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Will Russia Withdraw from UNCLOS in the Arctic? Situating the Threat

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In the face of growing apprehension about Russian revisionism and revanchism, many Western commentators have countered alarmist rhetoric about the Russian threat to its Arctic neighbours by highlighting the self-interested benefits that adherence to international law in the region brings to the largest Arctic state. While the cooperative spirit behind the 2018 Ilulissat Declaration, in which all of the Arctic coastal states affirmed their commitment to the law of the sea and peaceful resolution of disputes, is no longer present, the argument holds that Russia does not stand to gain from disrupting the international order in this region. On the other hand, commentators like Elizabeth Buchanan warn that if Moscow ceases to perceive incentives to continue to adhere to the international legal regime in the Arctic, “it is possible that the region is set to face its most challenging era yet.”¹

On 20 March 2024, the *Independent Barents Observer* reported that “Russia is considering withdrawal from the UN Convention on the Law of the Sea in the Arctic.”² The key source is a story in Kremlin-controlled *Russian Izvestia* two days before, which summarized that:

Russia, in order to protect its national interests, may reconsider its participation in the UN Convention on the Law of the Sea in the part of the Arctic, Nikolai Kharitonov, Chairman of the State Duma Committee for the Development of the Far East and the Arctic, told *Izvestia*.

“The issue of possible denunciation of the UN Convention on the Law of the Sea in the part of the Arctic is under study. We will not continue it to our detriment. As Vladimir Putin says, we are no longer going to take our word for it. If you look at the Arctic from above, 64% of the circumference belongs to Russia. We have consolidated all this and are obliged to protect

everything that our ancestors passed on to us,” Kharitonov said. ... Now, in the context of the changed geopolitical context, this convention is perceived by many as a time bomb: NATO ships and aircraft conduct reconnaissance activities in the Russian sector of the Arctic, without formally crossing the line along which the 12-mile zone passes.³

Izvestia published another, more substantive article the same day by foreign and Arctic affairs reporters Valentin Loginov and Lyubov Lezhneva titled “Cold Miscalculation: Why the U.S. Benefits from the Militarization of the Arctic”⁴ which is worth deconstructing in detail as an example of Russian media narratives that consistently highlight US and NATO activity in the Arctic region as part of a broader effort to isolate, contain, and attack Russia. It explained that:

The reconnaissance activity of NATO countries off the northern Russian coast is pushing Moscow to revise its security strategy in the region. Russia is already studying the issue of denouncing the UN Convention on the Law of the Sea in the Arctic, as the relevant committee of the State Duma confirmed to *Izvestia*. For the United States, this region is interesting because it is the shortest route from America to Eurasia, including for missiles, added Minister for the Development of the Far East and the Arctic Alexei Chekunkov. The expansion of NATO at the expense of Sweden and Finland aggravates the situation.

The story builds its case beginning with a major US military exercise in Alaska and *Daily Mail* reporting that the US “risks ceding control of the region.” It then offers the spurious case of the U.S. intending to appoint an ambassador-at-large for the Arctic as evidence of Washington’s desire to challenge the regional status quo. It continues:

This challenge is not considered new in Moscow. “Unfortunately, the Arctic has always been and remains a territory of intense competition. Russia, being the largest Arctic country on the globe, considers this region to be strategically important, primarily from the point of view of its economic exploitation in compliance with all norms and rules. A lot is being done for the development of the Arctic and for unlocking the potential of all the Arctic regions of our country,” Dmitry Peskov, the press secretary of the President of the Russian Federation, commented on the new round of discussion last week.

We note two dynamics in this paragraph: both Russia’s typical insistence that it is the most legitimate Arctic power based on geographical and economic criteria, and that its primary goal is to unlock the potential of the Arctic Zone of the Russian Federation (AZRF). According to this narrative, it is not seeking to militarize the region. Although Russia conducted a series of practical steps aimed at restoring its military potential in the Arctic well before the Euromaidan (starting in the late 2013), Russia’s official narrative marks this as a pivotal moment in Kremlin’s worsening relations with the West – a justification for taking requisite steps to protect its sovereignty against hostile foreign interests. Ironically, this is a mirror image of what Western commentators (including ourselves) say about the seven like-minded Arctic states’ need to defend against Russian militarization of the Arctic region.

