

## Russia's Current Arctic Policy and Law

*David Baramidze\**

Since the end of the 20th century, the Russian Federation has developed a number of state programmes reflecting various aspects of Arctic development. The first such document that fixed the modern Russia's state interests in the Arctic was the Sub-programme "Arctic Research and Exploration" within the Federal target programme "World Ocean" in 1995. The development of the Arctic was defined as an independent object of state policy. The realisation of the resource potential of the Russian Arctic was identified as a priority. However, such a programme was not comprehensive and could not encompass the full range of large-scale goals and objectives.

It can be asserted that the final comprehensive version of Russia's Arctic policy was formed in 2008 with the adoption of the Fundamentals of the Russian Federation State Policy in the Arctic for the period up to 2020 and for a further perspective (hereinafter – the 2008 Fundamentals). As distinct from the previous documents, the 2008

Fundamentals emphasised the need and importance to take account of natural, climatic, socio-economic, demographic and other special conditions of the Arctic. The main aspect of the new Arctic policy remained unchanged – the use of the Arctic zone of Russia as a strategic resource base. The Strategy for the Development of the Arctic Zone of the Russian Federation and the National Security Efforts that followed in 2013 concordantly supplemented the provisions of the 2008 Fundamentals.

Today, in light of the adoption of the Fundamentals of the State Policy of the Russian Federation in the Arctic for the Period up to 2035 (hereinafter referred to as the 2020 Fundamentals), Russia has finally consolidated its national priorities in the Arctic. Consequently, the primary goal is to improve the quality of life of the population in the Russian Arctic, including indigenous minorities. Among the other goals is the preservation of the Arctic as a territory of peace, stable and mutually beneficial partnership. Among other challenges, the major socio-economic projects are connected with the development of the Northern Sea Route as a national transport link.

---

\* Candidate of Law Sciences and Associate professor, Department of Environmental, Labor and Natural Resources Law Udmurt State University, Izhevsk, Russia

An undoubted favourable achievement is the legal delineation of boundaries of the Arctic and the Arctic zone. Meanwhile, the conceptual basis for contouring the southern boundaries of the Russian Arctic zone is not on the agenda of discussion by the legislative or executive authorities. The actual boundaries of the Arctic zone of Russia are established by the Presidential Decree of 2014. However, in the authors' opinion, the problem is the absence of a scientifically substantiated criterion for attributing the northern territories of Russia to the Arctic zone. Since 2014, the said Presidential Decree was supplemented twice. In 2017, the northern territories of the Republic of Karelia were included in the Arctic zone, and in 2019 some areas of the Republic of Sakha (Yakutia) were added. In the present situation, the tasks have been already formulated, the budget funds have been allocated, but there appear new territories with the specifics to be taken into account. For instance, the northern territories of Yakutia, recently included in the Arctic zone, have an insufficiently developed transport infrastructure. This circumstance forces the government to look for additional sources of funding. Meanwhile budget funds have already been allocated for specific tasks.

Special attention is paid to the protection of the natural environment of the Arctic. The 2020 Fundamentals focus on the following main objectives in the sphere of ecological protection and environmental safety: a) development, on a scientific basis, of a network of specially protected nature areas and water basins, in order to preserve the ecological systems and their adaptation to the climate change; b) preservation of fauna and flora of the Arctic, protection of rare and endangered plants, animals and other organisms; c) further work towards elimination of the overall damage caused to the environment; d) improvement of the environmental monitoring system, the use of modern information and communication technologies and systems for making measurements from satellites, offshore and ice platforms, research vessels, ground stations and observatories; e) inculcation of the best available technologies, minimizing atmospheric emission and pollutant discharge into water bodies and mitigation of other types of negative impact on the environment during economic and other activities; f) securing the rational use of natural resources, including in places of traditional residence and economic activities of small-numbered peoples; g) development of a comprehensive system for managing

waste of all hazard classes, construction of modern environmentally friendly waste disposal facilities; h) implementation of a set of measures to prevent toxic substances, infectious disease agents and radioactive substances from entering the Arctic zone of the Russian Federation. The truly serious attention to the environmental problems is dictated by Russia's recognition of the unique natural properties of the Arctic which combine the vulnerability of the ecological systems, on the one hand, and the global importance of the Arctic in stabilization of climatic processes (as based on the research of the Arctic and Antarctic Research Institute), on the other hand.

