Russia's geopolitical and socio-economic interests in the Arctic: regulatory issues

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Abstract. This article is a comprehensive analysis of the Arctic legislation of the Russian Federation in the context of the implementation of the main geopolitical and socio-economic interests of the country in the Arctic region. The relevance of the presented research is determined by the need for further development of international legal norms regulating various aspects of the development of the Arctic region, as well as domestic legislation that defines Russia's strategic interests in the Arctic zone and the competence of state authorities in the implementation of these interests, taking into account the basic principles and provisions of international public and private law and the Constitution of the Russian Federation.

1. Introduction
Analyzing the geopolitical and socio-economic interests of the Russian Federation in the Arctic region, first of all, it is necessary to determine the purely geographical scope of the territory under study. In the classical sense, the Arctic zone is a specific physical and geographical area that is located around the North pole and covers almost the entire area of the Arctic ocean, the Northern periphery of the Eurasian and North American continents, as well as part of the waters of the Pacific and Atlantic oceans.

However, if the term "Arctic" is well-established in terms of content, the concept of Arctic States does not differ in a similar definiteness, which is reflected in various international acts that sometimes expand or narrow the list of countries belonging to this group. Such discrepancies are caused by different criteria used to determine the composition of this group. If the fundamental feature is that a state has access to the Arctic ocean, then in the strict sense, five countries should be recognized as Arctic: Russian Federation, Canada, USA, Norway and Denmark. The above-mentioned States within the Arctic region, in addition to internal and territorial sea waters and the continental shelf, also have exclusive economic zones.

At the same time, the Arctic Council includes eight countries selected by the criterion of whether each of them has a territory North of the 66th parallel. In terms of the development of the Arctic zone, this intergovernmental forum plays a crucial role in determining the political vectors of this development and forming the appropriate regulatory framework.
The territories included in the Arctic region are not homogeneous in terms of their socio-economic and geopolitical potential. In this context, the priority undoubtedly remains for the Western Arctic with the largest archipelagos (Novaya Zemlya, Svalbard, Franz Josef land).

The attention of the world community towards the Arctic region caused by many factors, the most important of which is the abundance of natural resources, remained virtually untouched due to the specific climatic conditions (very low average annual temperatures, the presence of seismogenic zones, the duration of the polar days and nights, etc.). From the point of view of the ecology of the planet, the Arctic, as part of the North Eurasian center stabilizatorius environment, also performs unique functions, including the maintenance of biological diversity of the globe[1].

In addition, the indigenous population that lived beyond the Arctic circle for many centuries formed a natural culture of life support, which had a positive impact on the ecosystem of this region. However, in modern conditions, all the prospects for the development of the Arctic are associated with the activation of industrial activities of mining companies that have set their eyes on the Arctic shelf, which is rich in virtually untouched energy resources[2].

This trend is observed in all Arctic States, and therefore such activity is increasingly called polar fever, similar to The gold rush in Alaska at the turn of the XIX-XX centuries. At the same time, the current technologies for extracting hydrocarbons in such difficult natural and climatic conditions do not allow us to guarantee the complete preservation of Arctic bioresources, which are no less abundant and diverse. Increased development in this area, coupled with increased industrial production in the Arctic region, is largely due to a sharp reduction in raw material reserves in traditionally developed areas[3].

The special significance of the task of developing the resources of the Russian Arctic territories from the point of view of the economic development of the Russian Federation is evidenced by repeated references and references to the need for the development of the Arctic in the text of the national security Strategy of the Russian Federation, which States the need to maintain leadership positions in this region as the most important condition for Russia's successful resolution of competition on the world stage.

Certain prerequisites for the effective implementation of the geopolitical and socio-economic interests of the Russian Federation in the Arctic are formed due to climate changes that are global in nature. Thus, due to the melting of glaciers in the Arctic ocean, it is easier for ships to move along the Northern sea corridor – the main Arctic artery connecting the European part of the continent with the Far East [4].

However, the Arctic shelf, as well as the coastline, as well as the island land, attract the attention of not only Russia, but also other States that allocate significant funds for the study of resources concentrated beyond the Arctic circle[5].

At the same time, it should be recognized that from an environmental point of view, increased attention to the problems of industrial development of the Arctic poses a threat to the established ecosystem, a significant change in which can significantly worsen the already difficult situation with the environment around the globe [6].

In these circumstances, the responsibility of the member States of the Arctic Council for ensuring the balance of efficiency and safety of industrial development of the Arctic zone, providing guarantees for the protection of its unique biota is updated[7].

