

LmunA 2021

# Research report

Forum: General Assembly 6

Issue: Regulating the use and access of the arctic sea route

Student Officers: Sjors de Natris, Main Chair GA6  
&  
Mihaela Wissink Mesić, Co-Chair GA6



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## Introduction

Ever since humans first discovered trading, we have been looking for ways to make trade more feasible. One of the ways to do so is to make trade more accessible. The geographical channels through which we trade are so-called trade routes. Civilizations and nations alike have put great effort into enhancing current trade routes and establishing new trade routes. Think of great feats such as the Panama Canal, the Suez Canal or the Trans-Siberian Railway.

Since we are the Sixth committee of the General Assembly, we will discuss the legal aspects of the issue. In this research report you will find information about the committee, the topic, how we will perceive the topic and more. If you still have any questions about the topic or anything else after reading the report, feel free to get into contact with the chairs.

## The Issue

The issue we will be discussing is as follows: “Regulating the use and access of the arctic sea route.” We are discussing this topic due to climate change. The Northern Sea Routes are only available for certain periods of time during the year. Since the NEP is further away from the pole than the NWP it has more favourable ice conditions and thus it is easier to maintain; this led to the Russian Federation putting great effort into maintaining the route. This is an expensive operation, so the Russian Federation put a tariff on the usage of the NEP. With this tariff the Russian Federation can clear the route using icebreakers and provide emergency help. The Transpolar Sea Route is estimated to become available within roughly 50 years due to the melting of the ice caps.

The newly-valuable route is bound to incite tension between nations—and a recent meeting of the Arctic Council suggests it already has. How we would like to amend current legislation and provide legislation for the future is up to the committee. That is our task.

## Definitions of key terms

### Organisations:

- Law Of the Sea Convention (LOSC)
- International Maritime Organization (IMO)
- United Nations Convention on the Law of the Sea (UNCLOS)
- Arctic Council (AC)
  - o Members:
    - The following countries are members of the Arctic council:  
Canada, Kingdom of Denmark, Finland, Iceland, Kingdom of Norway, Russian Federation, Kingdom of Sweden, United states of America.
  - o Observer states:
    - States which are allowed to attend AC meetings but have no voting rights. The following states are observer states:  
Germany, Netherlands, Poland, United Kingdom, France, Spain, China, India, Italy, Japan, South Korea, Singapore, Switzerland.

### Geographical terms:

- Bering strait  
The passage between Alaska and the Russian Federations.
- Fram Strait  
The passage between Greenland and Svalbard.
- Davis Strait  
The passage between Greenland and Canada.
- Transpolar Sea Route (TSR)  
A shipping route which runs from the Bering Strait to the Fram Strait. It goes straight through the pole.
- Northwest Passage (NWP)

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A shipping route which runs from the Bering Strait to the Davis Strait. It sticks to the Canadian coast.

- Northeast Passage (NEP)

A shipping route which runs from the Bering Strait to the passage between Svalbard and Russia. It sticks to the Russian coast.

- Northern Sea Route (NSR)

The part of the NEP which stretches along the Russian coast where the Russian Federation has an imposed tariff.

**Other key terms:**

- Ice Floe:

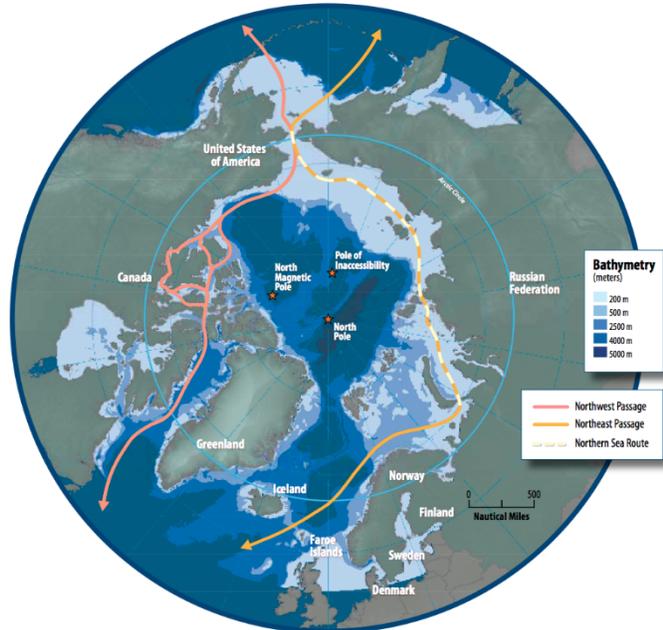
A large pack of floating ice often defined as a flat piece at least 20 m across at its widest point, and up to more than 10 km across.

