

THE PROTECTION OF SUBMARINE CABLES & PIPELINES IN ARMED CONFLICT: AN ASIAN PERSPECTIVE

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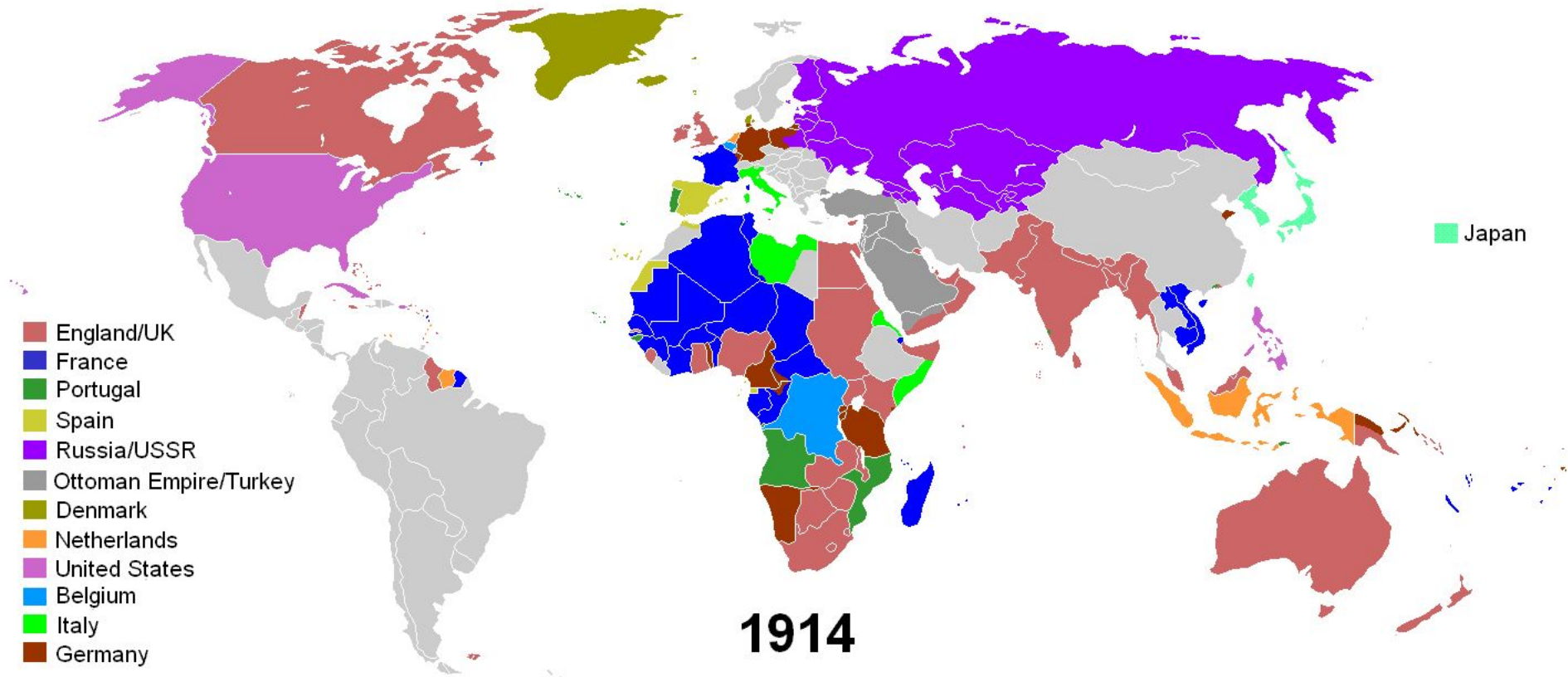
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THE WORLD IN 1914

