



# Impact of new underwater cultural heritage protection rules on Swiss-flagged maritime vessels

## 1. Background

Switzerland ratified the UNESCO Convention on the Protection of the Underwater Cultural Heritage (SR 0.444.2) on 25 January 2020. The aim of the convention is to protect and ensure the long-term conservation of underwater cultural heritage. Seas and inland waters harbour numerous traces of human existence that are of great cultural significance, including submerged landscapes, settlements, shrines, ports and shipwrecks. The convention specifies how the world's underwater cultural heritage is to be protected. The marine sector is obliged to follow rules that are binding under international law and comply with reporting requirements. The convention also aims to combat looting, illegal trade and destruction.

In light of Switzerland's accession to the convention, amendments have been made to the Cultural Property Transfer Act (SR 444.1), Navigation Act (SR 747.30) and Yachts Ordinance (SR 747.321.7). These amendments came into effect on 01.11.2020 and 15.03.2021 respectively.

## 2. New rules for the maritime sector

The amended provisions in the Navigation Act (Art. 124a and Art. 151a) and Yachts Ordinance (Art. 20 para. 1) place underwater cultural heritage under protection, which entails additional obligations for masters of Swiss-flagged commercial maritime vessels, ocean-going yachts and small boats in coastal waters.

This means that Swiss-flagged sea-going vessels or yachts may not destroy or seriously damage underwater cultural heritage, which is an offence punishable by up to one year imprisonment or a fine.

There is also a new reporting requirement. If a person on board a Swiss-flagged sea-going vessel or yacht discovers or intends to undertake activities that involve handling underwater cultural heritage, this must be reported to the master. The master must then forward this information to the Swiss Maritime Navigation Office (SMNO).

## 3. Reporting requirement in detail

### 3.1. Discovery of underwater cultural heritage

**Objective:** The discovery of previously unknown underwater cultural heritage must be brought to the attention of the responsible authority as soon as possible so that it can make the necessary arrangements for the protection of the new site.

**Procedure:** If a person on board a Swiss-flagged sea-going vessel or yacht discovers underwater cultural heritage, for example while diving, the following rules apply: The site must not be altered or damaged. Finds may not be recovered. Coordinates are to be recorded so that the site can be located. Notes, photos or sketches may be made in order to help document and locate the site where appropriate. The master must notify the SMNO of the find immediately. The SMNO then forwards the information to the responsible authorities. The form to notify the SMNO can be downloaded here:

[Underwater cultural heritage notification form: New find](#)

### **3.2. Activities that involve handling underwater cultural heritage**

**Objective:** The aim is to prevent looting, improper handling or destruction of underwater cultural heritage through unauthorised activities. All activities that involve handling underwater cultural heritage must be brought to the attention of the responsible authorities at an early stage and may only be carried out with legal authorisation from them.

**Procedure:** Individuals wishing to carry out activities that involve handling underwater cultural heritage from a Swiss-flagged sea-going vessel or yacht must notify and apply for a permit from the responsible authorities prior to conducting said activities. Without a permit, the site may not be altered or damaged; nor may any finds be recovered. The master must notify the SMNO of the planned activities in detail. The SMNO then forwards the information to the responsible authorities. The form to notify the SMNO can be downloaded here:

[Underwater cultural heritage notification form: Activity](#)

### **4. Further information and contacts**

#### **UNESCO underwater cultural heritage**

[Underwater Cultural Heritage | United Nations Educational, Scientific and Cultural Organization \(unesco.org\)](#)

#### **SMNO contact**

[www.smno.ch](http://www.smno.ch)

[dv.ssa@eda.admin.ch](mailto:dv.ssa@eda.admin.ch)