

**CIL Conference on “International Law and the Protection of Submarine Cables
and Pipelines: Multidimensional Perspectives”**

16-17 September 2025, Singapore

Keynote Speech

Excellencies, distinguished colleagues, ladies and gentlemen,

It is an honour to address you here at this conference on international law and the protection of submarine cables and pipelines. I am not sure I would call what I am about to say a keynote address rather than just a scene-setter because I am, as a non-expert, speaking to the experts on this subject.

2. Submarine cables and the Centre for International Law go back a long way. It was the focus of the first major seminar organised by the then newly-established CIL in December 2009. Much credit should be given to Professor Bob Beckman, who as its first Director, put that conference together. Bob is here with us and so is another veteran from that 2009 seminar – Prof Alfred Soons. It was a subject which deserved much more attention than it got at that time. Bob’s foresight then was prophetic because sixteen years on, the protection of submarine cables and pipelines has become an even more pressing issue.

3. As regards submarine cables, more than 99% of global internet traffic travels not through satellites, nor through the nebulous “cloud,” but through thin strands of fibre-

optic glass lying unobtrusively on the seabed. These cables push through dozens of terabits of information per second and constitute the critical digital infrastructure upon which the world depends. It is through these telecommunication cable systems that financial institutions transact an estimated 22 trillion US dollars per workday. Many of you were able to attend today's conference only because of the submarine cables that delivered the information on this event into your email inboxes.

4. As for energy cables and pipelines, these systems transport vital energy resources that power our world. The Interconnexion France-Angleterre ("IFA") interconnector, first commissioned in 1961, now transmits electricity between the United Kingdom and France at a capacity of 2,000 megawatts. To put 2,000 megawatts in context, that is 15% of Singapore's electricity generation capacity in 2023.

5. And as societies transition away from fossil fuels, more submarine cables and pipelines will have to be laid to form the backbone of clean energy transmission. Singapore, for example, is actively working on importing renewable energy generated from sources such as solar power and hydropower from countries in the region as we seek to decarbonise the power sector and attain our 2050 net zero emissions target. The import of renewable energy from countries like Indonesia and Australia will almost certainly require cables in the sea. Singapore is also considering importing green hydrogen. Experts have projected that the demand for offshore wind farms and clean energy interconnections will fuel growth of the global submarine cable market at a compound rate of about 12.2% per year.

6. Altogether, submarine cables and pipelines form, and will increasingly form, the hidden lifelines of our interconnected world. Without them, our communications and security systems, economies, and digitalised life as we know it would collapse.

7. Yet for all their importance, this critical underwater infrastructure remains fragile, under-protected, and often vulnerable to damage. Damage from natural catastrophes like earthquakes and from accidental acts like the dropping of anchors in the wrong place are one thing. But what is more sinister is intentional damage to critical communications cables and energy pipelines aimed at wreaking havoc on those who depend on them. The incidents involving the Nord Stream pipelines in the Exclusive Economic Zones of Denmark and Sweden in 2022, and the more recent incidents in the Baltic Sea and the Taiwan Strait where submarine cables and pipelines were damaged by vessels in somewhat suspicious circumstances are reminders of how real this prospect is.

8. What then does international law have to say about them? There are some existing legal frameworks in place that apply to the protection of submarine cables and pipelines. The main one is the United Nations Convention on the Law of the Sea or UNCLOS with its provisions in Articles 113 to 115 on how states must deal with the consequences of damage caused to these cables and pipelines. Article 113 obliges states to criminalise the wilful or culpably negligent damage on the high seas. However, this provision only requires states to criminalise such behaviour by vessels flying their flag

or by persons subject to their jurisdiction. It does not extend to exercising jurisdiction over a foreign vessel caught damaging its submarine cables or pipelines on the high seas because of the principle of exclusive flag state jurisdiction.

