

RMS Titanic

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History and Interests

RMS Titanic is perhaps the most famous shipwreck in our current popular culture. It was built in Belfast, Ireland by Harland and Wolff. *Titanic* was a British flagged steamship and the largest and most luxurious passenger ship of its time. It was owned by the White Star Line and was reported to be unsinkable!

On April 10, 1912, *Titanic* set sail from Southampton, United Kingdom, on its maiden voyage to New York City with 2227 passengers and crew. It has been said that the captain was trying to break the record for a transatlantic journey despite repeated warnings about icebergs. It was traveling at near top speed of about 20.5 knots when at 11:40 PM on April 14, 1912, an iceberg grazed its side. Less than three hours later, *Titanic* plunged to the bottom of the sea, taking more than 1500 men, women and children with her, many of whom were trapped inside the ship's hull.

Since its sinking on April 15, 1912 and the associated loss of life, *Titanic* has captivated the interest of people around the

world. These maritime casualties resulted in governmental investigations in the United States as well as the United Kingdom. They had a direct impact on the development of international law regarding safety in the navigation of ships. They were the catalysts for the Safety of Life at Sea Convention, as well as for the establishment of the International Maritime Organization.

Discovery of the Wreck and Concern about Disturbing the Memorial-Site

The wreckage of *Titanic* was discovered on September 1, 1985, during a joint French/U.S. expedition lead by Jean-Luis Michel of the French Ocean Institute (IFREMIR) and Dr. Robert Ballard. It was found approximately 340 nautical miles (nm) off the coast of Newfoundland, Canada two miles beneath the high seas (depth of 12 500 feet or 3,800 meters). The expedition discovered that the stern section was some 1,970 feet (600m) from the bow section and did not sink to the bottom intact as was previously believed. Shortly after the discovery, Dr. Ballard appeared before the US Congress seeking to protect the wreck. Congress responded through the enactment of legislation directing the Department of State to negotiate an international agreement to designate the wreck as a maritime memorial. A U.S. company working with IFREMIR returned to the wreck in 1987 and began to salvage artifacts from the debris field.

Figure 1: A close-up of the *Titanic's* bow (National Oceanic and Atmospheric Administration, Institute for Exploration and University of Rhode Island)



