ASEAN DIGITAL MINISTERS MEETING (ADGMIN)

ENHANCED 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 telecommunications cables (hereinafter referred to as "**submarine cables**"), these cable systems are critical infrastructure that need to be protected. Hence, the ASEAN Guidelines for Strengthening Resilience and Repairs of Submarine Cables (referred to as the "Guidelines") was endorsed in 2019 at the ASEAN Telecommunications and Information Technology Ministers Meeting to set out the best practices to streamline submarine cable protection, maintenance and repair processes.

2. Since then, the industry has expanded rapidly; the use of the Internet bandwidth in ASEAN alone has grown 236% and this upward trend will continue. In this regard, ASEAN recognises and is committed to promoting cooperation among ASEAN Member States, and between ASEAN Member States and dialogue partners and the private sector, in strengthening the resilience and repair of submarine cables in the region. The ASEAN Digital Masterplan (ADM) 2025 affirms ASEAN's commitment to achieve Desired Outcome 2: Increase in the quality and coverage of fixed and mobile broadband infrastructure through Enabling Action 2.2: Move towards best practice permission and access rights for local and national infrastructure including submarine cable repair, to achieve ASEAN's goals to transform into a leading digital community and economic bloc, powered by secure and transformative digital services, technologies, and ecosystem. The ADM 2025 also reaffirms the importance of enhancing the Guidelines, which will facilitate submarine cable deployment and help submarine cable operators expedite repairs of submarine cables in the region by minimising permit requirements and cost. Building on this effort, the 4th ASEAN Digital Ministers Meeting, held in 2024,

endorsed the ADM 2025 Mid Term Review report, which recommended the establishment of an ASEAN Working Group to enhance the Guidelines and strengthen cooperation amongst ASEAN Member States through the sharing of best practices and information.

Objective

3. ASEAN Member States have different regulations and policies with regard to the repair and maintenance of submarine cables within their territorial waters today. As submarine cables usually span across different territorial waters, cable operators attempting to install or repair damaged submarine cables often have to navigate multiple jurisdictions and differing regulations. This sometimes prolongs the submarine cable maintenance and repair processes, impacting Internet connectivity and resilience. Additional permitting requirements and regulations can also render cable repairs and protection efforts more expensive.

4. The objective of the Guidelines is to provide guidance to relevant parties on strengthening the resilience of submarine cables with a view to minimise submarine cable damage and facilitate the process for applying for the necessary permits from the various authorities in ASEAN Member States. This is with a view to expedite repairs of submarine cables by minimising permit requirements and cost, benefitting businesses and consumers in the region. The Guidelines take reference from international best practices such as the International Cable Protection Committee's (ICPC) Government Best Practices for Protection and Promoting Resilience of Submarine Telecommunication Cables, and the Global Digital Inclusion Partnership's (GDIP) Good Practices for Subsea Cables Policy.

Effect of the Guidelines

5. The Guidelines are non-binding and serve to promote regional cooperation and harmonisation. They are consistent with the obligations of ASEAN Member States under international law, particularly the 1982 United Nations Convention on the Law of the Sea (UNCLOS) which establishes freedoms and responsibilities in relation to the laying, maintenance, and protection of submarine cables.

Jurisdictional Considerations by Maritime Zone

6. Consistent with UNCLOS, the Guidelines recognise the different legal regimes applicable to the Territorial Sea (up to 12 nautical miles (nm)), Archipelagic Waters (within Archipelagic Baseline), Exclusive Economic Zone (up to 200nm), Continental Shelf, and the High Seas. These distinctions should guide permit

requirements and operational constraints for submarine cable projects.

Implementing Body

7. 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

8. Consistent with international law, as reflected in the 1982 UNCLOS, ASEAN Member States agree to:

    a) Strengthen the resilience of submarine cables to prevent damage to submarine cables in the region;

    b) Seek to streamline and simplify the process of application of permits required to conduct repairs and maintenance of submarine cables;

    c) Encourage transparent regulatory framework and permitting processes, e.g., publishing guidelines on application requirements and how applicants may apply, and the permits required for the repairs of submarine cables, including clear contact points for applications, and where possible, appointing a single point of contact for the application process for the required permits;

    d) Seek to streamline and simplify (if possible, applying exemptions to) the regulations and policies of the individual ASEAN Member States for vessels working on submarine cables; and

    e) Encourage the establishment of a national forum, comprising regulators, cable owners, and operators, to facilitate the cross-stakeholder coordination and harmonisation of regulations and procedures for cable repairs, including technical and logistical aspects, with the aim of addressing issues and providing solutions to support submarine cable maintenance and repair.

