The territorial disputes in the High North are seen by Russian strategists as a significant threat to the country’s security. It should be noted that the Arctic region has inherited a number of territorial disputes from the Cold War era and Russia was a party to them. Some of these conflicts were successfully settled down while others are still waiting for their resolution.

The Barents Sea is rich in various natural resources. First, due to the North Atlantic drift, it has a high biological production compared to other seas and oceans of similar latitude. The fisheries of the Barents Sea, in particular the cod fisheries, are of great importance for both Norway and Russia.

Second, according to some accounts, the Barents Sea may hold vast hydrocarbon resources. A recent assessment by the U.S. Geological Survey estimated the mean undiscovered, conventional, technically recoverable petroleum resources in the Barents Sea Shelf include 11 billion barrels of crude oil, 380 trillion cubic feet of natural gas, and two billion barrels of natural gas liquids.

Relations between Russia and Norway in the Barents Sea has a long history, full of negotiations, disputes, rivalry and cooperation. The last milestone which opened the new huge opportunities for cooperation became the Barents Sea Treaty of 2010. This treaty provided maritime delimitation line between Russia and Norway and questioned the status of Svalbard previously vested by Paris Agreement of 1920.

The disputed area can be divided into three parts. The first one starts at the mouth of the Varangerfjord and extends to 200 nautical miles to the north-east from the mainlands of Norway and Russia. A boundary both for the continental shelf and 200-mile Exclusive Economic Zone was needed here. The second area is in the middle of the Barents Sea beyond 200 miles (the Barents Sea loophole) where a boundary for the continental shelf between the opposite coasts of the mainland of Norway and Svalbard, from one side, and of Russia (Novaya Zemlya) was required. The third area is in the northern Barents Sea, where a boundary for the continental shelf and between Svalbard and Franz Josef Land was necessary.

For a long time Russia and Norway discussed the principle how to define the borderline in disputed area. Russia insisted on the so-called sectoral principle that means to draw border from the North Pole to the tips of national territories straight along meridians. Norway offered median line that implies to draw border on equal distances from coastlines.

The most contested area appeared in the second and third areas in so-called “gray zone” - between sectoral and median lines. International law doesn’t provide universal rule for this case and appeals to achievement of reasonable agreement between parties. This is why discussions between Russia and Norway could endure for a long time.

At least in 2010 the Barents Sea Treaty was signed. But if Norway celebrated the signing of the document as a national triumph, in Russia the decision to sign it was hidden from public discussions and a lot of contradictory assessments sprang from this fact.

Advocates mentioned that treaty ended about forty years of negotiations and tensions between Russia and Norway that prevented from economic development and more deep cooperation in the Barents region. They consider the plans to enlarge extraction of oil and gas in

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the Barents Sea were the main reasons to achieve final agreement. Both states needed to reconcile delimitation line first of all.

Russian critics of the treaty insisted that document suffers from disadvantages and ambiguities that impair rights of Russia and give preferences to Norway. Fishery companies strongly opposed to conditions of agreement with Norway. Murmansk parliament submitted a letter to Russian government and to both chambers of federal parliament to delay ratification. Local powers considered that treaty will result in infringement of Murmansk region’s interests in different spheres of economic activity.

Negative consequences of the treaty are as follows.

First, the Barents Sea Treaty created legal collision. It doesn’t cite Treaty of Svalbard (1920) that from legal point of view made it possible to interpret some clauses of Barents Sea Treaty as overriding Treaty of Svalbard. For example, it enables to extend notion of sovereignty over Svalbard beyond the land territory, while the Treaty of 1920 says nothing about Norway’s sovereignty rights over territorial waters (this right as international law was first provided later, under UNCLOS 1982).

Ambiguous relation between Svalbard and Barents Sea Treaties was enhanced both by Russian and Norwegian officials when they recognized that Barents Sea Treaty is based on modern international law. This claim only strengthened Norway’s attempts to evade Treaty of Svalbard in different ways or to use modern law to revise Treaty of Svalbard. It is remarkable that modern Norwegian writers often don’t mention Treaty of Svalbard at all when they discuss status of the archipelago.

From legal point of view today it is very difficult to object against Norway’s claims of 200-miles protection zone, continental shelf and territorial sea around Svalbard. Chapter 2 of the Barents Sea Treaty clear suggests that Russian can’t exercise any jurisdiction beyond delimitation line. In the future any economic activity of Russia will be possible only under national legislation of Norway. On my view that means overriding of Svalbard Treaty.

Second, Russia lost part of Barents Sea in the prejudice of her rights. The most disputed sea area, so-called “gray zone”, covers approximately 174 thousands square kilometers was divided by the line between median line asserted by Norway in the east, and sectoral line claimed by Russia in the west. Sectoral line corresponded to Svalbard Treaty that limited Norway sovereignty over archipelago with 35 eastern longitude. The polar border establish by USSR in 1926 also corresponded to this coordinate. Russia had all opportunities to defend her traditional position because international law implies only the only rule how to establish delimitation sea line – this is mutual agreement with respect to special conditions (like historical traditions, previous agreements, coastline, ect).

