

Guiding Questions for Discussion on the Protection of Submarine Cables and Pipelines (Friends of the President, Singapore) on 15 July 2026

The FOP Group on the Protection of Submarine Cables and Pipelines met on 10 March 2026 during Part I of the 31st ISA Council meeting and on 26 May 2026 during the intersessional period. The FOP submitted a proposal and report of work¹ on 15 June 2026. The proposal has since been incorporated into the Rev. 3 Further Revised Consolidated Text (FRCT). The report provides a brief recap of past discussions, details specific amendments that have been made, and highlights key outstanding issues that would merit further discussion by the Group. Delegations are urged to consider the different perspectives detailed in the report.

For the discussion on 15 July 2026, the FOP proposes the following guiding questions. It would be helpful if delegations could express where there are flexibilities and red lines, so that we can attempt to move forward on some of these outstanding issues.

DR 31

1. Does this merged proposal strike a suitable balance between the role of the Contractor and the role of the Authority in identifying or acquiring information about other uses or activities in the Marine Environment?

DR 31 bis

2. Para 1: Which of the proposed standards of protection is most preferred?
3. Para 1(a): Is para 1(a) or 1 (a) Alt. preferred? Do the references to “regulation 31(2)” address concerns about duplication with DR 31?
4. References to “planned” cables/activities in paras 1(a) and 1(c): Would the qualifier “as appropriate” in para 1 provide sufficient flexibility to address potential difficulties in identifying planned cables/activities?
5. Para 1(d): Should this para be deleted given that it is not directly related to reducing the risks of damage to submarine cables and pipelines? If it should be retained, what sort of information should be shared?

Please feel free to share any questions/comments (not limited to the guiding questions above) with the FOP at beatrice_chen@mti.gov.sg or in person.

¹ Proposal: <https://isa.org.jm/wp-content/uploads/2026/06/Submarine-Cables-Textual-proposal.pdf>
Report: <https://isa.org.jm/wp-content/uploads/2026/06/Submarine-Cables-Report-on-intersessional-work.pdf>

The FOP would also like to flag that a proposal for DR 31 bis had been mistakenly omitted from the submission of the Group and has thus not been included in the Rev. 3 FRCT. It is included in blue below for reference.

Regulation 31

Accommodation of activities in the Area and in the marine environment

1. Contractors shall carry out activities under an Exploitation Contract with reasonable regard for other activities in the Marine Environment, in accordance with article 147 of the Convention, and consistent with any applicable Standards and taking into account the Guidelines.

2. 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, including but not limited to marine scientific research, fishing, navigation, [and activities to ensure effective Protection for the Marine Environment,] [as well as activities required under measures to ensure effective Protection for the Marine Environment,] through publicly available data and resources and any other reasonable means.

3. The Authority may cooperate with States Parties, relevant Stakeholders, international, regional, subregional or sectoral bodies to acquire information regarding current and planned uses or activities in the Marine Environment transiting, overlapping, or proximate to Contract Areas, in accordance with article 147 of the Convention.

4. Where the Authority becomes aware of current and planned uses or activities in the Marine Environment transiting, overlapping or proximate to Contract Areas, the Secretary-General shall [make available] [communicate] to the States Parties, relevant Stakeholders, international, regional, subregional or sectoral bodies concerned the coordinates of and information about such activities.

5. The Secretary-General shall [make available] [communicate] to Contractors that may be affected by other uses or activities in the Marine Environment any relevant information it has obtained from States Parties, relevant Stakeholders, international, regional, subregional or sectoral bodies, and shall facilitate communication between the Contractor and the States Parties, relevant Stakeholders, international, regional, subregional or sectoral bodies concerned.

Regulation 31 bis

Reducing risk of damage to submarine cables and pipelines

1. The Contractor shall take [[all] necessary] [reasonable] measures to reduce the risks of damage arising from its conduct of activities in the Contract Area [, including any [test/pilot] mining undertaken pursuant to regulation 48 ter,] to submarine cables or pipelines, including, as appropriate, through:

(a) [identifying current [and planned] uses or activities relating to submarine cables or pipelines in the Marine Environment transiting or proximate to the Contract Area through publicly or commercially available data and resources [in accordance with regulation 31(2);]]

(a) Alt. [measures relating to submarine cables or pipelines identified pursuant to regulation 31(2);]

(b) coordinating with relevant Stakeholders and international, regional, subregional or sectoral bodies for, or operators of, submarine cables or pipelines in the Marine Environment, including through conducting consultations in line with regulation 93 ter;

(c) reaching agreement with the operators of submarine cables or pipelines in the Contract Area [, taking into account the Guidelines,] on measures to reduce the risks of damage to any in-service [or planned] submarine cables and pipelines, and complying with those measures;

(d) [promoting information sharing of Exploitation activities under an Exploitation Contract;] and

(e) other measures in accordance with the applicable Standards and taking into account the Guidelines.

[2. Any agreement reached pursuant to paragraph 1, subparagraph (c) shall not release the Contractor from any obligation or liability under these Regulations, the Convention, or otherwise applicable law, nor shall such agreement be construed as limiting or prejudicing any rights, claims, remedies or legal actions available to operators of submarine cables or pipelines in relation to damage arising out of or in connection with activities in the Contract Area.]

3. Nothing in these Regulations shall affect the rights and obligations of States pertaining to submarine cables and pipelines under the Convention, including articles 87, 112 and 113 of the Convention.