



# Clingendael

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## Cold Passage: The Northern Sea Route between Legal Ambiguity and Strategic Competition

Russia treats the Northern Sea Route (NSR) as both an economic corridor and a strategic instrument. Legal claims, administrative requirements, control over key services and military presence give Moscow significant influence over navigation along its Arctic coast. For foreign states and commercial operators, navigational rights under international law do not automatically translate into usable access. They must weigh the political, operational and logistical costs of operating along a route where Russia retains substantial leverage over permits, infrastructure and support services. For the Netherlands, the NSR is relevant as a test case for the law of the sea, allied cohesion and freedom of action in the wider European Arctic and North Atlantic. Dutch policy should therefore focus on preserving navigational rights, strengthening legal-operational expertise and supporting allied readiness through the EU, NATO and close cooperation with Arctic allies.

### Introduction

The Northern Sea Route (NSR) occupies a distinctive position at the intersection of maritime law, geopolitics and security. Running along Russia's Arctic coastline, it traverses a complex patchwork of internal waters, territorial seas, exclusive economic zones and strategically important straits. These maritime zones are governed by the United Nations Convention on the Law of the Sea (UNCLOS) and, within the authority it grants to coastal states, by Russian domestic regulation. As Arctic accessibility increases and strategic competition intensifies, questions surrounding the scope of Russia's regulatory authority and the navigational rights of foreign vessels are attracting growing international attention.



## Managed access along the NSR

Greater physical accessibility does not in itself make the NSR an open international shipping corridor. Although declining sea ice and longer navigation seasons may reduce some physical constraints, access to the route remains shaped by the political, administrative and security structures governing its use.<sup>4</sup>

Russia has steadily expanded its ability to shape activities along the NSR. The route occupies a central position in Moscow's Arctic strategy, serving as a transport corridor, an instrument of regional development and a means of projecting strategic influence.<sup>5</sup> To support these objectives, Russia has invested in icebreakers, ports, communications infrastructure, search-and-rescue capabilities and maritime domain-awareness systems, while also expanding its military footprint across the Arctic.<sup>6</sup>

These capabilities fulfil important economic, safety and security functions. They also give Russian authorities considerable influence over the operational environment in which navigation takes place. In a region characterised by extreme weather, long distances and limited alternatives, foreign operators may depend on Russian-administered permits, icebreaker support, routing instructions, hydrographic and ice information, communications and emergency-response services.<sup>7</sup>

This influence has become more consequential since Russia's full-scale invasion of Ukraine in 2022. As the previous policy brief demonstrated, the NSR has not developed into a major alternative to established Europe–Asia shipping routes. Instead, activity remains centred on

Russian Arctic resource exports, particularly LNG and other commodities linked to state-backed development projects.<sup>8</sup> Sanctions and reduced European commercial engagement have reinforced the route's role in supporting Russia's economic resilience and its trade reorientation towards Asian markets.<sup>9</sup>

The NSR is therefore neither closed nor fully open. Russia continues to facilitate forms of shipping that support its economic and strategic objectives, while retaining substantial influence over the conditions under which foreign vessels operate. The route consequently functions as a system of managed access: navigation remains possible but takes place within an environment shaped by Russian infrastructure, administrative procedures, services and state presence. Access is administered on a zone-by-zone basis. Permit decisions and routing requirements may depend on a vessel's ice class, the prevailing ice conditions and the need for icebreaker assistance, while vessels remain subject to reporting and information requirements.<sup>10</sup>

These practical constraints shape the exercise of navigational rights whose legal scope remains contested. The following section sets out that legal framework before examining its implications for commercial shipping and naval access.

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4 Katharina Heinrich & Stefan Kirchner, '[Arctic Ocean](#)', *Elgar Concise Encyclopedia of Polar Law*, 2024.

5 Michelle Grisé et al., '[Russia's Strategic Objectives, Threat Perceptions, and Military Posture in the High North](#)', *RAND Corporation*, 17 February 2026.

6 Mikhail Komin & Joanna Hosa, '[The Bear Beneath the Ice: Russia's Ambitions in the Arctic](#)', *European Council on Foreign Relations*, Policy Brief, 27 May 2025.