Assessing the existing international legal framework governing the socio-economic development of the Arctic territories, it is necessary to recognize that a full-fledged, binding single normative act in the format of a Treaty, Pact, Convention, Declaration, etc. is not available today, but certain aspects of industrial activity in this region are spelled out in more than a hundred international documents of different legal force. The vast majority of them belong to the category of recommendations and directly or indirectly affect the problems of preserving Arctic ecosystems, developing extractive industries and fishing activities, and achieving year-round Arctic navigation.

A number of international declarations dealing with regional cooperation in the environmental sphere should mention:
• Declaration from the Ministerial meeting of the Arctic Environmental Protection Strategy (AEPS) held in Inuvik, Canada. (1996);
• Iqaluit Declaration. The Ninth Ministerial Meeting of the Arctic Council. April 24, 2015. Iqaluit, Yukon, Canada.;
• Nuuk Declaration On the occasion of the Seventh Ministerial Meeting of The Arctic Council 12 May 2011, Nuuk, Greenland (2011)
• With regard to the development of energy resources concentrated in the Arctic, and mining in the region, certain issues are regulated by the following international acts:
  • International Convention on Civil Liability for Oil Pollution Damage (1969);
  • International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1971);
  • Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972);
  • International Convention for the Prevention of Pollution from Ships, MARPOL 73/78;
  • United Nations Convention on the Law of the Sea (UNCLOS) (1982).

The legal regime of the Northern sea corridor should be discussed separately. The prerequisites for the current state of legal regulation of movement along this sea route are related to the specifics of its development by the Russian state in historical retrospect and the importance that it is assigned to the Russian economy. That is why the international legal norms set forth in article 234 of the UNCLOS in relation to the Northern sea route are of a General nature, while the particular regulatory aspects of navigation in this case are regulated by Russian law. Thus, the preservation of the status quo in this area is one of the priority goals of the Russian Federation, while some States consider this situation as a violation of their economic interests, which inevitably leads to a desire to significantly edit the norms of the Convention[8].

The growing attention to the problems of development of the Arctic territories as an important factor of economic development is evidenced by the development of national strategies for activities in the Arctic zones that belong to them[9].

Thus, the fundamental documents defining Canada's domestic and foreign policy in the Arctic are the "Canada's Northern Strategy: Our North, Our Future, Our Heritage" adopted in 2009 and the "Canada Arctic Foreign Policy" formulated a year later. Special attention in these regulations is paid to environmental issues in the Arctic zone and the emerging climate shifts that require an adequate response to avoid catastrophic consequences for the environment.

The basic document of Denmark, according to which this state is developing the Arctic territories, should be considered Denmark, Greenland and the Faroe Islands: Kingdom of Denmark Strategy for the Arctic 2011-2020. Achieving a balance between the economic benefits of economic activity in the Arctic (primarily in Greenland) and the environmental well-being of this territory is among the priority goals that are relevant for the long term.

A similar legal act is also available in Finnish legislation. Over the past decade, the Finland’s Strategy for Arctic Region in this state has been revised three times: in 2010, 2013 and 2016. However, the key areas of Arctic policy remain unchanged: the development of Finland as an Arctic state; expert activities in the Arctic; ensuring sustainable economic growth without harming the environment of the Arctic region; and strengthening cooperation with other countries that are members of the Arctic Council.

Norway has also repeatedly updated its Arctic strategy. The latest version of the document was adopted by the government in 2017. The document, called "The High North Strategy 2017. Between geopolitics and social development", consistently develops and updates the main directions defined in 2007 by the "The Norwegian Government's Strategy for the High North". In addition to supporting business projects and increasing resource production in the region, priority goals include ensuring safe navigation, preventing and overcoming the consequences of potential emergencies, improving
infrastructure, research in the field of ecology and climatology in the Arctic, supporting indigenous people, and protecting their cultural identity.

The United States has documented its strategic interests in this region before other Arctic States. So, the Arctic Research and Policy Act of 1984 was adopted, which outlined the framework for legal regulation of scientific, economic and military activities of the United States in the Far North. To date, the US Arctic policy remains the most detailed in the doctrinal sense, and the regulatory documents that mediate it are regularly updated. After the adoption in 2009 of two fundamental acts National Security Presidential Directive 66 – Homeland Security Presidential Directive 25 – state priorities were rethought and received a new wording in the National Strategy For The Arctic Region approved by the US President in 2013. For the first time, it declared the paramount importance of the state's security interests in the region, while the issues of economic development and its consequences, as well as international cooperation in the Arctic, were relegated to the background while recognizing their undoubted importance[10].

