

THE LEGAL SITUATION OF THE WRECK OF THE IRONCLAD "RE D'ITALIA" SUNK IN THE 1866 BATTLE OF VIS (LISSA)

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There is an allegation that wrecks of warships remain the property of the flag State wherever located and notwithstanding the passage of time since their sinking, unless expressly abandoned by the flag State. In this light the author discusses the situation of the wrecks of ironclads "Re d'Italia" and Palestro sunk by the Austrian Navy in the 1866 Naval Battle near the island of Vis which is now the territory of Croatia. Upon sinking these wrecks became the property of Austria as its booty in that war. By way of succession of States they are now the property of the Republic of Croatia. Therefore Italy as the former flag State has no entitlement to these wrecks. Besides, both Croatia and Italy are actually parties to the 2001 UNESCO Convention for the Protection of the Underwater Cultural Heritage. On behalf of its Article 12 Croatia has the exclusive right to regulate and authorize activities on these two wrecks, because they are situated on the bottom of its territorial sea.

Keywords: warships, sovereign immunity; wrecks of warships, ownership; booty of war; inter-temporal law; underwater cultural heritage; States with a verifiable link.

The increased care for the protection of the underwater cultural heritage (UCH) displayed some gaps (*lacunae*) in the rules of positive international law. This includes, for instance, the legal situation of warships and their wrecks. When operational in time of peace, warships enjoy sovereign immunity from any foreign jurisdiction and wherever situated.¹ It is, however, difficult to assert that their wrecks on the seabed, after being sunk, maintain that immunity. This for the simple reason that they are no longer State organs.² Nevertheless, there is a claim that these wrecks remain the property of the flag State wherever located and notwithstanding the passage of time since their sinking, unless expressly abandoned by the flag State.

In these aspects the wrecks of warships should differ from the wrecks of merchant ships that do not enjoy sovereign immunity. But the first category includes

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¹ As being parts of a State's armed forces, they are State organs in these situations.

² According to *Oppenheim's International Law*, Ninth Edition, Volume 1, edited by Sir Roberts Jennings and Sir Arthur Watts, p.1165: "...warships are state organs only so long as they are manned and under the command of a responsible officer, and further, so long as they are in the service of a state. A shipwrecked warship abandoned by her crew is no longer a state organ..."

the wrecks of other Government ships operated for non-commercial purposes. Like warships, they should be exempted from the salvage and find rules in private maritime law.

In case a wreck of a warship is actually situated on the seabed under the high seas (in the Area), the claim to exclusive rights of the flag State imposes as the most reasonable solution, though it may be difficult to recover the wreck from the depth of 4000 meters or more. It is different if such a wreck lies on the bed of the territorial sea or on the continental shelf of a foreign coastal State. Then the claim of the flag State concurs with the rights of the coastal State in the area in which the wreck is actually situated.

The above claims in favour of the former flag State of such wrecks do not correspond to the practice of the booty of war in times of armed conflicts. According to the above claims the wreck of the ironclad "*Re d'Italia*", sunk in the Battle of Vis in 1866 and lying within the territorial sea of Croatia less than 12 miles from the nearest coastline, should remain the property of the Italian State until the present time and in the future.

The likely disagreement on this wreck between Croatia and Italy deserves the present legal analysis in order to prevent illegitimate claims. In the resolution of this problem inter-temporal law and the conditions of sinking of a warship are of importance. The sinking of a warship in time of peace can be caused by an accident within the ship herself, without the involvement of foreign ships, as for instance in a nuclear submarine. It is quite a different legal situation when the wreck was sunk by an enemy warship in a naval battle, in accordance with the rules of warfare that were in force at the time of sinking.

The 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage³ does not deal with the ownership of the wrecks. However, in respect to its parties it provides for the jurisdiction of the coastal State and the rights of the flag State and of other States with a verifiable link, in different areas of the seabed, for the purpose of their protection as cultural heritage. Because both Croatia and Italy are parties to this Convention, it is the basis for their settling of a dispute that might arise.