7 Ibid.

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8 '[Operation of the Northern Sea Route and Response Strategy](#)', *Cello Square*, n.d.

9 Martin Vladimirov & Vanya Petrova, '[U.S., Europe Fall Behind in the Race to Control the Arctic](#)', *Reuters*, 30 January 2026.

10 Lawson W. Brigham, '[Russia's National Arctic Waterway: Challenging Future](#)', *U.S. Naval Institute*, May 2025.

## UNCLOS, Russian Claims and navigational rights

The legal framework governing the NSR is principally laid down in the United Nations Convention on the Law of the Sea (UNCLOS), the foundation of the contemporary maritime order.<sup>11</sup> UNCLOS allocates coastal-state authority and navigational rights across distinct maritime zones. Along the NSR, these include waters that Russia regards as internal waters, territorial seas, exclusive economic zones (EEZs) and several strategically important straits. The legal status of some of these waters and straits, and the passage rights that apply within them, remains contested.<sup>12</sup>

At the centre of these debates lies Article 234 of UNCLOS, commonly referred to as the “Ice Clause”. This provision grants coastal states additional authority to adopt and enforce non-discriminatory measures in ice-covered waters where severe climatic conditions create hazards to navigation and where pollution could cause major environmental harm.<sup>13</sup> Yet the provision has become increasingly controversial as declining sea ice raises questions about the conditions under which it continues to apply and how broadly it may be interpreted.<sup>14</sup>

The debate surrounding Article 234 reflects wider disagreements regarding the legal status of Arctic navigation. Russia argues that the unique environmental conditions of the region justify extensive coastal-state oversight and combines its interpretation of Article 234

with claims regarding internal waters and the status of several Arctic straits.<sup>15</sup> This position underpins a regulatory framework that includes reporting requirements, routing measures, permit procedures and other forms of administrative control over navigation along the route.<sup>16</sup>

The U.S. is not a party to UNCLOS but treats many of its navigational provisions as reflecting customary international law. Russia, by contrast, is a party to UNCLOS, yet advances a broader interpretation of Article 234 and of the legal status of particular Arctic straits. The U.S. and other maritime states generally adopt a more restrictive interpretation of Article 234.<sup>17</sup> They accept that the provision allows coastal states to adopt non-discriminatory pollution-control measures in qualifying ice-covered EEZ areas but argue that it does not displace navigational rights established elsewhere in UNCLOS. Foreign vessels retain the right of innocent passage through territorial seas, while transit passage may apply in straits used for international navigation. In this view, coastal-state regulation cannot amount to prior authorisation that effectively negates internationally recognised navigational rights.<sup>18</sup>

These disagreements extend beyond technical questions of legal interpretation. They concern the balance UNCLOS strikes between coastal-state regulatory authority and the navigational rights of other states.<sup>19</sup> The EU’s Arctic policy<sup>20</sup>

11 United Nations, [United Nations Convention on the Law of the Sea](#), opened for signature December 10, 1982, entered into force November 16, 1994.

12 NOAA Ocean Exploration, [‘What is the “EEZ”?’](#), 19 July 2020.; [United Nations Convention on the Law of the Sea](#), Part V.

13 Viatcheslav Gavrilov et al., [‘Article 234 of the 1982 United Nations Convention on the Law of the Sea’](#), *Marine Policy*, 2019.; Jan Jakub Solski, [“The ‘Due Regard’ of Article 234 of UNCLOS: Lessons From Regulating Innocent Passage in the Territorial Sea”](#), *Ocean Development & International Law*, 29 October 2021.

14 Andrey Todorov, [‘New Russian Law on Northern Sea Route Navigation: Gathering Arctic Storm or Tempest in a Teapot?’](#), *Belfer Center for Science and International Affairs*, 9 March 2023.

15 Andrey Todorov, [‘The Russia-USA Legal Dispute over the Straits of the Northern Sea Route and Similar Case of the Northwest Passage’](#), *Arctic and North*, December 2017.

