

Страны и регионы мира: динамика развития и модели взаимодействия

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Dividing the Arctic. On the issue of the Russian Arctic boundaries

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Abstract. The reconfiguration of the international arena that is taking place at the moment cannot be characterized other than as a time of crises and sudden changes. It seems quite obvious that in the conditions of international tension, any division of states into “friendly” and “unfriendly”, accompanied by the mutual imposition of sanctions, by the growing desire of countries to realize their national interests, including the military methods, the most vulnerable points of intersection of geopolitical interests are under threat. For Russia, one of them is the Arctic, a region of high resource, industrial and infrastructural potential. Meanwhile, despite the importance of the Arctic for the state and the long history of exploration of the territory, the borders of the Russian Arctic space have not been clearly defined yet, which makes it possible to increase political pressure from unfriendly states and international organizations. Having ratified the UN Convention on the Law of the Sea in 1997, the Russian Federation undertook obligations to act in accordance with the established procedure in case of territorial claims to water and underwater spaces. Consequently, asserting its rights to the Lomonosov Ridge and other objects that are the extensions of the continental shelf, in 2001 the Russian Federation filed an application to the UN Commission on the Limits of the Continental Shelf. Currently, the procedure is still incomplete, although Russia in February 2023 received the recommendations of the Commission, which has recognized a significant part of the state’s territorial claims. However, the contemporary conditions are such that any further efforts to delimit the spaces with the Arctic states, which have overlapping interests with Russia, are fraught with the aggravation of the situation in the international arena and unconstructive co-operation in general.

Keywords: politics, Arctic, Arctic partition, Russian Federation, UN, delimitation

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Разделение Арктики: к вопросу российских арктических границ

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Аннотация. Переустройство мировой арены, которое происходит в данный момент, нельзя охарактеризовать иначе, чем время кризисов и внезапных перемен. Представляется вполне очевидным, что в условиях международной напряженности, разделения государств на «дружественные» и «недружественные», сопровождаемого взаимным наложением санкций, нарастающим желанием стран реализовать свои национальные интересы, в том числе и военными методами, под угрозой оказываются наиболее уязвимые точки пересечения геополитических интересов. Для России одной из таковых является Арктика, регион с высокой ресурсно-промышленной (добывающие и обрабатывающие производства) и инфраструктурной (многообещающее развитие Северного морского пути) значимостью. Между тем, несмотря на особую значимость Арктики для государства и долгую историю освоения территории, границы российского арктического пространства до сих пор четко не предопределены, что обуславливает возможности для усиления политического давления со стороны недружественных государств и международных организаций. Ратифицировав в 1997 г. Конвенцию ООН по морскому праву, Российская Федерация взяла на себя обязательства при возникновении территориальных претензий на водные и подводные пространства действовать в установленном порядке. Соответственно, отстаивая свои права на хребет Ломоносова и другие объекты, являющиеся продолжением континентального шельфа, в 2001 г. Российская Федерация подала заявку в Комиссию по границам континентального шельфа ООН. В настоящее время процедура еще не завершена, хотя в феврале 2023 г. Россия получила рекомендации от комиссии, признавшей значительную долю территориальных претензий государства. Однако современные условия таковы, что дальнейшие усилия по делимитации пространств с арктическими государствами, имеющими пересекающиеся с Россией интересы, затруднены обострением ситуации на международной арене и неконструктивностью взаимодействия в целом.

Ключевые слова: политика, Арктика, разделение Арктики, Российская Федерация, ООН, делимитация

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Introduction

The Arctic is a region whose importance is now undeniable. The resource wealth of the Arctic subsoil provides considerable benefits to possessor states that are actively exploiting oil, gas, and other mineral deposits. The potential of the Arctic – not only the resources, but also the other available advantages, including the trade via the developing Northern Sea Route – is of interest to the Arctic states as well as to the non-Arctic states, which need the benefits of the region. Hence, it is possible to talk about the growing competition for the Arctic, which makes it important to analyze the problem: despite the long history of territorial redistribution, the boundaries of the Arctic possessions of states are still being clarified.

The goal of this study is to assess the current status of the Arctic boundaries secured as a result of the partition of the Arctic under the United Nations Convention on the Law of the Sea signed in 1982. The key objectives include studying the experience of agreements on the delimitation of the Arctic and specifying the possibility of revising the boundaries, as well as determining the likelihood of change in the crisis conditions of the present, when the world's leading powers are facing a remarkable cooling in relations comparable to the Cold War period.

The analysis is based on the scientific papers of Russian and foreign researchers. These are the studies of A.N. Vylegzhanin and I.P. Dudykina [Вылегжанин, Дудыкина 2017], A.V. Makagon [Макагон 2019], D.A. Volodin [Володин 2023] touching upon the issues of geopolitical claims in general and international legal relations around the Arctic in particular, and D. Auerswald [Auerswald 2020], C. Schofield and A. Østhagen [Schofield, Østhagen 2020], which reflect the point of view of foreign scientists on the Arctic region as an area of border disputes. In addition, the study draws on the legal instruments adopted by the Arctic states and international organizations to fix boundaries.