But during discussions of the Barents Sea Treaty, Russian suddenly refused to assert on above specific circumstances and yielded to Norway’s position how to define delimitation line in the “grey zone”. As result, the most finny part of the Barents Sea fall within the jurisdiction of Norway. According to the Treaty of 2010 Norway received grounds to assert that Russian vessels have to follow national fishing rules established by Norway. Fishing companies of Murmansk estimated anticipated damages in 300 thousand tons of catch every year that costs about $4-5 billion2.

Obviously, Norwegian diplomacy efforts during negotiations on the Barents Sea Treaty were more effective comparing to Russian in terms of promotion of national interests.

Third, the tensions between Russia and Norway concerning to fishing only intensified since ratification the Barents Sea Treaty. With reference to the treaty Norway applies national legislation in the part of former “gray zone” fell under control of Norway. Russian vessels are arrested regularly for non-compliance with Norwegian law that is actually illegal. At the same time Norway has no right neither to claim protected zone or to arrest foreign

vessels. Any conflict in the waters adjacent to Svalbard is subject for regulation rather than for arrest. Norway see the next reasons of conflict situations.

- Overfishing due to Russian practice of delivering catches to transport ships in the sea. Norwegian Coast Guard considers these catches are not registered. Instead of going to Murmansk with the fish, however, these transport vessels now headed for other European countries: Denmark, the United Kingdom, the Netherlands, Spain, and Portugal.
- Norway took different the initiative to assess the possibility of overfishing, but encountered a less cooperative Russian stance. Russian fishery companies in Murmansk insist these measures and arrested vessels as anti-Russian sentiments.
- Disagreement about total allowable catch levels because Russia doesn’t agree to decrease its level, in part because of difference in assessment of fish stocks in the Barents Sea.
- Wrong information from Russain vessels about catches delivered to Norwegian side.
- Insufficient control from Russian side for fishing vessels and companies that provokes violations of accepted rules

Forth, suspension of Stockman Project. Russian companies hoped to use Norwegian technological experience to develop gas fields located about 500 kilometers from Murmansk. But after the Barents Sea Treaty was signed Norway refused to participate in the project because maritime delimitation create opportunity to develop own oil and gas fields located on the part of the sea that fell under Norwegian jurisdiction. These fields are significantly closer to the coast and promise to be more profitable comparing to Stockman.

Prospects for the future. Russia and Norway can prevent further conflicts and contradictions by amendments to the Treaty:
- Both states should define status of Svalbard and adjacent waters with reference to Svalbard Treaty of 1920. Both states need to decide whether they overrided it by the Barents Sea Treaty or not. Otherwise conflicts in the Barents Sea are inevitable in the future. Ratification of the Barents Sea Treaty made Russia’s position more weak.
- The Barents Sea Treaty needs kind of amendments that explain the status of delimitation line in more details. For example, how this line corresponds to Exclusive Economic Zones of the both states.

But it is incredibly that Norway will refuse from preferences without significant rebates from Russia.

A more radical and favorable for Russia way is to appeal to all parties of the Svalbard Treaty of 1920 to confirm partial Norway’s sovereignty over Svalbard and to develop new version of the Treaty adopted to modern international law. At the same time Russia, owing the largest part of Arctic shelf with the most rich gas reserves, can confronts with pressure from the other participants of Arctic policy. Taking into account the rise of rivalry for Arctic resources and lack of allies Russia needs to find balance between parties.

As for fishing in the Baretns Sea, many of specific problems may be solved by the Joint Fish Commitee and other organizations involved in mutual regulations. Main questions here is how to develop obligatory rules both to Russia and Norway. Transition period is over in July 2013 but development of new rules didn’t finished. At the same time under the Barents Sea Treaty Norway obtained additional leverage to impose national regulations (like reports about activity in protected zone of Svalbard).

From the Russian side it is necessary to improve legislative norms according to real situation and to deepen cooperation with Norwegian institutions responsible for research and planning in the Barents region. Russian fishery companies need serious modernization of special equipment to meet modern requirements safe exploitation of fish stocks. Murmansk port should

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be reconstructed to provide processing of maritime resources. Russia and Norway need to reconcile problem of quotas for Barents Sea catches. If Norway tries to ground on scientific estimations to focus on long-term economic interest, Russia see establishment of quotas as a battle between two states and Norwegian intention to damage Russian economy. As for Stockman project – it is frozen because lack of sufficient financial support and technologies for deep-water drilling.

To conclude, the Barents Sea Treaty created more negative rather than positive conditions for development of Murmansk economy.