



Possible ways to highlight to the international community the need for a new instrument regulating the laying and protection of submarine cables

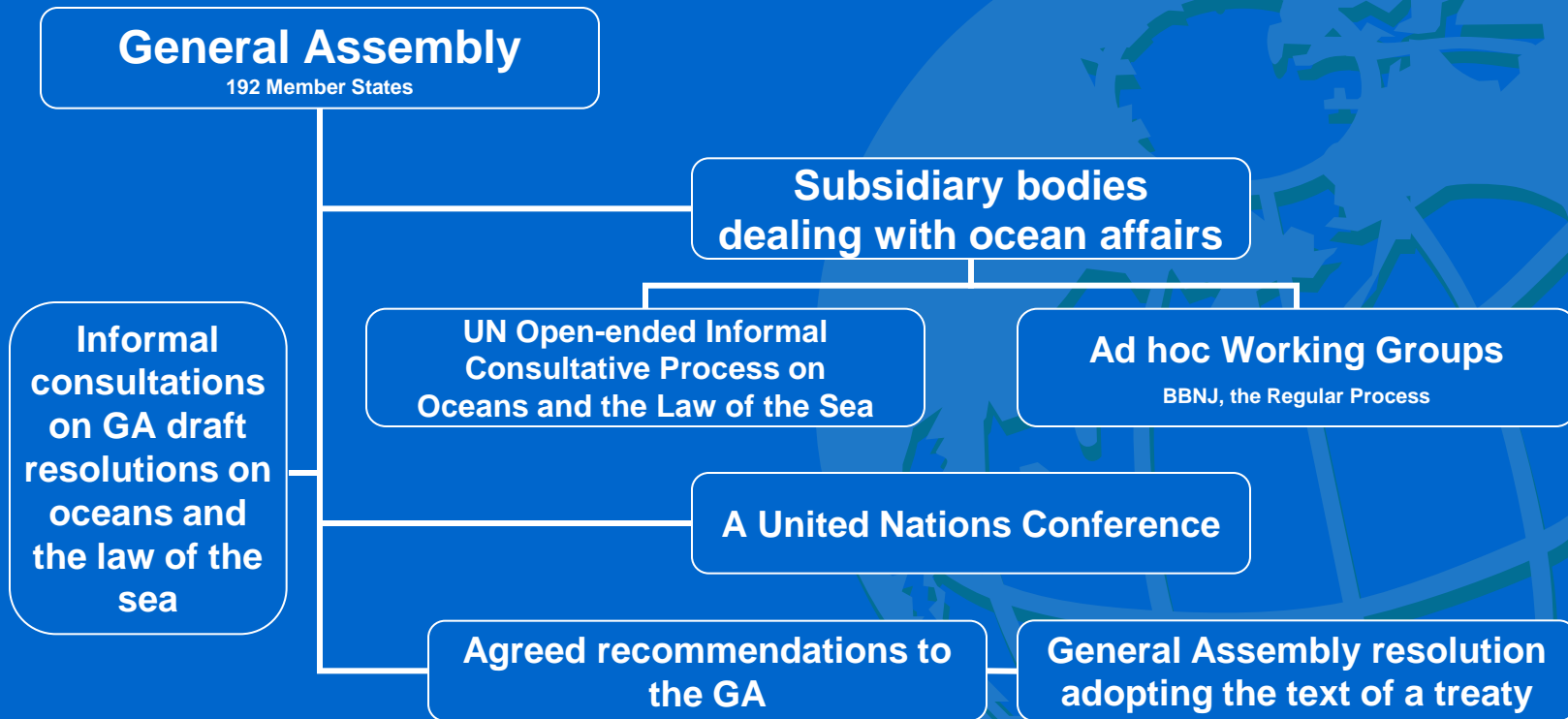
Mechanisms available to States

- Universal organizations
 - UN
 - International Maritime Organization (IMO)
 - International Telecommunication Union (ITU)
- Possible regional organizations
 - The Association of Southeast Asian Nations (ASEAN)
 - The Caribbean Community (Caricom)

United Nations

General Assembly

Forum for initiating studies and making recommendations to promote international political cooperation, the development and codification of international law, and international collaboration



United Nations General Assembly

- **General Assembly resolutions on oceans and the law of the sea (64/71 of 4 December 2009 being the latest) do not specifically address issues related to submarine cables**

Examples of the practice of the Assembly:

- In 1990, to address difficulties with the seabed mining provisions contained in Part XI of the Convention, the Secretary-General convened a series of informal consultations which culminated in the adoption by the General Assembly, in 1994, of the Agreement relating to the implementation of Part XI of the 1982 United Nations Convention on the Law of the Sea (resolution 48/263)
- In 1992, the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks was convened pursuant to General Assembly resolution 47/192
- In 1995, the Conference adopted the Agreement for the Implementation of the Provisions of the 1982 United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs

Functions

- Preparing annual comprehensive reports;
- Preparing special reports on specific topics such as fisheries;
- Discharging the responsibilities of the Secretary-General in relation the deposit by States of charts and geographical coordinates concerning maritime zones;
- Collecting, compiling and disseminating information on ocean affairs and the law of the sea;
- Promoting better understanding of the Convention and the Agreement in order to ensure their effective implementation;
- Ensuring appropriate responses to requests of States for advice and assistance in implementing the provisions of the Convention and the two implementing Agreements;
- Supporting the annual consideration by the General Assembly of the item “Oceans and the law of the sea”; servicing the meetings of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea and Ad-hoc Working Groups;
- Preparing for, convening and servicing the Meetings of States Parties to the Convention;
- Preparing for, convening and servicing the meetings of the Commission on the Limits of the Continental Shelf;
- Strengthening capacity-building and training activities in ocean and coastal area management and development, including management of trust funds.

International Maritime Organization

IMO Assembly

169 Member States and three Associate Members

IMO addressed issues related to the submarine cables, in particular in the context of navigation, passage, anchoring, the operation of vessels laying submarine cables and also the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf (1988 Protocol to SUA Convention)

Council

Maritime Safety Committee (MSC)

Legal Committee

A conference

Relevant IMO Legal Instruments

- Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988

Adoption: 10 March 1988

Entry into force: 1 March 1992

- Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, 1988

Adoption: 10 March 1988

Entry into force: 1 March 1992

The Protocol extends the requirements of the Convention to fixed platforms such as those engaged in the exploitation of offshore oil and gas

International Telecommunication Union

Plenipotentiary Conferences

191 Member States, 573 Sector Members, 149 Associates

Leading UN agency for information and communication technology, which deals with the standardization, as well as to installation of submarine cables (including maritized terrestrial cables), and, survey and route planning, characteristics of vessels, and controls after the laying of cables

ITU Council

**Areas of work/
Study Groups/
Working Groups**

**ITU's Telecommunication
Standardization Sector
Recommendations**

Conclusions

- UNCLOS is a clear jurisdictional framework regulating the laying and protection of submarine cables
- The matter of whether to propose an initiative in the General Assembly of the United Nations or in the context of a specialized agency has strong political connotations and should be addressed by interested States
- Matters pertaining to the laying and protection of submarine cables may also be addressed in the context of appropriate regional bodies

Thank you for your kind attention!





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