

# ICOMOS ICUCH

Instituto Nacional de Antropología y Pensamiento Latinoamericano  
3 de Febrero 1378 - C1426BJN CABA - Buenos Aires - Argentina

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January 3, 2017

CLERK, U. S. BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA

United States Bankruptcy Court Middle District of Florida Jacksonville Division  
300 North Hogan Street  
Suite 3-150  
Jacksonville, Florida 32202  
United States of America

**Bankruptcy Proceedings: Ref: Case 3:16-bk-02230-PMG (Premier Exhibitions / RMS Titanic Inc.)**

Dear Sir/Madam,

The International Committee on the Underwater Cultural Heritage (ICOMOS-ICUCH) has been made aware that bankruptcy proceedings relating to 'Premier Exhibitions', the parent company of 'RMS Titanic Inc', has led to a request to allow the sale and dispersal of the 'French Collection' retrieved from the wreck-site of RMS *Titanic*, lost in 1912. ICUCH wishes to register its concern about the implications of this possible course of action.

ICUCH is a Scientific Committee of the International Council on Monuments and Sites (ICOMOS), an international organization which works across various sub-disciplines of cultural heritage to promote best practice in cultural heritage management and its protection.

ICUCH strongly urges that the artefacts known as the 'French Collection' along with the 'Titanic Artefact Collection' are kept together as a single sustainable curated collection, and as such remain in the public domain. Not to do so will be contrary to the United States' own federal agencies aim to 'require the application of current professional standards of scientific and archaeological resource management to ensure that RMS *Titanic* is properly preserved and conserved for present and future generations'<sup>1</sup>, as well as the details of the covenant and conditions subsequently presented to the United States District Court for the Eastern District of Virginia.

Section III. A. of the Covenant and Conditions,' Ensuring the Unity and Integrity of the Titanic Collections' (U.S. Amicus Br. 11-12; Court 4/15/2008 Order, at 4-5) is specific in that the 'Titanic Artefact Collection shall be kept together and intact forever...to the maximum extent possible and consistent with reasonable collections management practices, be conserved and curated together with the French Collection as an integral whole by the Trustee'.

Dispersal of the French Collection will also contravene one of the fundamental articles (2.7) of the UNESCO Convention on the Underwater Cultural Heritage states that "Underwater cultural heritage shall not be commercially exploited" which is expanded in Rule 2 of the Convention stating that "The commercial exploitation of underwater cultural heritage for trade or speculation or its irretrievable dispersal is fundamentally incompatible with the protection and proper management of underwater cultural heritage. Underwater cultural heritage shall not be traded, sold, bought or bartered as commercial goods."

Failing to do so, will have international consequences in so far as any such dispersal will provide an unwanted example showing that the commercial exploitation of underwater cultural heritage can be applied to even the most significant sites, and in so doing set back international efforts to ensure that

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<sup>1</sup> Available from [http://www.gc.noaa.gov/gcil\\_titanic-faqs.html](http://www.gc.noaa.gov/gcil_titanic-faqs.html) (2016)

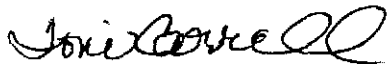
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such sites and their associated collections are not only protected for the present public, but also for future generations.

Despite the R.M.S. Titanic Maritime Memorial Preservation Act of 2012 (Senate Bill 2279) failing to become law, there can be little doubt that the desire of the United States and the international community has, for years, been aimed at protecting the *Titanic* from commercial exploitation.

ICUCH therefore, respectfully, asks the court to deny any request for the dispersal of the artefacts, or diminution of the Covenant and Conditions placed on the trustee, and alternatively seek sustainable options that place the *Titanic* collections under the curation of a museum or other body capable of fulfilling the Covenant and Conditions to which this letter has previously made reference.

Yours sincerely,



Signed on behalf

Dr Christopher J. Underwood

President ICUCH-ICOMOS

cc: Mr Brian Wainger, Kaleo Legal  
Premier Productions  
RMS Titanic Inc  
US District Court, Eastern District Court of Virginia  
ICOMOS-USA