Flying Fish 1, Mid-East War, Northern Sea Route, and Lessons from the Arctic Sunrise Arbitration

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The world of maritime trade is no stranger to change, but recent events have stirred the waters in unprecedented ways. The **Flying Fish 1**, a 4,890 TEU container ship, has made headlines as the largest vessel of its kind to traverse the Arctic waters, charting a course from Europe to China. This remarkable journey not only showcases the vessel's capabilities but also signals a significant shift in global shipping routes—a shift that could have profound implications for the industry.

The Arctic Passage: A New Frontier

Setting sail from St. Petersburg on September 3, the Flying Fish 1 embarked on a voyage that many would have deemed improbable just a decade ago. By September 10, it entered the **Northern Sea Route (NSR)** near Novaya Zemlya. In a historic moment, it crossed paths with another Chinese container ship, marking the first-ever encounter between two large container vessels in the Arctic—just 850 nautical miles from the North Pole. Notably, there was **no sea ice in sight**, a testament to the dramatic changes in Arctic ice conditions over the past 20 years.

Maintaining a steady speed of **16 knots**, the Flying Fish 1 navigated the treacherous waters of the Laptev and East Siberian seas with remarkable ease, deftly avoiding the late-

summer ice near Wrangel Island. By September 17, it had exited the Russian Arctic, passing through the Bering Strait near Alaska without the need for icebreaker assistance—only six days after entering Russian waters. When it reaches Shanghai, the journey from the Baltic Sea will total approximately **8,000 nautical miles**, slashing around **4,000 nautical miles** off the traditional Suez Canal route.

A Response to Middle East Instability

The timing of this voyage is no coincidence. The **instability in the Red Sea and broader Middle East** has made the traditional routes through the Suez Canal increasingly precarious. Heightened tensions and the threat of disruptions have forced many shipping companies to divert their vessels around South Africa's Cape of Good Hope, adding another **4,000 miles** to the usual journey to Asia. This detour not only extends transit times but also escalates fuel costs and environmental impact.

The Arctic route, on the other hand, presents a compelling alternative. It's not just shorter by 30% to 40%, but it also bypasses the politically volatile regions altogether. Furthermore, the absence of pirate attacks in these northern waters enhances the safety and reliability of shipments—a crucial consideration for global trade.

The Northern Sea Route: Challenges and Opportunities

While the NSR offers significant advantages, it's not without its challenges. Currently, shipping services between Europe and Asia via the Arctic are confined to a **3-4 month summer window**. However, as Arctic ice continues to **recede earlier and return later**, this window is expected to widen. The success of the Flying Fish 1 underscores the growing feasibility of this route. It's not just ice-class vessels that are making the journey; an increasing number of non-ice-class ships, including aframaxes and container ships, have secured transit

licenses from Russia, venturing into Arctic waters for the first time.

Traffic analysis by Norway's Center for High North Logistics indicates that **2024 is on course to surpass last year's record cargo volumes** along the NSR. The surge in interest is palpable, driven by both environmental changes and geopolitical pressures. Companies are recognizing the potential for reduced transit times, cost savings, and the strategic advantage of avoiding hotspots of conflict and piracy.

Lessons from the Arctic Sunrise Arbitration

The expanding use of the NSR brings into focus the **legal and regulatory complexities** of Arctic navigation. The **Arctic Sunrise Arbitration** between the Netherlands and Russia serves as a poignant reminder of the delicate balance between national sovereignty and international maritime law. In that case, Russia detained the Dutch-flagged vessel Arctic Sunrise and its crew following a protest against oil drilling activities. The Permanent Court of Arbitration ultimately ruled that Russia had violated the United Nations Convention on the Law of the Sea (UNCLOS).

This landmark decision highlights the importance of understanding the **rights of flag states** and the limitations of coastal state enforcement in **Exclusive Economic Zones (EEZs)**. As more vessels, particularly from nations without Arctic coastlines, begin to traverse these waters, the potential for legal disputes increases. It's imperative for shipping companies to navigate not just the physical challenges of the Arctic but also the **legal frameworks** that govern these routes.

Strategic Navigation in Uncertain Times

For the maritime industry, the convergence of geopolitical tensions and environmental change necessitates a strategic reassessment. The success of the Flying Fish 1 is a clear

indication that the Arctic route is no longer a theoretical alternative but a practical one. However, companies must exercise due diligence, ensuring compliance with international laws and understanding the regulatory environment of the Arctic nations, particularly Russia.

At **Wasel & Wasel**, we recognize the complexities that our clients face in this evolving landscape. Navigating the Arctic waters requires not just advanced vessels and technology but also astute legal guidance to mitigate risks and capitalize on new opportunities. The shifting tides of global shipping demand a proactive approach, blending operational excellence with strategic legal counsel.

The Future of Global Shipping

The journey of the Flying Fish 1 may well be a harbinger of things to come. As climate change continues to reshape our world, the Arctic is emerging as a pivotal corridor for international trade. The potential benefits are substantial—reduced distances, lower fuel consumption, decreased emissions, and avoidance of geopolitical flashpoints.

However, embracing this new frontier requires collaboration between industry stakeholders, governments, and legal experts. It’s about striking the right balance between innovation and regulation, opportunity and responsibility.

Conclusion

The maritime industry stands at a crossroads. The traditional routes, while familiar, are fraught with increasing risks and uncertainties. The Arctic offers a promising alternative, but one that comes with its own set of challenges. The voyage of the Flying Fish 1 symbolizes both the possibilities and the complexities of this new era.

As we steer into uncharted waters, it’s essential to be

equipped not just with the right vessels but with the right knowledge and partnerships. The lessons from the Arctic Sunrise Arbitration remind us that legal considerations are as critical as navigational ones. In this dynamic environment, aligning with experienced counsel can make all the difference.

The horizon is broadening, and those who adapt will lead the way in the future of global shipping.

Author: Mahmoud Abuwasel
Title: Partner – Disputes
Email: mabuwasel@waselandwasel.com
Profile: https://waselandwasel.com/about/mahmoud-abuwasel/

Lawyers and consultants.
Tier-1 services since 1799.
www.waselandwasel.com
business@waselandwasel.com