*Arctic boundary formation:
yesterday, today, tomorrow*

The Arctic is a large-scale region with an area of 40.3 million km² [Кочемасова, Журавель, Седова 2019, с. 159]. The territories are characterized by geographical remoteness and extremely harsh climatic conditions, which has predetermined for centuries the relatively low interest of explorers and merchants, who traditionally developed new lands, in much of the Arctic. Until the beginning of the 18th century, expeditions to the North had two main goals: to find new sea and trade routes (in particular, the famous voyages of S. Cabot, M. Frobisher, H. Hudson, W. Baffin and other navigators in search of the Northwest Passage), as well as campaigns to explore and capture new territories that could provide income from tribute and trade development (this category includes the northern campaigns of Novgorod's vigilantes, when merchants who had heard about the precious fur, one of the main values of the time, followed the warriors).

A certain comprehensiveness of Arctic development became inherent already in the 18th century with the beginning of the Great Northern Expedition, the task of which was a sea voyage from the Pechora River along the coast of the Arctic Ocean in search of a way to the lands of North America for mapping, geological, zoological and other types of research of new territories. In the footsteps of the explorers followed merchants and industrialists who ensured the development of economic activity in the region. The achievements associated with the names of V. Bering and A. Chirikov were extended in the next decades: in the 19th century F. Wrangel, F. Lütke, A. Bunge, E. Toll, and in the early 20th century, B. Vilkitzky and I. Sergeyev did much to define the specifics of the Arctic and the potential of the northern lands.

It is important to emphasize that the Russian Empire faced considerable competition in the exploration and development of the Arctic from other states, including Sweden, Norway, the USA, and Great Britain, which predetermined attempts to regulate activities in the Arctic territories and access to them by representatives of foreign countries. Thus, for example, in 1821, under Emperor Alexander I, there was adopted the Decree no. 28 747, defining “the rules establishing the limits of navigation <...> and the order of maritime relations along the coasts of Eastern Siberia, North-Western America and the Aleutian, Kuril and other islands”¹,

¹ Указ № 28 747 «О приведении в исполнение постановления о пределах плавания и о порядке приморских сношений вдоль берегов Восточной Сибири, Северо-Западной Америки и островов Алеутских, Курильских и проч.». 1821 г. URL: https://nlr.ru/e-res/law_r/search.php (Accessed 12 Jul. 2023).

which specified the particularities of interaction with foreigners arriving to the Russian coasts with commercial and other purposes. In general, the security of Arctic possessions was of some concern to the state. In 1853, N. Muravyov-Amursky reported to Emperor Nicholas I that with “the development of railways <...> the North American states <...> will spread throughout North America <...> and <...> they will have to cede our North American possessions” [История Русской Америки 1999, с. 370–371]. Indeed, the diplomat was right in his predictions. In 1867 the Emperor Alexander II decided to sell Alaska. The likely expansion of the US and the prevailing external threats from the Western powers had a significant impact on such a crucial decision [История Русской Америки 1999, с. 441].

The preservation of the territorial integrity of the northern possessions that remained at the disposal of the Russian Empire required an active presence in these lands. In the second half of the 1890s, the Minister of Finance S. Witte paid attention to the industrial and commercial development of the territories and proposed a variant of economic, infrastructural and military progress of the Arctic with the construction of a network of railways and the building of a naval base and port on Murman². It is quite remarkable that the 1890s are associated not only with Russia’s large-scale plans for the development of the Arctic and sub-Arctic territories. By that time, the minds of travelers and explorers had been captured by the idea of conquering the North Pole. The F. Nansen’s attempt failed (1893–1896), and it took more than a decade for F. Cook (1908) and R. Peary (1909), two American polar explorers, to claim to have reached the Pole. R. Peary noted that he was giving to the state the territories “occupied” by him: “I have today hoisted the national ensign of the United States of America at this place, <...> and have formally taken possession of the entire region, and adjacent, for and in the name of the President of the United States”³. This statement may have worried other states, but in the 20th century, the planting of a flag by pioneers was no longer enough to assert ownership of lands. Nevertheless, it was during this period that a debate about how to divide the Arctic territory up to the North Pole broke out.

The first step in the heated controversy has been taken by Canada. In the days when the expeditions of F. Cook and R. Peary were being

² Чуракова О.В. Комитет для помощи поморам Русского Севера (1894–1908). URL: <https://goarctic.ru/society/komitet-dlya-pomoshchi-pomoram-russkogo-severa-1894-1908/> (Accessed 14 Jul. 2023).