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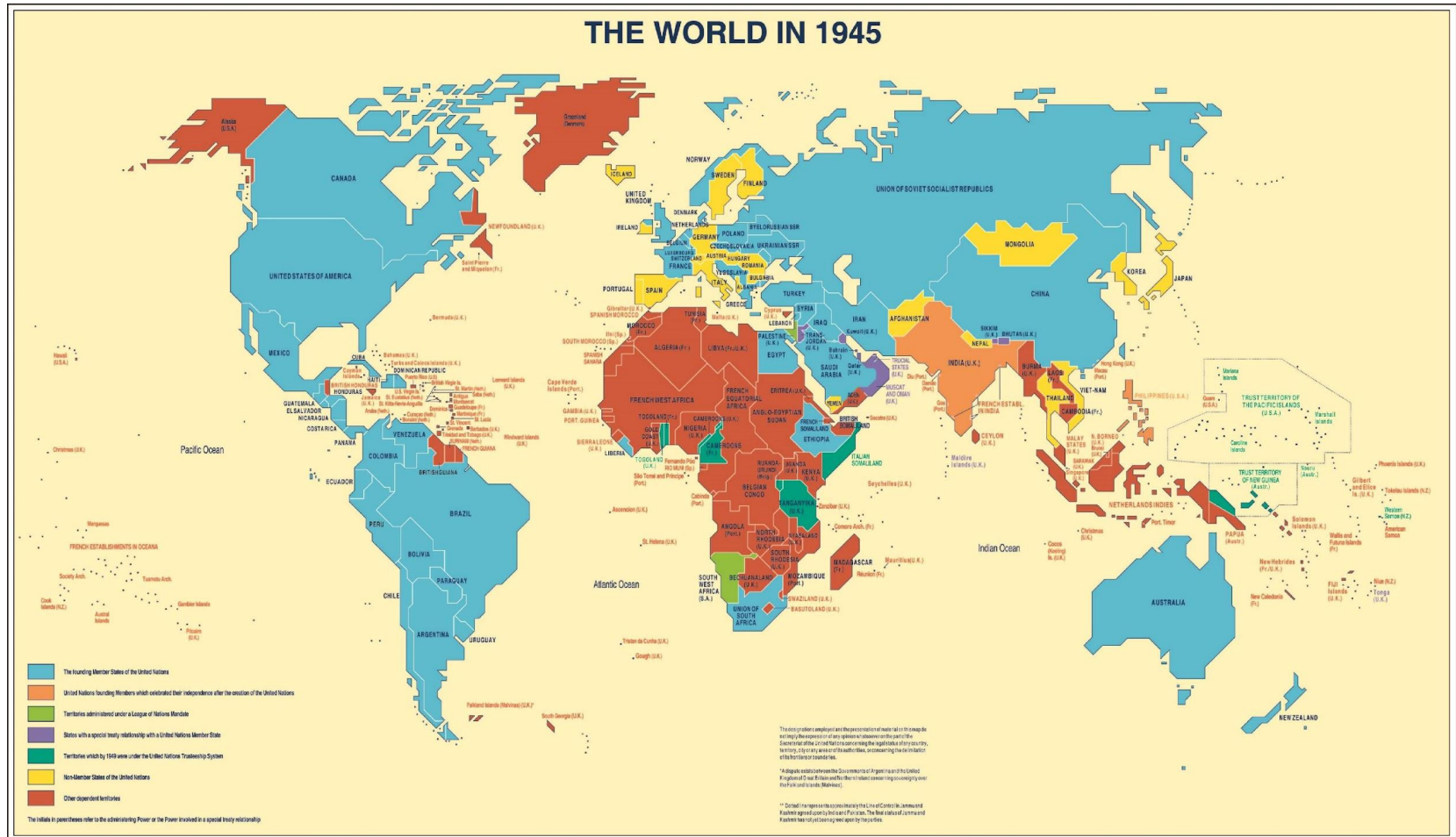
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THE WORLD IN 1945

