

The Norwegian Scientific Academy for Polar Research  
Norges Vitenskapsakademi for Polarforskning

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# The Northern Sea Route

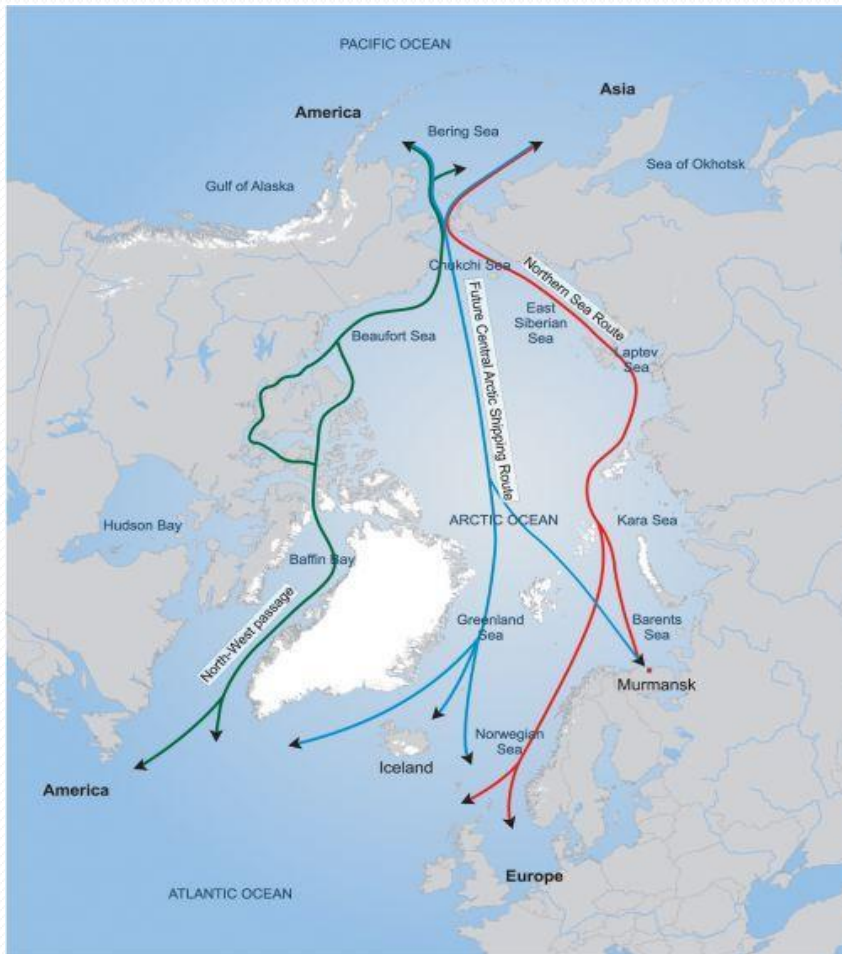
## A Double Legal Challenge?

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Norwegian Scientific Academy for Polar Research

High North Dialogue 2015, Session 2: International Law & Business (shipping) Session,  
University of Nordland, 18 March 2015

# Arctic Transportation Passages



- The Northeast Passage (NEP)
  - The Northern Sea Route
- The Northwest Passage (NWP)
- The Transpolar Passage (TPP) (international waters)



# The Northern Sea Route



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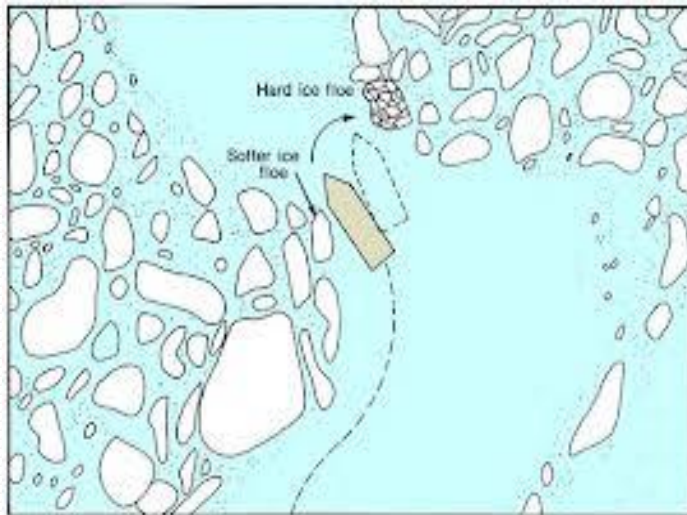