16 Jan Jakub Solski, [‘The ‘Due Regard’ of Article 234 of UNCLOS: Lessons From Regulating Innocent Passage in the Territorial Sea’](#), *Ocean Development & International Law*, 29 October 2021.

17 Jan Jakub Solski, [‘The Genesis of Article 234 of the UNCLOS’](#), *Ocean Development & International Law*, 24 February 2021.

18 Ibid.

19 [United Nations Convention on the Law of the Sea](#), Arts. 17–19, 24(1).

20 European Commission, [‘A Stronger EU Engagement for a Peaceful, Sustainable and Prosperous Arctic’](#), *European External Action Service*, 13 October 2021.

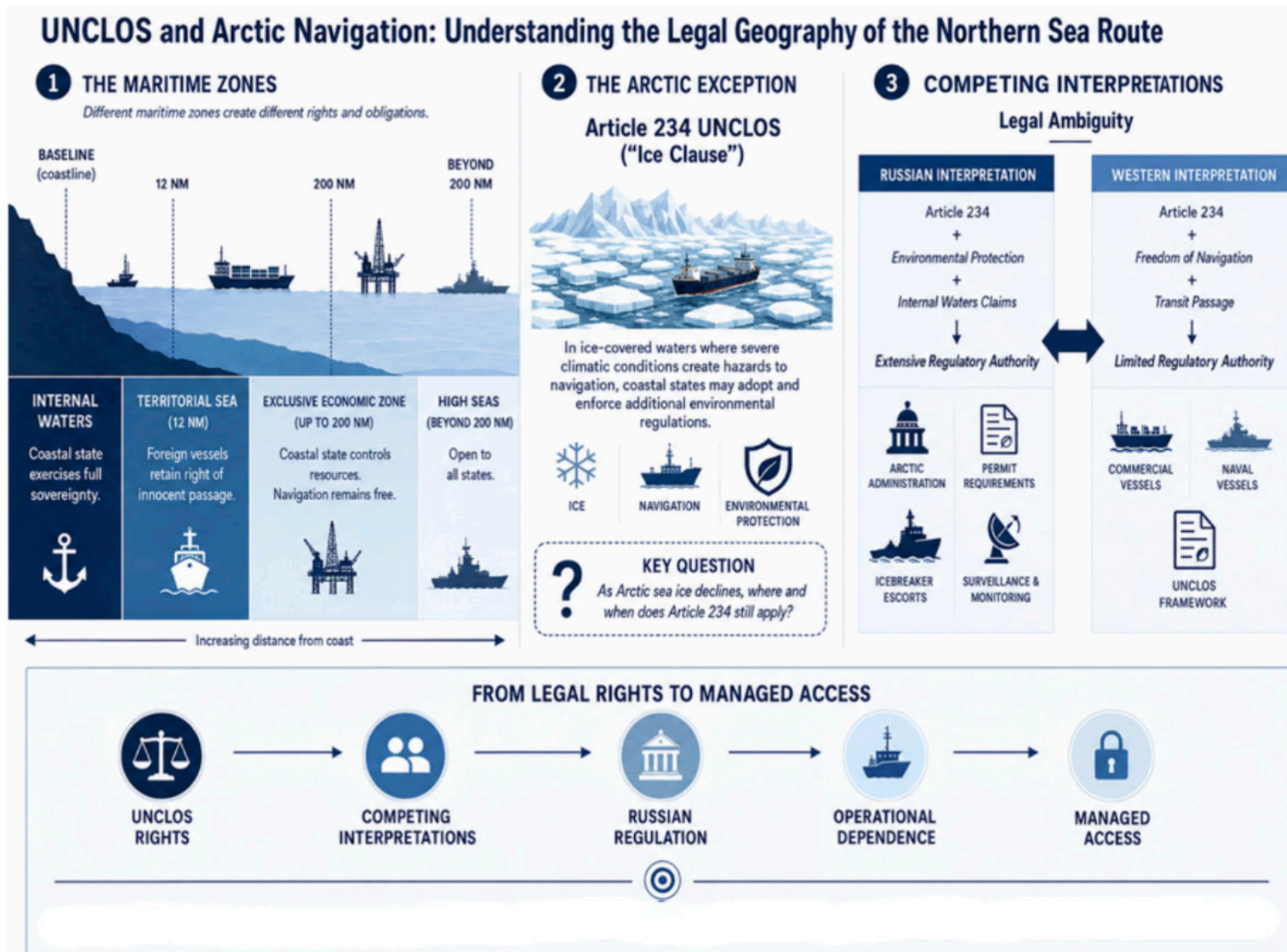


Figure 1 UNCLOS and Arctic Navigation

Source: Clingendael. Visualisation generated using artificial intelligence based on author-developed concepts and data.

is grounded in respect for international law, particularly UNCLOS, and supports the preservation of freedom of navigation and overflight, innocent passage and transit passage. The Netherlands' Polar Strategy for 2026–2030<sup>21</sup> similarly identifies the protection of free passage, compliance with international agreements and the strengthening of the international legal order as core objectives of Dutch Arctic policy.

Neither operational dependence nor repeated compliance with Russian procedures determines the route's legal status or extinguishes other states' navigational rights.

Operational dependence presents a separate constraint. Search-and-rescue coverage, icebreaker assistance, communications, port facilities and hydrographic support remain limited along much of the route. In an emergency, foreign vessels may therefore have few practical alternatives to Russian-administered services. Such dependence does not create legal authority, but it can materially shape operational risk assessments and decision-making. Repeated compliance with Russian procedures, particularly in the absence of an explicit diplomatic reservation or protest, may also contribute to the political normalisation of Russia's interpretation. It neither determines the route's legal status nor extinguishes other states' navigational rights.

Formal navigational rights may therefore exist without being readily or routinely exercised. This gap between legal entitlement and practical access shapes both commercial shipping and naval operations along the NSR.