9. Then there is the issue of whether, in a given case of breakage or injury to a cable or pipeline, there is sufficient evidence attributing the damage caused to a wrongdoer or an offending vessel. And ultimately, whether any action is in fact taken will depend on the existence of a domestic legal framework of the flag state, and its capacity and willingness to take action.

10. Obtaining sufficient evidence to link the damage with a wrongdoer or an offending vessel may prove challenging enough. But what if the offender is not a vessel flying one's own flag or a person subject to one's jurisdiction, and the flag state is unable or unwilling to take action? It may be tempting to say that we should adopt a new international instrument or amend UNCLOS to address these gaps and deficiencies of the regime created by Articles 113 to 115. But I do think we also need to be realistic about the prospects of this coming to pass in the near to medium term.

11. In the meantime, however, are we really without legal levers if attribution of the damage to particular individuals and vessels can be established, and the flag state is unable or unwilling to take action? For a start, can a state assert criminal jurisdiction in these circumstances on the basis that serious harm occurred on its territory as a result of the damage to the submarine pipeline or cable, relying upon the objective

territoriality principle, or the protective principle or the effects doctrine? While there may be established conceptions in international law of these bases of state jurisdiction and the limits of their application, should these be re-visited given the inter-dependencies that exist across borders today, not only in the context of submarine cables and pipelines but in other contexts such as cyberspace?

12. And even if we kept within the confines of UNCLOS, can it be argued that a deliberate act of damage to submarine cables and pipelines on the high seas for which no state claims responsibility constitutes “an act of depredation, committed for private ends by the crew ... of a private ship ... and directed ... against ... property in a place outside the jurisdiction of any State” and therefore fall within the definition of piracy in Article 101, paragraph (a), sub-paragraph (ii)?

13. On another and separate note, if explosives or lethal devices were used to damage the cable or pipeline, could the act be regarded as an attack against an infrastructure facility “with the intent to cause extensive destruction of such a ... facility ..., where such destruction results in or is likely to result in major economic loss” and so constitute an offence under Article 2 of the Terrorist Bombings Convention? After all, “infrastructure facility” in that Convention is defined as “any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, *energy*, fuel or *communications*”. It should be noted that there are 170 parties to the Terrorist Bombings Convention, more than for UNCLOS, and they include China, the United States and Russia.

14. And if that explosive or lethal weapon had been discharged from a ship, it may also constitute an offence under Article 3bis of the Convention of the Suppression of Unlawful Acts of Violence Against the Safety of Maritime Navigation as amended by its 2005 Protocol. If we are able to bring such conduct within these or any other terrorism conventions, we can avail ourselves of, among other things, the “prosecute or extradite” regimes found in them.

15. To add yet a further dimension, could deliberate damage caused to these submarine cables and pipelines by a State actor move beyond the grey zone and cross the threshold into constituting an armed attack so as to justify measures of self-defence under Article 51 of the United Nations Charter?

16. These or any other available legal levers will depend on the factual scenario that is presented. My point is that we are not confined only to UNCLOS or to its Articles 113 to 115. Nor is international law the only or even the most important means of protecting these vital communications and energy arteries. Part, and perhaps the bigger part, of the answer must also be found in things like the means and mechanisms by which we physically protect or armour these cables and pipelines, how we route them, how we create redundancies, how we monitor and detect not only breakages but also the activities of those who seek to do harm to them, how we deter such activities, how we repair damage that has taken place and recover from them, and how we strengthen cooperation across borders to do all these things and more.

17. The title of the conference is “International Law and the Protection of Submarine Cables and Pipelines: Multidimensional Perspectives” and a lot of the focus today and tomorrow may be on the first two words of that title – international law. But we would do well to remember that the effective protection of these cables and pipelines will depend much more on the last two words of our conference title – multidimensional perspectives – from not only lawyers, but also industry players, policy makers, technologists and many other stakeholders, some of whose voices we will have the opportunity to hear and must hear at this conference.

18. I wish each one of you a productive and fruitful conference and for those who have travelled to Singapore, an enjoyable stay in my country. Thank you.

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