For many years, Russia has rationalized its military buildup in the AZRF based on a need to protect its natural resources and the Northern Sea Route. For example, Foreign Minister Sergey Lavrov stated at the 2019 Arctic Forum in St. Petersburg that “Russia is engaging in the defense of its Arctic and NATO has nothing to do there at all.”⁵ This conforms with longstanding narratives accusing the US and NATO of adopting an offensive military posture that is designed to exacerbate tensions between Russia and its Arctic neighbors. Russia insists that it does not pose a military threat to other Arctic nations and that it sees the region as a cooperative zone of peace. By contrast, NATO’s race to militarize the Arctic is destabilizing.

Following this established script, the *Izvestia* story then pivots to recent statements by “high-ranking Western politicians”, indicating NATO’s interest in the region that “should not be underestimated.” Russia is depicted as a besieged actor. “The alliance member states that control the Atlantic sector of the Arctic and the western part of the Barents Sea are constantly working to improve the ability of their armies to operate in the northern latitudes, improving infrastructure, constantly conducting various exercises, and practicing with combat aircraft in adjacent waters,” Loginov and Lezhneva observe. “In addition, the alliance is constantly patrolling the areas bordering Russia with aircraft and warships.”

The Russian story then flips the typical script that we read in the West, suggesting that “official rhetoric of Western countries, aimed primarily at the Russian political class, often emphasizes peace and economic programs,” but that the Russian Federation recognizes the military-strategic significance of the region – which NATO countries “prefer to keep silent about” but clearly recognize given their increasingly frequent and aggressive military activities. This points to the importance of the Northern Sea Route, the Arctic’s influence on global climate, and the region’s mineral wealth, as well as its geographic position as the “shortest air route between the Americas and Eurasia for both airplanes and missiles.” Accordingly, the authors highlight that “the militarization of this region poses a threat to the strategic stability of the entire world, striking an important nerve in international relations.” They also quote Alexei Chekunkov, the Russian Minister for the Development of the Far East and the Arctic, alleging that “the U.S.’s course of increasing tension in the Arctic is beneficial to its defense-industrial complex, but increases risks for the entire humanity.”

Blaming the US, NATO, and the West for fanning the flames of prospective Arctic conflict to serve their self-interests is a staple in Russian discourse. As a NATO Strategic Communication Centre of Excellence report observed, according to Russian media all Western fears of Russia’s military actions should be considered paranoid.⁶ This is a common narrative used to dismiss American and NATO concerns over Russian militarization and, likewise, to call into question the value of NATO involvement in the Arctic region. Furthermore, Russian narratives often suggest that US-led NATO activities or postures designed for “war against Russia” draw other Arctic states into “unprofitable competition.”⁷ The Russian foreign and defence establishment’s responses to Finland and Sweden’s applications to join NATO are a prime example, accusing Helsinki and Stockholm of aggravating the situation in the Baltic region and the Arctic, which after a new wave of NATO expansion, could transform militarily calm regions of Europe into a zone of a dangerous confrontation.”⁸ (Another example that comes to mind is the issue of Western military support to Ukraine in the form of lethal weapons, which, according to the Russian side, is “absolutely futile” – but may lead to a third world war.)

On cue, Loginov and Lezhneva subsequently insist that the accession of Finland and Sweden to NATO represents a significant “militarization” of the region, providing the alliance with “an opportunity to spread its military infrastructure across the entire territory of the Scandinavian peninsula.” This compels Russia to react in an allegedly “logical” manner by increasing its military presence in northwestern Russia “in order to ensure its national interests and security.” This, in turn, means Russian troops along the Russian-Finnish border, representing “defeat systems” that undermine Finnish security and reinforcing Putin’s 13 March statement that Helsinki’s decision to join the alliance represent “an absolutely senseless step from the point of view of ensuring national interests.”

In this Russian narrative, NATO actions force Russia’s hand and elevate the “risks of military conflict in the Arctic.” The alliance’s “interest in military control over the Arctic” is allegedly propelled by the Arctic energy resources, with “about 60% of these reserves located on the Russian shelf.” Alongside the NSR as a strategic artery through the region (and an “increasing relevant” alternative to the Red Sea) and Putin’s ongoing prioritization of AZRF development for economic, energy, logistics, and defence reasons, the authors suggest that “the Arctic region may become a place of clashing interests of different countries in the near future.”