It should be recognized that at present, the US policy in the region under study has clearly intensified, which can cause some concern on the part of other States that have their strategic interests in the Arctic, and, above all, on the part of Russia. The DoD's Arctic Strategy, updated in 2019, deserves the most attention in this context. Based on the stated goals and objectives, we can conclude that the Russian Federation (along with China, which, by the way, is not an Arctic power) is considered by the United States as the main rival and a source of threat to national interests in the Far North. Despite the low level of probability of an inter-state conflict in the Arctic zone, the US has already stated that the sphere of uncertainty is growing, which potentially increases the risks of aggression[11]. The United States considers the most dangerous scenario for itself to be the restoration of Russia's Soviet-Era military bases and the construction of new military bases, the deployment of air defense systems in the Russian Arctic, and the introduction by the Russian Federation of restrictions on access to certain resources and territories supported by military force.

It should be noted that the Russian Federation is hardly the only Arctic state in which the implementation of national strategic interests in the studied region is not regulated by law. And this is despite the unparalleled extent of the polar space in the world, which in the total mass is about one third of the state territory[12]. Moreover, at present, the Russian Federation does not have an up-to-date strategy for the development of the Arctic zone for this period, which corresponds to the fundamentals of the state policy of the Russian Federation in the Arctic for the period up to 2035 adopted in March 2020. The task of developing and approving this document is currently paramount.

The task of transforming the management of Russian territories located beyond the Arctic circle was set by the President of the Russian Federation back in 2018. Special emphasis was placed on the need to accept the challenges of the time, which, according to Deputy Prime Minister Yuri Trutnev, should be understood as both external challenges associated with increasing competition for economic opportunities in the Arctic, and internal challenges associated with the outflow of population, low quality of life, and lack of infrastructure.

The first steps in this direction were taken in 2019: first, the coordinating body, the State Commission for Arctic development, which has been operating since 2015, was transformed (in terms of structure and competencies); second, the area of responsibility and the range of powers of the relevant Ministry were expanded; third, government and non-governmental structures created for the development of the far Eastern territories were given similar powers and responsibilities in relation to the Russian Arctic.

As noted, the strategy for the development of the Arctic territories for the period up to 2035 has not yet been adopted, but its draft was developed in May 2020. After receiving the preliminary approval of the government, the RFP was sent to the presidential administration of the Russian Federation. Although the official developer of the draft Strategy is the Ministry for the development of the Far East and the Arctic, the text of the document is formed taking into account the opinions of Russian citizens expressed during discussions held in person and online (on a special Internet portal) modes.
The inhabitants of the Arctic themselves took an active part in the fate of the document, as evidenced by more than 650 different initiatives from the population of the Arctic regions.

The main goal of Developing the strategy is to ensure the implementation of the above-mentioned fundamentals of the Russian Federation's state policy in the Arctic for the period up to 2035, approved by presidential decree No. 164 of March 5, 2020. This legal act clearly defines the range of national interests related to the activation of scientific, economic, environmental and other activities in the Arctic zone. Along with protecting the inviolability of the state territory of the Russian Federation, Russia's national interests in the regions of the Far North include establishing interstate partnership on mutually beneficial terms, improving the standard of living of Russian citizens living beyond the Arctic circle, rational use of the resources of the Russian Arctic sector for the development of the Russian economy, ensuring year-round navigation and increasing cargo turnover in the Northern sea corridor, solving environmental problems in the Arctic zone, and supporting the indigenous population of the Arctic region, preserving its national and cultural identity.

It should be noted that the conceptual provisions of Russia's state policy in the Arctic as a whole were formulated back in 2008 and generally remain relevant for the medium term. The results achieved over the past 12 years of the previous document (The fundamentals of the state policy of the Russian Federation in the Arctic for the period up to 2020) are indicated in the above-mentioned Presidential Decree. Among the most important of these are mentioned normative-legal provision of implementation and protection of Russian interests in the Arctic space, the expansion of international cooperation on development of the Arctic territories, the formation of a favorable situation for the promotion of the Russian Arctic project economy, the beginning of the modernization infrastructureeurope Seaway and renewal of the icebreaking fleet, the increased military presence in the Arctic, the implementation of the system of the coast guard throughout the Arctic coast of Russia, focusing on the environmental problems of the Arctic region, including through the establishment of special environmental management regimes.

The basics cover national security issues in the context of the implementation of Russia's geopolitical and economic interests in the Arctic. The most dangerous threats include, first, the tendency to revise international norms and regulations established by interstate agreements that regulate various aspects of the development of the Arctic zone, second, attempts at external interference aimed at complicating the implementation of the Russian Federation's legitimate interests in the Arctic, third, the lack of a clear legal regime for the Arctic sea areas, and fourth, the growth of conflict in the Arctic region as a whole due to the clash of geopolitical and economic interests of major powers in it and the increase in their military contingent in the Arctic territories; fifth, objective and subjective risks of discrediting Russian economic, scientific and other activities in the Arctic space.