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The Naval Battle of Vis occurred on 20 July 1866, during the so-called Third Italian War of Independence. Italy proclaimed its independence as a new State in 1861 after the unification of Lombardy and the Kingdom of Naples with Piedmont. Still, Venice and Lazio remained under the Austrian rule for a short period. On the eve of the war between Austria and Prussia for the hegemony over German lands, Italian government signed, on 8 April 1866, a military alliance with Prussia through the

³ Its full title in English and French is: "Convention on the Protection of the Underwater Cultural Heritage"; "Convention sur la protection du patrimoine culturel subaquatique".

mediation of the French Emperor Napoleon III. On 16 June, Prussia began hostilities by attacking several German principalities allied with Austria.

On 19 June 1866, Italy declared war against Austria. It, however, suffered unexpected defeats, first in the battle of Custoza on 24 June, and then in the naval battle near the island and port of Vis on 20 July.

Nevertheless, because Italy's ally Prussia defeated Austria on 3 July in the battle of Sadowa (now situated in the Czech Republic), Austria was compelled to abandon Venice and Western Friuli. The most important fact was that Italy was prevented from acquiring the islands in the Eastern Adriatic. Until 1797, they were part of the Venetian Republic, but with the overwhelming Croatian majority of the population. Austria refused to conclude a peace treaty with Italy which it in fact defeated. Instead of that, it ceded its former possessions there to France, and the French Emperor ceded them to Italy.

Four years later, the political situation in Europe totally changed. In the French-Prussian war in 1870, the Prussian army captured Emperor Napoleon III, the Italian army entered Rome and Italy finally annexed this eternal city making it its capital. Next year, the unification of German lands under Prussian leadership, but without Austria, was accomplished and the German Empire proclaimed in the Hall of Mirrors at the Versailles Palace in France.

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The Battle of Vis was the first major battle of the ironclads and one of the last to involve deliberate ramming. The Italian Navy outnumbered the Austrian fleet. It sent 12 ironclad and 19 wooden ships with 641 guns to battle. The Austrian fleet consisted only of 7 ironclads and 20 wooden ships with 532 guns. That battle occurred in the time of weapons development when armour was considerably stronger than the guns available to defeat it. Owing to the Prussian embargo Austrian ships were forced to go into battle without their full armament.

Decisive for the Austrian victory under Rear Admiral Wilhelm von Tegethoff were the ramming attacks by its frigate *Erzherzog Ferdinand Max* on the Italian flagship *Re d'Italia* and on the armoured corvette *Palestro*. Both ships were sunk. The wreck of *Palestro* has not been located, whereas that of *Re d'Italia* is situated north to the now Croatian island of Vis (Lissa). Most of the crew in the Austrian Navy consisted of Croat sailors from the Eastern coast of the Adriatic.

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In 1866, three situations existed in international law: (1) war; (2) civil war; and (3) use of force short of war, such as armed reprisals, self-defence, other kinds of armed interventions like "pacific blockade" of part of the coast of a foreign State, etc.⁴ The

⁴ Cf., Dietrich SCHINDLER: "The Different Types of Armed Conflicts according to the Geneva Conventions and Protocols", Académie de droit international de La Haye, *Recueil des Cours* 1979, tome 163, p.125.

right to even wage aggressive wars at that time was the prerogative of all sovereign States. Any State not engaged in a war was under stringent rules of neutrality that provided for the precise rights and obligations of neutral States. At that time, this was customary law that was later codified by written rules at The Hague Peace Conferences of 1899 and 1907.

When after the 1928 Kellogg-Briand Pact aggressive wars were outlawed,⁵ there was a widespread belief that neutrality in a struggle between an aggressor State and its victim was shameful.

Pursuant to Article 2(4) of the 1945 UN Charter, any "threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations" became prohibited. This law further blurred neutrality in a war. But it can be reasonably supposed that in the enforcement actions authorized by the Security Council under Chapter VII of the UN Charter, the state of war still exists. It can also exist before the Security Council orders measures against an aggressor State that are obligatory for all the UN Members.

This progress of general international law that occurred since 1928 did not apply to wrecks of warships in the 1866 naval battle. Ten years before that battle, within the framework of the Paris Peace Conference that terminated the Crimean War, the 1856 Declaration Respecting Maritime Law was adopted.⁶ Its first paragraph stated that: "Privateering is, and remains, abolished".

