

Overview of Trends in Arctic Shipping and Regulation

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Seminar on Governance of Arctic Shipping:

Recent Developments and Prospects

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Preview

- Decreasing Arctic Ice Cover
- Law Applicable to Arctic Shipping
- Arctic Council
- National Legislation
- Chinese Arctic Policy

The Arctic Region



Names and boundary representation are not necessarily authoritative
August 21, 2015 - U1282 STATE (HJU)

Sea Ice Extent, 23 Sep 2018

2018 Minimum Arctic Sea Ice

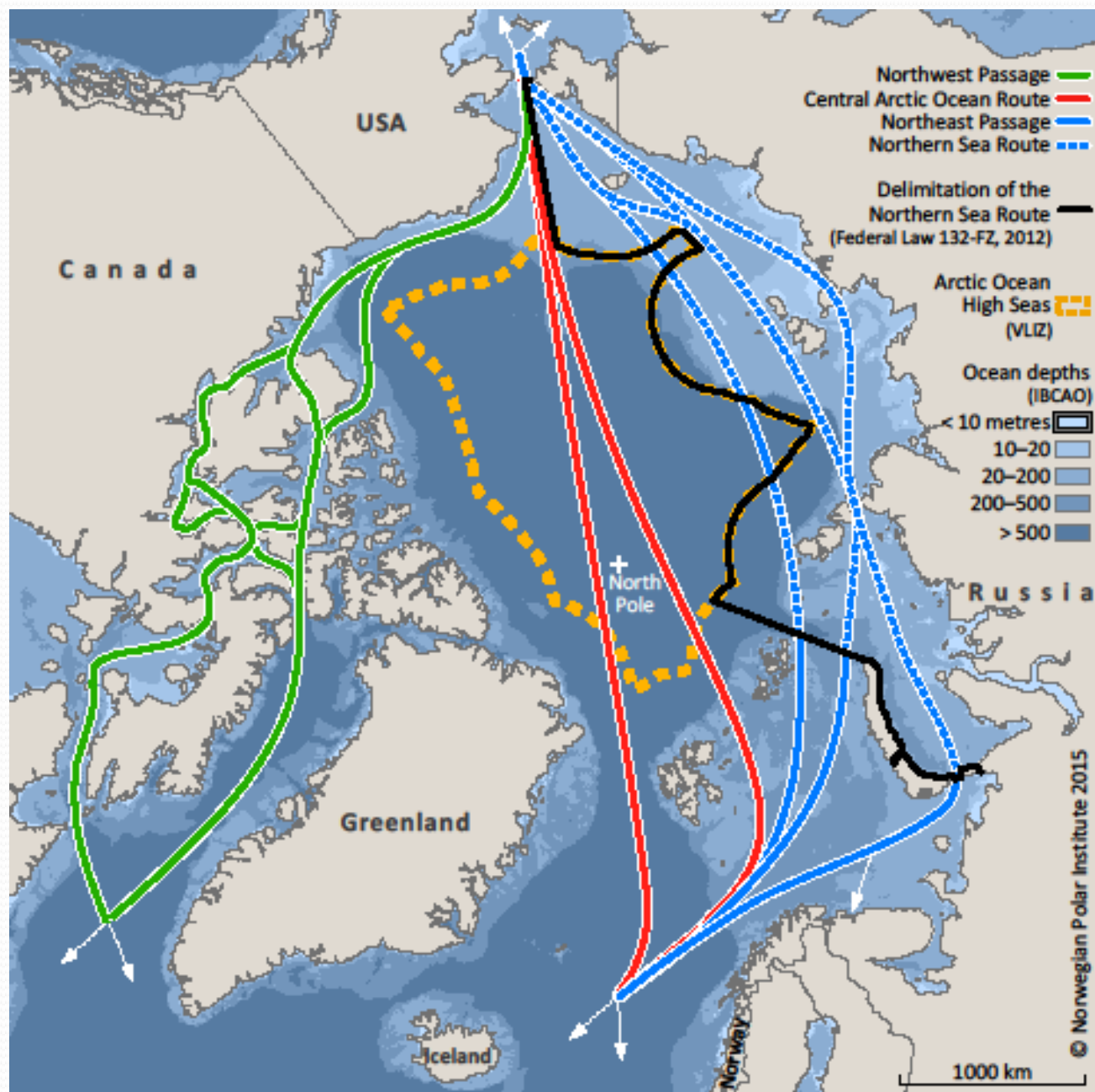
http://nsidc.org/arcticseaicenews/files/1999/09/Figure1_09232018.png



National Snow and Ice Data Center, University of Colorado Boulder

Arctic Routes used for International Navigation

- Bering Strait (Russia and USA)
- Northwest Passage (Canada)
- Northeast Passage (Northern Sea Route) (Russian Federation)
- Central Arctic Ocean (“over the top”)





Possible New Routes through Arctic Ocean:

Shorter distance of around 3,900 to 4,500 nm in both the Northwest Passage and the Northern Sea Route

Sources: http://www.grida.no/graphicslib/detail/northern-sea-route-and-the-northwest-passage-compared-with-currently-used-shipping-routes_1336.

