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Mr. A. Olshevskiy
Head of the Northern Sea Route Administration
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Amsterdam, 19 August 2013

Dear Mr. Olshevskiy,

Re: Refusals of permission to enter the Kara Sea EEZ

I write in response to the decision of your Administration, communicated last Friday through Notification No. 67, to refuse the vessel *Arctic Sunrise* (IMO 738292, Netherlands Flag) permission to enter EEZ waters of the Kara Sea within the Northern Sea Route water area.

This is the third application that has been rejected. It has become quite evident, from the pattern of refusals, that the NSR Administration (NSRA) has no intention of allowing the vessel into the NSR water area, whether it complies with the relevant requirements or not.

The first application was refused on 5 July (Notification No. 38) on the grounds of a “lack of information about annual surveys for vessels in the classification certificate for this year”. The relevant information was provided on the same day; nevertheless, the NSRA insisted on a completely new application and responded at the latest moment allowed by law, refusing the application on a new ground, namely an alleged “lack of information about the ice strengthening of the vessel in the classification certificate” (Notification No. 53). This in spite of the fact that the application was accompanied by a classification certificate from Det Norske Veritas (DNV), the internationally-recognised classification society, showing that the *Arctic Sunrise* is an 1A1 icebreaker. This is superior to Arc6 in the Russian Maritime Register classification system and well above the minimum requirements for the relevant part of the Kara Sea, which is presently ice-free.

The third application has now once again been rejected at the last permissible date on a new ground, namely, a “lack of information about the ice belt breadth of the vessel”. The *Arctic Sunrise* is classed as an icebreaker at draft 4.70m, as was stated in all three applications. Its gross tonnage is 949 (not 12406 as stated in the rejection). There is no defined ice belt breadth mentioned in the Class Certificate or its appendix, nor on the General Arrangement Plan. Perhaps the question in the application form is incorrectly worded and is intended to refer to the width / thickness of the plating at ice draft 4.70m. This information can be found in the shell expansion plan (enclosed), which however is not one of the documents that must be provided according to the application form and paragraph 4 of the ‘Rules of Navigation in the Water Area of the Northern Sea Route’ (the NSR Rules). In any event, had this been a genuine issue, it would have been mentioned at the time of the first two applications.

I would like to stress that Greenpeace International welcomes the adoption of the NSR Rules and supports the mission of your Administration. It is essential that, with growing navigation through the NSR, measures are taken to ensure protection of the fragile marine environment in the Arctic and ensure the safety of life at sea.

However, the handling of the three applications discloses a lack of good faith. This runs contrary to Article 300 of the UN Convention on the Law of the Sea (UNCLOS), and is also not in conformity with the Russian Federation’s international obligations to allow freedom of navigation through its

EEZ (Article 58(1) UNCLOS) and to refrain from discrimination when applying environmental measures in ice-covered areas (Article 234 UNCLOS).

Furthermore, Greenpeace International is concerned that the decision to refuse entry into the Kara Sea is directly related to its stated intention to bear witness to and express legal and peaceful opposition against on-going preparation for oil production on the Arctic Shelf. It is revealing that the NSRA is relying on environmental / safety regulations to deny the *Arctic Sunrise* entry into the Kara Sea, even while it has granted permission to six oil exploration vessels to operate in the same area, all of which have an ice strengthening notation inferior to the *Arctic Sunrise*, and several of which have a history of safety deficiencies detected during port state controls. The oil production for which these vessels are preparing will pose a major threat to the Arctic marine environment as well as to the global climate. The right to protest peacefully against such activities is guaranteed by Articles 10 and 11 of the European Convention on Human Rights, to which Russia is a party. As Article 10 underlines, this right applies "regardless of frontiers".

In light of all the circumstances stated above, it is abundantly clear that the refusal to allow the *Arctic Sunrise* permission to enter EEZ waters in the Kara Sea is politically motivated and contrary to international law. I urge you to immediately review the latest refusal and grant permission without any further delay. In the meantime, to avoid any delay to its schedule, the vessel will proceed on its voyage towards the Northern Sea Route water area. Greenpeace International intends to continue complying with all other relevant requirements under the NSR Rules, including the presence on board of an ice pilot who meets the conditions stated in Chapter IV of the NSR Rules.

Yours truly,



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