Cooperation of Russia with Arctic Nations in the Field of Legal Regulation of the Use of Northern Territories

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Abstract. The paper considers the issue of cooperation between Russia and other nations of the Arctic zone and legal regulation of the processes related to interaction between the countries in this region. The most important legal provisions of international conventions and bilateral agreements on the use of the Arctic in economic and business activities are analyzed. Methods of scientific cognition are applied to study the essential areas of legal regulation of various aspects of human life and activities in the Arctic. Important aspects of international activity in the Arctic region are studied, such as: determining territorial belonging of northern lands to one or another nation, dividing jurisdiction of individual countries according to the principles of international law and agreements made between the participants of natural resource management in the northern regions. The issues concerning division of the sea shelf between bordering countries are covered. Based on the implemented approaches, certain results were reached: collisions between various international regulatory enactments were detected, and possibilities of settling some legal aspects of activities of the countries located in the Arctic were determined. Possible options were considered for the processes related to the development of natural resources in the northern seas and territories. It was established that the activities of the countries belonging to the Arctic group can ensure positive outcomes for comprehensive development of northern territories only in case there is full cooperation based on equal rights of all the countries in this region, which calls for joint development of a system of legal acts and international agreements covering the most important aspects of the use of the advantages of the Arctic zone for further sustainable natural resource management.

1. Introduction:
In accordance with the generally accepted international legal approaches, the Arctic is understood as a part of the globe limited by the Arctic Circle. This territory includes the Arctic Ocean, adjacent seas and a large number of islands. The location of this segment of the globe in a certain vast region of the planet preconditions the essential features of legal regulation of interaction between various countries situated in this climatic zone. According to the generally accepted terminology, five countries are referred to as Arctic nations: Russia, the US, Canada, Norway, and Denmark [1]. The coast of these countries opens on to the Arctic Ocean. In the 21 century all the above countries show their considerable interest in economic use of the natural resources of the Arctic subarctic zone of the globe. The issue of legal regulation of their interests in effective exploitation of the natural resources of the Arctic is becoming more and more acute, since there territories possess large volumes of mineral resources, especially raw hydrocarbons. Moreover, the Arctic seas and the Arctic Ocean have significant fish resources. The problem of regulation of the sea navigation in this region is also important, since
exploration of the subarctic areas of the globe has an extensive history and has been carried out by several countries. The legal regime of the use of such a vast zone of the earth surface has relied, to a large extent, on international conventions, which were made by a group of countries that have the biggest interest in the access to the subarctic zone [2]. In addition, a very significant effect in regulating state relations within the Arctic region is produced by the agreements that individual nations make to legally regulate the issues related to using specific legal resources of the northern territories and exploring the seas adjacent to the coast of the five Arctic countries mentioned above as well as the islands within the limits of the Arctic Circle.

Since after the Soviet Union collapsed Russia was recognized as its legal successor in international relations, this circumstance has objectively marked the legal issues about the use of such vast territories in the northern hemisphere. It should be noted that the above Arctic countries approach the legal problems of exploitation of the Arctic from different positions, primarily considering their national interests. This approach is very distinctive for the US, striving to ensure their considerable advantages in the use of natural and sea resources of the Arctic zone, which affects considerably the stability of the international relations implemented in the subarctic area. So, it seems very important to regulate legally and in detail all the nuances of the international relations related to the activity of the Arctic countries in the issues of rational effective use of the natural potential of the northern territories.

2. Methodology
This paper uses subject-analytical, system legal and legalistic methods as main specialized methods of research. Apart from these, other widely spread general theoretical methods are applied: analysis, synthesis, comparison. The relations between individual Arctic countries on the issues whose regulation represents mutual interest were studied using a subject-analytical method. A system legal method was applied to investigate the problems of interaction of all the countries in the Arctic region, to find out about how balanced their activities are in the economic sphere and to know how mutually acceptable multilateral legal agreements can be worked towards. A legalistic method was used to study individual concepts of legal regulation in certain spheres of social relations, common for the economic activity in the Arctic.

3. Purpose of the Study
The study focuses on the specifics of legal regulation of the issues related to the use of the natural resources of the Arctic region in the modern period of time, and the main trends in the state activity of the subjects of international relations aimed at solving the problems of effective joint development in the sphere of exploration of the northern territories.

4. Findings
The legal framework on the territory of the Arctic is determined both by international conventions, and individual bilateral agreements of the Arctic countries [3]. To study the range of these problems, we analyzed the territorial aspects of differentiation of individual northern zones in the sphere of national jurisdiction of specific countries [4]. A lot of attention is paid to the questions related to referring islands and polar archipelagos to the belonging of certain countries. Then we investigated the problems of differentiating the maritime spaces of the Arctic region [5]. In addition, we considered the approaches of various participants of international relations in the Arctic to the use of natural bio-resources and mineral resources [6].