Hence, since that Declaration of 1856, it was clear that only warships of the belligerent parties were authorized to take actions in the hostilities. The crews of all other ships that were engaged in the war were deprived of the status of prisoners of war if captured. This means that the warships of the belligerents lose their sovereign immunity that they enjoyed in time of peace, because they are the main means of warfare. They are deprived of that immunity until the conclusion of a peace treaty or of another mode of termination of the state of war. Sovereign immunity of warships persists only in relations between the belligerents and neutral States.⁷

If during the hostilities one belligerent has captured or sunk an enemy warship, it becomes its property without the prize adjudication (which is necessary only in respect to merchant ships). Precise rules on the wrecks of warships as the object of legitimate booty are very scarce. Nevertheless, there is no rule stating that for the

⁵ "Treaty Providing for the Renunciation of War as an Instrument of National Policy"; "Le Pacte de renonciation à la Guerre (le Pacte de Paris)", 27 August 1928.

⁶ "Paris Declaration Respecting Maritime Law"; "Déclaration de Paris sur le Droit de la Guerre Maritime"; 16 April 1856.

⁷ These rules, customary in 1866, were largely codified by the 1907 Hague Convention XIII Concerning the Rights and Duties of Neutral Powers in Naval War (Convention concernant les droits et les devoirs des puissances neutres en cas de guerre maritime). They do not restrict in any way the right to capture enemy warships in naval warfare.

acquisition of ownership of such a sunken enemy warship a formal act of capture is necessary, or that in absence of such an act her abandonment should be presumed by acquiescence.⁸

In many cases the belligerent party that has sunk an enemy warship does not show interest in her recovery. It is usually so that the flag State shows more interest in such a wreck than the former enemy, and here its position on the seabed comes into play. The flag State should only reestablish its ownership of such a wreck in agreement with the adversary belligerent party. In any case, any bilateral agreement between the interested parties overrides the above rules of general character. Peace treaties, as we know, did not deal with the ownership of wrecks of warships.

It is important to stress that the above rules do not apply in time of peace, especially if a warship was accidentally sunk, for instance in a polar expedition. In these situations the flag State retains its property rights to such a wreck. That wreck can even preserve the sovereign immunity of the flag State, especially if it can be repaired later. That distinction was the probable reason for the confusion in respect of the rights of the former flag State to shipwrecks sunk in wartime.

The above rules exclude the right of ownership of the Italian State of the wrecks of *Re d'Italia* and *Palestro* in the Adriatic Sea. By the act of their sinking they became the property of the Austrian - and since 1868 the Austrian-Hungarian - Empire. After the dissolution of that Empire in 1918, these rights were succeeded to by the then new Kingdom of Serbs, Croats and Slovenes, renamed the Kingdom of Yugoslavia in 1929. Austria and Hungary could not succeed to these rights primarily because they are land-locked States. But even if that was not the case, these shipwrecks were situated on the bed of the territorial sea of Yugoslavia. According to the well-established principle of State succession *locus in quo*, there is no need to determine the previous owner of immovable State property. What is only important is its actual position.⁹

After the dissolution of the Yugoslav Federation in 1992, all these rights were automatically transferred to the new Republic of Croatia, again according to the above

⁸ The former Soviet Union protested against the recovery of a wreck by a Japanese private corporation. It was the Russian warship *Admiral Nahimov* sunk by the Japanese Navy in the Battle of Tsushima on 27 May 1905. The Soviet Union asserted that this ship still enjoyed sovereign immunity. The Japanese government rejected the protest on the following ground: "Admiral Nahimov had been captured by Japanese Navy before it sank... In accordance with international law, the right with respect of the captured enemy warship and property aboard them are transferred immediately and finally to the Captor State, therefore, all the rights of the Russian side with respect to Admiral Nahimov became extinct at the time when the vessel was captured by Japanese Imperial Navy". Cf., 28 *Japanese Annual of International Law* 1986, p.185. The formal act of capture of the Russian warship was an additional argument for the rejection of the Soviet protest. It was not the condition for the appropriation of the wreck.