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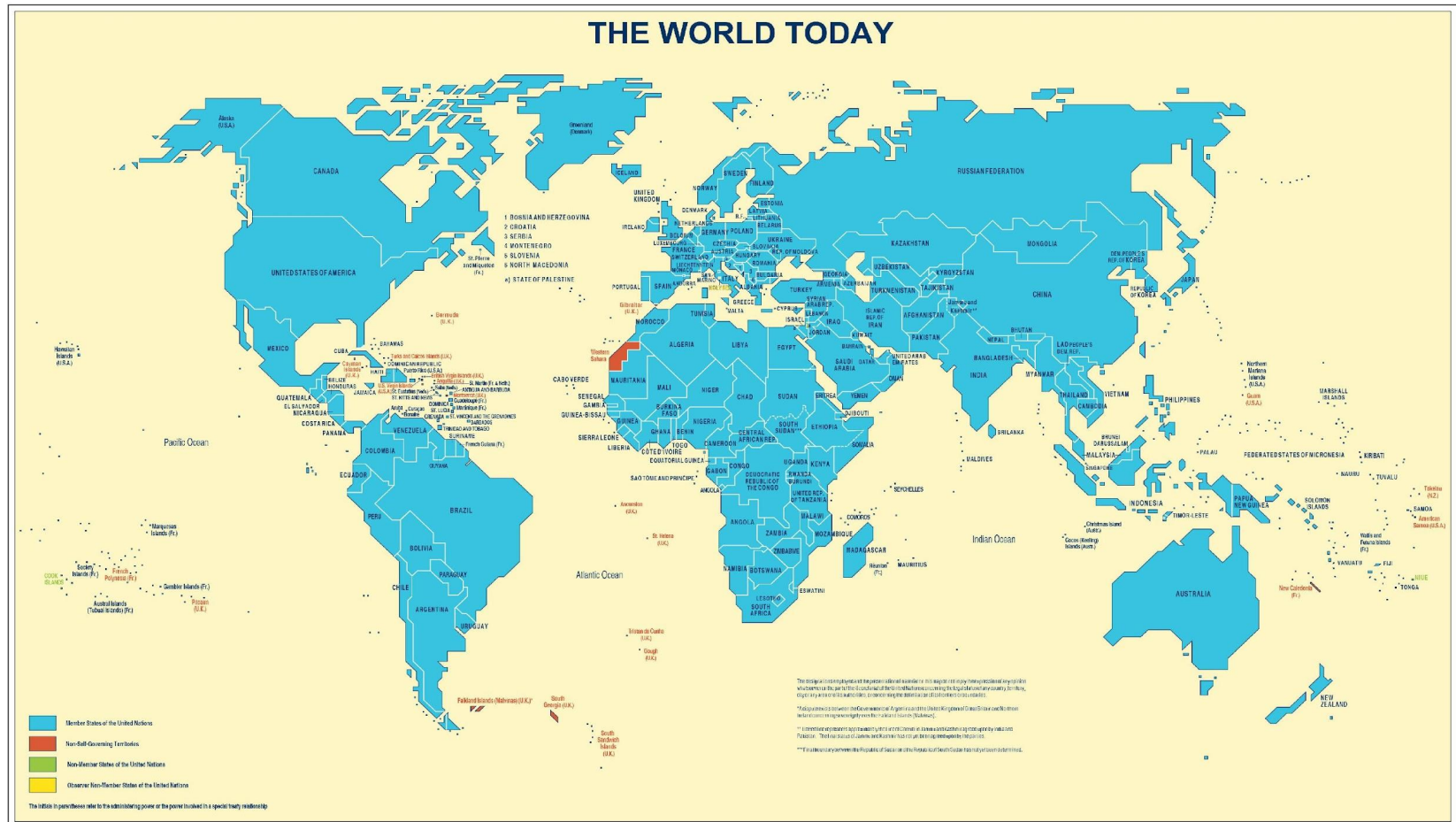
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THE WORLD TODAY

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Map No. 4136 Rev. 422 UNITED NATIONS
September 2013

Office of Information and Communications Technology
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TELEGRAPHIC NETWORKS (1892-1908)

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	1892		1908		Change Over Time	
	km	%	km	%	km	%
United Kingdom	163,619	66.3	265,971	56.2	102,352	45.2
United States	38,986	15.8	92,434	19.5	53,448	23.6
France	21,859	8.9	44,543	9.4	22,684	10.0
Denmark	13,201	5.3	17,768	3.8	4567	2.0
Germany and Netherlands	4583	1.9	33,984	7.2	29,401	13.0
Others	4628	1.9	18,408	3.9	13,780	6.1
Total	246,876	100.0	473,108	100.0	226,232	100.0

Note: Of the 19,401 km of German and Dutch cables in 1908, 5,328 belonged to a joint venture in the Pacific.