Due to historical circumstances, Russia has the vastest territory out of all Arctic nations, located in the Arctic Circle. Russia has common borders only with two countries in the mentioned group: Norway and the US. As it comes from the experience in international relations in the Arctic zone, until recently there have been no serious collisions between all these subjects of international relations about territorial division in the Arctic. However, due to the fact that huge deposits of oil and gas were discovered on the continental shelf of the northern subarctic territories, some countries, in particular the USA, have been claiming considerable spaces of the shelf of the Arctic Ocean, being the
continuation of the land territories of the above countries. Such an approach seriously upsets the balance of interests of the Arctic nation in the sphere of natural resource management and brings about conflicts between the participants of international legal agreements, regulating the relations in the subarctic regions. Moreover, the USA insists on having equal access to the natural wealth of the shelf located in the Arctic zone independently on the territory adjacent to specific regions of the continental shelf. In particular, the United Oil and Gas Consortium Management Corporation, set up according to the Arctic Research and Policy Act, claims the right to explore and develop the natural resource deposits outside the limits of the 200-mile exclusive zones of the five Arctic countries. In legal terms the US draws on the fact that it is the only country out of the above which did not ratify the UN convention on maritime law in 1982, and so, in accordance with the national law, it can carry out geological exploration outside the limits of its exclusive economic zone in the Arctic Ocean. Moreover, in 2019 the US President came up with a really unexpected suggestion that this country should buy out a big island in the Arctic zone from Denmark – Greenland. Such an approach of North-American government authorities negatively affects the stability of legal regulation of international relations. It should be pointed out that territorial disputes between Norway and Russia were settled when a bilateral international treaty was signed in 2010. Given that the continental shelf in the Arctic accounts for millions of square kilometers and considering the instability of today’s international relations, it is quite possible that some Arctic states will be trying to expand their jurisdiction for other regions of the Polar territories.

For legal regulation of the relations between the countries of the above group, it is important to tackle the problems of belonging of numerous islands and archipelagoes in the Arctic Ocean and its seas. In the course of the historical development of the countries in this region, there have often been serious collisions caused by their different opinions on the spread of their sovereignty on concrete archipelagoes and islands located in the Arctic Circle. Such problems are commonly solved by long and scrupulous negotiations between specific countries and until recently there have been no example of a negative character when the countries of the Arctic region tried to resolve their territorial claims by war.

Perhaps this was due to the fact that for a long period of time the composition of the Arctic nations was practically permanent. Of course, after the Soviet Union collapsed in 1991, there were problems of legal succession of the Russian Federation concerning the international relations in the Arctic. But they did not turn into acute problems. Russia positioned itself as an absolute successor of the USSR and there were no disputes, which positively affected the development of international relations concerning the problems of the Arctic zone.

It should be noted that for a long time there have been considerable inconsistencies about Svalbard (former Spitzbergen) archipelago and the adjacent waters of the Arctic Ocean between the Soviet Union and then the Russian Federation on the one hand and the Kingdom of Norway on the other. The legal regime of this group of islands was defined by an international agreement (The Svalbard Treaty) in 1920. Norway exercises its sovereignty on this archipelago based on this treaty, but the problem of delimitation of the sea spaces in the region of the above islands has not been settled so far. This matter is very important for ensuring stability of international legal relations between the two countries because there is lack of proper regulation of fishing in the territorial waters adjacent to Svalbard. Since subarctic seas are rich in fish resources, the ambiguity of fishing business in the region that is so important economically negatively affects the development of deep-sea fishing both in the Russian Federation and in the Kingdom of Norway. Since Norway lays an exceptional emphasis on having the fishing regulation issues solved in a positive way for the country, there is still no legal agreement between Russia and Norway.

As the Arctic countries use many archipelagoes and islands of the Arctic Ocean, the problem of presence of armed forces of different countries on these parts of land has become very acute recently. For several years the Arctic countries have been trying to place military bases and military forces aimed at the Russian Federation on the northern archipelagoes and islands, since Norway, Denmark, Canada and the US are member states of NATO, and, according to the latest policies of the North
Atlantic coalition, practical measures are being taken to ensure permanent military presence of the armed forces of NATO, mostly army and navy groups of the US, on the main territories of the Arctic Ocean, which very negatively affects the formation of stable international legal relations in the Arctic zone.