### Commercial shipping under strategic constraint

For commercial operators, the NSR's legal regime is primarily a question of business risk. Routing decisions depend on whether a voyage can be conducted safely, predictably and at an acceptable cost, with sufficient legal certainty

and insurable risk. Formal navigation rights alone do not provide these conditions.

Even where UNCLOS provides a legal basis for navigation, commercial use of the NSR remains subject to Russian permit procedures, reporting obligations, routing instructions and other operational requirements.<sup>22</sup> Operators must assess these requirements alongside ice conditions, fuel consumption, transit times and the availability of support services. Insurance is assessed case by case and may involve additional hull-and-machinery, cargo and Protection and Indemnity (P&I) premiums, higher deductibles or specific underwriting conditions. The legal status of some Russian requirements remains contested, but the practical costs of compliance, delay and possible administrative disruption are immediate.<sup>23</sup>

These factors help to explain why international transit shipping has remained limited despite the NSR's potential distance savings. Traffic is instead concentrated in destination shipping linked to Russian resource exports, which follows a different commercial logic from regular Europe–Asia liner services.<sup>24</sup>

Since Russia's full-scale invasion of Ukraine in 2022, sanctions, export controls and political risk have further reduced the route's attractiveness for non-Russian operators, even as Moscow has relied more heavily thereon to sustain Arctic resource exports and strengthen links with Asian markets.<sup>25</sup> Western governments have also expanded restrictions on vessels associated with Russia's shadow fleet. For Russian-linked shipping, this raises the risk of designation, loss of port access and reduced access to Western insurance, finance and maritime services,

21 Ministry of Foreign Affairs (Netherlands), [Polaire strategie 2026-2030: Nederlandse inzet in Antarctica en het Arctisch gebied](#), 22 May 2026.

22 Government of the Russian Federation, [Rules of Navigation in the Water Area of the Northern Sea Route](#), approved by Decree No. 1487 of September 18, 2022.

23 Ibid.

24 Karen van Loon et al., 'Cold Ambitions: The Northern Sea Route between economic reality and strategic leverage', *Clingendael*, June 2026.

