Submarine Networks World x Subsea Security World 2026

23-24 September 2026
Sands EXPO & Convention Centre, Singapore

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

Cable Protection and the Rights of Coastal States

12:20 Thu 24 Sep 2026

Robert Beckman

Emeritus Professor, Faculty of Law
Senior Advisor, Ocean Law & Policy Programme, CIL
National University of Singapore

© Copyright National University of Singapore. All Rights Reserved.

Outline of Presentation

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

1. UNCLOS and the breaking of cables by ships 3
2. *Eagle S* Incident in the Baltic Sea 9
3. Landing States and the Effects Doctrine 19
4. Public Sector – Private Sector Cooperation 24-27

© Copyright National University of Singapore. All Rights Reserved.

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

Part 1

1982 UNCLOS and the Breaking of Cables by Ships

© Copyright National University of Singapore. All Rights Reserved.

Criminal Jurisdiction over Ships in the Territorial Sea and in Archipelagic Waters

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- Ships of all States have the right of innocent passage in the territorial sea
- Coastal States have criminal jurisdiction over foreign merchant ships in their territorial sea or archipelagic waters if the foreign ship commits a crime during its passage and the consequences of the crime extend to the coastal State
- Consequently, if a foreign merchant ship drags an anchor and cuts a submarine cable in the territorial sea or archipelagic waters, the coastal or archipelagic State has the right to arrest the foreign ship

© Copyright National University of Singapore. All Rights Reserved.

Jurisdiction over Ships outside the 12 nm Territorial Sea

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- All States have the right to sail ships flying its flag on the high seas
- The general principle is that ships on the high seas are subject to the exclusive jurisdiction of the flag State
- One clear exception is “Piracy” – warships an any States may arrest a pirate ship on the high seas
- The high seas rules on jurisdiction over foreign ships apply in all waters outside the 12 nm territorial sea of coastal States
- In other words, the high seas rules on jurisdiction over ships apply in the exclusive economic zone
- A foreign ship that drags an anchor 20 miles off the coast of a State is subject to the exclusive jurisdiction of the flag State

© Copyright National University of Singapore. All Rights Reserved.

Article 113 Breaking or Injury of a Submarine Cable or Pipeline

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

Under Article 113, **States have** an **obligation to adopt laws and regulations** to provide that the breaking or injury by

- a **ship flying its flag** or by a **person subject to its jurisdiction**
- of a **submarine cable**
- beneath the **high seas (or in the EEZ)***
- done **wilfully** or through **culpable negligence**
- in such manner as is likely to disrupt communications . . .
- and similarly **the breaking or injury of a submarine pipeline or high voltage power cable**
- shall be a **punishable offence**

* **The high seas rules on jurisdiction over ships also apply in the Exclusive Economic Zone**

© Copyright National University of Singapore. All Rights Reserved.

Weaknesses in Article 113 of UNCLOS

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- Although almost all flag States are parties to 1982 UNCLOS, many have not enacted legislation implementing their obligation under Article 113 to make the breaking of a cable or pipeline by a ship flying its flag or by their national a criminal offence
- In some cases the breaking of cables and pipelines by the dragging of anchors by commercial ships allegedly acting under the direction and control of the Government of a another State – the activity is a form of "hybrid warfare" conducted by States against their adversaries

© Copyright National University of Singapore. All Rights Reserved.

Current Situation on Breaking of Cables in the EEZ

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- A foreign merchant ship drags its anchor and cuts cables and/or pipelines outside the territorial sea of a coastal State (in the EEZ)
- The foreign merchant ship in the EEZ is subject to the exclusive jurisdiction of the State where it is registered and whose flag it flies
- The foreign merchant ship is likely to be registered in a flag State with little or no interest in investigating the incident or prosecuting the master of the ship
- The flag State of the merchant ship is likely to have no laws or regulations implementing Article 113 of 1982 UNCLOS

© Copyright National University of Singapore. All Rights Reserved.

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

Part 2

Eagle S Incident in the Baltic Sea

© Copyright National University of Singapore. All Rights Reserved.

