


# **PRESCRIPTIVE JURISDICTION OVER INTENTIONAL ACTS OF DAMAGE TO SUBMARINE CABLES & PIPELINES: SOME QUESTIONS**

**CIL CONFERENCE ON INTERNATIONAL LAW AND PROTECTION OF  
SUBMARINE CABLES & PIPELINES: MULTIDIMENSIONAL  
PERSPECTIVES, 16 – 17 SEPTEMBER 2025**

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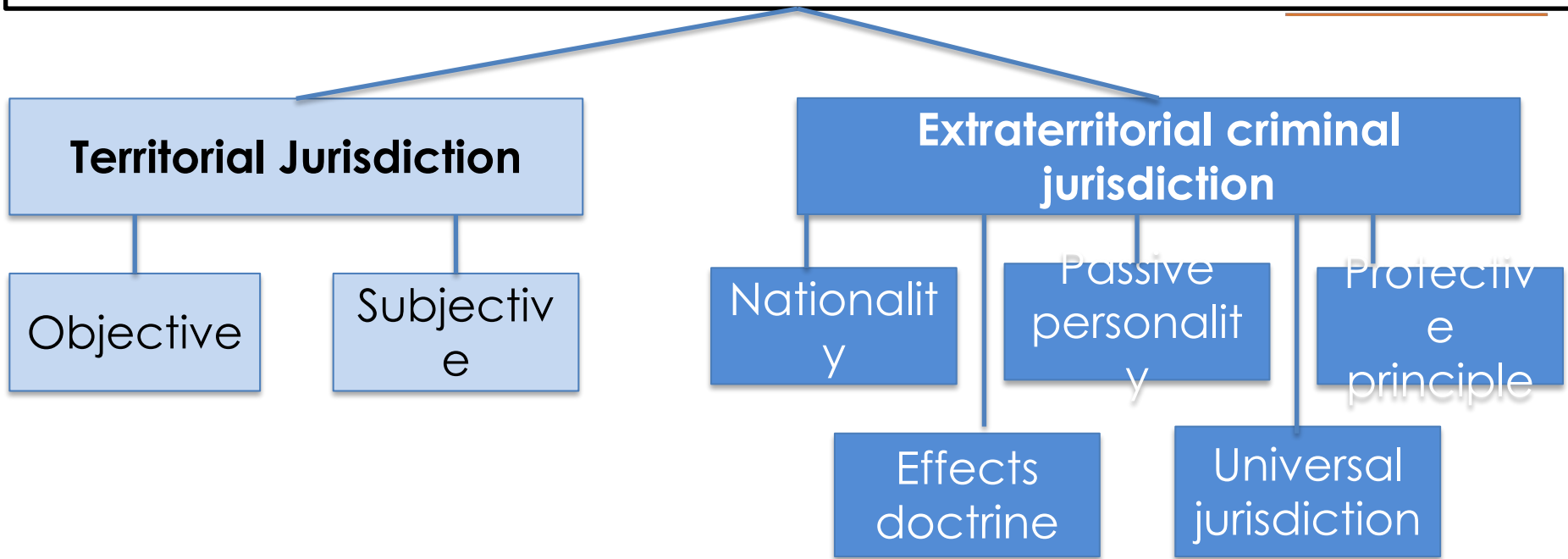
## OUTLINE

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- I) Prescriptive Jurisdiction under International Law
  - II) Flag state & States of Nationality of Perpetrator
  - III) Coastal State
  - IV) Landing State
  - V) State of Nationality of Owner/Operator

## UN General Assembly Resolution on Oceans and law of the sea A.79/L.37, 3 December 2024

139. *Urges* all States, in cooperation with the International Maritime Organization and other relevant international organizations and agencies, to improve the protection of offshore installations, submarine cables and pipelines and other critical infrastructure by adopting measures related to the prevention, reporting and investigation of acts of violence against such infrastructure, in accordance with international law, and by implementing such measures through national legislation to ensure proper and adequate enforcement;

# Prescriptive Criminal Jurisdiction



**Which state has prescriptive jurisdiction?**

**Flag  
state**

**State of  
nationality of  
perpetrator**

**Coastal  
state**

**State of  
Landing**

**State of  
nationality of  
owner of  
cable/pipeline**

1884 Convention on the Protection of Submarine Cables	1982 UNCLOS
Article II	Article 113
<p>It is a punishable offence to break or injure a submarine cable, willfully or by culpable negligence, in such manner as might interrupt or obstruct telegraphic communication, either wholly or partially, such punishment being without prejudice to any civil action for damages</p>	<p><u>Every State shall</u> adopt the laws and regulations necessary to provide that the breaking or injury <u>by a ship flying its flag or by a person subject to its jurisdiction</u> of a submarine cable beneath the high seas done wilfully or through culpable negligence, in such a manner as to be liable to interrupt or obstruct telegraphic or telephonic communications, and similarly the breaking or injury of a submarine pipeline or high-voltage power cable, shall be a punishable offence. This provision shall apply also 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 break or injury.</p>
Article VII	
<p>The tribunals competent to take cognizance of infractions of the present Convention are those of the <u>country to which the vessel on board of which the offence was committed belongs</u>.</p> <p>It is, moreover, understood that, in cases where the provisions in the previous paragraph cannot apply, offences against the present Convention will be dealt with in each of the Contracting States in accordance, so far as <u>the subjects and citizens of those States respectively are concerned</u>, with the <u>general rules of criminal jurisdiction prescribed by the laws of that particular State</u>, or by international treaties.</p>	

# EXCLUSIVE JURISDICTION OF FLAG STATE & STATES OF NATIONALITY OF PERPETRATOR?

## UNCLOS, Article 97

1. In the event of a collision or **any other incident of navigation concerning a ship on the high seas, involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship**, no penal or disciplinary proceedings may be instituted against such person except before the judicial or administrative authorities either of the flag State or of the State of which such person is a national.