25 Ibid.

thereby increasing compliance and enforcement risks for commercial counterparties.<sup>26</sup>

The NSR is therefore not a neutral international transit lane in commercial terms. The greater foreign operators' dependence on Russian-administered permissions, infrastructure and services, the more the route functions as a strategically managed transport corridor.

## Naval access and operational contestation

The applicable legal regime depends on the maritime zone in question and, in particular, on whether a specific Arctic strait meets the conditions for transit passage under UNCLOS Article 37.<sup>27</sup> Innocent passage through the territorial sea is the more limited regime: submarines and other underwater vehicles must navigate on the surface and show their flag, while the launching, landing or taking on board of aircraft or military devices renders passage non-innocent.

Where transit passage applies, ships and aircraft may exercise freedom of navigation and overflight solely for continuous and expeditious transit. They must refrain from activities other than those incidental to the normal modes of such transit. This may include submerged submarine passage and aircraft overflight, but it does not provide a general entitlement to conduct operations unrelated to transit itself.

Warships and other government vessels operated for non-commercial purposes benefit from sovereign immunity. They are not subject to coastal-state enforcement jurisdiction in the same manner as commercial vessels, although they remain subject to the applicable rules of passage. Article 236 additionally provides that UNCLOS provisions concerning the protection and preservation of the marine environment, including Article 234, do not apply directly to such vessels. Their flag states must nevertheless ensure that they act consistently with those provisions where reasonable and practicable.

### UNCLOS Articles 234 and 236<sup>28</sup>

Two UNCLOS provisions are particularly relevant to Russian regulatory claims along the NSR and to the legal position of foreign warships and other non-commercial government vessels.

#### 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. Such laws and regulations shall have due regard to navigation and the protection and preservation of the marine environment based on the best available scientific evidence.

#### Article 236 - Sovereign immunity

The provisions of this Convention regarding the protection and preservation of the marine environment do not apply to any warship, naval auxiliary, other vessels or aircraft owned or

26 Council of the European Union, 'Russia's War of Aggression against Ukraine: Council Sanctions 41 Vessels of the Russian Shadow Fleet', press release, 18 December 2025.

27 [United Nations Convention on the Law of the Sea](#), Art. 37.

28 [United Nations Convention on the Law of the Sea](#), Arts. 234 and 236.

operated by a State and used, for the time being, only on government non-commercial service. However, each State shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is reasonable and practicable, with this Convention.

Russia's 2022 legislation concerns foreign warships and other government vessels seeking to enter NSR internal waters.<sup>29</sup> It requires prior authorisation and imposes additional conditions on passage. The Russian claim that particular Arctic straits constitute internal waters, and the resulting restrictions on foreign state vessels, remain contested.<sup>30</sup>

A key military instrument for contesting maritime claims is the Freedom of Navigation Operation (FONOP). Such operations are intended to demonstrate that states do not recognise restrictions they consider inconsistent with international law. Similar activities have been conducted in regions such as the South China Sea and the Persian Gulf, where competing interpretations of maritime rights have become increasingly contested.<sup>31</sup>

#### What is a Freedom of Navigation Operation (FONOP)?

A FONOP is an operational assertion of a specific navigational right or freedom that a state considers to be unlawfully restricted. Its immediate purpose is to demonstrate that the restriction is not acceptable. Operational assertions are normally reinforced by diplomatic protest and a clearly stated legal position. Repeated practice may help to preserve or evidence a state's position under customary international law; a single operation does not itself create customary law.

#### Why it matters for the NSR

The NSR raises the question of whether foreign navies should challenge specific Russian requirements, such as prior-authorisation procedures for state vessels, through operational activity. Such action can signal that a restriction is not acceptable, but it must rest on a clear legal objective and be operationally feasible.

The Arctic differs from other contested maritime regions. Extreme environmental conditions, limited infrastructure and dependence on specialised support make operational assertions more difficult and potentially more consequential than in the South China Sea or Persian Gulf.

France's 2019 Arctic strategy referred to an autonomous transit of the North-East Passage by a French naval vessel. This illustrates that European states may use Arctic deployments to

29 Russian Federation, Federal Law No. 510-FZ of 5 December 2022, amending the Federal Law on Internal Maritime Waters, Territorial Sea and Contiguous Zone; President of Russia, 'Amendment to law on foreign warships and other non-commercial vessels,' 5 December 2022.

