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Russia and the Arctic Ocean

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ABSTRACT

This article contributes to an insight into the exact events that is taking place in the gradually changing Arctic Ocean and the North pole. It talks about Russia's growing interest in the Arctic region and the methods used by the country to have complete control over the Arctic region. The region is growing to become a very important economic and political zone and the control over it by any country will change the power dynamics of that country. Russia is one of the major countries sharing their border with the region and has become a key player in trying to take control over the Arctic ocean and the North Pole. This article therefore provides a glimpse into the various techniques used by Russia to completely make the Arctic Ocean a part of their nation and also to show their immense power to the rest of the world.

Keywords: Arctic, North Pole, Russia, Soft power, Hard power, Coal Mine, Freedom of Seas, Svalbard treaty, UNCLOS.

I. INTRODUCTION

The objective of this article is to determine if Russia is trying to take control over the Arctic region and the various methods Russia is using to establish its control over the region. The Arctic region due global warming has been going through drastic changes geographically and these changes are bringing about changes in the way the Arctic was perceived before by the countries that share its borders with the region.²The Arctic, before global warming took its toll on it, was just a big frozen sea with nothing of importance (economically speaking) to the countries bordering it. But with the gradual rise in temperatures and with the ice starting to melt, the water level is gradually increasing and therefore opening up opportunities for the countries bordering it to venture into the now new open waters to see if they can find economically viable and profitable natural resources. The Arctic therefore poses a very difficult question in the international forum on who really owns it.

The melting of the ice increases the water level in the Arctic which therefore increasing the

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² M.P.N.R.V.P. (2018). <https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=3685&context=bclr>. Polar Opposites: Assessing the State of Environmental Law in the World's Polar Regions, 59(5), 1673–1676. <https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=3685&context=bclr>

demand for its occupancy for personal and political use by a country.³ The control of seas and water ways is still one of the major ways a country asserts its power and dominance over others. Oceans and seas are the places where expensive natural resources which are in demand all over the world are found like Petroleum and natural gas. It provides for waterways for trade and commerce and therefore for a country to have occupancy on oceans and seas is a major show of power and control. With the factor of assertion of power and control it is not a surprise that Russia has become the biggest contender for the occupancy of the Arctic. The Arctic shares its borders with Russia, Norway, Iceland, Greenland, Canada and the US. The Arctic therefore has very strategic economic borders with some of the major first world countries which justifies the fight over its occupancy. It poses for great investment opportunities due to the new petroleum and gas reserves coming up with the melting of the ice and the increase in the water level. New areas of the ocean which could not be ventured into before as it was frozen can now be looked into which is in turn bringing up these new areas of natural resources to be invested in and exploited.

Russia has already taken a lead into calling the Arctic its own by setting up a coal mine in the island of Svalbard and turning it into a mini Russia by setting up statues of Communist figures or leaders and by planting its flags on every possible nook and corner of the island. Although if one looks at the world map properly it shows that Svalbard is actually a part of a group of Islands belonging to Norway and not Russia, even though Russia has taken up the liberty to make the island its own. Although the coal mine set up by Russia in that island is actually not profitable at all and barely pulls in any money, it is heavily funded by the government and survives on the tax payers money (basically runs at a huge loss and costs the government a lot of money), Russia actually does not mind spending money on it and draining the tax payers money because the main reason behind the setting up of the coal mine is to strategically lock the land and claim it as their own to assert its dominance over the other countries that share its borders with the Arctic. So, while the world and various environmental organizations are waking up the world to the disasters of the melting of the ice in the Arctic region and is bringing attention to the various harmful impacts of it to the ecosystem, Russia is looking at the increase in water levels as an opportunity to access brand new waters to take it under its wing and regain its position as one of the major super powers in the world. If Russia gets full control over the ocean it will gain immense power by controlling trade on the waters, the natural gas and petroleum under the waters.