Author: Hugo Ahlenius, UNEP/GRID-Arendal;

http://www.discoveringthearctic.org.uk/images/1img_nwne_globes.jpg

Trans-Arctic Shipping

- Northern Sea Route Traffic:
 - 2011: 41 transits (16 international)
 - 2012: 46 transits (27 international)
 - 2013: 71 transits (28 international)
 - 2014: 53 transits (31 international)
 - 2015: 18 transits (international)
 - 2016: 13 transits (international)
 - 2017: 27 transits (international)
- 236 documented full transits of Northwest Passage 1906-2015 by 176 different vessels
- 7 trans-Arctic icebreaker voyages via North Pole (1991, 1994, 1996, 2005)
- Transit traffic in 2017 was dominated by many foreign carriers: Hong Kong, Antigua & Barbuda, and St Kitts (3 each), China, Cyprus and Netherlands (2 each), Portugal, Liberia, Sierra Leone 1 each, with only 9 out of 27 vessels being Russian

Arctic Destination Shipping

- Most shipping in the Arctic is either imports to or exports from Arctic ports
- Major increase in cargo in NSR from/to Russian ports in 2017
 - NSR Information Office: As of November 15, 2017 more than 300 different vessels have operated on the route conducting more than 1800 voyages to and from 94 different destinations along the route. This compares to 1705 voyages during all of 2016. The vast majority of vessels, as in previous years, operated under Russian flag, with 75 vessels flying foreign flags. Russian cabotage proposal, to require exports from Russian ports to be carried on Russian flag ships

Law Applicable to Arctic Shipping

- Law of the Sea Convention, 1982
- IMO Instruments, including amendments to SOLAS, MARPOL and STCW, 2016 Polar Code
- Arctic 8 Agreements
 - Arctic Search and Rescue, 2011
 - Arctic Oil Pollution, 2013
 - Arctic Scientific Cooperation, 2017
- Arctic 5 Agreements
 - Polar Bears, 1973, 2000
 - Ilulissat Declaration, 2008
- Central Arctic Ocean Fishing Agreement, 2018
- Svalbard (Spitzbergen) Treaty, 1920

MEPC 73 Arctic Actions

- Measures to reduce risks of use and carriage of HFO as fuel in Arctic waters
 - Ban already exists in Antarctic waters
 - MSC 73/9 documents forward to PPR 6 to finalize impact assessment methodology
 - MEPC 73/WP.1 section 9
- Noted PPR 5 action on measurement studies of impact on the Arctic of black carbon emissions from shipping (MEPC 73/WP.1 para 5.3)

MSC 100 Arctic Issues

- Proposals to tailor mandatory safety measures for non-SOLAS ships operating in polar waters based on Polar Code chapters 9-11, SOLAS chapter V and sections of chapter 1 of Part I-A
 - MSC 100/7 (Canada and New Zealand)
 - MSC 100/7/1 (Canada)

Arctic Council

- Formed in 1996
- Mandate is to promote cooperation, coordination and interaction on common Arctic issues, particularly environmental protection and sustainable development
- Security is specifically excluded from its mandate
- Members are Canada, Denmark (Greenland, Faroes), Finland, Iceland, Norway, Russia, Sweden, and the United States (Arctic 8)
- Six Permanent Participants representing indigenous peoples
- Functions through 6 working groups

National Legislation

- Implementing Polar Code
- Canada and Russia – Article 234
- These will be addressed by subsequent speakers

China's Arctic Policy

- China's Arctic Policy, developed since 2015, first published January 2018 by PRC State Council Information Office
- Policy goals: understand, protect, develop and participate in Arctic governance (Section III)
- Purpose of goals:
- Safeguard common interests of all states and international community in the Arctic
- Promote sustainable development of the Arctic
- Section III explains how China to meet those goals
- Participate in Arctic affairs through “respect, cooperation, win-win result and sustainability”

Summary of Policy (2)

- Recognizes applicable international law governs Arctic affairs, including LOS Convention (Sections I-IV)
- Recognizes territorial sovereignty and jurisdiction of Arctic eight member States and rights of non-Arctic states (Sections I, III, IV.1-3, 5)
- Acknowledges rights of Arctic indigenous peoples (Section III, IV.3(4))
- Claims status as a “near-Arctic state” and as an “important stakeholder in Arctic affairs” (Section II)
- States China’s readiness to advance Arctic-related cooperation “under the Belt and Road Initiative” (Sections II, IV.4 and Conclusion)

China's Arctic Activities

- Scientific research stations on Svalbard (2004), Northern Greenland and northern Iceland (2016)
- 40% investment in Russia's Yamal LNG plant
- Guidebook for Chinese Shipping in NSR published 2014
- Cosco ship *Yongsheng* transited Arctic from China to the Netherlands via NSR three times since 2012
- First polar icebreaker *Xuelong* (*Snow Dragon*) transited Arctic in 2012 and in 2017 via NWP and conducted MSR in 2018
- Second polar icebreaker *Xjuelong 2* launched 10 Sept 2018 (see Lawson Brigham in *Arctic Yearbook 2018*)
- Increased Chinese tourism, e.g. to Yellowknife
- Building polar expedition cruise ship

Status of NSR and NWP

- Legal status of NSR and NWP not directly addressed in China's Arctic Policy
- White paper emphasizes freedom of navigation and right to use Arctic shipping routes
- Policy to develop Arctic shipping routes and conduct commercial trial voyages (section IV.3(1))
- Canada worried most whether China will adopt USA/EC position that NWP is strait used for international navigation vs Canada's position as internal Canadian waters

Resources

- Roach, A Guide to Arctic Issues for Arctic Council Observers, February 2017,
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- Arctic SAR Agreement,
www.state.gov/documents/organization/205770.pdf
- Arctic Oil Pollution Agreement,
<https://www.state.gov/documents/organization/264791.pdf>
- Arctic Scientific Cooperation Agreement,
<https://www.state.gov/documents/organization/271057.pdf>
- Arctic Council, <http://arctic-council.org/index.php/en/>



Thank you for your attention

Please hold your questions

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