Source: M Tsuchiya & K Govella, 'Undersea cables and the extension of empire: The rise of Britain, Japan, and the United States and the competition to connect Hawai'i,' *Marine Policy*, Vol. 181 (Nov 2025)

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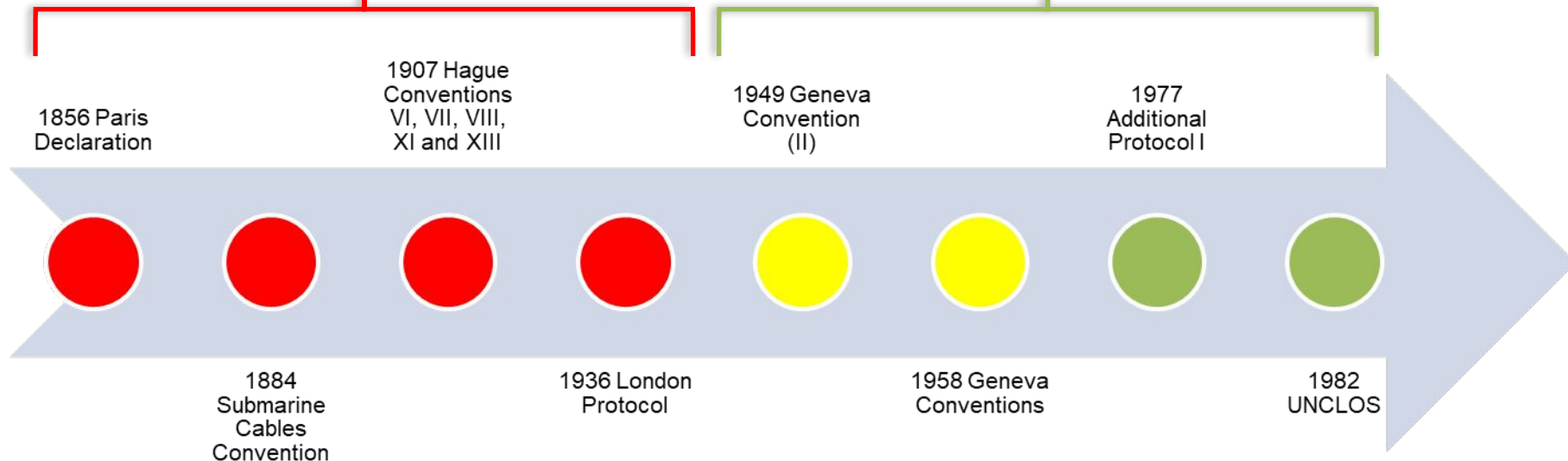
A world map titled "THE ALL-RED LINE AROUND THE WORLD" showing a red line route around the globe. The route starts in Australia, goes through New Zealand, the Pacific Ocean, Canada, the Atlantic Ocean, Europe, the Indian Ocean, and back to Australia. Key locations marked include Perth, Brisbane, New Zealand, Fanning, Vancouver, London, Barbados, Ascension, St. Helena, Capetown, Durban, Mauritius, Cocos, India, and Perth. The map includes latitude and longitude lines and labels for major oceans and continents.

LEGAL FRAMEWORKS CIL

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Colonisation

Post-Colonisation



WHO MADE THE LAW? CIL

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Colonial Period

- Rhetoric of “civilised nations”
- Colonised states were passive **rule takers**
- Major naval powers (mostly European states, United States, and **Japan**)
 - except in the First and Second Peace Conferences (**4 Asian states (China, Japan, Iran, Thailand)** were present)