³ Stafford E.P. Peary and the North Pole. Not the shadow of a doubt. URL: <https://www.usni.org/magazines/proceedings/1971/december/peary-and-north-pole-not-shadow-doubt> (Accessed 14 Jul. 2023).

prepared, Canadian Senator P. Poirier made a statement proposing a sectoral approach to the division of the Arctic: “A country whose possession today goes up to the Arctic regions will have a right <...> to all the lands that are to be found in the waters between a line extending from its eastern extremity north, and another line extending from the western extremity north. All the lands between the two lines up to the North Pole should belong <...> to the country whose territory abuts up there” [Pharand 1988, p. 10]. In 1925, this position – the pie-sharing of the Arctic – was reflected in Canada’s legal and regulatory space [Timtchenko 1997, p. 29].

Canada’s position on Arctic delineation has forced other Arctic states to act. And next up was the Soviet Union, which was beginning to recover from the difficult war and revolutionary times that had thwarted the Russian Empire’s ambitious plans for Arctic territories. In 1926, the Presidium of the Central Executive Committee of the USSR adopted a resolution that defined the state’s Arctic possessions for a long time to the future. Thus, the USSR declared all lands and islands located in the Arctic Ocean between the meridians running along the eastern and western borders of the state to be its own⁴, thus supporting the idea of a sectoral division of the Arctic.

It should be noted that this mode of division did not seem successful, in particular for those states that were not among the sub-Arctic states and therefore could not claim access to Arctic resources, which led to a discussion about the possibility of universalizing the Arctic. [Макагон 2019, с. 6] It is probable that these intentions were reflected in a consensus international legal act that significantly changed the pre-existing Arctic agreements, although some researchers believe that the case of this region was “delicately excluded” [Вылегжанин Дудыкина 2017, с. 292–293] from the discussion. In 1982, states agreed on the provisions of the United Nations Convention on the Law of the Sea, which went into effect in 1994. The document asserted the right of states to a 200-mile exclusive economic zone (Art. 57), with the possibility of extending it to include the continental shelf beyond the specified 200 nautical mile limit (Art. 76)⁵. Thus, the area of “the seabed and ocean floor” outside of states territories has been given the status of “common heritage of mankind”⁶.

⁴ Постановление Президиума Центрального исполнительного комитета Союза ССР от 15.04.1926 г. «Об объявлении территорией Союза ССР земель и островов, расположенных в Северном Ледовитом океане». URL: <https://docs.cntd.ru/document/901761796> (Accessed 15 Jul. 2023).

⁵ Конвенция Организации Объединенных Наций по морскому праву. URL: <https://docs.cntd.ru/document/1900747> (Accessed 16 Jul. 2023).

⁶ Ibid.

Russia's ratification of the Convention in 1997 predetermined the state's procedure for establishing the right to the Arctic continental shelf. In 2001, the Russian Federation appealed to the UN Commission on the Limits of the Continental Shelf due to a conflict of interest over the Lomonosov Ridge, located in the central Arctic Ocean from the continental shelf of Siberia (Russian side) to the Lincoln Sea, which separates the territories of Canada (Nunavut) and Denmark (Greenland). However, the evidence provided by Russia was deemed insufficient: the Commission requested additional data supporting the state's claims to the territories⁷. It took a long period of research, conducted, in particular, as part of the multidimensional activities of the Arktika-2007 expedition and other projects, that the Russian Federation reapplied to the Commission in 2015, submitting an application with modified scientific arguments⁸. According to the new data, Russia claimed 1.2 million kilometres² of the Arctic sea shelf, extending more than 350 nautical miles offshore, and further expanded its claim to the Lomonosov, Gakkel, Mendeleev ridges and other territories, adding these areas to a 2021 application⁹.

On 6 February 2023, the Russian Federation received recommendations from the Commission recognizing a significant portion of the state's territorial claims¹⁰, and a week later, on 14 February 2023, Russia submitted new information to the Commission.

It should be noted that, according to the Commission's conclusion, the establishment of the final outer limits of the continental shelf of the Russian Federation in the Arctic Ocean was made dependent on the delimitation of the continental shelf with other Arctic States (Denmark, Canada, etc.)¹¹. Indeed, the Commission's recommendations, although

⁷ Report of the Secretary-General: Recommendations of the Commission in regard to the submission made by the Russian Federation. URL: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N02/629/28/PDF/N0262928.pdf?OpenElement> (Accessed 16 Jul. 2023).

⁸ Частичное пересмотренное представление Российской Федерации в Комиссию по границам континентального шельфа в отношении континентального шельфа Российской Федерации в Северном Ледовитом океане: Резюме. 2015. 35 с.