3. No arrest or detention of the ship, even as a measure of investigation, shall be ordered by any authorities other than those of the flag State.

**ILC Draft Article 1956:** damage “submarine telegraph, telephone or high-voltage power cable or to a pipeline” *may* be regarded as an incident of navigation and cross-referred Article 62 of the 1956 Draft Articles (the predecessor to LOSC Article 113)

Location of Damage	Connected Cables & Pipelines	Transit Cables & Pipelines
Territorial Sea	<p>UNCLOS: Coastal state can</p> <ul style="list-style-type: none"> <li>• Adopt laws on protection of submarine cables and pipelines</li> <li>• Adopt laws on pollution prevention</li> </ul>	<p>UNCLOS: Coastal state</p> <ul style="list-style-type: none"> <li>• Adopt laws on protection of submarine cables and pipelines</li> <li>• Adopt laws on pollution prevention</li> </ul>
Archipelagic Waters	Objective Territoriality Principle	Territoriality Principle
EEZ Continental shelf	<ul style="list-style-type: none"> <li>• Objective Territoriality</li> <li>• Effects doctrine</li> <li>• Protective principle</li> </ul>	Interference of coastal state sovereign rights - Ancillary impacts of damage to submarine cables & pipelines
High Seas Deep Seabed	<ul style="list-style-type: none"> <li>• Objective Territoriality</li> <li>• Effects doctrine</li> <li>• Protective principle</li> </ul>	Interference of coastal state sovereign rights - Ancillary impacts of damage to submarine cables & pipelines

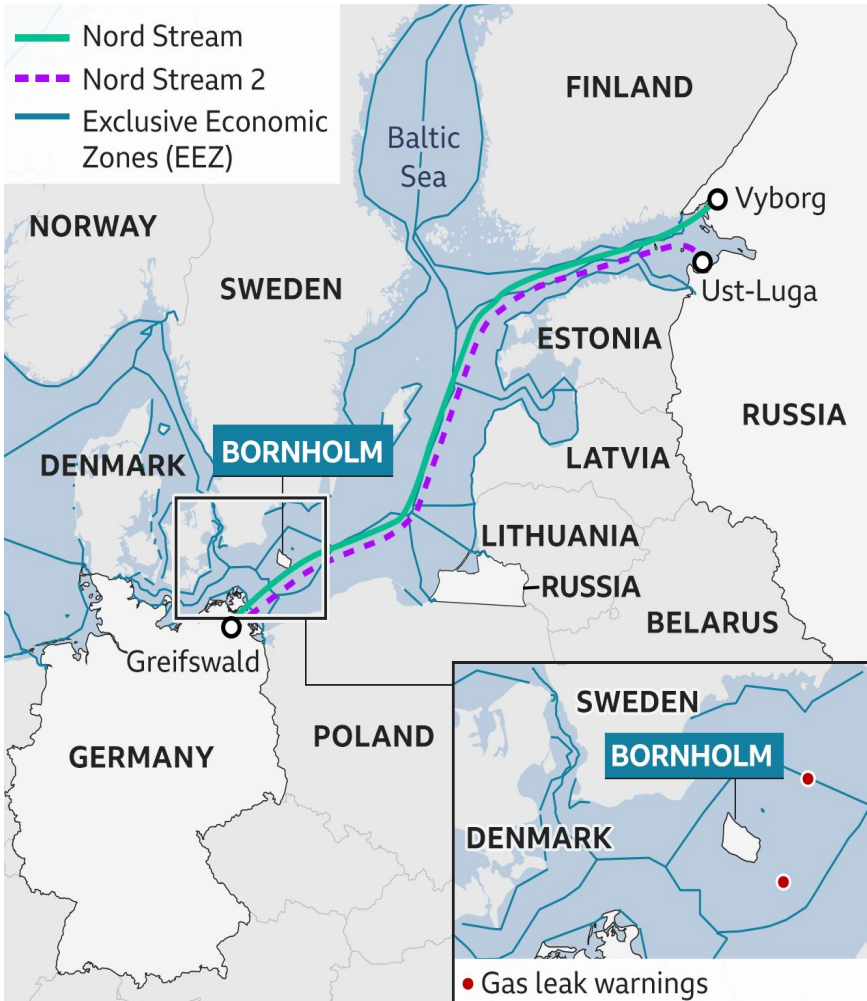
# LANDING STATE

## Nord Stream pipelines from Russia

Leaks detected on both pipelines near Bornholm

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Source: Gazprom, MarineTraffic, NAVTEX (18 November 2022)

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Location of Damage	Connected Cables & Pipelines
Territorial Sea	<ul style="list-style-type: none"> <li>• Objective Territoriality</li> <li>• Effects doctrine</li> <li>• Protective principle</li> </ul>
Archipelagic Waters	
EEZ	
Continental shelf	
High Seas	
Deep Seabed	



STATE OF  
OWNER/OPERATOR?

NATIONALITY

OF

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Alphabet



Googleplex, home to Alphabet Inc. in Mountain View, California



GAZPROM, PAO



ENGIE



E.ON



Gasunie



Wintershall

NordStream Owners



*Passive personality principle in that damage to submarine cables and pipelines is a crime related to the property of their nationals?*

# THANK YOU

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