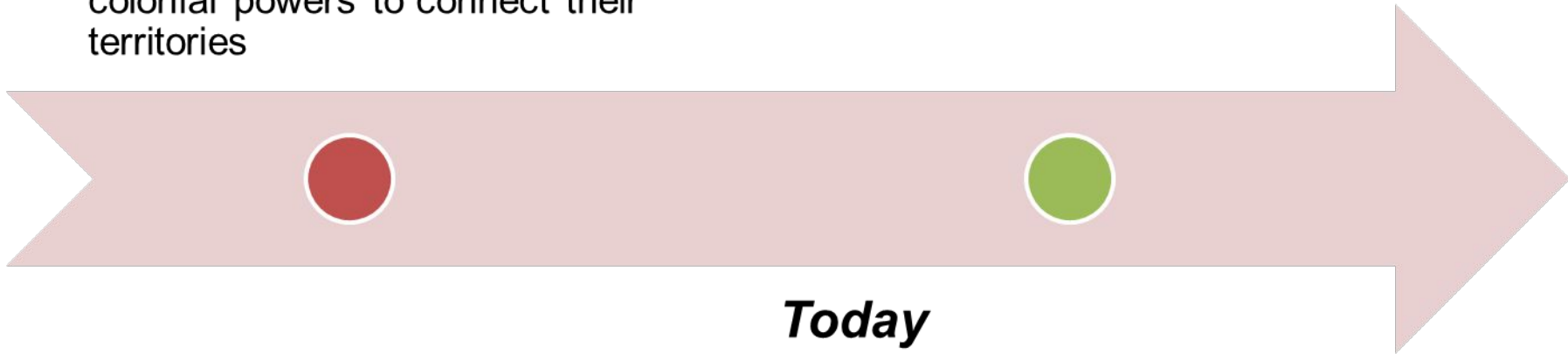
Post-Colonial Period

- International lawmaking included newly independent states as active **rule makers**
- Participation of newly independent states had doubled
- Formation of Group 77

THE SHIFT

Colonial Period

- Use of telegraphic networks for imperial rule
- Fragmented networks built by colonial powers to connect their territories

