

For Circulation

Report of Discussions by the Friends of the President Group on Protection of Submarine Cables and Pipelines, 15 July 2025

1 The Friends of the President (FOP) Group on Protection of Submarine Cables and Pipelines met on 15 July 2025 during Part II of the 30th Council meeting of the International Seabed Authority (ISA). This Group is led by Singapore and discusses DR 31 and DR 31 bis.

2 The FOP opened the meeting by providing a recap of the discussions that were had on DR 31 and DR 31 bis during Part I of the 30th Council meeting in March 2025. Most notably, in March 2025, there was good support in the Council for the approach of having two separate regulations to cover the reasonable regard obligation in Article 147 (DR 31) and the specific obligations on Contractors to reduce risk of damage to submarine cables and pipelines (DR 31 bis). The FOP also noted that several delegations had proposed the integration of obligations on protection of submarine cables and pipelines in other parts of the text, including in DRs pertaining to applications for a Plan of Work. However, this Group would only focus on DR 31 and 31 bis. The Group continued discussions based on an updated proposal provided by the FOP, which sought to include comments made during the March 2025 Council meeting. Mexico had provided extensive written proposals to both DRs and was invited to present them to the Group.

3 Key points of the discussion have been summarised below. The text reflected below includes notes tracked by the screenwriters.

DR 31

~~Reasonable Regard for other activities [and infrastructure] in the Marine Environment~~
Accommodation of activities in the Area and in the marine environment (agreed ad ref 15 July 2025)

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4 On the title of DR 31, the FOP explained that it had proposed an amendment in response to comments that the title of this DR should reflect the two-way nature of the reasonable regard obligation in Article 147. No objections were raised and the title was marked agreed ad referendum.

1. Contractors shall, consistent with any applicable Standards and taking into consideration the Guidelines, carry out ~~[[Exploration and] exploitation]~~ ~~[activities]~~ under an Exploitation Contract with reasonable regard for other activities [for other existing and planned activity (ITA)] ~~(AUS del)~~ ~~[and infrastructure]~~ in the Marine Environment, in accordance with Articles ~~87 and~~ 147 ~~(RUS)~~ [of the Convention [and taking into account], [the Plan of Work], and the approved Environmental Management and Monitoring Plan, [Regional Environmental Management Plan] and Closure Plan]. ~~[taking into account the Regional Environmental Management Plan.] [and any applicable international~~

~~rules and standards established by competent international organizations].~~~~(RUS del)~~

5 On paragraph 1, the FOP recalled that there were lively discussions on the inclusion of a reference to Article 87 during the March 2025 Council meeting. The FOP's revised proposal did not reinstate the reference to Article 87, noting that there continued to be mixed opinions on this issue, and those who proposed its deletion provided supporting reasons, including: (i) Article 147 is the specific provision stipulating that activities in the Area are to be carried out with reasonable regard for other activities in the marine environment; and (ii) the ISA does not have the mandate to regulate activities outside of the Area, including the high seas that is regulated in Article 87.

6 One delegation proposed an addition to refer to both existing and planned activities; in response, another delegation questioned if it would be realistic for Contractors to carry out activities under an Exploitation Contract with reasonable regard for planned activities.

7 One delegation proposed deletions in this paragraph, noting that this DR pertained to the reasonable regard obligation in Article 147, and it would not be helpful to refer to all parts of the Plan of Work, the approved Environmental Management and Monitoring Plan, Regional Environmental Management Plan and Closure Plan.

~~[2. In accordance with Article 147 of the Convention, other activities in the marine environment shall be conducted with reasonable regard for activities in the Area.]~~~~(RUS, AUS, GBR, ICPC, SGP, MEX, NOR, IND, del)~~~~(agreed ad ref 15 July 2025)~~

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8 The FOP explained the proposed addition of paragraph 2, which sought to address comments that a paragraph should be added to reflect the two-way nature of the reasonable regard obligation in Article 147. Many delegations objected to this addition, noting that the ISA does not have the mandate to regulate other activities in the marine environment. This deletion was marked agreed ad referendum.

~~[3. A Contractor shall exercise due diligence in identifying current and planned uses or activities in the Marine Environment transiting, overlapping, or proximate to the Contract Area through publicly available data and resources. (RUS) and any other reasonable means, including but not limited to marine scientific research, fishing, navigation, activities related to marine genetic resources] (RUS del) (IND res) as well as environmental protection measures and area-based management tools established or under consideration by competent international organizations.] (RUS, IND del) Where the relevant other activities involve competent international, regional, or sectoral bodies, the Authority shall, in conjunction with member States, cooperate with such bodies and, where possible, coordinate activities in the Marine Environment.] (GER keep)~~

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9 The FOP explained the addition of paragraph 3, which sought to address comments that it would be helpful to include an elaboration of expected actions by Contractors, as well as references to other activities in the marine environment. A delegation expressed support for this addition as it would ensure that the reasonable regard obligation in Article 147 would apply to other activities in the marine environment.

10 Some delegations expressed reservations regarding the reference to “marine genetic resources” as it is a term defined by the BBNJ Agreement which has yet to enter into force and is not ratified by all ISA member states.

