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## **RATIO OF NATIONAL AND INTERNATIONAL INTERESTS OF THE STATES IN THE ARCTIC**

**Abstract.** *This article analyzes the experience of the Arctic states in securing their territorial rights to the Arctic. Various legal documents are being explored in which the polar states indicated the boundaries of their Arctic sector, studying the legal experience of the Russian Federation, Canada, Norway, Denmark and the USA on protecting their Arctic possessions, analyzing the main directions of international cooperation in the Arctic region, the role of the concept of the polar sectors in the delimitation of the Arctic spaces by polar states. Also, the article explores the mutual influence of legal actions and legal experience of the polar states on the development of each other's Arctic legislation. For example, the activity of the Canadian government in the Arctic region prompted the Soviet government to take more resolute actions to strengthen its positions in the Arctic in the first quarter of the 20th century. Based on the analysis of various legal documents and legal experience of the Arctic states on securing their territorial rights in the Arctic, recommendations are given on improving the international legal regime of the Arctic and preventing possible geopolitical conflicts in the Arctic region, taking into account the interests of the international community and the polar powers. On the one hand, each Arctic state has its own national territorial interests in the Arctic region. On the other hand, with the adoption and dissemination of the 1982 United Nations Convention on the Law of the Sea, Arctic subjects have significantly increased the number of subjects of international law that have territorial and economic interests in the region. In view of these circumstances, it seems to the Arctic states that it is necessary to unite their efforts to protect their territorial and environmental interests in the Arctic.*

**Keywords:** *Arctic, polar sectors, Arctic states, territorial rights to the Arctic.*

The Arctic is a region that attracts the close attention of the entire international community.

International cooperation of states in the Arctic is mainly carried out in the following areas:

- ensuring peace and security in the Arctic region;
- legal protection of sovereignty and special rights of coastal states in the relevant Arctic territories;
- protection of the Arctic environment;
- development of economic, social, scientific and technical cooperation in the region and a number of other issues.

Nevertheless, the Arctic is undoubtedly of particular importance for the five Arctic states, the so-called Arctic Five - the Russian Federation, Canada, Norway, Denmark and the United States, whose coasts are directly

adjacent to the Arctic Ocean. The special importance of the Arctic for these countries is due to their traditional active participation in the development of the North.

The first country to formalize its legal rights to the relevant part of the Arctic sector was Canada. Among the northern states that have access to the Arctic Ocean, Canada has the second largest Arctic area after Russia. For this reason, Canada has always shown active interest in the northern region. In 1907, Canada officially declared the boundaries of its territories in the Arctic along the 141st and 60th northern meridians [2].

Canada is the first state to apply the concept of the polar sectors in determining the boundaries of its Arctic possessions. In 1907, at the suggestion of Senator P. Poirier, a resolution was approved that Canada claims to "... all the land to be found in the waters between the line extending northward along its eastern border, and the line continuing northward along its western borders" [4]. From the text of the resolution it follows that it is based on the theory of polar sectors.

It should be noted that the content and wording of the Canadian resolution on securing state rights to spaces within certain boundaries (in the sector) were later partially reflected in the Decree of the CEC of the USSR of April 15, 1926 "On declaring lands and islands located in the Arctic Ocean as the territory of the Soviet Union ". The Soviet decree also enshrines the rights of our state to all lands and islands located within established limits, that is, in the sector [5]. Most likely, the adoption by Canada of a regulatory legal act on the legal regime of lands and islands in the Arctic served as an example and incentive for the Soviet government to adopt a similar document defining the boundaries and legal status of the Soviet Arctic sector.

Territorial disputes between the Canadian and Soviet governments in the Arctic were not rare. For example, in 1916, by a note of the Foreign Ministry, Russia notified the international community of its territorial rights to Wrangel Island. However, in 1922, the Prime Minister of Canada issued a statement extending Canada's sovereignty to Wrangel Island. The mentioned territorial conflict between the states ended with the fact that the Soviet flag was set on Wrangel Island in 1924 [3].