Russian strategic documents and implementation plans since 2020 confirm that development of the AZRF is one of the country’s highest national priorities. “For Russia, the Arctic is not some remote, hard-to-reach territory,” Russian political scientist Maria Lagutina explained in 2021, “but an actual part of state territory, fully integrated into the socioeconomic and political systems of the Russian Federation.” Accordingly, Moscow’s domestic and foreign policies reflect core priorities: to ensure sovereignty and territorial integrity, improve standards of living for regional residents, protect the environment, and develop the Russian Arctic “as a strategic resource base.”⁹ In effect, the development of the AZRF represents a central, overarching focus from which to synchronize, align, and assign primary purpose to other related state activities. Accordingly, Russia seeks to sell this priority to both the domestic and international audience through a dual-narrative: one aspect emphasizing good circumpolar citizenship and the other offering overexaggerated threat assessments.¹⁰

All of this forms the narrative backdrop to Russia’s inquiry into whether adherence to UNCLOS continues to serve its strategic interests. Loginov and Lezhneva explain that:

Disagreements over the convention arise around the understanding of the status of the NSR and maritime boundaries. The document was adopted in 1982, but the USSR did not join it. The Soviet Union has historically taken a sectoral approach to defining boundaries in the Arctic, while the convention defined the notion of a 12-mile zone of territorial waters.

Russia ratified the document in 1997, when Moscow was trying to build partnerships with Western countries. Thus, Russia, which possessed 60% of the territory of the Arctic coast, essentially accepted the rules imposed by the other four Arctic states. Now that relations between Moscow and NATO have seriously deteriorated, the Russian military and experts view continued participation in the convention as a time bomb. Ships and aircraft of the North Atlantic Alliance are actively conducting reconnaissance activities in the Russian sector of the Arctic, without crossing the 12-mile zone.

The Russian Federation intends to ensure that foreign states comply with the requirements of Russian legislation, which also applies to the Arctic region. This also applies to the operation of the Northern Sea Route transport route.

In short, this is an inward-looking critique of UNCLOS through a Russian coastal state lens. The core argument is that the United States and its NATO allies fail to recognize and respect Russia's sovereignty and control over its waters, thus demanding that Russia consider all of its options. It is conspicuous that no mention is made of extended continental shelves,¹¹ the central Arctic Ocean, or the waters around Svalbard.¹² The repeated references to the "Russian sector of the Arctic," however, may indicate that Russia intends to reinterpret and reapply the Soviet Union's 1926 decree to claim territorial jurisdiction in the Arctic Ocean north of the country (although, as Russian legal scholar Viatcheslav Gavrillov reminds us, Russia has never attempted "to extend its sovereignty across the waters of this entire 'Arctic sector' and thus to appropriate a significant part of the Arctic Ocean").¹³

Loginov and Lezhneva's article ends by projecting both Russian strength and an alleged desire to cooperate with the other Arctic states – as long as they respect what Russia considers its legitimate rights and interests in the region. In response to NATO's growing military presence, Russia's Defense Ministry plans to increase the zone of continuous radar control in the Arctic to 3.2 million square kilometres by 2027. Furthermore, it plans to launch ten new icebreaker-class vessels this year to "ensure the safety of navigation in the region," and plans to commission 54 modern icebreakers by 2034. While the U.S. has ordered a paltry six icebreakers, Kharitonov noted, "Russia now has the strongest and most powerful icebreaker fleet." The Chairman of the State Duma Committee for the Development of the Far East and the Arctic also "stressed that Russia is ready to cooperate in the development of this region with all interested parties, but this cooperation should be based exclusively on a mutually beneficial basis." In short, the US and NATO are depicted as aggressive but comparatively weak in Arctic capabilities, while Russia seeks cooperation and stability from a position of relative strength.