[3. Alt. The contractor, shall enter into consultations with relevant Stakeholders under Regulation 93 bis, including with respect to activities related to the laying of submarine cables and pipelines, with a view to reaching agreements on practical measures for a reasonable accommodation of those activities.] [\(GER proposes moving to DR31 bis\)\(NLD, GBR, FRA res\)](#)

11 The FOP invited Mexico to explain their proposal for the addition of this paragraph. Mexico explained that the intention of this paragraph is to link the reasonable regard obligation in Article 147 to the stakeholder consultation process currently being discussed in DR 93 bis. Several delegations reserved their position on this paragraph. One delegation proposed moving this paragraph to DR 31 bis.

DR 31 bis

Reducing risk of damage to submarine cables and pipelines

The Contractor shall ~~endeavour~~ [\[take reasonable measures\]](#) to reduce the risk of damage to submarine cables or pipelines, including as appropriate, through:

12 A delegation proposed for “risk” to be replaced with “risks” across the DR. [\[Note: This was not captured by the screenwriter in the title and chapeau.\]](#)

13 The FOP explained that it had proposed an amendment in the chapeau in response to comments that the standard of protection of submarine cables and pipelines should be elevated. One delegation supported the amendment. No further comments were received and the FOP indicated that the next iteration of the proposal would retain this proposed standard of protection.

14 To a delegation’s query on why DR 31 referred to the standard of “reasonable regard” while DR 31 bis referred to the standard of “take reasonable measures”, the FOP

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explained that DR 31 is meant to elaborate the “reasonable regard” obligation in Article 147 of the Convention, while DR 31 bis is meant to set out particular measures to reduce the risk of damage to submarine cables and pipelines. DR 31 bis is not meant to elaborate on Article 147, noting that submarine cables and pipelines are physical infrastructure and not activities.

(a) Complying with the measures that the Contractor has agreed with the operators of submarine cables or pipelines in the Contract Area to reduce the risks(ICPC) of damage to any in-service [or planned](AUS keep) submarine cables and pipelines;
(IND consider adding an Agreement)

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15 The FOP explained the proposal to add a reference to “planned” submarine cables and pipelines, following comments that this subparagraph should apply to both existing and planned submarine cables and pipelines. One delegation expressed support for this addition.

16 Another delegation suggested for requirements of agreements between Contractors and relevant operators to be clarified.

(b) Identifying current and planned uses or activities relating to submarine cables or pipelines in the Marine Environment transiting, [overlapping](GBR del), or proximate to the Contract Area through publicly or (Chair’s proposal) [commercially](AUS, ICPC, RUS keep) available data and resources and any other reasonable means;

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17 A delegation suggested the deletion of “overlapping” as it has no ostensible added value above “transiting” and “proximate”.

18 The FOP explained that it had added a reference to “commercially” available data and resources, following comments made during the March 2025 Council meeting. After some clarifications on how Contractors access data and resources, several delegations expressed support for this addition. The FOP said that the next iteration of the proposal would retain the reference to “publicly and commercially available data and resources”.

(c) Coordinating directly with the [responsible organisations](GBR keep) for, or operators of, submarine cables or pipelines in the Marine Environment;(RUS proposes moving to (a) or combine)

19 The FOP explained that the amendments to this subparagraph were proposed noting that: (i) there are no competent international, regional or sectoral bodies that regulate or have legal authority over submarine cables; and (ii) it may be beneficial to

keep open how Contractors coordinate with operators, as they could potentially do so via facilitation by other stakeholders. One delegation said they understood the intention of the amendments, but suggested retaining the reference to “responsible organisations” or exploring an alternative way to refer to relevant organisations such as the ICPC.

20 One delegation suggested for subparagraph (c) to be either shifted ahead of or merged with subparagraph (a).

(d) ~~[Promoting [information sharing and coordination] awareness of Exploitation activities, including but not limited to using geospatial alert systems; and](RUS del)~~

21 The FOP explained that the amendments to this subparagraph were proposed to: (i) address concerns that the term “awareness” is too vague; and (ii) future-proof the regulation, taking into consideration future technological developments. One delegation said it considered the obligations in this subparagraph to be a task for the ISA and not for Contractors.

(e) ~~Other measures in accordance with the applicable Standards, and taking into consideration the Guidelines.]~~

22 No comments were received on this subparagraph.

DR 31 bis alt.

Submarine cables and pipelines

The Contractor shall take reasonable measures to reduce the risk of breaking or injury of submarine cables or pipelines, including, as appropriate, by complying with any practical arrangements resulting from the consultations provided for in Regulation 31, as well as other measures in accordance with the applicable Standards and taking into consideration the Guidelines.

The Sponsoring State [, as well as the contractor,] shall have due regard to submarine cables or pipelines already in position, including the possibility of their repair. To this end, the Sponsoring State and the Contractor shall engage in consultations with [potentially most affected States], in accordance with Regulation 93 *ter*, with a view to avoiding any infringement of the right of those States to lay submarine cables and pipelines and/or achieving acceptable solutions regarding measures to prevent the breaking or injury of submarine cables or pipelines.

23 The FOP invited Mexico to introduce its alternative proposal for DR 31 bis. Mexico said that this alternative proposal incorporates the substantive elements of the FOP’s proposed DR 31 bis while removing procedural aspects that are covered by the

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stakeholder consultation process currently being discussed in DR 93 bis. Several delegations reserved their position on the alternative proposal.