As for the areas of the globe located in the Arctic Circle, it is very important to resolve the issues of differentiating the sea spaces in the Arctic Ocean and the problems of cooperation of the Arctic countries in terms of use of sea waters for navigation and fishing. Today there is a whole lot of international conventions and treaties between maritime nations having access to northern seas. They regulate quite in detail the matters of sea navigation both in the Arctic zone and in the adjacent sea spaces. The legal status of the Arctic Ocean and seas adjacent to the territories of the Arctic countries was recognized in the 1958 Geneva Conventions on the Law of the Sea and the United Nations Convention on the Law of the Sea adopted in 1982. Legal preferences concerning the width range of territorial waters were determined for northern sea spaces of the Arctic counties. A specific feature is that vast sea bays are referred to as the national waters of a country independently on whether their offshore area exceeds 24 nautical miles or not. The legal regime is also valid for the straits separating archipelagoes and individual islands of the northern seas from the mainland of the Russian Federation.

The principle of initial lines, based on the geographical coordinates of certain points of the mainland, allows Norway, Canada, and the Russian Federation, in particular, to include a vast space of sea surface in the composition of their national waters and, thus, justify the lawfulness of exceptional use of these parts of seas by those countries only whose jurisdiction spreads on the internal sea waters. This principle is one of the important legal factors which determine the priority of economic activities of a concrete country on extensive spaces of the subpolar seas and the Arctic Ocean.

Considering the above legal concepts, the coastal countries of the Arctic zone get objective opportunities for effective economic exploration of not only mainland polar areas, but also significant surfaces of northern seas and the Arctic Ocean without competition on the part of the other countries belonging to this group. Since the Russian Federation has vast territories in the Arctic Circle, it is essential that it should have the possibility of using the Northern Sea Route as a strategically important direction for large amounts of cargo transportation.

The specifics of operation of the Northern Sea Route find its reflection in the legal acts documenting the exceptional position of the Russian Federation on this sea route, which appeared in the course of exploration of the Arctic coastline during a long historical period. Since the Russian Federation is internationally the successor of the Soviet Union, the legal documents adopted by the USSR to regulate the matters of use of the Northern Sea Route are valid today and their legal status is not disputed by the countries of the Arctic group. According to the above legal acts, most of the straits between the mainland of the Russian Federation and the islands and archipelagoes located in the subpolar seas belong to the national waters of Russia. I.e. no foreign vessel can navigate along the Northern Sea Route without permission from Russia. This is also true for the sea straits from the islands of Novaya Zemlya to the sea spaces located next to the eastern part of Chukotka Peninsula. This regulation does not contradict the 1982 Conventions, so until recently no country disputed the exceptional authority of Russia with regard to cargo transportation along the itinerary of the Northern Sea Route.

However, today the US and some other countries are trying to place in doubt the above legal regulations because the zone of subpolar regions of the globe is acquiring a significant importance as a strategic region for busing the armed forces of different countries of NATO, and because large volumes of raw hydrocarbons, reaching several dozens of trillion cubic meters, have been discovered on the continental shelf. So the United States, acting from its geopolitical and economic interests, is making efforts to revise the legal framework that regulates the international relations in the Arctic zone.

For objective legal regulation of the matters concerning the use of the Northern Sea Route we should consider an important fact that during most of the calendar year the eastern regions of this sea itinerary are practically inapproachable for navigation, since in the period from November to June, the
The Russian Federation is virtually the only country in the Arctic region that has a powerful ice-breaking fleet, which is needed to lead sea craft along the Northern Sea Route. Moreover, since there is need for transporting cargos from the raw hydrocarbon deposits, located on the shelf of the subpolar seas, Russia is involved in a program aimed at building a series of nuclear ice-breakers, which by their technical parameters can ensure transportation of cargos by ships along the entire itinerary of the Northern Sea Route to transport considerable amounts of oil and gas to the Asia-Pacific countries. I.e. other countries of the Arctic group are virtually incapable of using the Northern Sea Route without Russia because they do not have a suitable ice-breaking fleet. However, Russia, acting from its national economic interests, allowed free access of foreign sea craft to more than 50 ports located in the subpolar zone of the Russian Federation, which has a positive impact on the economic development of northern territories of the country. It should be noted that a special organization was set up in the time of the Soviet Union – the Administration of the Northern Sea Route, which had considerable authority in the matters of regulation and servicing of this Arctic itinerary of trade navigation. In the Russian Federation this institution continues its work with due consideration of the market relations, which has a favorable effect on the navigation regime in the northern Arctic seas.

According to the legislation of Russia, there is a regulatory approval system for navigation of foreign sea craft in all the straits connecting the Kara, Barents, East Siberian, Chukchi and Laptev Seas. This legal regime was introduced by the Decree of the Council of Ministers of the USSR on April 27, 1965. Russia strictly complies with the legal provisions of the above legal act. An interesting aspect concerning the itinerary of the Northern Sea Route is that the direction of navigation of sea craft can vary a lot depending on the ice conditions because in years when sea ice in the Arctic zone retrieves at large distances towards the North Pole due to the fluctuations in summer temperatures, it becomes possible for vessels to go around the northern extremities of the archipelagoes of Novaya Zemlya, Severnaya Zemlya, New Siberian Islands, Wrangel Island.

