



# Security of Submarine Cables

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# Current Protection of Subsea Cables under International Law

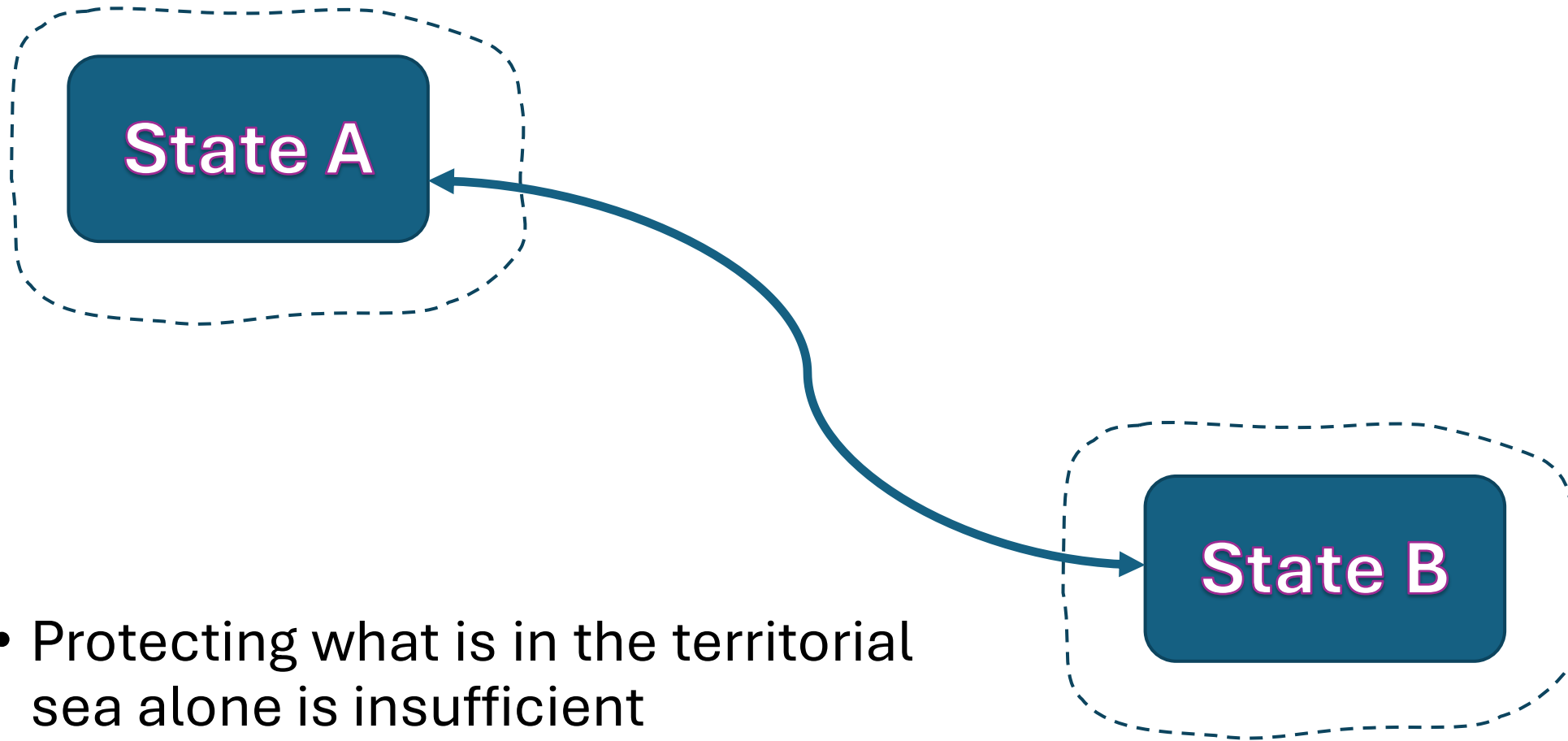
- 1884 Convention for the Protection of Submarine Telegraph Cable (also known as the “Paris Convention”) – **only 36 state parties**
- UN Convention on the Law of the Sea – **Most states are party**
  - Obligations are imposed on states to make regulations to protect subsea cables and penalise acts causing damage under domestic law.
  - Right to make regulations protecting cables in territorial sea (Art 21(1)(c))
  - Obligated to make laws to penalise wilful and culpable negligent damage by flag-state vessels or nationals in the high seas (Art 113)



# Singapore legislation protecting subsea cables

- Main legislation protecting subsea cables and associated infrastructure from damage- Telecommunications Act
  - Criminalising intentional damage to installation or plant used for telecommunications (Section 61)
  - IMDA's approval required before laying mains, pipes, conduits, circuits or wires over any place that is likely to interfere with or cause damage to any installation or plant used for telecommunications. (Section 66)
- Regulations under the Telecommunications Act conditioning licences granted to cable-laying companies
  - e.g depth at which cables must be laid, thickness etc

# Protecting subsea cables



- Protecting what is in the territorial sea alone is insufficient

# Extraterritorial prescriptive jurisdiction beyond flag state and state of nationality

- Territoriality Principle: Both are equally accepted at customary international law
  - Subjective territoriality – Act commences within the state but completed elsewhere
  - Objective territoriality – Act commences elsewhere and ends within the state
- Objective territoriality affirmed by the PCIJ in *S.S. Lotus Case (France v Turkey)*
- Examples:
  - Man fires a gun which kills a person on the other side of an international frontier – both States have jurisdiction
  - Cutting of a cable outside of territorial waters can also damage cables within waters

# Closing existing gaps in protection

- Domestic legislation to implement UNCLOS obligations to protect subsea cables outside of territorial waters
- Cooperation in enforcement, investigation, prosecution, extradition, seizure
- Consider adopting/adapting existing practices under the 1884 Convention
  - Procedures for allowing vessel who has incurred damage from avoiding damaging subsea cables to seek indemnity from cable-laying company (Article VII)
  - Recognition that flag state has the jurisdiction to prosecute first, failing which the state of nationality concerned has jurisdiction (Article VIII)
  - Procedures for evidence taking and prosecution (Article X)