Eagle S Incident

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- On 25 December 2024, the *Eagle S*, an oil tanker flying the flag of the Cook Islands, dragged its anchor for nearly 100 kilometres across the seabed in the Baltic Sea, severing a submarine power cable linking Finland and Estonia
- The Finish authorities contacted the ship to enquire about the location of its anchors, and the crew falsely reported that the anchors were up and secured
- The ship then continued on its journey and cut 5 submarine telecommunication cables in the EEZ of Finland
- Upon invitation of the Finish authorities, the *Eagle S* entered the territorial sea of Finland and was boarded by the Finnish law enforcement authorities

© Copyright National University of Singapore. All Rights Reserved.

Finland-Estonia undersea power cables

Finnish authorities said they were investigating Eagle S, an oil tanker that sailed from a Russian port, over the suspected "sabotage " of EstLink 2 power cable that was disconnected on Dec 25



Sources: MarineTraffic, Fingrid

Map data: OSM

AFP

© Copyright National University of Singapore. All Rights Reserved.

Finnish Investigation and Criminal Charges

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- *Eagle S* was already in a state of general disrepair when it set out to sea, with the deficiencies in the anchor securing devices visible to the naked eye
- Anchor dragged for 90 kms even though it had a significant impact on its speed
- Crew failed to take any action after it had been notified by the Finnish authorities and asked to check its anchor
- As a result of the its investigation, the Finnish authorities brought criminal charges against the master and two senior crew members

© Copyright National University of Singapore. All Rights Reserved.

Judgement of Helsinki District Court of October 2025

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- Helsinki District Court gave judgment in October 2025
- The Court confirmed that the incident caused tens of millions of Euros to Finland
- The Court confirmed that the damages to Finland amounted to “aggravated criminal damage” and “aggravated interference with communications” under the Criminal Code
- **Nevertheless, the court dismissed the charges and ordered the State to pay the legal costs of the case**

© Copyright National University of Singapore. All Rights Reserved.

Why Helsinki District Court Dismissed the Charges

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- Provisions on Jurisdiction over Ships in the 1982 United Nations Convention on the Law of the Sea (1982 UNCLOS)
- General Principle: Ships seaward of the 12 nm Territorial Sea are subject to the exclusive jurisdiction of the "flag State"
- Therefore, it ruled while *Eagle S* was outside the territorial sea of Finland, the general principle that applied was that it was subject to the "exclusive jurisdiction of the flag State"
- The Finnish Court supported its decision by citing two provisions in 1982 UNCLOS – Article 113 and Article 97

© Copyright National University of Singapore. All Rights Reserved.

Article 97. Penal Jurisdiction in "Incidents of Navigation"

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- Article 97 of 1982 UNCLOS provides that if there is an **"incident of navigation"** on the high seas (or in the EEZ) involving the penal or disciplinary responsibility of the master or any other person in the service of the ship
  no penal or disciplinary proceedings may be instituted against such persons
  except by the authorities of the flag State or of the State of nationality of such persons
- Article 97 further provides that no arrest or detention of the ship shall be ordered by any State other than the flag State, even as a measure of investigation

© Copyright National University of Singapore. All Rights Reserved.

On 27 August 2026 Helsinki Court of Appeal Overruled District Court

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- Helsinki Court of Appeal overturned the ruling of the district court on jurisdiction and returned the case to the district court
- The Court ruled that the Finish courts had jurisdiction because the “effects” of the cutting of the telecoms and power cables were felt in the territory of Finland
- The Court also ruled that although the anchor’s initial dropping may have been an incident of navigation, the dragging of the anchor for 90 kilometers was not an “incident of navigation” subject only to the jurisdiction of the flag State under Article 97 of 1982 UNCLOS
- Case returned to the district court for a hearing on the merits

© Copyright National University of Singapore. All Rights Reserved.

Limits of the Ruling

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- Appeals court decision was based on the **"effects doctrine"** which gives a State jurisdiction over a crime committed outside its territory if its "effects" are felt in its territory
- But the case did not rule that Finland had a right to arrest the *Eagle S in* Finland's EEZ
- Finland could arrest and prosecute the master and crew of the *Eagle S* because the master voluntarily brought the ship into Finish waters when requested to do so by the Finish authorities
- Interested States may use this precedent to extend their criminal jurisdiction to acts outside their territorial sovereignty that have "effects" on their territory

© Copyright National University of Singapore. All Rights Reserved.