- Icebreaker:

A special-purpose ship or boat designed to move and navigate through ice-covered waters, and provide safe waterways for other boats and ships.

## General overview

As mentioned before, the polar caps are melting due to global warming, making the arctic routes more accessible and causing turmoil between countries that have an interest in such mentioned routes. Currently there are two routes ships take through the arctic region; the NWP and the NEP. The NWP has less favourable ice conditions than the NEP. Because of this the NEP became the main route through the arctic, which then led to the Russian Federation providing services along a part of the NEP which we call the NSR. The Russian Federation has imposed a tariff on the NSR, both to pay for the provided services and for commercial gain. The sea routes are only open for roughly two months each year. As time goes on the routes will be open for longer and perhaps not even require icebreakers to traverse them. In particular, the TSR will become available. If enough of the polar ice melts, icebreakers can be used to create a route which goes straight through the pole. This would still require experienced crews and many resources, but it would still be relevant for maritime shipping. To make the trip across the TSR strategically placed ports will have to be created - and one of such has already been constructed in Iceland. These ports will provide provisions like fuel and food for ships, as well as maintenance. Bigger countries such as the USA and the Russian Federation have their eye on these tasks as the country who takes on this responsibility will most likely be able to lay stronger claims on that particular route.



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Another aspect of the issue are territorial claims. During the cold war the north pole and the islands resorting in it were of great notability for both the Russian Federation and the United States of America. The arctic was of major strategic importance to house missiles or to spy on the opponent. For

example, the USA allegedly housed nuclear submarines under ice in waters on the Canadian coast. The Canadian authorities were displeased about this, since they had claimed the waters on the coast and in between the Canadian archipelago as theirs. This meant that the USA would have had to ask permission to house the submarines there, but they didn't. The USA still proceeded with their operations, making the statement that they do not recognise any maritime territorial claims other than their own and they are yet to ratify the UNCLOS, even though they have signed it.

With the creation of new maritime routes more and more countries will try to lay claims on them. In the upcoming future it is expected that more and more of the polar regions will get claimed. There will be a race among nations for oil, fish, diamonds and shipping routes, accelerated by the impact of global warming. We aim to settle this upcoming dispute even before it festers into a big topic in the worldwide diplomatic sector.

## **Major parties involved**

### **Law Of the Sea Convention (LOSC)**

### **International Maritime Organization (IMO)**

### **United Nations Convention on the Law of the Sea (UNCLOS)**

### **Arctic Council (AC)**

Canada, Kingdom of Denmark, Finland, Iceland, Kingdom of Norway, Russian Federation, Kingdom of Sweden, United states of America.

### **Russian Federation:**

As of now, the Russian Federation controls and maintains the NEP (and the NSR), and imposes heavy fees on the use of the NSR. The Russian Federation has kept its eyes on the Svalbard Islands (which are under full Norwegian Sovereignty), as the Northern Fleet has to pass through its waters.

### **Canada:**

Canada controls the NWP, and imposes no fees upon the use of it. This is partially due to the fact that they do not maintain the route either. It is also a part of the AC.

### **Greenland**

Greenland is an autonomous territory under the kingdom of Denmark, and is a large mass of land that stands in the middle of two trade routes.