Readers should also note that the possibility of a US freedom of navigation voyage through the Russian Arctic is a fairly common scenario in Russian state media. A May 2023 *Sputnik* article suggests that, "fortunately for Moscow, the task of protecting Russia's northern waters from foreign encroachment has been made easier by the country's outsized spending on military vessels and icebreakers capable of operating in frigid Arctic temperatures, and by decades of US under-investment by comparison."¹⁴ According to Russian official narratives, the United States' aggressive intrusion into Russian waters was only stopped by the Americans' own weakness (lack of icebreakers) as well as the fact that the US did not put the Arctic region on top of its geopolitical priorities for a considerable period of time, concentrating instead other theatres. Indeed, the US Coast Guard's small icebreaker fleet is frequently held up against Russia's larger force as a way of quantifying this polar power imbalance.¹⁵

We see a danger in a Western overreaction to this story – which may be the entire purpose of *Izvestia* publishing it, and the Duma and the Kremlin seeding it. To be clear, we neither legitimize nor support the Russian narratives, but encourage rigorous analysis that is informed by careful assessments of both Western and Russian-language sources and situates Russian statements in deeper context. As we demonstrate in our

larger analyses of Russian Arctic discourses since February 2022, although Russia's claims about NATO's adverse intentions in the Arctic were present well before the outbreak of the Russo-Ukraine war, Russian media narratives now consistently portray their state as both defensive and dominant in the Arctic, under constant threat but also overwhelmingly powerful. Russia's depiction of NATO is premised on two conflicting narratives: on the one hand, the alliance is described as weak and misguided, while Russia is strong (almost omnipotent in this region) and refuses to be bullied. At the same time, the *Izvestia* article echoes other Russian sources in claiming that "[we] should not underestimate the ongoing incremental mastering [*osvojenije*] of the region by NATO members. NATO member states that are in control of the Atlantic sector and the western part of the Barents Sea are constantly working on improving the ability of their armies to operate in conditions of the North, improving their infrastructure, constantly carrying out various trainings and exercises in the adjacent waters, rehearsing [among others] the use of military aviation. Moreover, the alliance is constantly conducting military patrolling of border regions with the use of aviation and ships." By pursuing this seemingly confusing and illogical narrative, Russia can effectively "change gears" whenever necessary by either presenting NATO as an existential threat (to justify its right and need to restore military capabilities in the Arctic) or as a weak and confused party that is afraid of Russia and its military might in the region, an idea deployed for informational purposes both domestically and abroad.

Russia's public declaration of its potential withdrawal from UNCLOS in the Arctic is bound to provoke reactions in the Canadian, US, and Nordic media. This is likely to include framings suggesting that this shows Russia's intent to break from the rules-based international order so that it can challenge the other Arctic states' terrestrial and maritime sovereignty. After all, the Canadian media is replete with references to Russia's threat to the "territorial integrity" of Canada's Arctic – although these assertions are never backed by any verifiable evidence. Indeed, in our circles, we see this kind of superficial commentary as an indicator that a commentator is not a serious observer of Arctic affairs. Our systematic research indicates that Russia is competing with Canada and its allies in the Arctic and elsewhere – but (at least for now) there are no indications that Moscow has any designs on Canadian territory or seeks to claim its waters, even if it were to formally withdraw from UNCLOS.

We must also pay close attention to the nuance and apparent contradictions. While seeking to highlight its strengths as an Arctic actor, Russia is signaling its insecurity about NATO's growing Arctic presence and worries about US or NATO incursions into its waters that would challenge the expansive jurisdiction that it claims. As Norwegian law professor Tore Henriksen notes, it is unclear what Russia was actually gain from such a withdrawal, even if it has the right to do so. "Russia would still be bound by most of its provisions as they also reflect Customary International Law," he explains. Given Russia's compliance to date with the 2008 Ilulissat Declaration by the Arctic coastal states committing to the law of the sea and peaceful resolution of disputes, as well as its adherence to the UNCLOS process for submitting data and coordinates delineating the outer limits of its continental shelf, "a decision to withdraw would seem to be quite a dramatic shift."¹⁶

We suggest that Russia's actions are guided by two main motives. First, Russia is determined to sow seeds of discord amongst NATO allies hoping that some states will push to concede to Russia's claims, demands, and threats. Unlike in Ukraine, where Russia clearly violated international law and is widely viewed as a culprit, Russia can reasonably claim to be responsible actor in the Arctic with the right to protect its

sovereignty and territorial integrity. Furthermore, many Western countries (and leading Arctic experts) perceive the Arctic region as a likely platform to begin re-establishing dialogue between the West and Russia following the end of the war. Second, by threatening to withdraw from UNCLOS in the Arctic, Moscow may be determined to draw attention of international partners to this specific issue precisely to relaunch dialogue with the West.