The primary goal of the state in implementing the Arctic policy is to increase the standard of living in regions whose territories are completely or partially located within the borders of the Russian Arctic zone. In this context, the tasks of facilitating the living conditions and protecting the ethno-cultural identity of the autochthonous population of the Russian Arctic are highlighted. Today, of the 40 indigenous peoples in Russia, 11 live around or beyond the Arctic circle. the largest groups include the Dolgans, Nganasans, Nenets, Sami, Khanty, Chukchi, Evenks, ents, Eskimos (Yupiks) and Yukagirs. Their economic activities are mainly limited to three traditional industries that ensure survival in such harsh conditions - reindeer husbandry, hunting and fishing.

Thus, giving priority to the social sector in the development of the Arctic territories, the government aims to achieve by 2035 the number of concrete results in this area: to maximize access of the population of the far North to the education (in all its types and forms at each level), health care, sports, cultural institutions; to modernize the housing and utilities sector in order to improve the quality of services utilities guarantee the population access to environmentally friendly, energy efficient accommodation [13]; as quickly as possible, create a convenient infrastructure that meets the socio-economic needs and security interests of the Russian Federation; establish a system for supplying hard-to-reach areas with vital products with state support in order to establish an acceptable price policy by suppliers; activate air traffic to remote areas of the Far North; establish mechanisms for
providing assistance to migrating citizens who want to move from settlements located in the Arctic zone to other regions of the Russian Federation; introduce health-saving technologies in production activities and instill the basics of a healthy lifestyle in the population living in the harsh conditions of the Far North[14].

The ambitious goals set by the state in the sphere of social programs for the development of the Arctic require significant expenditures, which in the conditions of instability of the Russian economy, which demonstrates unstable growth, implies the need to accumulate additional funds that can be used to Finance promising projects. One of the ways to form the investment base is to create an Arctic development Fund approved by the government of the Russian Federation, which should be replenished from Federal budget revenues generated by economic programs already implemented by the state in the Arctic (first of all, tax deductions)[15]. The directions of spending of the Fund and the terms of subsidy will be clearly defined. It is assumed that both legal entities and individuals will be able to apply for support from the Fund in implementing initiatives to develop the social sphere in the Arctic zone.

The implementation of social programs in the Arctic is impossible in isolation from the overall development of the economic sector in this region. That is why boosting the economic recovery of the Arctic territories in the context of intensifying economic growth in the country as a whole is also considered a priority goal of the Russian state Arctic policy. This goal is detailed in a number of specific tasks, including encouraging entrepreneurship and private investment in projects for the development of the Arctic zone; attracting private capital (while maintaining state control) to the development of the extractive industry on the Arctic shelf, legal regulation of all the nuances of attracting non-state investment in resource production; activation of logistics flows with their integration into the Northern sea corridor; support for geological exploration activities aimed at finding and evaluating new raw material deposits in the Arctic, including in offshore zones, financing research in the development of technologies for extracting hydrocarbons and minimizing raw material losses in the development of deposits in specific conditions of the Arctic; promotion of extraction, cultivation, renewal of water bioresources and their processing; development of agricultural and food production in the Arctic zone; recultivation of tundra lands and restoration of forest plantations, introduction of innovations in the timber processing industry in order to improve the environmental friendliness of production and maximize waste reduction; inclusion of the Arctic territories in the sphere of tourism activities and formation of the necessary infrastructure to promote tourism products to domestic and foreign markets[16]; support of traditional economic activities of the indigenous population, including by guaranteeing unhindered access to bioresources, in order to maximize employment and expand self-employment of local residents; ensuring the implementation of the rights of the indigenous population to participate in the discussion and resolution of issues of industrial development of territories that are the place of original residence and management of the peoples of the Far North; updating educational programs for training qualified personnel in accordance with the requests of the region[17]; promoting the influx of working-age population from other regions, etc[18].

