



Claims in Disputed Maritime Areas: Resolving International Disputes Arising from Activities Relating to Submarine Cables in Disputed Maritime Areas

JULY 29, 2022

This article was originally published by Global Arbitration Review. Reprinted with permission. Any opinions in this article are not those of Winston & Strawn or its clients. The opinions in this article are the author's opinions only.

There exist over 430 submarine cables in operation around the world that carry over more than 97 percent of transoceanic data between countries and continents. These cables provide physical links between the continents that enable our digital world to function and have been described by the United Nations as a 'critical communications infrastructure' that is 'vitaly important to the global economy and the national security of all states'. From a solely domestic viewpoint, these cables face a plethora of legal requirements as one follows the cable from the beachhead in any given country to the ends of that country's territorial sea and beyond. There are multiple legal requirements at the national, provincial, and local government levels that can regulate such cables, which any cable will face or need to satisfy. Installing such a cable can require in each country at the outset seafloor lease agreements, environmental clearance certificates, heritage certificates for the onshore landing and the near offshore maritime landing to ensure cultural heritage is preserved, maritime permits, land-use permits, and building permits. The ongoing maintenance for existing cables runs a similar gauntlet and provides numerous grounds for potential liability with the law of the coastal state applying to cable landings and at least to the edge of the territorial sea. Cable damage claims are by their nature multi-jurisdictional and require a strategic approach to be taken by the parties involved and their lawyers, bearing in mind the various jurisdictions potentially involved.

Where things can get complicated, however, is beyond the state's territorial sea in instances where the cable passes through maritime zones that are disputed. Owing to their international nature, submarine cables linking different countries and continents inevitably cross multiple maritime zones in which coastal states may have jurisdiction or sovereign rights. In disputed maritime areas, namely areas where one coastal state's entitlement to a maritime zone overlaps with another coastal state's entitlement to the same zone, submarine cables and activities that arise from them may therefore become a source of potential dispute. The question then arises as to what one can do in the situation where a submarine cable passes through disputed waters.

[Read the full article published by Global Arbitration Review.](#)

2 Min Read

Author

Michael Stepek

Related Locations

London

New York

Related Topics

International Legal Disputes

Maritime

Related Capabilities

International Arbitration

Maritime & Admiralty

Technology, Media & Telecommunications

Related Regions

Europe

North America

Related Professionals



Michael Stepek