⁹ Cf., paragraph 3 in Opinion No. 14 of the (Badinter) Arbitration Commission of 13 August 1993, *International Legal Materials* 1993, No. 6, pp. 1593-1595. A shipwreck can be treated as immovable property of the territorial State, until parts of it, or its whole, were physically removed from the seabed. That hardly ever happens in practice, especially in case that a shipwreck consists of underwater cultural heritage.

locus in quo principle. There is no legal ground for a claim that present-day Croatia is not a direct successor to Austria-Hungary and that for this reason Italy, as the flag State, preserved its rights to these two wrecks. Italy lost its entitlement to ownership already in the war of 1866. In case the naval battle occurred in the Austrian territorial sea that is now part of Italy (for instance in the Gulf of Trieste), Italy would have acquired the ownership of these wrecks on the basis of the said territorial principle, and not by having been the flag State of these two former warships. Also, the question of whether Croatia is either direct or indirect successor State to the former Austro-Hungarian Empire (through the former Yugoslavia) has no significance in international law. Important is, again, the territorial principle.

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It can happen that the former flag State does not recognize the above general rules and that it insists, although unlawfully, on its ownership of the wrecks of warships. This involves a dispute concerning the property rights to wrecks, especially between the coastal State on whose seabed they are actually situated and their former flag State.

There is, however, a presumption that the wreck of a warship that has been under water for more than a hundred years has become underwater cultural heritage. In such cases the rules from the 2001 UNESCO Underwater Cultural Heritage Convention apply between its parties. The State parties must observe its rules, although this Convention does not deal with the ownership of such wrecks. Instead, for the purpose of preservation of this heritage it deals with the distribution of the jurisdiction between the coastal State, the flag State, and some other States with a verifiable link, depending on the actual location of the wreck.

This Convention entered into force on 2 January 2009. Croatia deposited its instrument of its ratification on 1st December 2004, and Italy did it on 8 January 2010.

Of relevance to the present explanation are the wrecks of the warships that enjoyed sovereign immunity in time of peace, but were sunk in a subsequent war between States. Only the applicable parts of the 2001 UNESCO Convention will be invoked here.

According to the definition in Article 1-1-(a) of the Convention: "*Underwater cultural heritage*" means all traces of human existence having a cultural, historical or archeological character which have been partly or totally under water, periodically or continuously, for at least 100 years...". It was further provided under (ii) that "vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archeological and natural context" form parts of the UCH. These descriptions apply to the wrecks of *Re d'Italia* and *Palestro*.

As already stated, this Convention does not deal with the ownership of shipwrecks and other UCH. Its primary goal is the protection of such objects. Hence, Article 2

states the following among its objectives and general principles: 3. States Parties shall preserve underwater cultural heritage for the benefit of humanity in conformity with the provisions of this Convention. – 5. The preservation in situ of underwater cultural heritage shall be considered as the first option before allowing or engaging in any activities directed at this heritage. – 6. Recovered underwater cultural heritage shall be deposited, conserved and managed in a manner that ensures its long-term preservation. – 8. Consistent with State practice and international law, including the United Nations Convention on the Law of the Sea, nothing in this Convention shall be interpreted as modifying the rules of international law and State practice pertaining to sovereign immunities, nor any State's rights with respect to its State vessels and aircraft.

Of special importance is Article 2(9): "States Parties shall insure that proper respect is given to all human remains located in maritime waters".

Different provisions of the Convention deal with the jurisdiction of coastal States, or of the flag State, and of "other States with a verifiable link, especially a cultural, historical or archaeological link".

When a national vessel discovers or intends to engage in such activities in the *Area*, its State Party shall notify the Director-General of UNESCO and the Secretary-General of the International Seabed Authority of such discoveries. The Director-General of UNESCO shall promptly make such information available to all the States Parties to the Convention. Any State Party that has the above mentioned verifiable link may declare to the Director-General its interest in being consulted on how to ensure the effective protection of that UCH. However, according to Article 12(7): "No State Party shall undertake or authorize activities directed at State vessels and aircraft in the *Area* without the consent of the flag State". Hence, its consent is the prerequisite to any such activities.

In respect to UCH situated in *the exclusive economic zone* and on the *continental shelf* of a State that do not form its national territory, that coastal State normally becomes the "Coordinating State". According to Article 11(4) any State Party having a verifiable link may declare to the Director-General its interest in being consulted on the measures of effective protection of the UCH. Nevertheless, according to Article 10(7), "no activity directed at State vessels and aircraft shall be conducted without the agreement of the flag State and the collaboration of the Coordinating State".