30 *United Nations Convention on the Law of the Sea*, Arts. 17–32, 37–44, 58, 87, 95–96, 234 and 236; Andrey Todorov, 'New Russian Law on Northern Sea Route Navigation: Gathering Arctic Storm or Tempest in a Teapot?', *Belfer Center*, 2023.

31 U.S. Indo-Pacific Command & J06 Staff Judge Advocate, 'Freedom of Navigation Operations (FONOPs)', 4 November 2022.

signal support for freedom of navigation, although such activity should not automatically be characterised as a formal FONOP.<sup>32</sup>

**Policy trade-off: freedom of navigation versus operational risk**

Operational assertions can reinforce legal positions, but in the Arctic they also carry heightened escalation and operational risks. Diplomatic protest, legal clarification and allied presence offer lower-risk alternatives; FONOP-like activity should be reserved for cases with a specific legal objective, credible independent execution and clear allied backing.

Operational assertions of navigational rights are principally legal and political signals rather than attempts to establish the NSR as a routine naval transit route. Their purpose is to challenge a specific restriction and demonstrate non-acceptance, not to show that the entire route is a practicable operational corridor.

The Arctic presents a distinct operational environment. Extreme weather, seasonal ice, limited infrastructure and vast distances mean that sustained naval operations require specialist capabilities and extensive logistical support. In many parts of the route, Russia remains the dominant provider of support services, creating a risk that an operation contesting Russian restrictions may become operationally dependent on Russia.

A full allied transit of the NSR is therefore not a routine freedom-of-navigation option. It would require ice-capable platforms, independent logistics, resilient communications and credible search-and-rescue arrangements. A small force operating far from allied support infrastructure could become dependent on Russian icebreaking, port access or emergency assistance, reducing its autonomy and increasing its vulnerability.<sup>33</sup>

Allied states should therefore avoid treating the entire NSR as a single operational problem. In most circumstances, legal signalling, diplomatic protest and sustained presence in

the European Arctic offer more proportionate means of upholding navigational rights. Targeted operational assertions in the western approaches to the NSR may be more feasible than a full transit, but only where they address a specific Russian requirement, can be conducted with independent support and serve a clearly defined allied legal and strategic objective.

Escalation risk is not, in itself, a reason to avoid operational activity. Some friction may be inherent in contesting a maritime claim. The relevant test is whether an operation advances a defined legal, deterrence or alliance objective, and whether the anticipated risks are proportionate to that objective. Russia's Arctic posture is anchored in the Kola Peninsula, home to the Northern Fleet and a central component of Russia's sea-based nuclear deterrent. The Barents and Norwegian Seas are therefore linked both to the protection of Russian strategic submarine operating areas and to NATO's North Atlantic reinforcement routes.<sup>34</sup>

Allied planning should include agreed arrangements for communication, incident management and deconfliction, informed primarily by the political and operational assessments of Arctic allies. The priority is to pursue measures that are legally defensible, operationally credible and strategically purposeful.

32 Armed Forces Ministry (France), [France and the New Strategic Challenges in the Arctic](#), 2019.

33 NATO Allied Report on the Arctic, [Regional Perspectives Report on the Arctic, Strategic Foresight Analysis](#), April 2021.

34 P Whitney Lackenbauer and Troy J Bouffard, [The Strategic Information Environment of the Northern Sea Route](#), *Strategic Horizons*, September 2025.

## Implications for the Netherlands and the Royal Netherlands Navy

The Netherlands has a longstanding interest in freedom of navigation. Hugo Grotius's *Mare Liberum* remains closely associated with the principle that the seas should remain open to lawful navigation. For a maritime trading nation and NATO naval contributor, the NSR matters less as a future shipping route than as a case of contested maritime access.

