



## **Statement re Draft Regulation 11**

### **ISBA/29/C/CRP.1**

### **21 March 2024**

The International Cable Protection Committee (“ICPC”) offers two brief comments in relation to Draft Regulation 11.

First, regarding paragraph 1(a), the ICPC supports inclusion of the term “Observers,” in addition to Members, in the enumeration of parties to be notified and invited to submit comments on a Plan of Work. We believe this is consistent with paragraph 2 of article 169 of the Convention, which tasks the Secretary-General with making suitable arrangements for consultation and cooperation with international and non-governmental organizations and provides that “procedures shall be established for obtaining the views of such organizations in appropriate cases.” Observers have a recognized interest in matters of, and a relationship with, the Authority. At a practical level, the ICPC also supports inclusion of the term “Observers” here given the continuing uncertainties around Stakeholder consultation processes and the definition of “Stakeholder,” and its historical experience indicating that Stakeholder lists that can be incomplete.

At a later point in these discussions, the ICPC will propose that the Schedule for Use of Terms include a definition of Observer, in reference to UNCLOS article 169, Rule 82 of the Assembly’s Rules of Procedure for the Assembly, and various rules in the Council’s Rules of Procedure.

Second, regarding the title of the regulation, the ICPC joins Australia, Denmark, the Netherlands, and others to support a change in the title of Regulation 11, to reflect review of the entire Plan of Work, which would cover submarine cable protection and coordination and help to operationalize the due and reasonable regard obligations in articles 87 and 147 of the Convention.