THE NORTHERN SEA ROUTE

AN OVERVIEW OF THE LEGAL REGIME AND PROPOSED AMENDMENTS

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INTRODUCTION TO THE HISTORY OF THE NORTHERN SEA ROUTE (NSR)

• The discovery and conquest
• The Soviet era
  – developing the NSR
• The post-Soviet years
  – more knowledge, less interest
  – International North Sea Route Programme (INSROP) 1993 – 1999
• Contemporary Russia
JURISDICTION AND CURRENT LEGAL REGIME

• UNCLOS Article 234. Ice-covered areas

“Coastal States have the right to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas within the limits of the exclusive economic zone, where particularly severe climatic conditions and the presence of ice covering such areas for most of the year create obstructions or exceptional hazards to navigation, and pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance. “

CURRENT LEGAL REGIME

  – Commemorative booklet

• Statute of the Administration of the Northern Sea Route - approved by Resolution No. 683 of 16 September 1971 of the Council of Ministers of the USSR
CURRENT LEGAL REGIME

• Guide to Navigating through the Northern Sea Route, 1996
• Regulations for Icebreaker and Pilot Guiding of Vessels through the Northern Sea Route, 1996
• Requirements for the Design, Equipment, and Supplies of Vessels Navigating the Northern Sea Route, 1996
• Federal Rates Service. On the changes of rates for services of the icebreaker fleet on the Northern Sea Route. Dated July 26th 2005 №322-T (337-T)
Federal Agency for Sea and Inland Water Transport

http://www.morflot.ru/about/sevmorput/index.php
NSR AND RUSSIAN ARCTIC STRATEGY

• The Foundations of the Russian Federation’s State Policy in the Arctic until 2020 and Beyond

• The Maritime Doctrine of the Russian Federation up to the year 2020 and Beyond

• The Russian Federation Transport Strategy until 2030
II. NATIONAL INTERESTS OF THE RUSSIAN FEDERATION IN THE ARCTIC

4. The major national interests of the Russian Federation in the Arctic are:

... 

(d) Usage of the Northern Sea Route as a national integrated transport-communication system of the Russian Federation in the Arctic;
III. MAIN OBJECTIVES AND STRATEGIC PRIORITIES OF THE RUSSIAN FEDERATION’S STATE POLICY IN THE ARCTIC

7. The strategic priorities of the Russian Federation’s state policy in the Arctic are:

…

d) Cooperation in the organization and effective use of … the use of the Northern Sea Route by international shipping under the jurisdiction of the Russian Federation and in accordance with the international treaties of the Russian Federation;
VI. THE REALIZATION OF THE RUSSIAN FEDERATION’S STATE POLICY IN THE ARCTIC

11. These Foundations are to be realized in stages:

... (b) the second stage (2010-2015)

... the creation and development of the infrastructure and communications management system of the Northern Sea Route to solve the problems of Eurasian transit;
CHILINGAROV'S FEDERAL DRAFT LAW

• Federal Law (draft) “On the Northern Sea Route” (by Mr. Chilingarrov, 2009)

  – to determine the external borders of the sea route
  – to formalise its status as a Russian national transport route in the Arctic
  – to lay down the main requirements for sailing along the route
    • to strictly forbid the discharge of environmentally harmful substances in the area
MINISTRY OF TRANSPORT OF THE RUSSIAN FEDERATION (MINTRAS)

- Federal Service for the Oversight of Transport
- Federal Air Transport Agency
- Federal Road Agency
- Federal Agency for Railway Transport
- Federal Agency for Sea and Inland Water Transport
  - Department of Icebreaker Support and Hydrography (The Northern Sea Route Administration)
MINTRANS’ FEDERAL DRAFT LAW

• Federal Law (draft) "On amendments to some RF’s federal legislative acts in the part of state regulation of commercial navigation on the route in the waters of the Northern Sea Route”

• published by the Ministry of Transport of the Russian Federation (MinTrans), July 2010
amendments to 4 federal laws:


3. "On Natural Monopolies" dated August 17, 1995 N147-FZ

PROPOSED AMENDMENTS

• NSR Administration
• Use of the NSR on a paying basis
  – to cover expenses connected to management and operation of the icebreaker fleet, necessary information given to captains on navigational, meteorological and ice situation and eventual expenses connected with cleaning after accidents
THANK YOU FOR YOUR ATTENTION!