



Statement re Draft Regulation 18 ISBA/30/C/CRP.1 20 March 2025

The International Cable Protection Committee (“ICPC”) supports the statements of Ireland, the Netherlands, Australia, Portugal, Germany, the United Kingdom, and others regarding paragraph 3 and support the textual proposal of the Netherlands. As presently drafted, this language could be construed to mean that the Authority or a contractor has the right to exclude from a contract area the conduct of lawful uses of the oceans and the Area under the Convention, such as: installation, operation, and repair of submarine cables and pipelines; navigation; fishing; or marine scientific research.

The Convention, however, does not empower the Authority to grant spatial exclusivity to contractors vis-à-vis these other lawful uses of the oceans. Pursuant to articles 1(3), 134, and 157 of the Convention, the Authority’s jurisdiction is limited to “activities in the Area,” meaning the exploration for, and exploitation of, the resources of the Area. Article 141 provides that “the Area shall be open to use exclusively for peaceful purposes by all States, whether coastal or land-locked, without discrimination and without prejudice to the other provisions of this Part.”

The ICPC reiterates its longstanding view that the installation, operation, and repair of submarine cables in no way constitutes interference with authorized contractor activities and that potential spatial conflicts are appropriately addressed through early communication, cooperation, and negotiation directly between contractors and submarine cable operators, consistent with the due and reasonable regard provisions of articles 87 and 147 of the Convention.