9. The list of best practices for strengthening submarine cable resilience and the process of application of the necessary permits is at Annex A.

Amendments

10. The Guidelines may be amended at any time by mutual agreement amongst all ASEAN Member States, to reflect developments in the market and submarine

cable technology.

ADOPTED AT Viet Nam, on this Sixteen day of January in the Year of Two Thousand Twenty-Six, in one (1) original copy in the English language.

ANNEX A

BEST PRACTICES FOR STRENGTHENING RESILIENCE AND THE APPLICATION OF PERMITS FOR REPAIR OF SUBMARINE CABLES

A. As per Article 5 of the Enhanced Guidelines for Strengthening Resilience and Repair of Submarine Cables, the Best Practices documented under Annex A are non-binding, but serve to provide guidance to relevant parties while recognising and ensuring compliance with domestic laws, protocols, procedures and regulatory processes.

B. Best Practices for Submarine Cable Protection

(i) Using nautical charts to demarcate (a) submarine cable protection zones with sufficient separation distance from human and marine activities, and (b) areas of human or marine activities which could pose significant risks to the submarine cables. Information on these cable protection zones may be shared with licensed or recognised submarine cable operators only.

(ii) Ensuring that submarine cable operators notify the authorities on their submarine cable's Route Position List (RPL) after installation and repair operations.

(iii) Using geospatial monitoring and alert systems to warn ships from straying too close to submarine cable corridors and protection zones.

(iv) Ensuring that the nautical charts are updated in a timely manner and made available to stakeholders engaged in the marine environment, including those involved in the repair of submarine cables such as submarine cable operators and vessel operators.

(v) Coordinating between operators of submarine cables and other relevant marine activities when planning marine projects. These engagements should be conducted early to ensure forward planning.

C. Information Requirements for Application of Permits for Submarine Cable Repair

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

(i) Introduction of the applicant and the submarine cable system to be repaired;

(ii) General description of the project;

(iii) Operations overview in a Work Method Statement report, including the intended operation as well as the position and coordinates of the operation

area marked on a navigational chart;

(iv) Operations and work methodology, e.g., operations involving hydrographic survey, geotechnical survey, remote operating vehicle (ROV) survey, grappling, splicing, laying, and burial, etc.;

(v) The extent of dredging along submarine cable routes on either side of the trench, based on the subsoil investigation;

(vi) Particulars of the repair/cable vessels engaged for the works and other craft (if any), including the respective equipment and crew lists;

(vii) Communication plan and reporting procedures;

(viii) Work schedule date and operation time in chronological order;

(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; and

(xiii) A daily progress report, including the status and position of the operations and repair vessel(s), may be submitted to the relevant government authorities and/or other relevant parties of submarine infrastructure, in a manner that accords with the regulations and policies of the related ASEAN Member State.

D. Best Practices for Streamlining Application Approval for Submarine Cable Repair

(i) Appointing a single government agency to coordinate across all relevant agencies and facilitate the issuance of relevant permits and approvals for submarine cable repairs, once verified and if consistent with domestic protocols, procedures, laws and regulations, where applicable.

(ii) Streamlining approval processes to issue the necessary permits within seven (7) to ten (10) working days where possible[1]. Where the information as required in Section C above is already provided by the applicant, the necessary permits should be approved without the further need for more information to be provided.

(iii) Expediting the permit process in the event of cable repair works, the relevant authorities of ASEAN Member States should offer annual pre-

[1] Accounting for the need to verify compliance with domestic protocols/procedures and factoring in internal domestic requirements, which may require more time.

clearance of repair vessels and vessel crew, if clearance of such vessels/crew are required.

(iv) Clarifying importation requirements and custom duties obligations for ships entering territorial waters to conduct repairs on submarine cables.

(v) Not requiring the port entry for submarine cable ships conducting repairs beyond territorial waters.

(vi) Simplifying customs duties processes on submarine cable equipment imported to facilitate quick access to spare plants for repair.

(vii) Not imposing customs duties, taxes, and fees on repair activities conducted beyond territorial waters or on vessels transiting through the EEZ.

(viii) To not define submarine cable repairs as cabotage, and to exempt such activities from national cabotage laws to avoid delays.

(ix) To not apply flag or crewing restrictions that obstruct foreign cable repair vessels from operating in Territorial Sea, Archipelagic Waters, EEZ or continental shelf, where such restrictions would conflict with international obligations.

(x) Exchanging data on submarine cable incidents to identify patterns of activity that could damage cables and gaps in cable protection and repair efforts. Where appropriate, such data can be shared with submarine cable operators for governments and industry to explore ways to reduce cable incidents.

E. Contact Details

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

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