According to the international law in the Arctic, the sea spaces in these geographical coordinates are not referred to as national waters or historical sea waters, and it creates legal prerequisites for free sailing of ships of various countries along the itinerary of the Northern Sea Route. But navigation by these northern directions is based on the presence of a chain of navigation stations located on the islands of the Arctic zone, which ensure safety of any vessels in the northern regions. Since the islands mentioned above are the territory of the Russian Federation, it is only this country that can really maintain the operation of the navigation stations that ensure the necessary safety of vessels. I.e., in fact, any ship sailing along the itinerary of the Northern Sea Route, independently on the direction of navigation, cannot do without the operation of the navigation stations and equipment located in the territory of Russia. Taking into consideration the objective circumstances, it can be concluded that all the issues concerning transportation of various cargos along this itinerary are within the jurisdiction of Russia. At the same time, the legal regulation of the use of the sea spaces in the Arctic region has enough uncertainties and deficiencies that have to be made consistent with the international law and national legal acts to achieve mutually acceptable conditions, which satisfy the interests of the Russian Federation, Canada, Norway, the US, and Denmark in the field of economic and environment-oriented activities.

Given that the above countries successfully cooperate to tackle various problems of the Arctic, it can be expected that new regulatory documents will be developed with due consideration of the generally accepted legal concepts, and conflict situations between the countries of the Arctic group can be avoided in a wide range of matters and activities implemented in this region of the globe.

The issues of legal regulation of the exploitation of bio-resources, in particular, fishing have a considerable significance among multiple aspects of economic and ecologic activities. The countries of the subpolar region have been fishing for various species of fish both in the Arctic Ocean and in the seas adjacent to it for a long time. Overall, the above countries fish several million tons of fish.
annually, which brings about an important positive effect for the economy of all these countries, provides the population in the northern territories with enough quantities of high quality food supplies and resolves, to a large extent, the employment issues of the active part of the population in the region. It is enough to mention that one of the leading fishing countries is Norway, and most fish is caught by Norwegian ships in the North Atlantic and in the seas in the Arctic Circle. This country, complying with the bilateral agreements with the USSR and RF, has the right to fish in the Barents Sea, which positively influences the volume of fish products manufactured in the Kingdom. In particular, on April 16, 1962, a Norwegian-Soviet Fishing Agreement was signed. It formulates general mutually acceptable approaches to fishing in the northern seas. In 1975 and 1976, the Soviet Union and the Kingdom of Norway signed and ratified the text of agreements, which regulated in detail all the major aspects of deep-sea fishing of these countries in the territorial waters of the USSR and Norway. Until today, no considerable changes have been introduced by either Russia or Norway to the text of the agreements, and this helps to ensure stability and predictability of fishing operations in those parts of the Arctic Ocean and adjacent seas where Russia and Norway are involved in large-scale fishing.

In 2010 the level of legal regulation of the problems of the finishing industry was improved significantly after an agreement was concluded between Russia and Norway about differentiating the sea spaces and cooperation in the Barents Sea and the Arctic Ocean. Moreover, the 1990 USA/USSR Maritime Boundary Agreement still has an important significance within the framework of legal regulation of the processes related to fishing in the northern seas and in the Arctic Ocean. This document has not been ratified by either country, but since this agreement is very important for the development of the fishing industry, it is temporarily applied according to the diplomatic procedures in a form of the exchange of notes between the US and the USSR. The text of the agreement directly concerns the volume of fish resources exploited by both countries, and it helps regulate the relations of the above countries in the Arctic zone, creating sustainable prerequisites for resolving problems arising during exploitation of live bio-resources of the world ocean.

5. Conclusion
Due to the uniqueness of the Arctic, it is important to create the foundations for legal regulation of economic and economic activities of the countries that have direct access to the waters of the sea spaces of the Arctic Ocean. Taking into account the fact that the group of countries most interested in the rational use of the resources of the Arctic include the Russian Federation, Canada, the US, Denmark, and Norway, there is an urgent need to create a system of legal acts, bilateral and multilateral agreements which would regulate in detail all the main issues arising in the process of human life and activities on the spaces located in the Arctic Circle. Moreover, all the participants of international relations in this region of the planet should consider the objective circumstances existing over a long period of time in this vast region, which made an impact on numerous international legal acts and agreements signed between the countries operating in the Arctic. The interests of all countries of the Arctic group are largely interrelated, firstly, by their geographic position,secondly, by the specifics of the natural environment of these territories, and, thirdly, by the prospects of the most rational use of the vast spaces of the Arctic zone for comprehensive development of the regions adjacent to the Arctic Circle.

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