# The manifest NSR Dispute

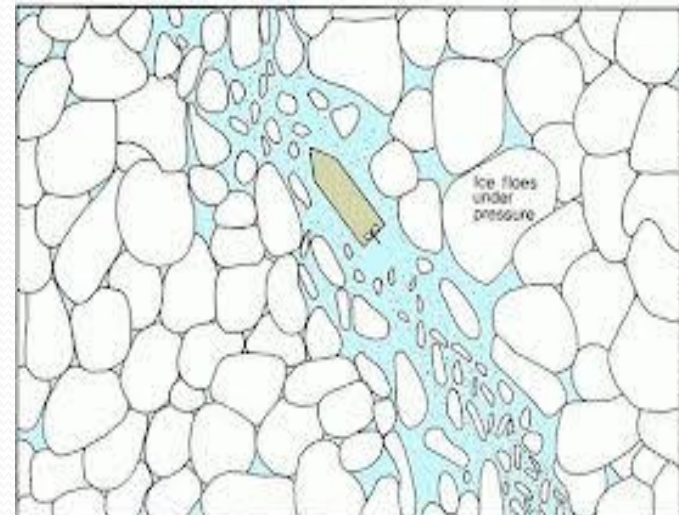
- *Two positions:*
  - ❖ **Russian position:** The NSR is an internal Russian transportation route sorting under full coastal state jurisdiction and sovereignty.
  - ❖ **USA position:** The NSR is an international strait subjected to transit passage as defined in UNCLOS.

# The Corridor Feature of Sea Ice

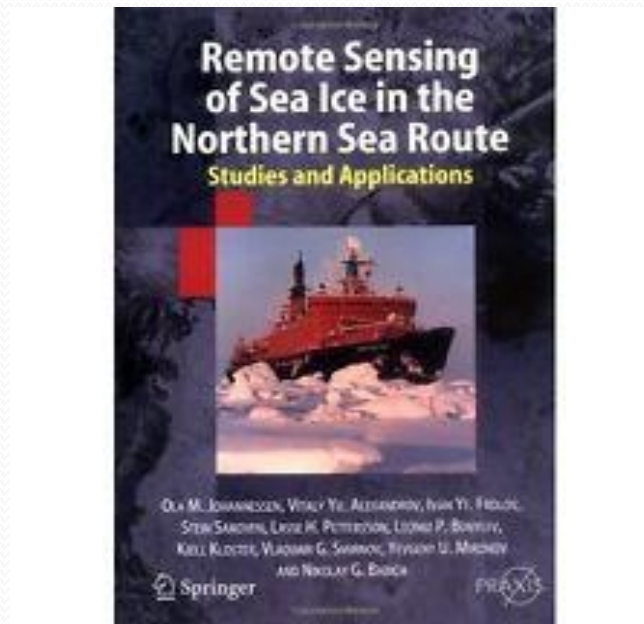
- Avoiding multi year ice



- Choosing the least ice-infected corridor



# An Extended Russian Corridor Definition



# The Extended Corridor Definition of the NSR

The claimed north-south extension of the NSR

The claimed four routes of the NSR:

- ❖ Coastal route
- ❖ Marine route
- ❖ High-latitudinal route
- ❖ Near the Pole Route



# Two reactions to infringements of the High Seas status of the Arctic Ocean

- *Presidential Directive on US National Security in the Arctic of 9 January 2009:*

*«Freedom of navigation is top national priority» and important to support the United States «..ability to exercise these rights throughout the world, including through strategic straits.»*

Here US Arctic policy is defined in the context of her global strategic interests

- *Communication from the EU Commission to the European Parliament and the Council of 20 November 2008:*

*«No country or groups of countries have sovereignty over the North Pole or the Arctic Ocean around it.»*

Here EU Arctic policy is that the freedom of navigation and the freedom of the High Seas shall rule the waters beyond territorial seas.



# A possible extended corridor dispute over the NSR

- *Two positions:*
  - Under certain specific circumstances coastal state jurisdiction may be extended to parts of the High Seas of the Arctic Ocean.
  - The High Seas status of the Arctic Ocean is secured by UNCLOS and is not to be tampered with to adjust to the peculiarities of ice covered oceans.

# The Northern Sea Route

- Do We Have A Double Legal Challenge?
  - Thank you for your attention!
- Your comments are most welcome