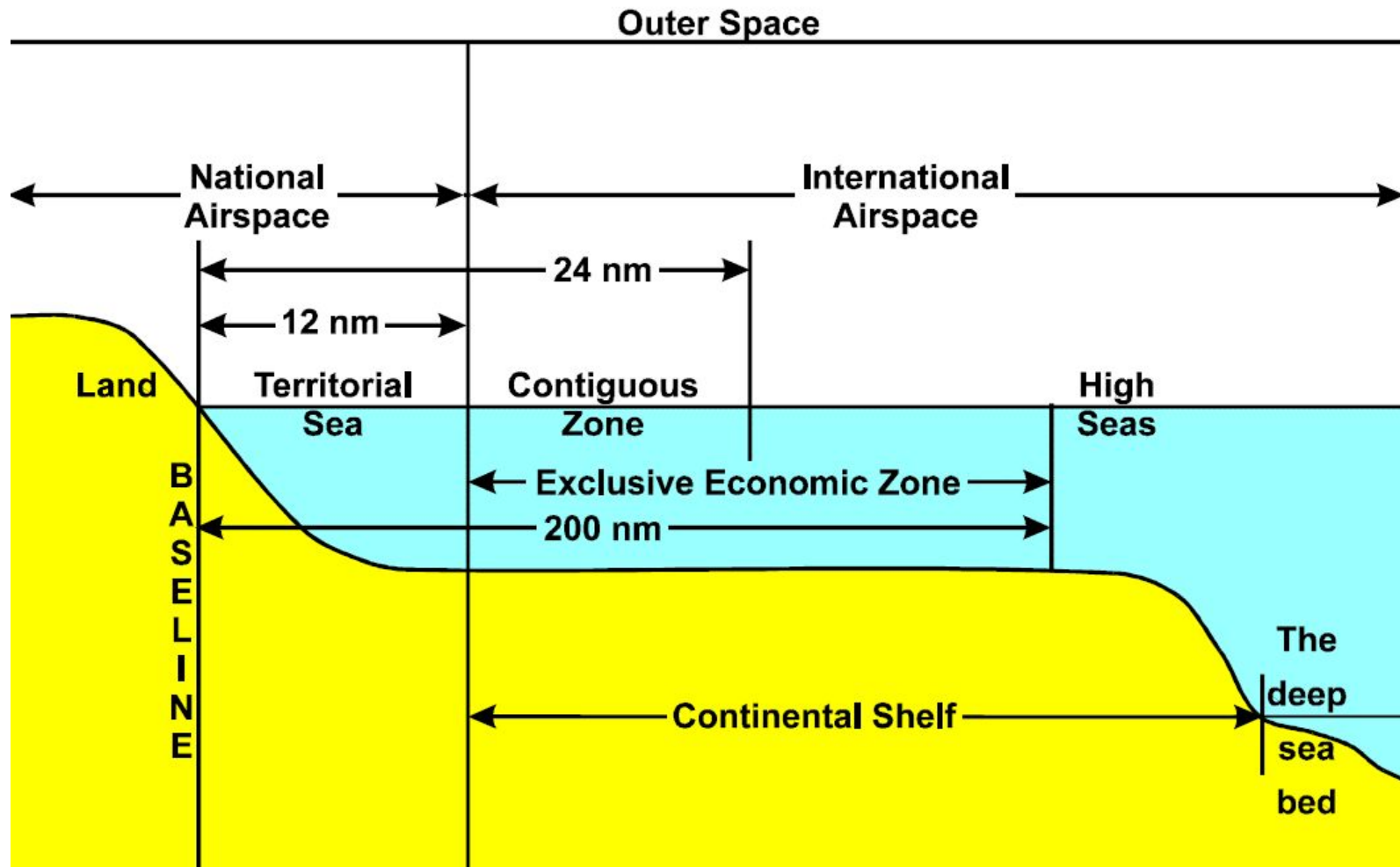


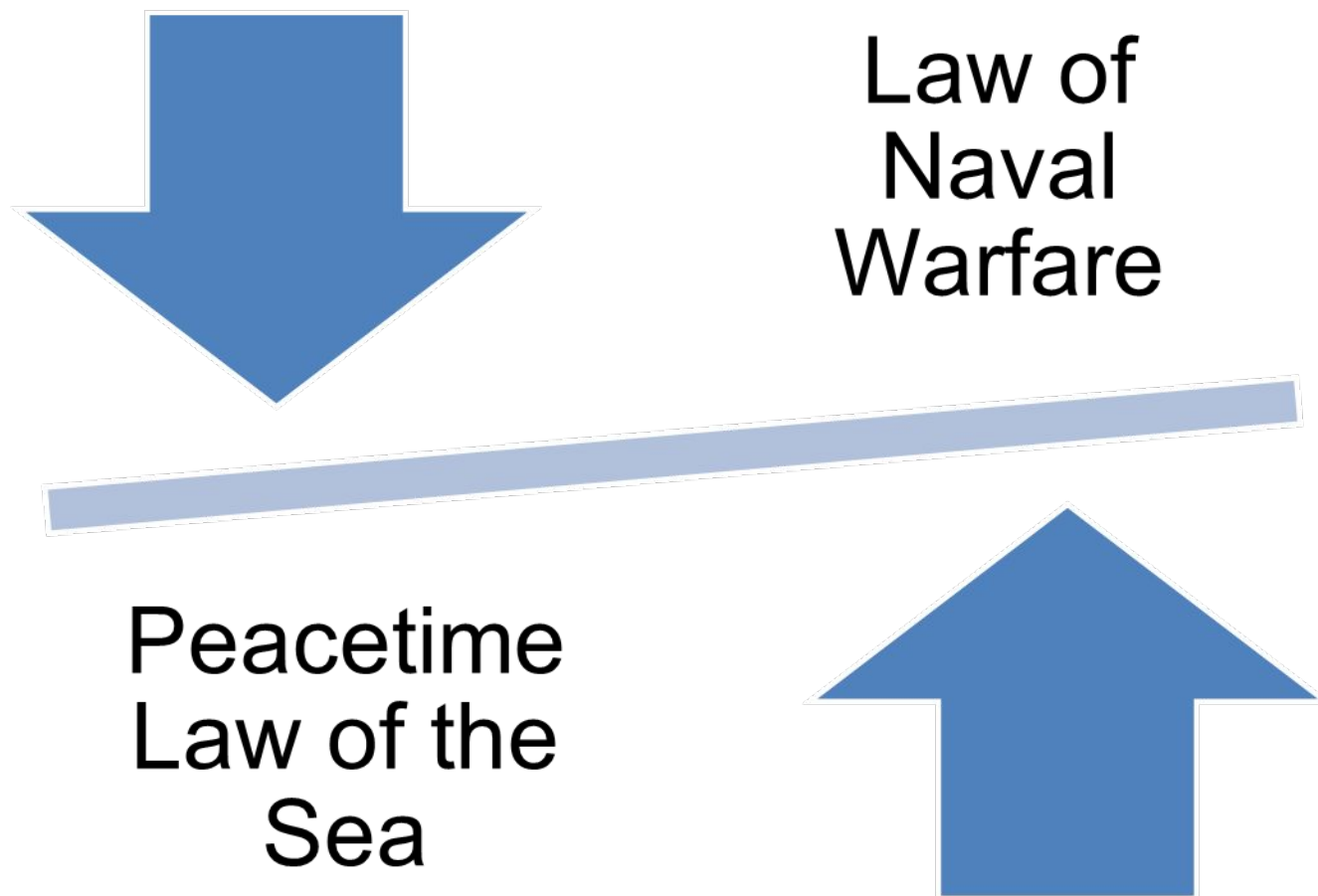
Today

- Proliferation of undersea cable projects worldwide
- Great power rivalry risks cable networks becoming fragmented again