Undoubtedly, Russia is not to be trusted. We must be vigilant in assessing Russian narratives and make a clear distinction between Russia's rhetoric and actions. But we must avoid succumbing to Kremlin's blackmailing as well, given the various strategic dilemmas that the Russian side faces since launching its misguided, large-scale invasion of Ukraine in 2022. Despite its image, Russia's positions on international arena have weakened markedly and, given Russia's historical track record of reliance on disinformation (and informational operations) to achieve its geopolitical objectives, we should not be surprised by Moscow attempting to use threats to diminish partnership in the Arctic as a tool to apply pressure. Russia's deliberations on whether to withdraw from UNCLOS in the Arctic, so that it can at least unilaterally assert its self-declared rights in the AZRF, may threaten the rules-based international order in the region. But it should not – at this stage at least – be misapplied as a burgeoning threat to Canada's Arctic sovereignty or that of the other Arctic states.

Notes

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¹ Elizabeth Buchanan, "Russia's gains in the great Arctic race," *War on the Rocks*, 4 May 2023, <https://warontherocks.com/2023/05/russias-gains-in-the-great-arctic-race/>.

² Elizaveta Vereykina, "Russia is considering withdrawal from the UN Convention on the Law of the Sea in the Arctic," *Independent Barents Observer*, 19 March 2024, <https://thebarentsobserver.com/en/2024/03/russia-considering-withdrawal-law-sea-treaty-arctic>.

³ "Россия изучает вопрос выхода из Конвенции ООН по морскому праву в части Арктики [Russia is studying the issue of withdrawing from the UN Convention on the Law of the Sea in the part of the Arctic]," 18 March 2024, <https://iz.ru/1666954/2024-03-18/rossiia-izuchaet-vopros-vykhoda-iz-konventcii-oon-po-morskomu-pravu-v-chasti-arktiki>. Translation using Deepl.com.

⁴ Валентин Логинов [Valentin Loginov] and Любовь Лежнева [Lyubov Lezhneva], "Холодный просчет: почему США выгодна милитаризация Арктики [Cold Miscalculation: Why the U.S. Benefits from the Militarization of the Arctic]," 18 March 2024, <https://iz.ru/1665908/valentin-loginov-liubov-lezhneva/kholodnyi-proschet-pochemu-ssha-vygodna-militarizatsiia-arktiki>. Translation using Deepl.com.

⁵ Елена Рыковцева, «Как Путин и его гости играли в "дружбу" [How Putin and his Guests Played "Friendship" *Радио Свобода*, (April 9, 2022), <https://www.svoboda.org/a/29871010.html>.

⁶ Māris Cepurītis, Ivo Juurvee, Austris Keišs, Diana Marnot, Belén Carrasco Rodríguez, and Scott Ruston, *Russia's Footprint in the Nordic-Baltic Information Environment* (Riga: NATO STRATCOM COE, 2020), 39, https://stratcomcoe.org/pdfs/?file=/publications/download/russias_footprint_nb8_2020_nato_stratcom_coe.pdf.

⁷ “US Continues to Occupy Norway,” *Geopolitika*, 26 October 2016, <https://www.geopolitika.ru/en/agenda/us-continues-occupy-norway>.

⁸ Briefing by Deputy Director of the Foreign Ministry Information and Press Department Alexey Zaitsev, Moscow, 6 July 2022, https://mid.ru/en/foreign_policy/news/1820886/#16, quoted in Sergey Sukhankin, P. Whitney Lackenbauer and Adam Lajeunesse, “Russian Reactions to NATO’s ‘Nordic Expansion,’” *NAADSN Strategic Perspectives*, 30 July 2023, <https://www.naadsn.ca/wp-content/uploads/2023/08/23-jul-Russian-responses-to-Nordic-enlargement-Strategic-Perspective.pdf>.

⁹ Maria Lagutina, “Russia’s Arctic policies: concepts, domestic and international priorities,” *Polar Journal* 11, no. 1 (2021): 118-135.

