type (wreck, ruin, structure, artefact):

Approximate age and cultural origin:

Has any object been removed?

Action suggested (if applicable):

Competent authority in charge:

Contact:

(Please add additional documentation, descriptions or images. Translation, verification and/or text treatment will not, however, be provided by the Secretariat.)

Notifications shall be submitted in English or French electronically or in hard copy to the following address:

UNESCO
Secretariat of the Convention on the Protection of the Underwater Cultural Heritage
1, Rue Miollis, 75732 Paris cedex 15, France
Tel: + 33 (0) 145684406
Fax: + 33 (0) 145685596
Email: u.guerin@unesco.org

Stamp: _____

Name of signatory(ies): _____

Signature(s): _____



CONVENTION ON THE PROTECTION OF THE UNDERWATER CULTURAL HERITAGE

FORM 2 - NOTIFICATION OF AN ACTIVITY

Competent authorities shall notify UNESCO through diplomatic channels of activities according to Articles 10.5 (c) and 12.5 of the 2001 Convention in transmitting the following information:

Underwater Cultural Heritage concerned: _____

Approximate age and cultural origin: _____

Maritime Zone: _____

Type of intended activity: _____

Is any artefact to be removed?: _____

In case the activity is a project, please inform about:

- Project statement and objectives: _____
- Methodology to be used and techniques to be employed: _____
- Expected timetable for completion of the project: _____
- Composition of the team: _____
- Environmental policy: _____
- Arrangements for collaboration with museums and other institutions, in particular scientific institutions: _____

Action suggested (if applicable): _____

Competent authority in charge: _____

Contact: _____

(Please add additional documentation, descriptions or images. Translation, verification and/or text treatment will not, however, be provided by the Secretariat.)

Notifications shall be submitted in English or French electronically or in hard copy to the following address:

UNESCO
Secretariat of the Convention on the Protection of the Underwater Cultural Heritage
1, Rue Miollis, 75732 Paris cedex 15, France
Tel: + 33 (0) 145684406
Fax: + 33 (0) 145685596
Email: u.querin@unesco.org

Stamp: _____

Name of signatory(ies): _____

Signature(s): _____



CONVENTION ON THE PROTECTION OF THE UNDERWATER CULTURAL HERITAGE

FORM 3 - DECLARATION OF INTEREST

Underwater Cultural Heritage concerned:

Which verifiable link connects the history or culture of your State to the heritage concerned? Please describe:

In declaring your State's interest to be consulted under articles 9.5 or 11.4 of the Convention please inform on its link to the underwater cultural heritage concerned by accompanying this declaration by:

- a.) the results of scientific expertises;
- b.) historic documentation; or
- c.) any other adequate documentation.

Contact: _____

This form needs to be submitted in English or French electronically or in hard copy to UNESCO to the following address:

UNESCO

Secretariat of the Convention on the Protection of the Underwater Cultural Heritage

1, Rue Miollis, 75732 Paris cedex 15, France

Tel: + 33 (0) 145684406

Fax: + 33 (0) 145685596

Email: u.querin@unesco.org

Stamp: _____

Name of signatory(ies): _____

Signature(s): _____



CONVENTION ON THE PROTECTION OF THE UNDERWATER CULTURAL HERITAGE

THE UNDERWATER CULTURAL HERITAGE FUND

REQUEST FOR INTERNATIONAL ASSISTANCE

The purpose of the Special Account for the Fund for the Underwater Cultural Heritage is to finance activities decided upon by the Meeting of States Parties on the basis of guidelines determined by the Meeting of States Parties to the Convention on the Protection of the Underwater Cultural Heritage.

To submit a request for international assistance, please fill in the below form:

- a.) Requesting State(s) Party/ies: _____
- b.) Proposed activity/ies / Project(s) to be undertaken: _____
- c.) Area(s) of Intervention(s) _____
(For activities directed at the underwater cultural heritage, please attach a project design according to Rule 10 of the Annex of the Convention.)
- d.) Place: _____
- e.) Date & duration: _____
- f.) Other State(s) Party/ies participating in and/or supporting the activity: _____
- g.) Implementing entities: _____
- h.) Objectives: _____
- i.) Amount of assistance requested (please attach budget breakdown): _____
- j.) Financial or in-kind contribution of the beneficiary: _____
- k.) Expected results: _____
- l.) Contribution of the activity/ies to reinforcing capacities in the field of safeguarding underwater cultural heritage as foreseen by the 2001 Convention: _____
- m.) Contribution of the activity/ies to the implementation of the 2001 Convention: _____
- n.) Report(s) to be submitted by (date(s), format): _____
- o.) Contact: _____

(Please attach additional documentation if needed)

The complete requests for international assistance shall be submitted by States Parties to the Secretariat at least 4 months before the next ordinary session of the Meeting of States Parties.

Requests shall be submitted in English or French electronically or in hard copy. They shall be signed and transmitted by the National Commission for UNESCO or the State Party's Permanent Delegation to UNESCO to the following address:

UNESCO
Secretariat of the Convention on the Protection of the Underwater Cultural Heritage
1, Rue Miollis, 75732 Paris cedex 15, France
Tel: + 33 (0) 145684406
Fax: + 33 (0) 145685596
Email: u.guerin@unesco.org

Stamp: _____

Name of signatory(ies): _____

Signature(s): _____

Date of application: _____



CONVENTION ON THE PROTECTION OF THE UNDERWATER CULTURAL HERITAGE

REQUEST FOR ACCREDITATION

In order to be accredited by the 2001 Convention, please provide the following information:

Complete official denomination: _____

Description of the organization: _____

Main objectives: _____

Complete address: _____

Date of the NGO's establishment and registration: _____

Country(ies) where the NGO is active: _____

Detailed description of the previous and current activities within the underwater cultural heritage framework, as well as description of the NGO's experience (Please, attach additional documents if needed):

Please, attach to this form:

- Documents of the official establishment of the NGO
- A copy of its statutes
- All documents substantiating the operational capacities of the NGO, including:
 - Certificate of its domiciliation and of its legal status, as foreseen by national law
 - Documentation that the NGO has been engaged in relevant activities at least four years before the consideration of the request for accreditation
- Number of the NGOs' members
- Names of the members of the governing bodies
- A list of its publications, and
- References issued by the national authorities or international organizations.

The requests are to be submitted in English or in French, electronically or in hard copy. They are to be signed and sent to the following address:

UNESCO

Secretariat of the Convention on the Protection for the Underwater Cultural Heritage

1, Rue Miollis, 75732 Paris cedex 15, France

Tél. : + 33 (0) 145684406

Fax : + 33 (0) 145685596

E-mail : u.querin@unesco.org

Stamp: _____

Signature(s): _____

Name of the signatory(ies): _____

Date of the request: _____