AN INCLUSIVE UNCLOS CIL

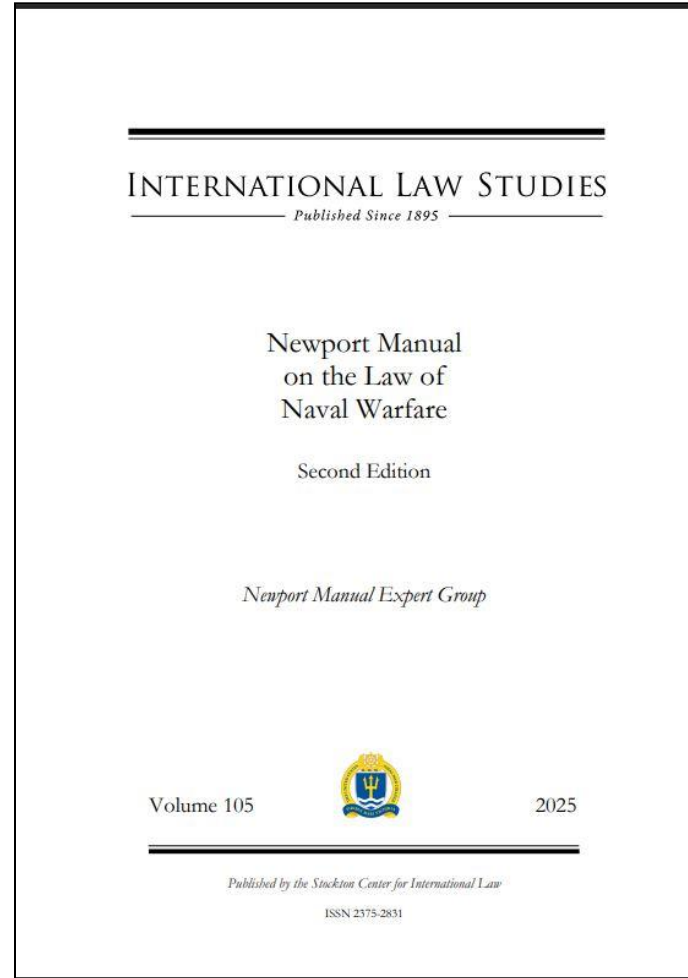
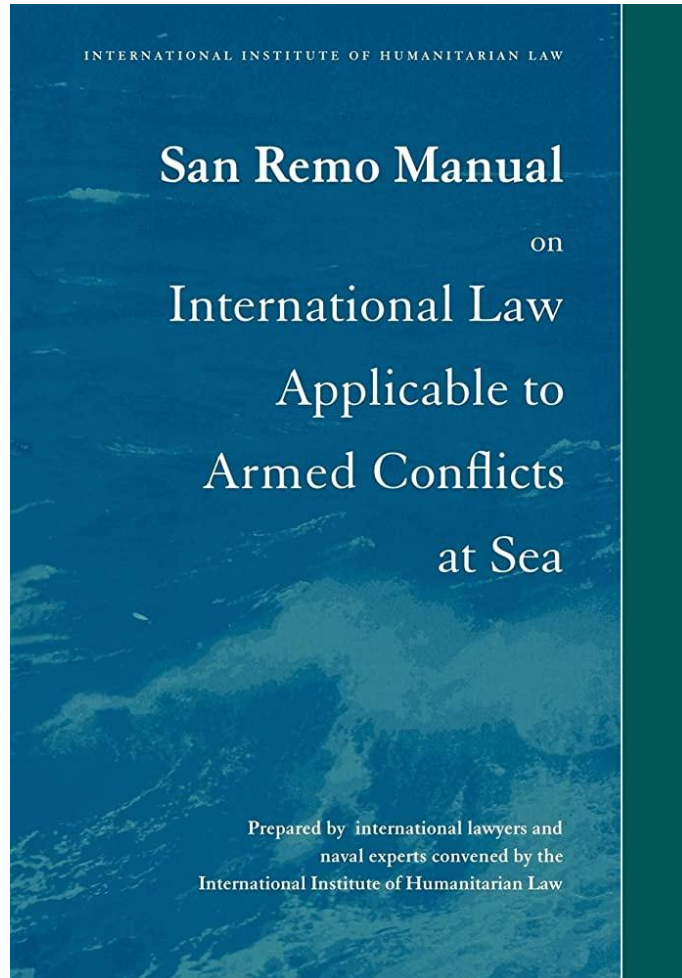
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EXPERT GROUP MANUALS

