Roundtable: Maritime Sector Strategies to Augment Tsunami Monitoring with Economic, Safety and Environmental Co-benefits
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Tsunami Monitoring from Ships, Offshore Structures and Submarine Cables: Legal And Jurisdictional Issues

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Relevance of 1982 UNCLOS

- Coastal State has sovereign rights and jurisdiction to explore and exploit natural resources in its 200 nm EEZ and on its continental shelf

- Coastal State has jurisdiction and control over offshore installations and platforms, so can regulate tsunami monitoring from its installations and platforms

- Coastal State could permit (or require) companies operating offshore installations to cooperate
Monitoring from Ships

• Ships navigating outside the 12 nm territorial sea of any State are subject to the exclusive jurisdiction of the flag State

• Flag State could permit or require cooperation of ships flying its flag

• Ship-owners and operators would likely cooperate because it would be good public relations
Monitoring from Ships – Potential Problem

• Some States may consider the collection of the data as “Marine Scientific Research”

• Under UNCLOS the consent of the coastal State is required to conduct research in its territorial sea and its 200 nm Exclusive Economic Zone

• Some States may require a copy of all data gathered in their EEZ
Monitoring from Submarine Cables

• UNCLOS provides that STATES have the freedom to lay submarine cables – but in actual practice cables are laid by private companies outside the regulation of States

• Some States may determine that it is in their interests to use submarine communication cables to collect data for tsunami monitoring

• Issues will arise as to who bears the increased cost and who regulates dual use cables
Monitoring from Submarine Cables – Potential Problems

• Some States have tried to assert jurisdiction over cables laid in their EEZ or on their continental shelf

• Some States may take the position that collection of data from submarine cables in their EEZ or on their continental shelf is Marine Scientific Research, and subject to their consent

• If more States decide to use international submarine communication cables for tsunami monitoring, they are likely to assert the power to regulate the laying of cables by industry
Monitoring from Offshore Installations

• Coastal State has sovereign right to explore and exploit natural resources in its 200 nm EEZ and on its continental shelf

• Coastal State has jurisdiction and control over offshore installations and platforms, so it can regulate tsunami monitoring from its installations and platforms

• Coastal State could or require companies operating offshore installations to cooperate
Conclusions

1. Monitoring is legally possible under UNCLOS from ships, submarine cables and offshore installations

2. Monitoring from Ships - some coastal States may attempt to regulate such monitoring in their EEZ because they consider it Marine Scientific Research

3. Monitoring from Submarine Cables – potential problems from industry and from some coastal States

4. Monitoring from Offshore Installations – should be no legal or jurisdictional problems because under jurisdiction of coastal States who will benefit
Thanks for your Attention!

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