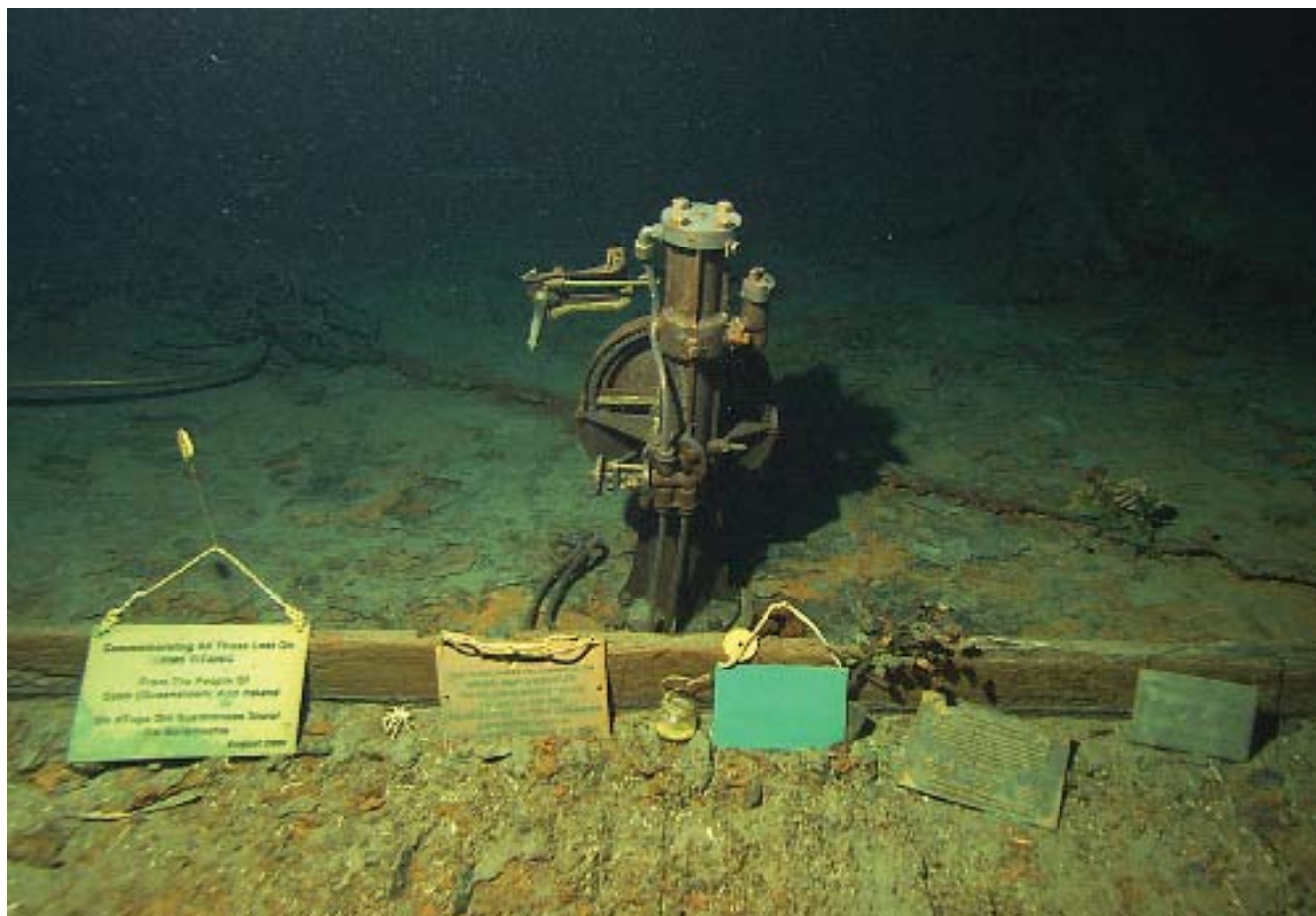


Figure 2: A view of the steering motor on the bridge of the *Titanic* (National Oceanic and Atmospheric Administration, Institute for Exploration and University of Rhode Island)

US Acts to Address the Threats of Misguided Salvage

The *RMS Titanic* Maritime Memorial Act of 1986 (Titanic Act) was enacted to protect this unique shipwreck from potential harm caused by misguided salvage. The Congress recognized that while the United States had a significant interest in protecting Titanic, it needed the cooperation of other interested nations. Thus the Congress directed the Department of State to negotiate an international agreement with Canada, France, the United Kingdom and any other interested nation to protect Titanic from looting and misguided salvage. The Titanic Act also directed the US National Oceanic and Atmospheric Administration (NOAA) to consult with these same nations and develop guidelines for the exploration, research and, if determined appropriate, salvage of artifacts.

The tragic loss of so many lives and the encasement of their remains in the hull caused many people around the world to view the shipwreck as a grave site. Accordingly, Congress directed that the agreement should designate the wreck site as a maritime memorial. In addition, *Titanic* is of great interest to scientists, archaeologists, historians, naval architects, educators, salvors, the media, and the public. For this reason, representatives of many diverse groups were consulted and their interests were considered during the preparation of the NOAA Guidelines and the international agreement. *The Final Minutes of the International Agreement Concerning*

the Shipwrecked Vessel R.M.S. Titanic (Agreement) were signed in 1999. The salvage company RMS Titanic, Inc. subsequently sued NOAA and the Department of State in an attempt to stop the signing of the Agreement. The suit was dismissed. NOAA published the *Titanic Guidelines on the Research, Exploration and Salvage in 2001*. The United Kingdom signed the Agreement in 2003. The Department of State signed the Agreement on behalf of the United States in 2004.