In order to encourage the relocation of residents of other subjects of the Federation to regions bordering the Arctic circle or including territories beyond the 66th parallel, a program has been developed for free provision of land plots to citizens who have decided to move, similar to the program already successfully implemented in the far East. Of course, the Arctic zone has its own specifics, which determines the ratio of urban and rural population living in the Far North, where there is a unique situation for the country with an excessively high percentage of urbanization: over 90% [19]. Thus, the development of the agricultural sector, which is objectively hindered by harsh climatic conditions, is slow, including due to the acute shortage of rural residents who are ready to adapt to the production of agricultural products in areas acceptable for this activity. Currently, the legal regime of the so-called "Arctic hectare" is not officially established, but work in this direction is being carried out quite intensively. Already at the stage of drafting the draft law, it becomes obvious that the Federal and regional authorities need to work together on this issue. In particular, the determination of the
most appropriate from the point of view of management of land related to the functionality of regional governance, while establishing conditions for the provision of lands within the competence of the Federal Center. It is assumed that any citizen who wants to take part in the program will be able to get a plot of land with an area of up to 1 hectare for temporary use for a five-year period, after which, if economic activity on the site is successfully established, they will be able to register ownership rights in relation to the latter. Priority rights to land in the Arctic regions will be granted to the local population, which should be ensured by an earlier start of the program for residents of these territories, which is scheduled for June 2021.

A special place among the priority goals of the Russian Arctic policy is occupied by the issues of ensuring the environmental safety of the Arctic territories and preserving their unique flora and fauna. In this context, there are challenges in implementing science-based environmental protection activities, including by establishing a special legal regime for territories with unique ecosystems, promoting the protection and restoration of populations of endangered animal species, recultivating tundra lands polluted as a result of industrial activities, and tightening environmental requirements for production, mining and other enterprises operating in the Arctic zone, intensified environmental monitoring using advanced technologies for measuring indicators and data analysis, etc. Special attention is paid to the problems of further reduction of harmful emissions, processing and disposal of industrial waste, prevention of penetration into the Far North of sources of radioactive contamination, substances with a high degree of toxicity, pathogens of the most dangerous infections, etc.

In the Arctic zone, the national and geopolitical interests of many large States converge, and therefore the need for detailed international legal norms regulating the issues of environmental management, navigation development, and environmental protection is becoming more urgent [20]. That is why the focus on mutually beneficial partnership, including within the framework of international organizations, is also classified as a priority goal of the state Arctic policy of the Russian Federation. Specifying the tasks facing Russia in this area, we can note the establishment of positive interaction with the Arctic States in various formats (the Arctic Council, The Barents Euro-Arctic Council (BEAC), bilateral meetings at different levels) on a whole range of issues, from the development of environmental safety standards to scientific, technical and economic cooperation; strengthening the role of the Arctic Council in resolving potentially conflict-related issues that require resolution at the interstate level, intensifying activities to strengthen the zone of influence in Svalbard and developing partnership relations with Norway in this direction within the framework of the Svalbard Treaty; reaching a consensus with the Arctic Council States on the problems of establishing national borders in the shelf zone, drawing attention to the issues of joint activities aimed at preventing man-made disasters, and combining the efforts of the emergency services of the Arctic States to minimize the consequences of emergencies; establishing economic partnership with other countries within the Russian Arctic, ensuring the rights of the autochthonous population of the Arctic zone to interstate cooperation on issues of preserving the ethnic and cultural identity of small peoples.

As an independent priority goal of Russia's state policy in the Arctic, it is also considered to ensure the implementation of national interests and their protection. In this case, the Russian Federation sets itself the task of preserving the inviolability of the borders of the Russian territory in the Arctic, strengthening its military presence in the Arctic zone in order to repel potentially possible ground, air and underwater attacks from the aggressor, establishing permanent control over the airspace and territorial waters of the Russian Federation, and developing military infrastructure in the border areas of the Russian Arctic.

Analyzing the above-mentioned priority goals and objectives of the Russian state Arctic policy, we can conclude that there is a clearly expressed desire of the Russian Federation to ensure the sustainable development of the polar territories located within the borders of Russia, which is manifested in increasing the rate of economic growth, the standard of living of citizens living on the border or beyond the Arctic circle, the activation of logistics flows using the Northern sea corridor, and environmental activities aimed at protecting the unique ecosystem, taking into account the economic and national-cultural interests of the indigenous population of the Arctic zone, establishing a strategic
partnership with the Arctic States on most of the above-mentioned issues, ensuring the inviolability of the Russian Arctic territories by strengthening defense and building up the military contingent in the border area\cite{21}.

Despite the primary importance recognized at the state level, many of the above-mentioned aspects of activity require improvement of legal regulation at the national and international levels. It can be assumed that the detailed legal regime of economic (including project), environmental, scientific, social and other activities should be carried out taking into account the most successful experience of States that own territories located beyond the 66th parallel.

Thus, in modern conditions, effective legal regulation can be regarded as one of the fundamental conditions for the successful implementation of Russia's socio-economic and geopolitical national interests in the Arctic.

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