

ASEAN TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY MINISTERS MEETING (TELMIN)

ASEAN GUIDELINES FOR STRENGTHENING RESILIENCE AND REPAIR OF SUBMARINE CABLES

Introduction

1. The ASEAN regional bloc encompasses economies now recognised to be some of the most prolific users of smartphones and social media in the world, and the Internet is increasingly viewed as a critical driver of economic growth and social development. With the establishment of the ASEAN Economic Community (**AEC**) in 2015, strengthening the region's Internet connectivity has become one of the most critical requirements that the ASEAN economies need to achieve in order to reduce developmental gaps, enhance competitiveness, and ultimately move closer to achieving the ambitious goals of the AEC. As most of the international data is transmitted by fibre optics at the bottom of the ocean called submarine communications cables, these cable systems are critical infrastructure that need to be protected at the regional and national level.
2. ASEAN Member States, however, have different regulations and policies with regard to the repair of submarine cables within their territorial waters today. As submarine cables usually span across different territorial waters, cable operators attempting to repair the damaged submarine cables often face significant entry restrictions or high permit fees. Hence, such barriers limit the efficiency and speed of the repair process, and prolonging the slowdown of Internet connectivity in the affected countries. Consequently, slower Internet communication would translate into significant disruptions to the economic and social activities in the affected ASEAN Member States.
3. In this regard, ASEAN recognises that more can be done regionally to promote cooperation among ASEAN Member States in strengthening the resilience and repair of submarine cables in the region, as outlined in the ASEAN ICT Masterplan (**AIM2020**) Strategic Thrust 4, Action Point 4.1.2 (Promote Cooperation to Strengthen the Resilience and Repair of Submarine Cables)¹. The AIM2020 has identified the development of a set of ASEAN Guidelines for

¹ AIM2020 Strategic Thrust 4, Action Point 4.1.2 calls for the development of a framework among all AMS to expedite repairs of submarine cables in their waters by minimising permit requirements and cost.

Strengthening Resilience and Repair of Submarine Cables (referred to as the "Guidelines") among all ASEAN Member States, which will help cable operators to expedite repairs of submarine cables in the region by minimising permit requirements and cost.

Objective

4. The objective of the Guidelines is to provide guidance to relevant parties and facilitate the process for applying for the necessary permits from the various authorities in ASEAN Member States, with a view to expediting repairs of submarine cables by minimising permit requirements and cost, and benefitting businesses and consumers in the region.

Effect of the Guidelines

5. The Guidelines are non-binding, and do not create additional rights or obligations under domestic or international law for the ASEAN Member States, including the 1982 United Nations Convention on the Law of the Sea ("UNCLOS").

Implementing Body

6. ASEAN Member States agree to designate their respective authorities to be the Implementing Body responsible for coordinating, implementing and managing activities relating to this set of Guidelines.

Guiding Principles

7. Within the sovereign rights and jurisdiction permitted under international law, as reflected in the 1982 UNCLOS, ASEAN Member States agree to:
 - (a) Seek to streamline and simplify the process of application of permits required to conduct repairs of submarine cables;
 - (b) Encourage transparency in its process, e.g. publishing guidelines on how applicants may apply and the permits required for the repairs of submarine cables, including clear contact points, and where possible, appointing a single point of contact for the application process for the required permits;

- (c) Seek to streamline and simplify (if possible, applying exemptions) the regulations and policies of the individual ASEAN Member States for vessels working on submarine cables.
- 8. The list of best practices for the process of application of the necessary permits is at **Annex A**.

Amendments

- 9. The Guidelines may be amended at any time by mutual agreement amongst all ASEAN Member States.

ADOPTED AT Vientiane, Lao PDR on this Twenty Fourth day of October in the Year of Two Thousand Nineteen, in one (1) original copy in the English language.

ANNEX A

**BEST PRACTICES FOR THE APPLICATION OF PERMITS FOR REPAIR OF
SUBMARINE CABLES**

A. Information Requirements for Application of Permits

Permit applications should not contain unnecessary information requirements, and should only request relevant information such as:

- (i) Introduction of the applicant and the cable system to be repaired;
- (ii) General description of the project;
- (iii) Operations overview, including the intended operation as well as the position and coordinates of the operation area marked on a navigational chart;
- (iv) The extent of dredging along the submarine pipelines and/or cable routes on either side of the trench, based on the subsoil investigation;
- (v) Particulars of the repair/cable vessels engaged for the works and other craft (if any), including the respective equipment and crew lists;
- (vi) Communication plan and reporting procedures;
- (vii) Work schedule date and operation time in chronological order;
- (viii) Operations and work methodology, e.g. operations involving remote operating vehicle (**ROV**) survey, grappling, splicing, laying, and burial, etc.;
- (ix) Execution of work methodology and the safety of navigation with respect to traffic flow in the Traffic Separation Schemes (**TSS**). The plan and sequencing of the operation should be in compliance with the International Maritime Organization (IMO) conventions, in particular the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 (MARPOL 73/78) and the International Regulations for Preventing Collisions at Sea (**COLREGs**) (as amended);
- (x) Contingency plans for the craft involved in the operation, including emergency procedures and demobilisation plan from the work site;
- (xi) Activity after the completion of the repair work (if any);
- (xii) Contact details of the personnel responsible for the operation and craft(s) on site;
- (xiii) A daily progress report including the status and position of the operations and repair vessel(s) which may be submitted to the relevant government authorities and/or other relevant parties of submarine infrastructure, in accordance with the regulations and policies of the related ASEAN Member State.

B. Best Practices for Expediting Application Approval

- (i) To expedite the permit process in the event of submarine cable repair work, the relevant authorities of ASEAN Member States are encouraged to offer pre-clearance of repair vessels, if clearance of such vessels is required.
- (ii) ASEAN Member States are also encouraged to target to issue the necessary permits within seven (7) to ten (10) working days.

C. Contact Details

For any enquiries regarding the respective ASEAN Member State's requirements on submarine cable repair, please contact:

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