¹⁰ Sergey Sukhankin, Troy Bouffard, and P. Whitney Lackenbauer, “Strategy, competition, and legitimization: Development of the Arctic Zone of the Russian Federation,” *Arctic Yearbook 2021*, eds. Lassi Heininen, Heather Exner-Pirot, and Justin Barnes (November 2021): 207-233, https://arcticyearbook.com/images/yearbook/2021/Scholarly-Papers/12_AY2021_Sukhankin.pdf.

¹¹ See, for example, Viatcheslav Gavrilov, Ted L. McDorman, and Clive Schofield. “Canada and the Russian Federation.” *Arctic Review on Law and Politics* 13 (2022): 219-231.

Dmitry Anatolievich Volodin, “Canada’s claim to the continental shelf in the Arctic.” *USA & Canada: economics, politics, culture* 9 (2023): 46-60, <https://journals.rcsi.science/2686-6730/article/view/142100>; and Torbjørn Pedersen and Beate Steinveg, “Russia’s Clashing Ambitions: Arctic Status Quo and World-Order Revision,” *Politics and Governance* 12 (2024), <https://www.cogitatiopress.com/politicsandgovernance/article/download/7311/3560>.

¹² See, for example, Andreas Østhagen, Anne-Kristin Jørgensen, and Arild Moe. “The Svalbard fisheries protection zone: How Russia and Norway manage an Arctic dispute.” *Arctic and North* 40, no. 2020 (2020): 150-68; Andrey Todorov, “Russia in maritime areas off Spitsbergen (Svalbard): Is it worth opening the Pandora’s Box?,” *Marine Policy* 122 (2020): 104264; Ian Bolduc, “Disagreement and Cooperation between Norway and Russia in the Svalbard Fisheries Protection Zone—An Analysis of Complex Interdependence in the Barents Sea,” (M.A. thesis, UiT Norges arktiske universitet, 2023); Arild Moe and Øystein Jensen. “Svalbard and the surrounding seas—new foreign policy challenges for Norway?,” in *Norway’s Arctic Policy*, ed. Andreas Østhagen, 77-94 (Cheltenham: Edward Elgar Publishing, 2023); and Roald Berg and Klaus Dodds, “Between Gateway and Theatre: Geopolitics, History and the Framing of Svalbard,” in *Svalbard Imaginaries: The Making of an Arctic Archipelago*, ed. Mathias Albert, Dina Brode-Roger, and Lisbeth Iversen, 19-41 (Cham: Springer Nature Switzerland, 2023).

¹³ On Russia’s Arctic sector, see Leonid Timtchenko, “The Russian Arctic sectoral concept: past and present,” *Arctic* 50, no. 1 (1997): 29-35; Peter Ørebech, “The Barents Sea 2010 Norway-Russia Border: The Triumph of the Negotiation Principle at the Expense of the Median-and Sector Line Pretentions,” *Yearbook of Polar Law Online* 4, no. 1 (2012): 505-517; and Viatcheslav Gavrilov, “Russian Arctic Policy,” in *Breaking the Ice Curtain? Russia, Canada, and Arctic Security in a Changing Circumpolar World*, eds. P. Whitney Lackenbauer and Suzanne Lalonde, Calgary: Canadian Global Affairs Institute, 2019), 1-12.

¹⁴ Ilya Tsukanov, “What is Northern Sea Route and How Can It Turn Russia Into Arctic Superpower?,” *Sputnik*, 22 May 2023, <https://sputnikglobe.com/20230522/what-is-northern-sea-route-and-how-can-it-turn-russia-into-arctic-superpower-1110524259.html>.

¹⁵ Ilya Tsukanov, “Beijing Explains Whose ‘Provocative Actions’ Led Chinese Jet to Buzz US Spy Plane,” *Sputnik*, 31 May 2023, <https://sputnikglobe.com/20230531/beijing-reveals-whose-provocative-actions-led-chinese-jet-to-buzz-us-spy-plane-1110818043.html>.

¹⁶ Quoted in https://www.arctictoday.com/russia-is-considering-withdrawal-from-the-un-convention-on-the-law-of-the-sea-in-the-arctic-2/?wallit_nosession=1.