⁹ Recommendations of the Commission on the limits of the continental shelf in regard to the partial revised submission made by the Russian Federation in respect of the Arctic Ocean on 3 august 2015 with agenda submitted on 31 march 2021. URL: https://www.un.org/depts/los/clcs_new/submissions_files/rus01_rev15/2023RusRev1RecSum.pdf (Accessed 16 Jul. 2023).

¹⁰ Ibid.

¹¹ Ibid.

having legal significance, are not obligatory and, as a consequence, do not guarantee the recognition of Russia's rights by states that have declared their own claims to the same areas. Thus, in the scenario that the Commission confirms the validity of the Russian Federation's claim, the state should initiate a process of border delimitation with countries that have "overlapping interests" in the Arctic territory. It is worth noting that Russia has already had negotiating experience on the issue of the Arctic division: in 1990, the USSR and the United States concluded an interim agreement that delimited their possessions in the Chukchi and Bering Seas, as well as the Arctic and the Pacific Ocean, and in 2010 Russia and Norway signed a treaty on the division of maritime space in the Barents Sea and Arctic Ocean. However, it is very indicative that in both the first and the second case Russia made concessions by giving up part of the disputed areas¹² [Повал 2012, с. 23–25], which may have been due to state weakness at the time the agreements were concluded (the 1990s were not easy for the USSR, which was on the verge of collapse), and the concern to strengthen the good neighborhood relations (a trend that was quite evident in the 2000s, when Russia declared a course of openness and rapprochement with Europe). In addition, some scholars suggest that the likely risks of creating or maintaining hotbeds of tension on the northern border, at least in the case of Norway, may have pushed Russia to take such a publicly unprofitable step [Кривоотов 2011, с. 85].

As a result of the longstanding crisis in Russian-Ukrainian relations, which began in 2014 and significantly escalated in 2022, the Russian Federation has been confronted with unconstructive behavior by unfriendly Western and North American states, including member states of the Arctic club, which has had a negative impact on cooperation on Arctic issues. The cooperation within the framework of the Arctic Council and the Barents/Euro-Arctic Council (from the last one Russia has announced its withdrawal in September 2023) has been suspended, as well as the other programs that previously provided joint action for the prosperity of the Arctic region (Kolarctic, etc.) have been frozen. The aggravation of the situation in the international space, coupled with the imposition of mutual sanctions, led Russia to announce in mid-2022 that it wanted to renegotiate its treaty with Norway¹³. Although the

¹² *Вылежанин А.Н.* Соглашение между СССР и США о линии разграничения морских пространств 1990 г.: разные оценки «временного применения». URL: <https://mgimo.ru/about/news/experts/124210/> (Accessed 20 Jul. 2023).

¹³ Раздел шельфа с Норвегией изучат заново. URL: <http://www.energystate.ru/news/25357.html> (Accessed 20 Jul. 2023).

representative of the Norwegian Ministry of Foreign Affairs A. Haavardsdatter announced the impossibility of denouncing this treaty¹⁴ and Russia has not taken any decisive steps in this direction to date, the likelihood of further tension on this issue remains.

A significant deterioration of relations both in the international sphere (including within the UN) and in the sphere of bilateral interaction between Russia and selected Arctic states (the United States, Denmark, Norway, and others) may also provoke a geopolitical crisis in the Arctic zone, when decisions taken by the sides may be driven not by objective factors but by political preferences.

Conclusion

The formation of Russian borders in the Arctic region has a long history. Following the warriors who were counting on booty, to the northern lands came the merchants. Then navigators and explorers became interested in finding routes to new or already discovered lands. However, the days when territories could be assigned to a state by planting a flag and establishing a colony were a thing of the past by the 20th century. All land areas had already been developed, their boundaries defined and fixed. Now is the time to explore the Arctic waters, which seem very promising due to the large-scale resource potential. Nevertheless, an obstacle to the broad prospects open to the Russian Federation, if its territorial rights are secured internationally, is the high level of conflict at the international level, which makes it difficult to realize the necessary procedures. Although the UN Commission on the Limits of the Continental Shelf, which is involved in the procedure of defining the Arctic boundaries of states, obviously, despite the crisis in the external space, maintains objectivity, some states, including the Arctic ones, are not ready to pursue a constructive dialogue. Moreover, the previous format of interaction, when it was Russia that made concessions out of “weakness” or as a measure to strengthen good neighborhood relations, is impossible now. The active militarization of the Arctic, accompanied by the intensification of military exercises, undoubtedly affects the complex geopolitical situation and Russia’s position in the region, provoking tension: however, the obvious impracticability of using “soft” methods, which could be perceived as a new demonstration of “weakness”, necessitates the use of an arsenal of “hard power” means.

¹⁴ МИД Норвегии: денонсация договора о передаче части Баренцева моря Норвегии невозможна. URL: <https://www.kommersant.ru/doc/5447306> (Accessed 20 Jul. 2023).

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