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Douglas R. Burnett, Partner
Squire, Sanders & Dempsey LLP
ICPC International Law Advisor
dburnett@ssd.com

1884 INTERNATIONAL CONVENTION OF PROTECTION OF SUBMARINE CABLES & UNCLOS

•Article 2 (1884)

The breaking or injury of a submarine cable, done **willfully** or through **culpable negligence**, resulting in the total or partial interruption or embarrassment of telegraphic communication, shall be a punishable offense but the punishment shall be no bar to civil action for damages. This provision shall not apply to ruptures or injuries when the parties guilty thereof have become so simply with the legitimate object of saving their lives or their vessels, after taking all necessary precautions to avoid such ruptures or injuries.

•Article 12 (1884)

The High Contracting Parties engage to take or to propose to their respective legislative bodies the measure necessary in order to secure execution of this Convention, and especially in order to cause the punishment, either by fine or imprisonment, or both, of such person as may violate the provisions of articles 2, 5 [**vessels stay one nautical mile from repair vessel**], and 6 [**vessels stay 1/4 nautical mile from repair buoy**].

1884 INTERNATIONAL CONVENTION OF PROTECTION OF SUBMARINE CABLES & UNCLOS

- **Article 113 (1982)**

Every State shall adopt the laws and regulations necessary to provide that the breaking or injury by a ship flying its flag or by a person subject to its jurisdiction of a submarine cable beneath the high seas done willfully or through culpable negligence, in such a manner as to be liable to interrupt or obstruct telegraphic or telephonic communications, and similarly the breaking of a submarine cable, pipeline, or high voltage power cable, shall be a punishable offense. **This provision shall apply to conduct calculated or likely to result in such breaking or injury.** However, it shall not apply to any break or injury caused by persons who acted merely with the legitimate object of saving their lives or their **ships, after having taken all necessary precautions to avoid such breaks or injuries.**

1884 INTERNATIONAL CONVENTION FOR THE PROTECTION OF SUBMARINE CABLES

•Article 10 (1884)

Evidence of violations of this convention may be obtained by all methods of securing proof that are allowed by the laws of the country of the court before which the case is brought. When the officers commanding the vessels of war or the vessel specifically commissioned for that purpose, of one of the High Contracting Parties, shall have reason to believe that an infraction of the measures provided for by this Convention have been committed by a vessel other than a vessel of war, they may require the captain or master to exhibit the official documents furnishing evidence of the nationality of the said vessel. Summary mention of such exhibition shall at once be made on the documents exhibited. Reports may, however, be prepared by the said officers, whatever the nationality of the inculpated vessel. These reports shall be drawn up in the form and in the language in use in the country to which the officer drawing them up belongs; they may be used as evidence in the country in which they shall be invoked, and according to the laws of that country. The accused parties and the witnesses shall have the right to add or to cause to be added thereto, in their own language, any explanation that they may deem proper; these declarations shall be signed.

NO EQUIVALENT ARTICLE IN UNCLOS!

THERE IS A SIGNIFICANT LEVEL OF NON-COMPLIANCE WITH UNCLOS ART. 113.

- **MANY STATES HAVE NO DOMESTIC LEGISLATION**
- **MANY STATES HAVE DOMESTIC LEGISLATION DATING FROM THE 1884 CONVENTION.**
- **AUSTRALIA AND NEW ZEALAND DOMESTIC LAWS ARE EXAMPLES OF MODERN DOMESTIC CABLE LAWS**

INSERT TITLE

- **MODERN LAWS NEED TO HAVE SIGNIFICANT PENALTIES FOR DETERRENCE**
- **MODERN LAWS NEED TO PROVIDE NAVAL, COAST GUARD, AND MARINE POLICE WITH ENFORCEMENT POWERS**
- **MODERN LAWS NEED TO TAKE ADVANTAGE OF TECHNOLOGY LIKE AIS**
- **MODERN LAWS NEED TO PROVIDE JURISDICTION FOR CASES INVOLVING THREATS OR INJURIES TO CABLES OR INTERFERENCE WITH CABLE REPAIR OPERATIONS.**

GAPS IN MODERN INTERNATIONAL LAW

- **No equivalent measures to Articles 5, 6, and 10 of the 1884 Convention**
- **Enforcement of international cable protection laws outside of territorial seas is missing**
- **No legal regime for hostile actions by terrorists and pirates against international cable systems and cable ships**
- **International cable systems include landing stations, marine depots for spares, and cable ships-all need end to end protection**
- **National efforts are limited-only international efforts provide the protection critical cable infrastructure requires.**

GOVERNMENT AND INDUSTRY PARTNERSHIP

- **INDUSTRY WANTS A WORKING RELATIONSHIP WITH GOVERNMENTS FOR CABLE SECURITY ISSUES RELATING TO PIRATES AND TERRORIST THREATS AND ACTIONS**
- **A SINGLE POINT OF CONTACT IN GOVERNMENT WITH AUTHORITY TO MOBILIZE OTHER AGENCIES AND LIAISON WITH INTERNATIONAL GOVERNMENT PARTNERS**
- **THE CABLE INDUSTRY STANDS READY TO PROVIDE RECIPROCAL SINGLE POINT OF CONTACT FOR EACH CABLE SYSTEM LANDING AND FOR CABLE SHIPS OWNERS**
- **PRACTICE EXERCISES ON AN INTERNATIONAL BASIS ARE NEEDED.**