Submarine Cables:  
The Handbook of Law and Policy
Submarine Cables

The Handbook of Law and Policy

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The Centre for International Law (CIL) is a university-wide research centre established in 2009 at the National University of Singapore (NUS) in response to the growing need for international law expertise and capacity building in the Asia-Pacific region. CIL focuses on multidisciplinary research and collaborates very closely with the NUS Faculty of Law as well as other high calibre organizations and institutions to further its research and capacity-building objectives.

CIL focuses its activities on three core areas that are critical to the Southeast Asia region, these being Ocean Law and Policy, ASEAN Law and Policy, and Trade and Investment Law and Policy. As part of its activities in Ocean Law and Policy, CIL has undertaken work on piracy and international maritime crimes, the South China Sea disputes, biodiversity and environmental issues. This present publication, Submarine Cables: The Handbook of Law and Policy, is part of an extensive CIL research project on submarine cables, which has included two regional Workshops organized in collaboration with the International Cable Protection Committee (ICPC). CIL research and other relevant materials on submarine cables are available on our website, www.cil.nus.edu.sg.

The ICPC is the premier international submarine cable authority providing leadership and guidance on issues related to submarine cable security and reliability. Founded in 1958, the ICPC membership spans over 63 nations and presently includes the owners and operators of over 97 per cent of the world’s international submarine cable systems and the 18 submarine power cable owners. Since 2010 governments have been eligible to join and many have elected to do so. Membership is also open to submarine cable system suppliers and installers,
marine survey companies, cableship owners and operators, international banks, and others with interest in critical submarine cable infrastructure.

The ICPC issues *Recommendations*, available to the public upon request, on aspects of submarine cable laying, repair, surveying, and protection. The ICPC works to promote education and compliance with the United Nations Convention on the Law of the Sea (UNCLOS) and customary international law impacting submarine cables among its members, States, international organizations, and other seabed users. More information is available from the ICPC website www.iscpc.org.
FOREWORD

Dean Veverka, Chairman, International Cable Protection Committee (ICPC)

The submarine cable industry has flourished in the world's oceans since 1850. Progressing from telegraph and telephony to high-speed data fiber optic cables and power cables, these submarine cables are increasingly recognized as critical international infrastructure by more and more nations. While the technical success of the industry represents steady evolution and innovation by countless people in companies worldwide, the role of international law in the success of the business is not well understood by many in governments involved with diplomacy and ocean policy decisions. This Handbook is welcomed by the industry as the first comprehensive book on the topic of submarine cable law and policy. My hope is that it will allow industry and governments to work better together in providing the world with ever improving international communications, power, energy, scientific knowledge and security based on submarine cables in the ocean environment.

I note with pride that the co-authors of this Handbook represent a diverse and seasoned group of leaders in the various sectors that comprise the cable industry. But what makes this Handbook so valuable is the partnering of these industry experts with recognized experts in international law of the sea. Too often governments make policy decisions about undersea cables without the knowledge and experience that is available to them from the cable industry. On the other hand, companies can act with imperfect knowledge of their rights and obligations under international law. By combining legal scholarship and sound industry experience in a readable volume, the Handbook is well on its way to becoming the 'go to' reference for both business and government, the essential purpose of the Handbook.
In December 2009, the newly established Centre for International Law (CIL) at the National University of Singapore (NUS) organized its inaugural ‘Workshop on Submarine Cables and Law of the Sea’ in collaboration with the International Cable Protection Committee (ICPC).

The Workshop, one of the first of its kind in the region, brought together experts from the cable industry, law of the sea experts and government representatives from the region. Its objective was to examine the practice of industry and governments on submarine cables in light of the legal regime set out in the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

The discussions at the Workshop revealed that governments did not fully appreciate the importance of submarine cables and that there was a lack of communication between governments and the submarine cable industry. It was acknowledged that this contributed to the adoption of international and national policies which were often detrimental to the integrity of the world’s international telecommunications systems.

The challenges confronting the submarine cable industry prompted CIL and the ICPC to continue to collaborate in order to enhance discussion and understanding of the importance of submarine cables. Since the 2009 Workshop, CIL and the ICPC have worked closely together on a variety of projects to raise awareness and foster dialogue on this critical communications infrastructure. This Handbook, which marks the culmination of the joint efforts of CIL and the ICPC, is timely and significant for several reasons.

First, the Handbook provides a one-stop shop of essential information pertaining to the international governance of submarine cables. It is extensive in its scope and comprehensively covers a wide range of issues relating to submarine cables. It includes essential information on the development and uses of submarine cables, the submarine cable industry, the international legal regime governing submarine cables, the issues relating to cable operations and the protection of cables, as well as new uses of submarine cables.
Second, the majority of chapters are authored by both an international lawyer and an expert from the submarine cable industry. The result is a unique combination of legal and technical knowledge which allows the contributors to formulate effective policy recommendations on specific issues relating to submarine cables. Accordingly, the Handbook will be an invaluable source of knowledge to a large audience including academics, the submarine cable industry, government officials and policy-makers.

Third, the Handbook is the first of its kind available in the market. Despite the world’s increasing reliance on submarine cables for a myriad of activities including the internet and telecommunications, there is very little contemporary literature on submarine cables. The Handbook will fill this void and hence make an important contribution to the discussion of possible solutions for the issues faced by both governments and the cable industry, in the governance of submarine cables.