

STANDING COMMITTEE REPORT NO. 20-56

RE: C.R. NO. 20-29/H&SA

SUBJECT: RATIFYING THE 2001 UNESCO CONVENTION ON THE  
PROTECTION OF UNDERWATER CULTURAL HERITAGE.

FEBRUARY 15, 2018

The Honorable Wesley W. Simina  
Speaker, Twentieth Congress  
Federated States of Micronesia  
Third Special Session, 2017

Dear Mr. Speaker:

Your Committee on Health and Social Affairs to which was  
referred C.R. No. 20-29 entitled:

"A RESOLUTION RATIFYING THE 2001 UNESCO CONVENTION ON  
THE PROTECTION OF UNDERWATER CULTURAL HERITAGE.",

begs leave to report as follows:

The intent and purpose of the resolution are expressed in  
its title.

Your Committee held a hearing on December 11, 2017, the  
witnesses present included the Office of National Archives,  
Cultural and Historic Preservation, and Secretary of the  
Department of Justice.

Your Committee remains strongly committed to protection of  
our cultural heritage for the current and future citizens  
of our Nation. The Convention under discussion will  
enhance protection of all forms of our underwater artifacts  
and natural treasures. The Office of National Archives,  
Cultural and Historic Preservation has been advocating for  
ratification of the Convention for some time. Not only

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will this Convention assist in the preservation efforts done by the Office it will assist our law enforcement in joining the to international community to prevent looting and destruction of underwater cultural heritage.

The witnesses advised the Committee that it was timely to ratify the Convention, as we need to conform to international standards regarding marine salvage, reporting, notification, and become a part of the international community in underwater archaeology. Training, technical assistance and support will also be available for our preservation activities once this Convention has been ratified. This will also assist us in the FSM in raising public awareness and education.

The Secretary of Justice advised the Committee that he strongly supported ratification of the Convention as it would be the impetus to put National and State laws in place to protect our cultural heritage that rests underwater.

Your Committee was also advised that reporting requirements were not strenuous and no additional fees would be required as a part of ratification. The Office also stated that it was able to do any additional work needed as a part of this Convention without additional staff or funding.

At the close of the hearing the Committee inquired as to whether the Convention was properly before us, specifically if the President signed this Convention, the witnesses were unable to answer this inquiry and the hearing was continued so the Departments of Justice and Foreign Affairs could answer the Committee's inquiry.

On February 13, 2018, the public hearing was reconvened with witnesses from the National Archives, Cultural and Historic Preservation Office, including its Director and his key staff, the Department of Justice the Department of Foreign Affairs and the Department of Finance and Administration.

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Both representatives from the Department of Justice, Ms. Josphine Joseph, and the Department of Foreign Affairs Samson Pretrick, stated that the Federated States of Micronesia had previously ratified the treaty to become a member country of the United Nations Educational Scientific and Cultural Organization (UNESCO) on October 19, 1999. As a member country to this UNESCO treaty it has the opportunity to ratify additional "conventions" or "protocols" for amendments to this treaty and these would have an abbreviated acceptance procedure. In the case of this particular convention, the Convention on the Protection of the Underwater Cultural Heritage, only the Congress has to take action. Our Nation's President is in complete agreement and support of this Convention, and all witnesses stated that it would be beneficial for the Nation.

The Committee inquired as to whether there was any conflict with other laws or treaties, or potential use of our underwater resources. The witnesses confirmed that a balance test was all that was required under the Convention. If for example, oil or some other resource was available near or on a heritage site a balancing test would be done as to what was in the best interests of the Nation. It would be required that the heritage site be protected as much as feasible given the circumstances.

Your Committee is supportive of the Office of National Archives, Cultural and Historic Preservation efforts, and, further encourages its efforts to protect our Nation's underwater treasures.

Your Committee would like to offer the following amendment, to read as follows:

Page 2, line 8, delete "Second Regular Session 2018" and insert "Third Regular Session 2017" in lieu thereof.

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Therefore, for the reasons set forth above, your Committee on Health and Social Affairs supports the ratification of the Convention on the Protection of Underwater Cultural Heritage, and it is in accord with the intent and purpose of C.R. No.20-29 and recommends its adoption in the form attached hereto as C.R. No. 20-29, C.D. 1.

Respectfully submitted,

/s/ Ferny S. Perman  
Ferny S. Perman, chairman

/s/ Alik L. Alik  
Alik L. Alik, vice chairman

/s/ Tiwiter Aritos  
Tiwiter Aritos, member

/s/ Florencio S. Harper  
Florencio S. Harper, member

/s/ David W. Panuelo  
David W. Panuelo, member

/s/ Joseph J. Urusemal  
Joseph J. Urusemal, member

/s/ Derensio S. Konman  
Derensio S. Konman, member