### **Kingdom of Denmark**

The Kingdom of Denmark has little to do with the topic other than the fact that Greenland is a part of it. It is also a part of the AC.

### **Iceland**

Iceland is one of the key nations concerning the topic since their geographical positioning makes it the perfect candidate for trade hubs or international shipping harbours. It is also a part of the AC.

### **United States of America**

The United States of America has little to do with the topic other than the fact that Alaska is a part of it. It is also a part of the AC.

### **Alaska**

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Alaska is one of the two entities which form the Bering Strait. Their territorial claims on the strait are of significant importance.

**Kingdom of Sweden**

The Kingdom of Sweden is one of the members of the AC.

**Kingdom of Norway**

Norway is one of the members of the AC. They are also the sovereign of the Svalbard Archipelago.

**Svalbard Archipelago:**

These islands are under full Norwegian Sovereignty. They stand in the middle of two trade routes.

## Timeline of Key Events

**1916:** Denmark's sovereignty over all of Greenland was recognised by the US.

**1925:** Canada becomes first country to extend its maritime borders toward the north pole.

**1926:** the Presidium of the supreme soviet declared the territory between two lines, drawn from the west of Murmansk to the north pole and from the eastern Chukchi to the north pole, to be Soviet territory.

**1933:** International court recognises Denmark's sovereignty over all of Greenland.

**1970:** Canada sends Inuit families to the far north, partly to establish territoriality.

**1970:** Canada claims the water within the Canadian Arctic Archipelago as its own internal water, the USA did not recognise this and allegedly sent nuclear submarines under the ice near Canadian islands without requesting permission.

**Until 1999:** The geographic North Pole (a non-dimensional dot) and the major part of the Arctic Ocean had been generally considered to comprise international space because of overlapping claims, including both the waters and the sea bottom. However, the adoption of the United Nations Convention on the Law of the Sea (UNCLOS) has prescribed a process which prompted several countries to submit claims or to reinforce pre-existing claims to portions of the seabed of the polar region.

**2006:** Norway makes claims to an extended continental shelf.

**2006:** Norway and Russia have ratified an agreement on the Barents Sea, ending a 40-year demarcation dispute.

**2007:** The Russian Federation makes claims to an extended continental shelf.

**2008:** Ilulissat Declaration.

**2013:** Canada makes claims to an extended continental shelf, reveals it will file another claim including the north pole in 2018.

**2014:** Denmark makes claims to an extended continental shelf, extending from Greenland past the North Pole to the limits of the Russian Exclusive Economic Zone.

**2018:** The US has yet to ratify the UNCLOS, and therefore is not eligible to file a claim to the UNCLOS.

## **Previous attempts to solve the issue**

In the past there have been multiple treaties and instances focussing on the arctic issues. Each and every one of them has had favourable outcomes which will influence the debate. The official UN documents concerning this topic are open to the public and we stimulate this for further reading, but we have doubts about whether it will be relevant for the debate. We advise you to start with the arctic council and the arctic treaties. However, since our committee will be focussing on the future we will have to dive into the deep and mostly focus on current legislation.

## **Possible solutions**

For possible solutions there are a lot of things to keep in mind. When the routes will become available, whether we should even use them, how we will protect the arctic ecosystem, how we will keep in line with native populations in the region, when the routes will be open and much, much more. We urge the committee to keep all of these things in mind when debating on the topic as it is of vital importance.

## **Bibliography and further reading**

[Chapter 8: The Arctic & the LOSC – Law of the Sea](#)

[CLCS - HOME PAGE](#)

[Future of the sea: implications from opening arctic sea routes](#)

[Transpolar Sea Route](#)

[Ilulissat Declaration](#)

[Inuit Circumpolar Council](#)

[Saami Council](#)

[Territorial claims in the Arctic](#)

[Arctic Council](#)

[The US is picking a fight with Canada over a thawing Arctic shipping route](#)

[Wikipedia: Northwest Passage](#)

[Northeast Passage](#)

[United Nations Convention on the Law of the Sea \(UNCLOS\)](#)