The NOAA Guidelines, International Agreement and Annexed Rules

The NOAA Guidelines are based on the International Council of Monuments and Sites (ICOMOS) Charter as well as standards and requirements in the U.S. Federal Archaeological Program developed by the Department of Interior, National Park Service. The NOAA Guidelines and the Rules annexed to the Agreement on Titanic are essentially the same as the Rules annexed to the UNESCO Convention on the Protection of the Underwater Cultural Heritage (2001). The NOAA Guidelines, the Agreement and the Rules incorporate the policy that *in situ* preservation of the wreck site be considered as the first management option. However, if a Party determines that it is appropriate to recover artifacts, then the responsible authority is to take all reasonable measures to ensure that all artifacts recovered

from Titanic by those subject to its jurisdiction are conserved and curated consistently with the Rules and are kept together and intact as project collections. It also requires each Party to take the necessary measures, in respect of its nationals and vessels flying its flag, to regulate through a system of project authorizations: (a) entry into the hull sections of Titanic so that they, other artifacts and any human remains are not disturbed; and (b) activities aimed at the artifacts from Titanic found outside the hull of the wreck so that all such activities are, to the maximum extent practicable, conducted in accordance with the Rules.

Future Measures to Address Natural Deterioration and Recovery or Salvage

The US Ocean Policy Action Plan provides that the Bush Administration will submit recommended legislation along with the Agreement to Congress for its consideration. While the advice and consent of the Senate is not required for the executive agreement, implementing legislation is necessary for it to come into effect in the United States. Such legislation is currently under development. The United Kingdom has already enacted legislation to implement the Agreement. Although the Agreement and the *NOAA Guidelines are not enforceable by NOAA* or other federal agencies under the current Titanic Act of 1986, they have been cited by the admiralty court in support of its orders regarding management of the collection of Titanic artifacts. The court will likely continue to manage the salvage of the wreck site under the federal common law of salvage until the international agreement becomes effective for the United States through the enactment of legislation.

Jeremy Wierich, a marine archaeologist with the NOAA Office of Ocean Exploration, worked with Dr. Ballard and microbial research scientist Roy Cullimore, to map the wreck site and study the natural deterioration of the ship's hull. The tiny microbes that feed on iron and create icicle-shaped formations called rusticles are responsible for the deterioration. While rusticles have been observed for many years, little is known about them and thus how to slow the natural deterioration process. The *in situ* policy preference to not unnecessarily disturb the wreck site for reasons

of historic preservation is consistent with the respectful treatment of the site as a maritime memorial. However, because of the natural deterioration of the wreck, requests for continued salvage/recovery are likely to continue. The NOAA Guidelines, Agreement and Rules set forth the legal and scientific requirements for how to preserve the wreck site as a memorial and a site for historic preservation, as well as for the scientific salvage/recovery of artifacts, when it is determined to be in the public's interest.

As the United States' ocean agency, NOAA's responsibilities include the scientific and cultural aspects of the *Titanic* and its appropriate treatment and preservation. NOAA's research focus is to build a baseline of scientific information from which to measure the shipwreck's processes and deterioration and then apply that knowledge to other underwater cultural heritage sites.

Information Sources

Public Law No. 99-513, Oct. 21, 1986, 100 Stat. 2082, 16 U.S.C. s. 450rr – 450rr-6 (2005).

HR Report on HR 99-393, 99th Cong. 1st Sess., pp 4-8 (21 November 1985).

NOAA Guidelines for Research, Exploration and Salvage of RMS Titanic, 66 Fed. Reg. 18905, 18908-09 (April 12, 2001)

<http://ocean.ceq/actionplan.pdf> p.24. It also provides plan for protecting sunken military craft and interpreting the maritime heritage in the Great Lakes.

<http://www.state.gov/r/pa/prs/ps/2004/33690.htm>

RMS Titanic Inc. v. Wrecked, and Abandoned Vessel, 323 F.Supp. 724 (E.D. Va. 2004).

P. Niemeyer, Applying Jus Gentium to the Salvage of the RMS Titanic in International Waters, Nicholas J. Healey Lecture on Admiralty Law, New York University (5 May 2005)

RMS Titanic Inc. v. Wrecked, and Abandoned Vessel, Civ. No. 2:93cv902 (E.D. Va. July 28, 2000) (order enjoining RMST from penetrating or cutting into the Titanic or selling any artifacts)

<http://www.si.edu/RESOURCE/FAQ/nmah/titanic.htm>

http://en.wikipedia.org/wiki/RMS_Titanic

<http://www.archaeology.org/0101/etc/titanic2.html>