

CIL Conference on Protection of Submarine Cables and Pipelines and International Law

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International and Regional Cooperation of the Protection of Submarine Cables and Pipelines

International & Regional Bodies and Protection of Submarine Cables & Pipelines

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Outline of Presentation



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Part One

Annual Resolution of UN General Assembly on Oceans and Law of the Sea

Annual UN General Assembly Resolution on Oceans and Law of the Sea

Paragraphs beginning 2011:

- Encourages greater dialogue and cooperation among States and the relevant regional and global organizations through **workshops and seminars** on the **protection and maintenance of fibre-optic submarine cables** to promote the security of such **critical communications infrastructure**;
- Encourages the **adoption by States of laws and regulations addressing the breaking or injury of submarine cables** or pipelines beneath the high seas done wilfully or through culpable negligence by a ship flying its flag or by a person subject to its jurisdiction, in accordance with international law, as reflected in the Convention;

New Paragraphs in 2023

147. 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;

New Paragraphs in Annual UN GAR on Oceans & LOS in 2023

175. Recognizes that
submarine cables and pipelines are vitally important to the
global economy and the national security of all States,
conscious that these cables and pipelines are susceptible to
intentional and accidental damage, and
calls upon States
to take measures to protect submarine cables and
pipelines
and to fully address issues relating to these cables and
pipelines,
in accordance with international law, as reflected in the
Convention;

Part Two

UN Bodies and Submarine Cables & Pipelines

IMO & Submarine Cables & Pipelines

- IMO is the UN specialized agency for the regulation of the safety and security of international shipping and protection of the marine environment from ship-source pollution
- IMO has the authority to impose an mandatory obligation on States to implement their obligation under **Article 113** of UNCLOS to adopt laws and regulations providing that
 - the breaking or injury of submarine cable or pipeline
 - beneath the high seas (or exclusive economic zone)
 - by a ship flying its flag or by a person subject to its jurisdiction
 - is a criminal offence
 - if done wilfully or through culpable negligence

Kuwait Proposal to IMO Legal Committee

On 29 January 2025 Kuwait submitted a document to the Legal Committee of the IMO (LEG 12/13/4) stating that there is an urgent need for a comprehensive legal framework to address emerging security challenges, including:

- The development of specific guidelines for protecting **critical maritime infrastructure**, including ports, offshore installations, and **undersea cables**;
- The establishment of clear protocols for **information-sharing** between flag States, coastal States, and port States regarding maritime security threats;
- Legal Committee took no action - is focussed on fraudulent registration of ships

UNODC and Submarine Cables

- UN Office of Drugs and Crime (UNODC)
- UNODC has organized workshops to raise awareness of the importance of submarine cables and the threat posed by the unauthorized cutting of cables
- UNODC has published a **Submarine Cables Handbook: “National Submarine Cables Protection and Resilience Framework”**
https://www.unodc.org/res/piracy/index_html/GMCP_Submarine_Cables_Handbook.pdf
- The GMCP supported the use of satellite imagery, remotely operated vehicles, and other technical solutions to enhance Maritime Domain Awareness and operational responsiveness.

International Hydrographic Organization (IHO) and Cables

- The IHO is an intergovernmental organization that works to ensure all the world's seas, oceans and navigable waters are surveyed and charted
- **IHO Regulations on Chart Specification for Medium and Large-scale Charts**

IHO Regs on Chart Specification for Medium and Large-scale Charts

- The exact route of individual **cables** must be charted where possible to give the chart user full information [Reg. B-443.1]
- **Cables** buried so deep that they are not vulnerable to damage from anchoring, should not be charted (so that mariners are not unnecessarily inhibited from anchoring or fishing) [Reg. B-443.8]

IHO Regulation B-444.1 Oil, chemical, gas and waste supply pipelines

- The exact route of individual **pipelines** must be charted where possible to give the chart user accurate information, using the pipeline symbol.

International Telecommunications Union (ITU) and Submarine Cables

- **ITU** is the United Nations specialized agency for **digital technologies**
- The ITU allocates global radio spectrum and satellite orbits, develop the technical standards that ensure networks and technologies connect seamlessly
- In November 2024, the **International Advisory Body for Submarine Cable Resilience** was established by the ITU in partnership with the ICPC, with the aim of
- **promoting dialogue and collaboration on potential ways and means to improve the resilience of this vital infrastructure** that powers global communications and the digital economy.

Part Three

Regional Cooperation on the Security of Submarine Cables and Pipelines

CSCAP Memorandum No. 24 of May 2014 – Safety and Security of Vital Undersea Communications Infrastructure

The Council for Security Cooperation in the Asia Pacific (CSCAP) is a non-governmental "Track Two" process that facilitates dialogue on security and political issues in the Asia-Pacific region.

CSCAP Memo No. 24 **Recommendations on Regional Cooperation:**

- ❖ Once designated, **national lead agencies** of states should coordinate (with industry/ICPC and other states) to:
 - Develop regional protocols to facilitate prompt cable repairs,
 - Develop standard procedures for both **information sharing** and to **notify other regional nations of cable breaks or suspicious activity.**
- ❖ Include **tabletop exercises** to deal with cable breaks and **threats to cables** in regional multilateral and bilateral exercises.

2019 ASEAN Guidelines for Strengthening Resilience and Repair of Submarine Cables

- Aim to streamline permit processes and improve resilience for submarine cable networks by setting out **best practices for cable repair** in ASEAN Member States
- Does not address security threats to cables

2023 EU Maritime Security Strategy and Threats to Submarine Cables and Pipelines

- **EU Maritime Security Strategy** was revised in 2023 to **mitigate threats to critical undersea infrastructure** and in line with its goals to enhance information exchange, share best practices and organize joint operations and exercises
- **NATO's Undersea Infrastructure Coordination Cell** was established in February 2023. It identifies vulnerabilities and coordinates efforts between NATO allies, partners and the private sector.
- **EU Action Plan on Cable Security** proposed in Feb 2023.
- **EU-NATO Task Force on resilience of critical infrastructure** was established on 16 March 2023.

2025 EU Action Plan on Cable Security

- 1. Prevention: Increase resilience and preparedness**
 - Implement the legal & security framework
 - Enhance EU investment in cables
- 2. Detection**
 - Increase capacity to monitor & detect threats
 - Undersea sensors, surveillance drones, etc
- 3. Response & Recovery**
 - More coordinated crisis response
 - Establish reserve fleet of EU cable vessels
- 4. Deterrence**
 - Enhance capacity to react and limit impact of the shadow fleet
 - Enhance capacity to hold malicious actors accountable
 - Launch a reflection at the international level on how to make full use of the UNCLOS framework to enhance the security of submarine cables

Thanks for your Attention !

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