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Divergence of Interpretations

Scenario 1	Scenario 2	Scenario 3	Scenario 4
Neutrals argue UNCLOS continues to govern belligerent activity in their maritime zones, including EEZs	Neutrals accept the <i>lex specialis</i> of the law of naval warfare, but align their positions with San Remo Manual	Belligerents and Neutrals align on San Remo Manual	Belligerent and Neutrals align on Newport Manual
Belligerents argue the <i>lex specialis</i> of the law of naval warfare	Belligerents align their positions with Newport Manual		

Impact on submarine cables and pipelines during wartime?

San Remo Manual

- belligerents shall take care **to avoid damage** to cables and pipelines laid on the seabed **which do not exclusively serve the belligerents** (para. 37)

Newport Manual

- belligerents **may destroy bilateral cables** lying outside neutral territorial seas **connecting the enemy and neutral states** “if the necessities of war require”
- submarine **cables connecting an occupied territory with a neutral territory** are normally **protected** from seizure or damage “**except in the case of absolute necessity**”
- considers that “there are **no discernible rules against** a belligerent targeting neutral commercial submarine cables used by the enemy”
- **economic or commercial losses** resulting from the destruction of a submarine cable normally **do not qualify as collateral damage**

ENVIRONMENTAL PROTECTION IN NEUTRAL

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San Remo Manual

- The parties to the conflict are encouraged to agree that **no hostile actions** will be conducted in marine areas containing: (a) rare or fragile ecosystems; or (b) the habitat of depleted, threatened or endangered species or other forms of marine life (**para. 11**).
- If hostile actions are conducted within the EEZ and continental shelf of a neutral State, belligerent States shall have **due regard** for the rights and duties of the coastal State, inter alia, for the **exploration and exploitation of the economic resources** of the EEZ and continental shelf and the **protection and preservation of the marine environment**. They shall, in particular, have **due regard** for **artificial islands, installations, structures and safety zones** established by neutral States in the exclusive economic zone and on the continental shelf (**para. 34**).
- **Due regard** shall also be given to the protection and preservation of the marine environment (**para. 35**).
- Methods and means of warfare should be employed with **due regard for the natural environment** taking into account the relevant rules of international law. Damage to or destruction of the natural environment not justified by military necessity and carried out wantonly is prohibited (**para. 44**).

Newport Manual

- Classifies paragraphs 11, 34, 35 and 44 of San Remo Manual as *lex ferenda*

REFLECTION

Absence of any state-led process vs the rise of self-appointed/invitation-only expert groups

Participation of Asian states in San Remo vs Newport

Asian states silence or response to San Remo vs Newport

Lack of national military manuals on naval warfare



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Global Initiative to Galvanize Political Commitment to International Humanitarian Law

The Global Initiative on International Humanitarian Law (IHL) is organized around seven thematic workstreams, each co-chaired by a group of supporting states and the ICRC. Co-chairs play a crucial leadership role: they encourage broad participation, foster constructive dialogue, and help shape meaningful outcomes within each workstream. Their commitment ensures that discussions are inclusive, practical, non-politicized, and focused on strengthening respect for IHL worldwide.

Workstream 7: Naval Warfare (*highlights various concerns, e.g., undersea infrastructure & the marine environment*)
Co-chairs: Egypt & Indonesia

THANK YOU

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