

**Roundtable: Maritime Sector Strategies to
Augment Tsunami Monitoring with Economic,
Safety and Environmental Co-benefits
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**Tsunami Monitoring from Ships, Offshore
Structures and Submarine Cables:
Legal And Jurisdictional Issues**

Robert Beckman

Head, Ocean Law & Policy Programme
Center for International Law
National University of Singapore

Relevance of 1982 UNCLOS

- **Coastal State has sovereign rights and jurisdiction to explore and exploit natural resources in its 200 nm EEZ and on its continental shelf**
- **Coastal State has jurisdiction and control over offshore installations and platforms, so can regulate tsunami monitoring from its installations and platforms**
- **Coastal State could permit (or require) companies operating offshore installations to cooperate**

Monitoring from Ships

- **Ships navigating outside the 12 nm territorial sea of any State are subject to the exclusive jurisdiction of the flag State**
- **Flag State could permit or require cooperation of ships flying its flag**
- **Ship-owners and operators would likely cooperate because it would be good public relations**

Monitoring from Ships – Potential Problem

- **Some States may consider the collection of the data as “Marine Scientific Research”**
- **Under UNCLOS the consent of the coastal State is required to conduct research in its territorial sea and its 200 nm Exclusive Economic Zone**
- **Some States may require a copy of all data gathered in their EEZ**

Monitoring from Submarine Cables

- **UNCLOS provides that STATES have the freedom to lay submarine cables – but in actual practice cables are laid by private companies outside the regulation of States**
- **Some States may determine that it is in their interests to use submarine communication cables to collect data for tsunami monitoring**
- **Issues will arise as to who bears the increased cost and who regulates dual use cables**

Monitoring from Submarine Cables – Potential Problems

- **Some States have tried to assert jurisdiction over cables laid in their EEZ or on their continental shelf**
- **Some States may take the position that collection of data from submarine cables in their EEZ or on their continental shelf is Marine Scientific Research, and subject to their consent**
- **If more States decide to use international submarine communication cables for tsunami monitoring, they are likely to assert the power to regulate the laying of cables by industry**

Monitoring from Offshore Installations

- Coastal State has sovereign right to explore and exploit natural resources in its 200 nm EEZ and on its continental shelf
- Coastal State has jurisdiction and control over offshore installations and platforms, so it can regulate tsunami monitoring from its installations and platforms
- Coastal State could or require companies operating offshore installations to cooperate

Conclusions

1. Monitoring is legally possible under UNCLOS from ships, submarine cables and offshore installations
2. Monitoring from **Ships** - some coastal States may attempt to regulate such monitoring in their EEZ because they consider it Marine Scientific Research
3. Monitoring from **Submarine Cables** – potential problems from industry and from some coastal States
4. Monitoring from **Offshore Installations** – should be no legal or jurisdictional problems because under jurisdiction of coastal States who will benefit

Thanks for your Attention !

Robert Beckman
cilbeckman@nus.edu.sg