

Working Paper No. 22
August 2018

**Belt and Road Initiative in the Arctic:
Regulation of the Northern Sea Route (NSR)**

*Jedrzej Gorski**

This paper can be downloaded from the [Social Sciences Research Network at Abstract No. 3235111](#).

* Department of Asian and International Studies, City University of Hong Kong

Abstract:

The Northern Sea Route (NSR) passes through international waters. The NSR therefore is subjected to multifold international regimes which encroach upon the governance of the NSR and on regulatory sovereignty of states having stakes in the Arctic, primarily Russia. These commitments among others cover freedom and safety of navigation, delimitation of exclusive economic zones. They also cover obligations related to sustainability such as marine pollution, conservation of fisheries, or protection of indigenous peoples. As to freedom of navigation, Russia's/Soviet historical claims to a full sovereignty over the navigation and straits along the NSR have largely been substantiated after the adoption of the United Nations Convention on the Law of the Sea (UNCLOS). The UNCLOS expressly allowed coastal states to take unilateral regulatory actions against marine pollution in ice-covered areas in the wake of US-Canada controversy over the Northwest Passage which had set a precedent. Such special regulatory rights come, however, in tandem with the responsibility to provide public goods such as piloting, icebreaking and rescue services by the Russian authorities and state-owned enterprises. The issue of rights to natural resources along the NSR will not be completely settled until a conclusive decision on the Russian claims to extended continental shelf filed under the UNCLOS. Sustainability issues are least controversial and subject to unhindered intergovernmental co-operation.