



Statement re Draft Regulations 31 and 31 bis ISBA/30/C/CRP.1 24 March 2025

The ICPC supports the proposal of Singapore, as supported by Italy, Australia, France, the Netherlands, Argentina, Portugal, the Russian Federation, India, Micronesia, the Bahamas, the United Kingdom, Fiji, and others—as there is broad support—on the need for a specific regulation or sub-regulation on submarine cable protection in order to address a coordination and protection issue that is well-known, and which already exists in relation to exploration activities.

The ICPC support's Australia's position that inclusion of such a specific regulation should parallel inclusion of provisions in Regulations 7, 8, 13, and 15 to operationalize due and reasonable regard and submarine cable protection during the application submission and LTC review process in order to ensure that Contractor Plans of Work address submarine cable coordination and protection

With respect to Regulation 31, the ICPC believes that the phrase “activities under an Exploitation contract” should be modified with the addition of a parenthetical phrase “including test mining.” With respect to submarine cables, for example, test mining activities can be invasive and involve vessels and equipment on the ocean floor, in the water column, and on the ocean surface and if uncoordinated can pose a risk of damage just as true exploitation activities can.

With respect to Regulation 31 bis, the ICPC supports the proposal of the Netherlands, Portugal, and Australia to change respect to the title and the chapeau of this regulation and reference the adequacy of submarine cable protection and/or reasonable regard. Mere reduction of risk of damage is insufficient and potentially inconsistent with the Convention.

The ICPC believes the phrase “including but not limited to using geospatial alert systems” should be deleted. The ICPC believes that this regulation should not identify specific technologies, in order to future-proof the regulation and ensure accuracy with respect to the capabilities of particular technologies.

The ICPC supports the proposal of Australia requiring that Contractors consult publicly and commercially-available resources to identify submarine cables.

With respect to the proposals by Italy and the Russian Federation with respect to the role of the ICPC, the ICPC is grateful for recognition of the coordinating role that it might play. Nevertheless, the ICPC notes that it does not possess route position location data for the world's planned submarine cables. Such information is owned by submarine cable operators and their suppliers and treated as commercial proprietary information. The ICPC could play a facilitating role in ensuring access to such data, consistent with the very fruitful discussions among Contractors and submarine cable operators during the Bangkok workshop in 2018 and as reflected in ISA Technical Study 24.