

## CONCEPT NOTE

**Side Event:** Who Guards the Cables? Submarine Cables and International Law

**Co-organizers:** Permanent Mission of Thailand to the United Nations and [Co-sponsor Mission(s)/Organization(s) TBA]

**Location:** Conference Room [TBC], United Nations Headquarters, New York

**Date:** Second week of June 2026 **Time:** 13:15–14:45

### I. Background

Submarine cables are the invisible backbone of the global digital economy, carrying over 95% of all international data traffic and enabling trillions of dollars in daily financial transactions. From real-time communications and cloud computing to international banking transfers, the uninterrupted functioning of this network is indispensable to modern life.

Yet this critical infrastructure remains profoundly vulnerable. Physical threats range from maritime accidents, fishing activity, and natural disasters to deliberate acts of sabotage — a risk that has intensified amid rising geopolitical tensions. The severing of cables off Tonga following a 2022 volcanic eruption, damage to cables in the Baltic Sea and Red Sea in 2024, and growing state-sponsored surveillance of undersea infrastructure have brought these vulnerabilities into sharp focus.

The legal framework governing submarine cables was largely shaped by the 1884 International Convention for the Protection of Submarine Telegraph Cables and subsequently codified in the 1982 United Nations Convention on the Law of the Sea (UNCLOS). However, these frameworks were designed for a different era. Today's threats — including hybrid warfare, cyber interference, and deliberate disinformation about responsibility — expose a widening “accountability gap” in international law.

This side event convenes legal experts, policymakers, and international organizations to examine the intersection of maritime law, cyber law, and international humanitarian law as they apply to the protection of submarine cables. It aims to catalyze a multilateral conversation on whether new legal instruments, norms, or enforcement mechanisms are needed.

### II. Objectives

The side event aims to:

- **Assess the Adequacy of Existing Legal Frameworks:** Evaluate whether UNCLOS provisions — including Articles 113–115 on cable protection — and other treaty regimes remain fit for purpose against contemporary threats, including hybrid attacks and state-sponsored interference.
- **Bridge the Accountability Gap:** Examine the challenges of attribution, jurisdiction, and enforcement when cables are damaged or compromised in international waters, and explore available remedies under international law.
- **Map the Multi-domain Legal Landscape:** Analyse how international humanitarian law (IHL), the law of state responsibility, and emerging cyber norms interact when submarine cables are targeted, particularly in or around armed conflict.
- **Foster Global Cooperation:** Identify opportunities and mechanisms for enhanced inter-state cooperation, confidence-building measures, and the potential role of international courts and tribunals — including ITLOS — in adjudicating cable-related disputes.

### **III. Featured Speaker(s)**

**Judge Kriangsak Kittichaisaree**, Judge of the International Tribunal for the Law of the Sea (ITLOS), will deliver the keynote address in his **extrajudicial capacity**. His expertise spans the full breadth of the issues under discussion, reflecting a distinguished career in international lawmaking and diplomacy.

Judge Kittichaisaree is a former member of the United Nations International Law Commission (ILC), a former draftsman of the Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations, and a former Ambassador of Thailand. As a Professor of International Law and the author of 12 books on international legal subjects — including on international criminal law, cybersecurity law, and the law of the sea — he brings a rare capacity to bridge traditional maritime frameworks with the multi-domain threats of today.

[Additional speakers TBA — co-sponsoring Member States and organizations are invited to nominate experts from government, academia, or international organizations.]

### **IV. Format**

The event will open with brief remarks by the organizers, followed by keynote remarks and thematic presentations by invited speakers. The presentations will be structured around the key legal questions identified in this concept note. Speakers will be followed by a moderated, interactive Q&A session open to all participants.

Duration: 90 minutes (13:15–14:45).

### **V. Guiding Questions for Discussion**

Participants are invited to reflect on the following questions:

- Are the existing provisions of UNCLOS, particularly Articles 58, 79, and 113–115, sufficient to deter and respond to contemporary threats to submarine cables, including hybrid and state-sponsored attacks?
- How can states overcome attribution difficulties when cables are sabotaged in international waters? What evidentiary standards and enforcement mechanisms apply?
- When do attacks on submarine cables constitute an armed attack under Article 51 of the UN Charter, or a violation of IHL? What protections do cables enjoy as civilian objects?
- What institutional mechanisms — bilateral, regional, or global — could strengthen collective protection of this critical shared infrastructure?
- Is there a need for a new international instrument or agreed norms specifically addressing submarine cable security?

### **VI. Expected Outcomes**

- A concise summary report capturing the legal and policy recommendations emerging from the discussion, to be circulated to all participants and relevant UN bodies.
- Strengthened dialogue and shared understanding among Member States, international organizations, and legal experts on the protection of submarine cables under international law.
- Increased political visibility for submarine cable security as an international peace, security, and development issue warranting dedicated multilateral attention.

## **VII. Invitation to Co-sponsor and Contribute**

The Permanent Mission of Thailand warmly invites UN Member States and relevant international organizations to join as co-sponsors of this side event and/or to contribute speakers with expertise in international law, maritime security, cybersecurity, or critical infrastructure protection.

Co-sponsoring partners will be listed in all event materials and communications.