The preceding policy briefs demonstrated that the NSR is embedded in wider geopolitical competition and is unlikely to become a major Europe–Asia transit corridor in the foreseeable future.<sup>35</sup> Dutch policy should therefore focus on the wider High North rather than on preparing for routine use of the route. This does not require a dedicated Dutch NSR posture, naval icebreakers or an independent Arctic transit capability. The Dutch contribution should instead focus on allied planning, maritime domain awareness, legal expertise and participation in operations for which the Netherlands has relevant capabilities.

Dutch policy documents point in the same direction. The 2023 *Security Strategy for the Kingdom of the Netherlands*<sup>36</sup> identifies geopolitical competition, economic vulnerability and pressure on the international rules-based order as major challenges. The 2024 *Defence White Paper*<sup>37</sup> places the High North within the setting in which the Netherlands contributes to NATO deterrence and collective defence. The *Dutch Polar Strategy 2026–2030* prioritises Arctic stability, security and cooperation with

Arctic partners.<sup>38</sup> The *International Security Strategy 2026–2030* likewise identifies polar shipping routes and the Arctic as strategically significant, requiring allied solidarity and a stronger European role through NATO, the EU and regional partnerships.<sup>39</sup>

### 1. Operate with allies in contested High North environments

The Royal Netherlands Navy does not require a dedicated NSR mission or ships designed for independent Arctic transits. Its task is to contribute effectively to allied operations in cold-weather and contested maritime environments. This calls for strong maritime domain awareness, resilient communications and logistics, legal-operational expertise and regular training with Arctic allies.

The emphasis should be on practical readiness for allied operations, rather than a symbolic presence along the NSR.

### 2. Focus on the High North, not the NSR alone

Dutch interests are concentrated in the European Arctic and North Atlantic, where reinforcement routes, regional stability and allied freedom of action are directly at stake. These areas provide a more credible setting for Dutch and allied activities than the full NSR, where distance, ice, limited infrastructure and Russian control over support services constrain operational autonomy.

Although Greenland lies outside the NSR, it is central to the wider High North security environment. Its position at the western entrance to the Greenland–Iceland–United Kingdom Gap links Arctic security to North Atlantic reinforcement routes, maritime surveillance and

35 Karen van Loon et al., 'Cold Waters, Strategic Contestation: The Northern Sea Route in Arctic Power Politics', *Clingendael*, Policy Brief, April 2026.; Karen van Loon et al., 'Cold Ambitions: The Northern Sea Route between economic reality and strategic leverage', *Clingendael*, June 2026.

36 Government of the Netherlands, *Security Strategy for the Kingdom of the Netherlands*, 3 April 2023.

37 Ministry of Defence (Netherlands), *Defence White Paper 2024*, 2024

38 Ministry of Foreign Affairs (Netherlands), '[Polaire strategie 2026-2030: Nederlandse inzet in Antarctica en het Arctisch gebied](#)', *Government of the Netherlands*, 22 May 2026.

39 T.B.W. Berendsen, '[Kamerbrief: Internationale Veiligheidsstrategie 2026-2030](#)', letter to the Lower House of the States General, 16 June 2026.

NATO cohesion. Recent statements by the United States concerning Greenland have brought these links into sharper focus, highlighting the interaction between Arctic sovereignty, strategic access and alliance politics. The Netherlands has stressed that Greenland's future is for Greenland and Denmark to decide, and that Arctic security should be addressed within NATO.<sup>40</sup>

### **3. Make allied interoperability the organising principle**

The Netherlands should treat the NSR primarily as an issue for allied situational awareness and planning, not as a national operating theatre. The practical task is to ensure that Dutch maritime, intelligence and legal contributions can be integrated into NATO and JEF activity in the European Arctic and North Atlantic.

NATO's Arctic Sentry activity, led by Joint Force Command Norfolk, offers an increasingly relevant framework for coordinating allied activity in the Arctic and High North.<sup>41</sup> The Joint Expeditionary Force (JEF) can complement this through regional planning, exercises and cooperation among Northern European partners. The EU remains important for the legal, economic-security and sanctions dimensions of Arctic governance.