Within its *contiguous zone* a coastal State can proclaim its "archaeological zone". The provision of Article 8 is scarce, but the stress is on the jurisdiction of the coastal State.¹⁰

Finally, Article 7 of the 2001 Convention applies to the wrecks of two former Italian warships *Re d'Italia* and *Palestro*. Here is the full text:

¹⁰ The most important is Article 303(2) of the 1982 UN Law of the Sea Convention to which Article 8 refers: "In order to control traffic in such objects, the coastal State may, in applying Article 33, presume that their removal from the sea-bed in the zone referred to in that Article without its approval would result in an infringement within its territory or territorial sea of the laws and regulations referred to in that Article".

"Article 7

*UNDERWATER CULTURAL HERITAGE IN INTERNAL WATERS,
ARCHIPELAGIC WATERS AND TERRITORIAL SEA*

1. States Parties, in the exercise of their sovereignty, have the exclusive right to regulate and authorize activities directed at underwater cultural heritage in their internal waters, archipelagic waters and territorial sea.

2. Without prejudice to other international agreements and rules of international law regarding the protection of underwater cultural heritage, States Parties shall require that the Rules be applied to activities directed at underwater cultural heritage in their internal waters, archipelagic waters and territorial sea.

3. Within their archipelagic waters and territorial sea, in the exercise of their sovereignty and in recognition of general practice among States, States Parties, with a view to cooperating on the best methods of protecting State vessels and aircraft, should inform the flag State Party to this Convention and, if applicable, other States with a verifiable link, especially a cultural, historical or archaeological link, with respect to the discovery of such identifiable State vessels and aircraft."

Both Croatia and Italy are obliged by these provisions as their treaty law in force, notwithstanding the fact that only 20 ratifications so far have not been sufficient to transform them into customary rules of general international law.

We already proved that Italy lost its ownership entitlement to these wrecks. Because they were sunk in a regular warfare by enemy warships, it is not quite clear that Italy even remained the flag State of these wrecks. It is, however, unquestionable that it has a verifiable historical link to both of them.

In case the site of the wreck *Palestro* is located on the bed of its territorial sea some day in the future, Croatia "should inform" (*"devrait informer"*) Italy about that discovery. This is not a strictly legal obligation, but it is advisable to do so. Croatia's duty is, however, to ensure proper respect to all human remains in both ships. Both wrecks are in fact war graves of all the persons who perished in them.

However, Article 7 paragraph 1 is prevalent in that Croatia, in the exercise of its sovereignty, has the exclusive right to regulate and authorize activities directed at underwater cultural heritage in its territorial sea. It does not need any agreement or approval by any foreign States to do so.

Bearing in mind the conditions in which these two former warships were sunk, this provision seems to offer the most reasonable solution in all its aspects.

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Conclusion. The rules set out in the 2001 UNESCO Convention relate only to jurisdiction for the purpose of preservation of underwater cultural heritage. They

are not straightforwardly applicable on the question of ownership of wrecks of warships.

Our conclusions in this paper relate to the entitlement of ownership on the two Italian wrecks according to the law which was in force in 1866. The matter was of a battle of ironclads in a regular warfare between sovereign States. The right of booty of that time should not be ignored and on this behalf Italy lost not only the property rights on these two wrecks, but in our view also the quality of the flag State.

Perhaps the same analysis cannot be appropriate in situations of later developments in the means of naval warfare. A warship can now be sunk in an enemy minefield. A big battleship can be torpedoed by a small naval craft, and especially by submarines. In World War II many warships were sunk by air raids from enemy aircraft carriers or from land. Now they can be a target of long range missiles from enemy ships, submarines or from land. The right of booty is hardly applicable in all these situations, but it is not entirely excluded. On the other hand the situation is further complicated if these wrecks are situated at the bottom of the former high seas which now forms either the continental shelf of States or the Area.

For instance, in the crucial battle near the two islands of Midway in the Pacific between 3 and 6 June 1942, the Japanese and the U.S. Navies were not within sight one to another. Still the American reconnaissance crafts first located the position of the Japanese fleet. The planes from the American carriers destroyed the bulk of the Japanese Navy, including four aircraft carriers. This paper does not offer an answer whether the Japanese wrecks from that battle now situated in the Area, are still owned by Japan or by the United States. Perhaps this problem cannot be settled by some general criteria such as that of the former flag State of sunken ships in all circumstances. If once both States show interest for these wrecks, perhaps the best solution is that they settle this problem by their friendly agreement.

