Panel IV: Northwest Passage, Northern Sea Route and Trans-polar Route
Panel IV Introductory Remarks: Northwest Passage, Northern Searoute and Trans-polar Route

Rüdiger Wolfrum

Before I introduce the three panelists, may I reiterate some basic ideas? Most of you have heard them already, but I want to refresh your memory. This will give us a certain basis for the discussion which will follow the next panel.

Satya Nandan indicated in the morning, absolutely correctly, that activities in the Arctic Ocean are covered by the Law of the Sea Convention, and it has been said that the Convention is rather general, at least as far as protection of the environment is concerned. This is correct. This is a framework convention; however it is meant to be a framework convention. But you must look upon it from the text and from the mechanisms it opens to be further supplemented.

First of all, there is the Law of the Sea Convention; secondly, there is a possibility to adopt further international treaties under the auspices of the IMO, which supplement the Convention; and thirdly, there is the national legislation of the states’ concerned. We have, if I may borrow from political science, a multilevel approach as far as lawmaking is concerned: the Convention, further international agreements and national legislation. To be more complete, you should read into the Law of the Sea Convention, MARPOL, and SOLAS and, if you read Article 211, paragraph 1, correctly you will see that it is meant to be that way and therefore to say the Convention does not give you any clue as to what to do then you didn’t do your homework in IMO. That is the first message.

Secondly, we had already under the chairmanship of Admiral Brooks the discussion of a similar or same subject and we should build upon what has been said in this panel, which is why we have discussed both panels together. It has been clearly established that the IMO is working on guidelines or norms or international agreements to cover navigation in the Arctic. Professor Aldo Chircop has really made that point quite clear. But I would like to go a step further.

So far we have discussed mainly the Northwest Passage. But let us be frank: it is not only just the Northwest Passage, it is navigation in the Arctic as such, first, and secondly there is also the Northeast Passage and apart from that,