3 Supra Note. 1

II. ISSUES

The United Nations Convention on the Law of the Sea (UNCLOS 1982) clearly stated that a country may claim an area extending 12 nautical miles from its coast as its own territorial sea. Additionally, it can exploit 200 nautical miles of the water column beyond its coast as its exclusive economic zone. To determine how much of the ocean is a part of a particular country or how much of the ocean can the country call its own, scientific data gathered by the country (by using cameras, drones, etc) are sent to the UN after which the UN either confirms or declines the country's claims regarding the borders. The Arctic region has some countries with overlapping continental shelves like Russia, Greenland, Denmark and Canada where the UN has not given a proper verdict on who can actually claim that land or stretch their borders till that land. Although, Russia who plays by their own rules as always, has very conveniently planted a flag using a drone underwater in the stretch of the continental shelf which it shares with Greenland and Canada. On the other hand, Norway and Iceland got their approval over their own claims of border in regards with the continental shelves by following the protocol and guidelines set by the UN. Regarding Russia and its claims, as mentioned before Russia has already planted its flag on the overlapping area which extends up to the North Pole.⁴ It is very clear with Russia's actions that it is highly unlikely that Denmark will ever get its share of the shelf to stretch its borders or will get any sort of claims or benefits from that part of the shelf. This makes Russia a very key and a major player in this battle of who gets control over the Arctic. Russia has secured its position in this issue by acting on it when none of the other countries were paying any attention. It laid its cards out for claiming the ocean at a very early stage and thereby got a very good and significant lead in the race. Russia started planting itself on the Arctic by using various methods of hard as well as soft powers. In terms of using hard power Russia has already reformed and deployed military to secure its part of the land and hold on to their position. Russia has also created various military bases all across the land so as to make an impenetrable fort so as to speak. Russia as it is geographically holds majority of the part of the land but has used these other methods to show their power, presence and control (physically) to the other countries. It is a method of showing their muscle power to the other countries, to create a facade of strength. US and NATO have not recognized their claims but that has never and will never stop Russia from doing what they want.

4 Holmes, S. (2008). Breaking the Ice: Emerging Legal Issues in Arctic Sovereignty. *Chicago Journal of International Law*, 9(1), 323337.
<https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1465&context=cjil> (Last visited on 10th Oct, 2020)

The attitude of the States neighbouring the Arctic or sharing its border with the Arctic plays a huge role in determining who is the owner of the region or has power to control the Arctic the most. Although a naval officer from the United States was the first to hoist a flag at the North pole, the US has made no official claim to the Arctic and neither has recognized the claim of any nation but that did not and has not stopped Russia from taking over the Arctic and making it a part of its country. Even when the USSR had not broken, they never recognized the claims of other countries in the Arctic and nor did it officially advance any claim of its own. An example of the USSR not judicially claiming the Arctic was seen in an incident in August of 1967 when US icebreakers were in the seas north of the Soviet Coast, the Soviet Union had not really objected to the US ships to be there until the US tried to use the Vilkitsky Strait which the Soviet said belonged to them. Therefore, the Soviet Union, and till date the current State of Russia have not judicially demarcated a territory or a border in the Arctic. Denmark and Norway on the other hand refuse to claim sovereignty or recognize the claims of the other countries over the Arctic therefore the principle of free seas seemingly applies to the Arctic. The doctrine of the Freedom of seas came into use and consideration in the 17th century which essentially limits national rights and jurisdiction over the oceans to a narrow sea belt surrounding a nation's coastline. The rest of the seas were declared free for all and belonged to none which meant freeways for trade ships or war ships to travel peacefully.⁵

Before completely moving to Russia being the biggest player in the Arctic region, the official position of another major country, Canada, should also be looked into. Canada is also one of the countries which shares a major part of its territory in the Arctic Ocean. Various statements were made in the House of Commons in Canada supporting the idea of Canadian sectors which extended to the Arctic but none of the statements made ever claimed jurisdiction over the ice and water of the Arctic. So, neither of the two major countries with their borders in the Arctic ever judicially claimed any part of the Arctic waters and ice which paved a way for Russia to start capturing the Arctic slowly and steadily almost under the radar. The ignorance of the situation in the Arctic also helped Russia is taking over the Arctic region. With global warming and the melting of the ice, Russia just sees the opportunity to exploit and is succeeding.