On June 27, 1925, Canada adopted the Law on the North-Western Territories, according to which "... the Arctic lands and islands adjacent to the continental part of Canada, as well as the corresponding mainland territory, were declared to be forbidden for foreign states and their citizens to carry out any activity without special permission from the competent Canadian authorities" [7].

It seems that the provisions of the Canadian law on the prohibition of foreign citizens to conduct any activity in the Arctic without the permission of the Canadian authorities, on the one hand, testify to the aspect of Canada's sovereignty in the Arctic, such as the implementation of the rule

of state power in the territory. At the same time, the wording of this law on the extension of state power to the lands and islands of the Canadian Arctic is controversial, since it remains unclear about Canada's legal claims to the maritime spaces of the Arctic.

Nevertheless, in spite of the uncertainty in the legal regulation of the legal status of the maritime spaces of the Canadian Arctic, in 1972, Canadian legislation established mandatory requirements for navigation in certain areas of the Arctic. The purpose of this regulatory framework was to prevent pollution of the marine environment in the Canadian Arctic [6].

The history of the United States of America as one of the five polar powers begins with the transition to the American sovereignty of Alaska's territory. Alaska became part of the territory of the United States of America on the basis of an agreement on the assignment of the Russian North American colonies concluded between the Russian Empire and the North American United States in Washington on March 18 (30), 1867. According to the provisions of this treaty, the Russian Empire "... represented by His Majesty the Emperor of All-Russia for 7.2 million dollars with a gold coin ..." pledged to cede the territory of Alaska to the North American States. The eastern boundary of the transferred territory was "... the line of demarcation between Russian and British possessions in North America" (Article I of the Treaty). The western border of the transferred territories "... passes through a point in the Bering Strait under 65° and 30' north latitude at its intersection by the meridian that separates Krusenstern Island, or Ignaluk, from Ratmanov Island, or Nunarbuk, at an equal distance, and goes straight to the north, until it is completely lost in the Arctic Ocean" (Article IV of the Treaty) [7]. The acquisition of Alaska prompted the American government to further territorial claims in the Arctic based on the assumption that the North Pole is a continuation of Alaska.

Norway and Denmark, which are in the top five of the Arctic states, did not follow the legal experience of Canada and the Soviet Union in the Arctic, and did not issue special legal acts that would consolidate the territorial rights of these states to their Arctic sectors.

However, in 1812, the Royal Ordinance on Territorial Jurisdiction was issued in Norway, setting forth the rules for determining the boundaries of Norwegian territorial jurisdiction in maritime spaces, according to which "... the border must be considered within one ordinary nautical mile from the island's farthest from the land or an island not poured by the sea. " In 1997, the Guidelines for Offshore Oil and Gas Operations in the Arctic came into force in Norway, according to which "... the Norwegian Arctic zone should be understood as areas of the Norwegian Sea north of 65 degrees north latitude" [9].

In relations between Norway and Russia, various disputes and conflicts also arose over the division of Arctic spaces. In addition to the

territorial claims of both countries on the Spitsbergen archipelago, in 1975 Norway announced its intention to delimit the continental shelf along the line "... running east of the polar possessions of the Soviet Union", and thereby challenge the traditional definition of its Arctic boundaries for the USSR. For the settlement of the interstate conflict, the Governments of the USSR and the Kingdom of Norway concluded the Agreement "On mutual relations in the field of fisheries". In development of the provisions of this agreement, the states also concluded a protocol establishing temporary fishery rules in the disputed part of the Barents Sea [1].

The dispute between Norway and the Russian Federation over the delimitation of the spaces of the Barents Sea was only resolved by the states in 2010 with the help of the agreement "On the delimitation of maritime spaces and cooperation in the Barents Sea and the Arctic Sea". According to the provisions of the said agreement, the disputed part of the Barents Sea is subject to delimitation between the states into two equal parts.