Sažetak:

PRAVNI POLOŽAJ PODRTINE OKLOPNJAČE "RE D'ITALIA" POTOPLJENE U BITCI KOD VISA 1866. GODINE

Postoji tvrdnja da čak ukoliko podrtine ratnih brodova možda ne zadržavaju suvereni imunitet koji su ti brodovi uživali prije potapanja, one trajno ostaju u vlasništvu države zastave, gdje god se nalazile, osim ako se ona toga prava izričito ne odrekne. O tome pitanju danas raspravlja Komisija Instituta za međunarodno pravo sa zadaćom da njegovu plenumu predloži rezoluciju na usvajanje. Izvojestitelj te Komisije je talijanski profesor Natalino Ronzitti.

Ta se apstraktna situacija ustvari odnosi na podrtine dvoiju talijanskih oklopnjača "Re d'Italia" i Palestro. Njih je austrijska ratna flota potopila u bitci kod Visa 20. srpnja 1866. godine u sklopu rata između Austrije i Pruske u kojemu je Italija ratovala protiv Austrije na putu ka svoome potpunom ujedinjenju.

U legitimnim međudržavnim ratovima koji su se tada vodili ratni brodovi zaraćeni strana gubili su suvereni imunitet sve do sklapanja mirovnog ugovora ili drugoga načina okončanja rata. Ako je ratni brod jedne strane uzaprio neprijateljski ratni brod, on je kao ratni plijen automatski postao njezino vlasništvo. Ali u slučaju potapanja i njegova podrtina postala je vlasništvom te zaraćene strane kao ratni plijen, iako te države u prošlosti nisu pokazivale mnogo interesa za njih.

U svome porazu u bitci kod Visa 20. srpnja 1866. godine podrtine dvoiju talijanskih oklopnjača postale su vlasništvom Austrije. Italija nema nikakve pravne osnove da zahtijeva vlasništvo nad njima. Sukcesijom država koja je uslijedila u 1918. i 1992. godini ta vlasnička prava prešla su najprije na Jugoslaviju, a potom na Republiku Hrvatsku, jer se te podrtine nalaze na dnu teritorijalnog mora tih država slijednica.

Uz gornje, Hrvatsku i Italiju obvezuje kao ugovorno pravo Konvencija UNESCO-a o podvodnom kulturnom naslijeđu iz 2001. godine. Hrvatska je položila instrumente o njezinoj ratifikaciji 1. prosinca 2004, a Italija 8. siječnja 2010. godine. Konvencija je za njezine stranke stupila na snagu 2. siječnja 2009. godine.

Konvencija UNESCO-a ne uređuje pitanje vlasništva država nad podvodnim kulturnim naslijeđem. U svrhu zaštite toga naslijeđa ona raspoređuje jurisdikciju, i to između obalne države, države zastave potonulog broda, te drugih država "s provjerljivoom vezom" napose onom kulturnom, povijesnom i arheološkom.

Na podrtinama koje se nalaze na dnu unutrašnjih voda, arhipelaških voda ili teritorijalnoga mora neke države članak 12. te Konvencije jasno propisuje da u vršenju svoje suverenosti obalna država ima isključivo pravo da uređuje i ovlašćuje djelatnosti nad podvodnim kulturnim naslijeđem. Ukoliko se pronađe neki takav novi objekt, dužnost je obalne države da o tome obavijesti državu zastave ili drugu državu s provjerljivoom vezom.

Podrtina "Re d'Italia" nalazi se na dnu teritorijalnoga mora Hrvatske. Ukoliko se i podrtina Palestro pronađe u njezinu teritorijalnom moru, ona je dužna o tome obavijestiti Italiju kao državu s provjerljivoom historijskom vezom. Ali Italija nema nikakvih prava da intervenira u djelatnosti nad njima koje Hrvatska uređuje samostalno.

Ipak, podrtine svih brodova u stvari su groblja osoba koje su na njima ili u njihovoj blizini stradale. Hrvatska ima pravnu obvezu da osigura poštivanje ljudskih ostataka na oba ta broda.

Ključne riječi: ratni brodovi, suvereni imunitet; podrtine ratnih brodova, vlasništvo; ratni plijen; intertemporalno pravo; podmorsko kulturno naslijeđe; država s provjerljivoom vezom.