### **4. Uphold navigational rights proportionately**

The Netherlands has a clear interest in preserving navigational rights under UNCLOS. A full allied transit of the NSR should not, however, become a routine way of demonstrating that principle. Such an operation would be politically sensitive, operationally demanding and potentially dependent on Russian-controlled support services.

The response should be calibrated and sequenced. Legal and diplomatic signalling, allied presence and participation in exercises can support freedom of action without

unnecessary operational exposure. Any decision to challenge a specific Russian requirement in practice should rest on a clear legal objective, credible operational preparation and a shared assessment of alliance risks.

### **5. Pair deterrence with escalation management**

The European Arctic is closely linked to Russian military power and the protection of the Northern Fleet. Allied activity must preserve readiness and freedom of action without creating unnecessary vulnerability or escalation risks.

For the Royal Netherlands Navy, deterrence in the High North rests less on high-visibility stand-alone deployments than on sustained allied readiness, interoperability and reduced reliance on Russian-controlled support services. This supports collective defence while limiting the risk that deployed forces become overstretched or politically exposed.

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40 Government of the Netherlands, '[Statement by Minister Van Weel of Foreign Affairs on Greenland and Arctic Security](#)', 14 January 2026.

41 NATO Supreme Headquarters Allied Powers Europe (SHAPE), '[Arctic Sentry](#)', n.d.

### Policy trade-offs for the Netherlands

#### Freedom of navigation versus operational exposure

The default response to a contested Russian requirement should be legal and diplomatic: coordinate with EU partners and Arctic allies, state that the requirement does not alter the legal status of the waters concerned and avoid conduct that implies acceptance. This approach carries limited operational risk but may have modest signalling value.

An operational assertion should be considered only where it addresses a clearly identified legal restriction, can be conducted without reliance on Russian-controlled support services, and has clear political backing from relevant allies. It provides stronger signalling but also entails greater operational and escalation risks.

#### Deterrence versus escalation management

Greater allied activity in the European Arctic strengthens readiness, situational awareness and deterrence, but can also increase friction near Russia's most sensitive strategic assets. The preferred posture is therefore sustained, allied and exercise-based rather than ad hoc high-visibility transits, combined with agreed crisis-communication and incident-management arrangements.

The Dutch priority is to sustain the legal knowledge, operational readiness and partnerships needed to act in a contested High North. The NSR matters because it shows that navigational rights may be legally established yet difficult to exercise in practice.

## Conclusion

The NSR functions as a corridor of managed access. Russia's legal claims, permit system, control over key services and infrastructure, and military presence give it substantial influence over the conditions under which foreign vessels operate along its Arctic coast. Declining sea ice may widen periods of physical access, but it does not remove the route's regulatory, operational or political constraints.

Recognising this operational reality does not entail accepting Russia's legal interpretation. It does mean planning on the assumption that, for the foreseeable future, access to much of the route will remain conditioned by Russian-controlled infrastructure, services and administrative procedures.

The Netherlands has an interest in preserving its legal position without seeking to resolve the dispute unilaterally. Together with EU partners, Arctic allies and other like-minded maritime states, it can support clear legal positions that

contested Russian permit and authorisation requirements do not in themselves determine the legal status of the waters concerned or remove navigational rights under UNCLOS. Where appropriate, this may include coordinated diplomatic engagement or joint legal statements. Any consideration of operational activity should take place within allied frameworks, be linked to a specific legal issue and rest on a shared political and operational assessment.

For commercial shipping, these constraints reinforce the NSR's role as a route for Russian Arctic resource exports rather than as a reliable Europe-Asia transit corridor. For foreign state vessels, navigational rights remain contested in parts of the route, while the practical demands of operating far from independent support infrastructure limit the scope for routine presence or passage. Russia can therefore influence behaviour without formally closing the route by raising the operational, financial and political costs of its use.

## Policy Brief

For the Netherlands, the priority lies in the European Arctic and North Atlantic rather than in the full NSR. Dutch policy should focus on allied readiness, interoperability and maritime domain awareness, alongside legal expertise on navigation rights and Russian regulatory practice. This supports allied freedom of action in the High North while managing the risks of escalation around Russia's most sensitive strategic assets.

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