Denmark defines its Arctic spaces as the territory of Greenland and the Faroe Islands [8].

In the legal systems of Denmark, Norway and the United States there are no special regulatory legal acts defining the legal regime of the respective regions of the Arctic states. In their Arctic policy, these states also do not refer to the concept of polar sectors. Nevertheless, the use of the concept of the polar sectors by Canada and the USSR in determining the boundaries of their Arctic possessions did not cause objections from other Arctic and other states "... until the development of science and technology has allowed states to begin practical exploration and development of the natural resources of the Arctic. In particular, the research activities of a number of states in the Arctic, including within the polar sector of Russia, have become noticeably more active" [7].

Russia for the first time formalized its territorial rights with a note from the Ministry of Foreign Affairs of the Russian Empire in 1916. The said document proclaimed the ownership of the Russian Empire of lands "located to the north of the Asian coast of the Russian Empire".

On November 4, 1924, G.V. Chicherin sent to all states a memorandum on the ownership by Russia of all the lands and islands of the northern continuation of the Siberian continental plateau.

On April 15, 1926, the Presidium of the Central Executive Committee of the USSR issued a Resolution "On declaring lands and islands located in the Arctic Ocean as the territory of the USSR". This decree announced that the state territory of the USSR is all both open and future open lands and islands that do not constitute the territory of any foreign states located in the Arctic Ocean to the north by the time the decree is published. from the coast of the USSR to the North Pole in the range between meridians 32gr 4 min 35 sec. from Greenwich, passing

through the middle of the strait dividing the Ratmanov and Kruzenshtern islands of the Diomedede Islands group in the Bering Strait [5].

In addition to the above documents, in 1921, the decree "On the protection of fish and animal lands in the Arctic Ocean and the White Sea" of the RSFSR secured its territorial rights to certain areas of the maritime spaces of the Arctic [7].

The modern regulatory legal acts of the Russian Federation, defining the legal regime of the Russian Arctic spaces, include the Federal Law of the Russian Federation "On the internal sea waters, the territorial sea and the adjacent zone of the Russian Federation", the Federal Law of the Russian Federation "On the continental shelf of the Russian Federation", the Decree of the President of the Russian Federation "On Land Territories of the Arctic Zone of the Russian Federation", Marine Doctrine of the Russian Federation, Strategy for the Development of the Arctic Zones The Russian Federation and the national security for the period up to 2020, Order of the Ministry of Transport of Russia "On Approval of Rules of swimming in the waters of the Northern Sea Route" and others.

Russia, Norway, Denmark and Canada are parties to the 1982 UN Convention on the Law of the Sea.

The centuries-old history of Russia's exploration of both the land and the sea space of the Arctic, the factual establishment of polar possessions for our state, gives rise to certain legal consequences and confirms the validity of Russian claims on the corresponding part of the Arctic sea and land spaces.

Today, the Arctic states, along with the tasks related to international cooperation in the Arctic, also need to pay special attention to ensuring their territorial rights in the Arctic sector. Most likely, the Arctic Five in addition to the 1982 UN Convention on the Law of the Sea needs to develop an international treaty that would clearly define the legal regime of the Arctic and eliminate all existing contradictions on this issue. Perhaps based on the concept of the polar sectors, it would be advisable in the agreement to indicate the exact boundaries of the sector of each Arctic state. The Arctic Treaty should also indicate the range of issues under the joint jurisdiction of the Arctic Five, and the range of issues under the exclusive jurisdiction of each coastal state. In order to resolve issues of joint management and oversight of the implementation of the agreement, coastal states should consider creating a governing body, for example, the Council of Arctic States, which, unlike the Arctic Council, would address not only ensuring environmental safety in the Arctic, but also ensuring Russia's national interests, Canada, Norway, Denmark and the United States in the Arctic region. Perhaps these measures will help to resolve many issues regarding the legal regime of the Arctic, including issues related to possible territorial disputes in the Arctic region.

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