



INTERVENTION AT BBNJ IGC 7 SEPTEMBER 2018

Madame Facilitator, the International Cable Protection Committee (“ICPC”) is pleased to work under your leadership for this segment and support you in this role.

ICPC’s comments on Items 4.1 and 4.2 are interrelated, and we offer them here. Consistent with the views expressed by numerous other delegations, ICPC believes that the use of all area-based management tools (“ABMTs”) must be aligned with and further the objectives and provisions of the Law of the Sea Convention, including those specific to submarine cables—a sector sometimes overlooked in these discussions.

In the UNCLOS preamble, state parties recognized the desirability of “establishing through this Convention, with due regard for the sovereignty of all States, a legal order for the seas and oceans which will facilitate international communication.” It is for this reason that articles 58, 79, 87 and 112 establish the freedom of all states—not just coastal states—to install and maintain submarine cables in areas beyond national jurisdiction and even within some areas of jurisdiction, including the EEZ and the continental shelf. Indeed, a single submarine cable often spans areas of jurisdiction of multiple coastal states and areas beyond national jurisdiction. Articles 113 through 115 further provide for the protection of submarine cables from damage.

Submarine cables—not satellites—provide approximately 99 percent of the world’s Internet, data, and voice communications. ICPC believes that the deployment and operation of submarine cables is a sustainable use of the oceans, and one that provides particular economic, security, and social benefits to developing states. In the past 15 years, many of the world’s new submarine cables have connected developing states, including a majority of G-77 members and small island developing states.

Submarine cables have the diameter of a garden hose with a useful life of 25 years. Peer-reviewed scientific research has demonstrated that submarine cables have a neutral-to-benign impact on the marine environment. Submarine cables have been installed and operate in existing MPAs—both within and beyond areas of national jurisdiction—around the world. Indeed, submarine cables are used to connect scientific observatories in numerous existing MPAs.

ICPC believes that the use of ABMTs must facilitate, and not frustrate, international communication through submarine cables and recognize the existing and continuing presence of submarine cables in the world’s oceans both in areas within and beyond national jurisdiction.

Thank you.