In a the recent case of The Greenpeace Arctic Sunrise ship case (The Netherlands vs Russia), a glimpse of Russia's power play of claiming the Arctic as their own can be seen. In this case Russian authorities captured and detained the crew members of the Arctic Sunrise ship and

⁵ Young, M. (2016, April 19). Then and Now: Reappraising Freedom of the Seas in Modern Law of the Sea. Taylor & Francis. <https://www.tandfonline.com/doi/abs/10.1080/00908320.2016.1159088> (Last visited on 10th Oct, 2020)

charged them with piracy and hooliganism.⁶ The crew members of the ship were Greenpeace members who were protesting against the Arctic oil production. The members along with the ship's captain were arrested at gunpoint. As the ship was sailing with the Dutch Flag< The Netherlands filed A case at the International Tribunal for the law of the seas to release the detained crew members which Russia had ignored first but then eventually released them after two months.

The Svalbard Treaty recognizes the sovereignty of Norway over the Arctic Archipelago of Svalbard. The exercise of sovereignty however is subject to certain restrictions and therefore not all Norwegian laws apply there. The treaty regulates the demilitarization of the archipelago. Therefore, Russia to keep up with the rules of the treaty has built a coal mine on the island of Svalbard to demarcate it.⁷ So, on the surface it is just an innocent mine which reaps no profit whatsoever but underneath the image of the mine is the assertion of major soft power by which it shows to the world that it is their land. Another way Russia has demarcated or drawn its border by using soft power is by building towns on the island and turning it into a mini Russia as mentioned earlier in the beginning of the article. Military is not allowed in Barentsburg and therefore the strategy to turn it into a town was used. The town almost entirely is made up of ethnic Russians. People living in those towns act like placeholders, like pins used on a board. The people living there do not talk about the politics behind that place and all they care about or pretend to care about is the money they get just to be there.

Coming to recent times, coal is in decline and therefore the industry is going downhill which is something Russia cannot afford. This made them change their strategy and Russia shifted to a new economic activity which this time is something that can actually yield some profit. This new strategy was to turn the island into a tourism spot. So, Russia started building bars, hotels, museums and has even started advertising the island as a tourist spot. The islands conditions during summertime are bound to attract visitors which has worked majorly in Russia's favour. This is one of the strongest ways of showing their strength by using soft power. It is all just a show put up by the country to show people visiting the place the power of Russia and slowly but significantly embedding the fact that Russians belong there into the minds of the visitors. This is done by showcasing a Russian lineage and by putting up maps of generations of Russians living there on every possible wall of the bars, the hotels and the museums to show to the world that they have their roots there so that people automatically

⁶ The Netherlands vs. Russia, MV Arctic Sunrise, 2013

⁷ Supra Note. 3

think they have visited a part of Russia and not Norway in reality. The bars have Russian themes and drinks, the hotels have Russian architecture, the museums show generations of Russians living there and therefore show the bloodline of Russians and their roots to the island.

III. CONCLUSION

In conclusion, the entire issue revolving the Arctic is a very significant and important event that is going to change International laws. With the rapid melting of the ice in the Arctic, the geographical feature of that area is changing with which the borders of the countries around it are also changing. It is surprising that Russia has been playing by the rules (almost) for this long but nobody really knows how long that will last as they already have militarised their border and region along the Arctic. Russian funding and influence on an island which officially belongs to Norway is the epitome of using soft power in their favour to paint a picture of them belonging to the island by painting a picture of generations of Russians living on that island. In conclusion, Treaties that have helped to hold this region together are gradually becoming backdated due to the Arctic changing physically and soon new treaties have to be put in place before the entire Arctic is claimed by Russia or before a militarised feud over the border starts but mainly before Russia stops playing by the rules.

The UNCLOS therefore needs to go through significant changes to cater to the changing waters as it is one of the most powerful natural resources a country could call their own and exploit it to benefit themselves. The Arctic has Petroleum and natural gas reserves which are untouched and therefore need proper protection so that countries do not start exhausting them to meet their own selfish needs. The Arctic is a major region of the world and control over it by one entire country can make that country powerful beyond measures. It gives that country to do whatever they like with those waters. In this case, Russia needs to be controlled as soon as possible or it could be too late before they start exploiting the loopholes of the former UNCLOS laws. With the change in the geography and physicality of the waters in the Arctic the law of the seas also need to go through change. New protective measures need to be taken so that each and every country that share their borders with the Arctic have a say in the way it is used.
