



## **Statement re Draft Regulation 13 ISBA/29/C/CRP.1 25 March 2024**

The International Cable Protection Committee (“ICPC”) supports the provisions of paragraph 4(b) of Draft Regulation 13 and paragraph 8 of Draft Regulation 13 alt, which are substantially similar. The ICPC remains flexible as to a choice between these two options, and to streamlining of the text, so long as the text of the Regulation continues to contain the following two critical elements.

First, each of these options addresses—and should continue to address—a specific and well-known coordination issue involving submarine cables and contractor exploitation. Because the development and consideration of a Plan of Work by the Commission is a confidential process in which submarine cable operators have no right of information or the ability to initiate coordination with the Contractor unless and until the Contractor discloses information to the submarine cable operator, it is critical that the Commission ensure coordination between a Contractor and a submarine cable operator at an early stage when it can be meaningful, in order to give meaning to the due and reasonable regard obligations in articles 87 and 147 of the Convention. We believe having clear requirements here would actually assist the Commission. Given these considerations, we do not support proposals to move these provisions into non-binding Guidelines. Finally, it’s worth noting that this coordination problem is distinct from the environmental protection focus elsewhere in this draft Regulation, so the Council should not lose track of it as it considers reorganizing provisions on the environment in connection with intersessional and informal working group work.

Second, each of these options appropriately cross-references—and should continue to cross-reference—the infrastructure protection provisions in Draft Regulation 31, which addresses the underlying legal obligations in articles 87 and 147 of the Convention that this Regulation 13 or 13 alt text is meant to operationalize.