Some Coastal States are Extending their Arrest Power to foreign ship in their EEZ

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- Given the threat posed by hybrid attacks on critical underwater infrastructure in their EEZ, some coastal States are amending their laws to provide that:

1) the breaking or injury of cables or pipelines in their EEZ is a criminal offence if such cables or pipelines land in their territory;
2) their enforcement agencies are authorized to board and arrest foreign merchant ships in their EEZ if they are suspected of damaging such cables and pipelines

- Such legislation may be necessary – but the boarding and arrest of such ships is likely to be challenged as contrary to 1982 UNCLOS

© Copyright National University of Singapore. All Rights Reserved.

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

Part 3

Landing States and the "Effects Doctrine"

© Copyright National University of Singapore. All Rights Reserved.

Interests of Landing States in Cable Cuts

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- The “effects” of the intentional cutting of a submarine cable in the EEZ of a coastal State are not felt only by that coastal State
- The cable cut will disrupt the communications in the territory of every State in which that cable lands, that is, in every landing State
- Therefore, every landing State has an interest in ensuring that the master of a ship that breaks a cable intentionally or through culpable negligence is arrested and charged with the commission of a crime

© Copyright National University of Singapore. All Rights Reserved.

The Effects Doctrine in International Law

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- The **effects doctrine** is a legal principle that allows a state to extend its criminal jurisdiction to include conduct taking place outside its territory if that conduct produces substantial, direct, and foreseeable effects within its territory.
- States could pass legislation providing that the breaking of a submarine communications cable intentionally or through culpable negligence is a criminal **offence if the cable lands in its territory and substantial effects were felt in its territory by the breaking of the cable, and the effects of the break within its territory were substantial, direct and foreseeable**.
- The legislation could also provide that if the alleged perpetrator is the master of a ship, and that ship enters a port in its territory, the alleged perpetrator will be subject to arrest by the authorities of the landing State

© Copyright National University of Singapore. All Rights Reserved.

Article 27. Criminal Jurisdiction of Landing State over a suspect Foreign Ship

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

1. A landing State cannot legally take any steps on board a foreign ship passing through its territorial sea to arrest any person or to conduct an investigation in connection with a crime committed before the ship entered its territorial sea
2. A landing State could arrest the master of the suspect ship for the breaking of a cable landing in its territory if the ship enters a port in its territory

© Copyright National University of Singapore. All Rights Reserved.

Cooperation and Extradition

CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- If the suspect ship voluntarily enters a port in a landing State, and the landing State arrests the master, it could extradite him to the State in whose EEZ the cable break took place
- The landing State could also cooperate with the State in whose EEZ the incident took place by interviewing crew members or gathering physical evidence

© Copyright National University of Singapore. All Rights Reserved.

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

Part 4
Private Sector – Public Sector Cooperation

© Copyright National University of Singapore. All Rights Reserved.

Flag States and Article 113

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- The UN General Assembly has called on flag States to implement their obligation under Article 113 and make the breaking of cables by ships flying their flag a criminal offence
- Cable companies should encourage flag States to implement their obligations under article 113

© Copyright National University of Singapore. All Rights Reserved.

Investigation of Cable Break Incidents

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- Cable companies should consult the relevant agencies within landing States to agree on procedures following a cable break
- Cable companies should immediately notify the relevant authorities in the coastal State about any cable break off their coast, especially is there is suspicion that the break may have been caused by a ship
- Cable companies should fully cooperate with coastal States in investigating cable breaks within their territorial sea, archipelagic waters or EEZ
- Cable companies should also cooperate with any landing State that is investigating a cable break

© Copyright National University of Singapore. All Rights Reserved.

Conclusions

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- The provisions on submarine cables in 1982 UNCLOS did not anticipate the threats to modern communications by the cutting of submarine telecommunications cables
- It is not possible to amend 1982 UNCLOS to fill the gaps
- The only viable solution is “creative” interpretations of the provisions and principles of international law to address the issues
- Solutions will not be found unless there is close cooperation between the governments and the cable industry

© Copyright National University of Singapore. All Rights Reserved.

CIL
CENTRE FOR INTERNATIONAL LAW
National University of Singapore

Thanks for Your Attention !

Robert Beckman

Emeritus Professor, Faculty of Law

Senior Advisor, Ocean Law & Policy Programme, CIL

National University of Singapore

© Copyright National University of Singapore. All Rights Reserved.