The key objectives of economic development of the Arctic zone of the Russian Federation are: a) state support of entrepreneurial activities, including support of small and medium-size business, with a view to create attractive conditions for private investment and its economic efficiency; b) increased participation of private investors in realisation of investment projects on the Arctic shelf, with preservation of state control over it; infrastructural development of mineral resource centres logistically linked with the Northern Sea Route; (c) increasing the scope of geological exploration for

the development of hydrocarbon deposits and solid minerals through public and private investment; encouraging the development of hard-to-recover hydrocarbon reserves, increased oil and gas recovery factors, advanced petroleum refining, production of liquefied natural gas and gas chemical products; d) creation of due conditions for increasing the efficiency of development and extraction (yield) of aquatic biological resources, stimulation of fish products output with high added value and proper development of aquaculture; e) intensification of reforestation, stimulating the development of forest infrastructure and advanced processing of forest reserves; f) stimulation of local production of agricultural raw materials and foodstuffs; (g) development of cruise travel, ethnic, ecological and industrial tourism; h) preserving and developing the traditional economic activities, handicrafts and trades contributing to necessary employment and self-employment of people representing small minorities; i) providing access of people from small-numbered nations to natural resources necessary to maintain their traditional way of life and traditional economic activities; j) developing due mechanisms for participation of people from small minorities and their representatives in

decision-making on the issues connected with industrial activities in their traditional habitat and traditional economic occupation; k) bringing the system of secondary vocational and higher education in the Arctic Zone of the Russian Federation in line with the estimates of the need for qualified personnel; l) providing state support to the economically active Russian population willing to relocate (resettle) to/in the Arctic Zone of the Russian Federation and engage in labour activities there.

The priorities for international cooperation include: (a) bilateral strengthening of good-neighbourly relations with the Arctic states within the multilateral regional cooperation framework, in particular, the Arctic Council, the Arctic Five and the Barents Euro-Arctic Council; stepping up the international economic, scientific, technological, cultural and cross-border cooperation as well as collaboration in the study of global climate change, environmental protection and efficient development of natural resources in compliance with high environmental standards; b) to maintain the Arctic Council's position as the key regional association coordinating the international activity in the region; c) to ensure the Russian presence in the Svalbard (Spitsbergen)

archipelago on the terms of equal and mutually beneficial cooperation with Norway and the other states – parties to the Svalbard Treaty as of 9 February, 1920; d) maintaining interaction with the Arctic states on delineation of the continental shelf in the Arctic Ocean, taking the national interests of the Russian Federation into account, on the basis of the international law and reached agreements; e) promoting the efforts of the Arctic states to create a unified regional system for search and rescue, prevention of technological catastrophes and elimination of their consequences, as well as coordination of rescue forces' actions; f) active involvement of the Arctic and extra-regional states in mutually beneficial economic cooperation in the Arctic zone of the Russian Federation; (g) assistance to small-numbered peoples in cross-border cooperation, cultural and economic contacts with kindred nations and ethnic groups residing outside the Russian Federation, as well as assistance in participation of small-numbered minorities in international cooperation on ethnocultural development within the framework of inter-state contacts and in accordance with the international agreements of the Russian Federation; h) communicating the results of the Russian Federation's activities in the

Arctic to the international community at large.

The state programmes under review directly reflect the overriding principle of sustainable development formulated by the Rio Declaration of 1992, which proclaims equal development of social, economic and environmental spheres. However, if one turns to the Russian legislation which focuses on the realisation of the Arctic policy provisions, the predominance of economic interests becomes evident.

For instance, Russia has for a long time been working on a draft project intended to regulate the whole range of factors connected with the development of the Arctic zone. The environmental component should be of paramount importance. The law may contain the norms reflecting natural, climatic and socio-economic specifics of the Arctic – increased vulnerability to anthropogenic impact, the weak ability for self-purification and recovery, continuing thawing of the permafrost, climatic change and underdevelopment of transport infrastructure. Several draft laws were prepared; however, they were withdrawn for further revision due to the complexity of defining the subject of legal regulation. Nevertheless, in 2020, the Federal Law №193-FZ “On

State Support of Entrepreneurial Activity in the Arctic Zone of the Russian Federation” was adopted. It is notable that Article 1 (subject and objectives of regulation) states that the Law “defines the legal status of the Arctic zone”; however, it almost entirely focuses on support of investment and entrepreneurial activities in the Arctic. At the same time, the term “legal status of the Arctic zone” is a complex legal category including, among other things, environmental and other features. The provisions of the Law enshrine a variety of measures of state support for entrepreneurial activities. For instance, the residents of the Arctic zone may be granted tax benefits and partially reimbursed the paid insurance premiums.

It should as well be noted that the Russian environmental legislation has also been supplemented with a number of references to the Arctic natural environment. For instance, Federal Law No. 174-FZ (adopted in 1995) “On Environmental Expertise” until recently referred all capital construction projects in the Arctic zone of Russia, without exception, to the objects of state ecological expertise. Thus, an excessive requirement was established, unreasonably hampering the economic activities and efficient

realisation of environmental regulations. Undoubtedly, the norms of environmental and natural resource law of Russia are fully applicable in the Arctic zone of the Russian Federation. However, the absence of a special law that would comprehensively take into account the natural and climatic features of the Arctic nature not only significantly increases the ecological risks in the Arctic region, but also discredits the feasibility of using the resource potential of the Arctic zone.

Thus, it is obvious that the Arctic policy in the present-day Russia has been

finally formed. The primary goals, tasks, national interests and benchmarks have been defined. Regretfully, a fair question can be raised – whether such state programmes have a mandatory nature. Some researchers believe that the state programmes contain the norms having the status of principles or declarations. However, quite often, governmental strategic documents do not enshrine efficient mechanisms of realisation of intended objectives, including the institute of liability for non-compliance with provisions of a particular programme.

