Chapter 15

Problems and Controversies Concerning Freedom of Navigation in the Arctic

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Introduction

Climate change and the rise of temperature leads to reduction of ice cover in the Arctic. Whereas before 2000, it covered between 8 and 6.3 million km², in the years 2005–2010 was considerably reduced and embraced only 5.4 to 4.3 million km². The record result in the first decade of the twenty-first century was noted in 2007, when it amounted 4.3 million km². Even more ice disappeared in 2012, when it shrank to 3.4 million km².¹

What are the consequences of the ice melting in the Arctic? They are manifold. There are changes in the marine environment. New opportunities are created for the exploitation of oil and gas resources and minerals. Larger areas of water free from ice are opening new opportunities for fishing and giving an access of renewable resources of flora and fauna. At the same time it creates a risk to the biodiversity and the environment. Climate changes in the Arctic also create new opportunities for the development of international shipping in the region. The free of ice shipping routes through the Arctic raises the prospect of a serious shortening of passages between Europe and Asia and North America. This allows significant fuel savings and reduction of greenhouse gas emissions into the atmosphere. Thin, a one-year ice cover opens more opportunities for navigation for ships without the help of the icebreakers. There are increased prospects for development of tourism. In a situation where the world and at least some of its regions suffer from a limited access to potable water the Arctic can help solve this problem being a huge reservoir of it. Computer simulations show that transportation of icebergs to Africa and Europe and freighting of drinking water by tankers to the regions where there is a deficit is already feasible and cost-effective.

All Arctic States are involved in coastal shipping in areas around Greenland, off the coast of North America and in the Barents Sea. Shipping, however,

carries with it a range of threats. It entails dangers of environmental pollution. It raises the level of noise, disrupts natural migration routes of marine mammals and also endangers the traditional style and way of life of indigenous peoples. There is no doubt that these threats must be sincerely taken into account and justify actions to prevent or at least reduce them.

Three shipping routes allow trans-arctic shipping and the connection between the Atlantic and Pacific: the Northwest Passage through the Canadian Archipelago, the North-East Passage along the coast of Siberia, called the Northern Sea Route and the trans-polar passage through the North Pole. These connections allow and substantially shorten the path between Europe and the west coast of the United States and Canada, and between Europe and Asia in comparison with traditional maritime routes through the Panama Canal or the Suez Canal.²

A comparison of conditions posed by these three shipping routes allows to put forward a thesis that the most convenient for international navigation, in particular, for the transit between Europe and Asia is the Northern Sea Route.³ Whereas the Northwest Passage is sporadically used for navigation only during the summer and mostly in the northern sectors mainly by the Canadian and U.S. Coast Guard vessels, the Northern Sea Route is already being used throughout the year by the Russian ships. Russia has the largest fleet of icebreakers,⁴ and since 1991 has opened this passage for international navigation. There is also a meteorological and hydrological service and the navigation is easier in comparison with the maze of the Canadian islands much worse mapped.

The Arctic countries have repeatedly stressed that the questions of international law concerning the region should be dealt in accordance with the

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² Length of shipping from Shanghai to Rotterdam is 25.588 km through the Panama Canal, through the Suez Canal 19.530 km, 16.100 km through the Northwest Passage, 15.793 km through the Northern Sea Route and only 13.630 km through the North Pole.
