



## Assembly

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### **Request for observer status in accordance with rule 82, paragraph 1 (e), of the rules of procedure of the Assembly on behalf of the International Cable Protection Committee**

#### **Note by the Secretariat**

1. The International Cable Protection Committee (ICPC) is a global organization representing the telecommunications and cable-laying industry. It was established in 1958 to promote the safeguarding of submarine cables against man-made and natural hazards, and to provide a forum for the exchange of technical and legal information pertaining to submarine cable protection methods and programmes, including exchanging information on the location of existing and proposed cables. As of September 2009, ICPC had 100 members (consisting of governmental administrations and commercial companies that own or operate submarine cables) from 54 countries. It is mandated to provide leadership and guidance on issues related to the planning, installation, operation, maintenance and protection of submarine cables.

2. Members of the International Seabed Authority will recall that, during the fifteenth session, as part of the ongoing practice of arranging technical briefings for the representatives of members of the Authority present in Kingston on matters relevant to the work of the Council and the Assembly, the Council was given a briefing on the work of ICPC in the form of a presentation by a representative of ICPC. In discussions thereafter, members of the Authority noted that, while the laying of submarine cables is a freedom of the high seas, it was in the interests of both the Authority and the members of ICPC to cooperate to avoid potential conflicts between the laying of cables and activities in the Area. It was further noted that both organizations also had a strong interest in the protection of the marine environment from adverse impacts arising from their respective activities. It was therefore suggested that ICPC should be invited to become an observer to the Assembly in accordance with rule 82, paragraph 1 (e), of the rules of procedure.

3. Following further discussions between the secretariat of the Authority and ICPC, it was considered desirable to conclude a short memorandum of understanding setting out the scope and purpose of cooperation between the two



organizations. The text of the memorandum, which was signed by the Secretary-General of the Authority and the Chairman of ICPC on 15 December 2009 and 25 February 2010, respectively, is reproduced in the annex to the present document.

4. The Assembly is invited to:

(a) Take note of and approve the memorandum of understanding between the Authority and ICPC as contained in the annex to the present document;

(b) Invite ICPC to participate in the Assembly in the capacity of observer, pursuant to rule 82, paragraph 1 (e), of the rules of procedure of the Assembly.

## Annex

### **Memorandum of understanding between the International Cable Protection Committee and the International Seabed Authority**

The purpose of this memorandum of understanding is to specify the scope of cooperation between the International Cable Protection Committee Ltd (hereinafter referred to as “the ICPC”) and the International Seabed Authority (hereinafter referred to as “the Authority”).

#### **WHEREAS:**

The ICPC is an organization representing the submarine cable industry that has been established to promote the security and safeguarding of submarine cables against man-made and natural hazards;

Submarine cables provide critical infrastructure, and the laying of submarine cables is one of the freedoms of the high seas under articles 87 and 112 to 115 of the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Convention”), which freedoms shall be exercised by all States with due regard for the interests of other States and for the rights under the Convention with respect to activities in the Area, defined in article 1, paragraph 1 (1), of the Convention as the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction;

The Authority is the organization through which States parties to the Convention shall, in accordance with Part XI of the Convention and the Agreement relating to the implementation of Part XI of the Convention adopted on 28 July 1994 by the United Nations General Assembly in its resolution 48/263 (“the Agreement”), organize and control activities in the Area, particularly with a view to administering the mineral resources of the Area;

Both the ICPC and the Authority have a strong interest in the protection of the marine environment from harmful effects arising from their respective activities;

Increased cooperation between the ICPC and the Authority would help to avoid potential conflicts between the laying and maintaining of submarine cables and current and future activities in the Area;

#### **THE ICPC AND THE AUTHORITY THEREFORE AGREE:**

1. To consult, where appropriate and practical, on issues of mutual interest, with a view to promoting or enhancing a better understanding of their respective activities;
2. To invite each other’s representatives to attend and participate in the meetings of their respective governing bodies as observers in accordance with the rules of procedures of such bodies;
3. To exchange where practicable, or to facilitate by direct liaison with the owners of international cable systems, information on cable routings and prospecting and exploration areas, subject to confidentiality provisions;

4. To cooperate, where appropriate and practical, in the collection of environmental data and information and, where possible, to exchange standardized data and information;

5. To conduct, where appropriate, cooperative studies and seminars;

6. To invite each other's representatives to participate in relevant meetings of experts and workshops;

7. That this memorandum of understanding is without prejudice to agreements concluded by either party with other organizations and programmes;

8. That the cooperation between the two organizations referred to herein is subject to the requirements of confidentiality of data and information imposed upon the Authority by the Convention, the Agreement and the relevant rules, regulations and procedures of the Authority in respect of data and information submitted to it by applicants and contractors for exploration and exploitation in the Area and upon the ICPC in accordance with its rules, articles and member approval as provided therein;

9. That this memorandum of understanding will come into effect upon its signature by the Chairman of the ICPC and the Secretary-General of the Authority. It may be terminated by any of the parties by giving to the other a written notice six months prior to the proposed date of termination.

**IN WITNESS WHEREOF**, the undersigned have signed the present memorandum of understanding in duplicate.

*(Signed)*  
Chairman of the International Cable  
Protection Committee  
25 February 2010

*(Signed)*  
Secretary-General of the  
International Seabed Authority  
15 December 2009

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