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The ethnopolitics of Russia in the Arctic zone: integration, regional multiculturality, and tradition¹



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Abstract. The article is dedicated to the strategic issues of the ethnic policies' development in the Arctic zone of the Russian Federation. Nowadays the academic knowledge of constitutional law and political science doesn't demonstrate clear understanding of the Russian ethnic national policy model in the Arctic, there are no comprehensible definitions and criteria, which could be used to estimate the present and desired model satisfying interests of the state and polytechnic society. It is also important to note that the course of certain ethnic processes in Russia and in the Russian Arctic is determined by the state mechanism. Its main instrument is the regulation of public relations with legal and political methods. In this article, the authors tried to understand the political and legal mechanism of the current Russian ethnic policy model in the Arctic. The practical goal is to develop proposals for improving its main components to form a more advanced policy model. The authors identified ten basic elements of the ethnopolitics of Russia in the Arctic zone, embodied in political and legal institutions (including the author's theoretical ideas about conceptual and categorical apparatus), and indicated eight practical proposals for improving this model.

Keywords: *ethnopolitics, AZRF, model, indigenous small-numbered peoples, population, migrants, identity, ethnicity*

"The Arctic ethnopolitics" — one of the trends in public agenda

In his speech at the plenary session of the IV International Arctic Forum "The Arctic — territory of dialogue" held on 30 March 2017, in Arkhangelsk, the Russian President Vladimir Putin said: "Our goal is to provide sustainable development of the Arctic, and the creation of modern infrastructure, development of resources, development of the industrial base, improving the qual-

¹ The article was prepared within the research project supported by the Russian Science Foundation (project No. 15-18-00104 "The Russian Arctic: from conceptualization to effective model of state ethnic policy in the context of sustainable development of regions").

ity of life of the indigenous peoples of the North, preserving their unique culture, their traditions and careful treatment of them by the state”².

In modern Russia’s state-building, regardless of specific areas (economic, social, ethnic, etc.), “project approach” to the social relations prevails. The definition of “project approach” apparently suggests a broader interpretation the public institutions’ role than it is generally understood in the modern political and social science, namely as a program-target method of implementing various aspects of home policy. So, the main characteristic of the “project approach” in ethnic policy is the claim of the state monopoly on the formation of the key characteristics of the ethnic “actors” and processes.

We agree with L.M. Drobizheva and her definition of ethnic policy as coherent state regulation of collective rights of ethnic communities in the territories of their historic residence and the institutionalization of this regulation through the adoption of appropriate legislative acts and the establishment of the state bodies responsible for the ethnic component of the home policy³. However free or rather the arbitrary formation of ethnic institutions, the desire to self-organization and self-regulation of ethnic relations are denied and not recognized. This is due to well-defined geopolitical risk and, of course, “the ethnic issue”, that has been smoldering for centuries, is traditionally a sign of serious social shocks and disasters. However, the question of whether free “ethnic construction” (incl. the institutional aspect) the only reason for ethnic tension, and whether the ill-conceived ethnic policy of the state is equally responsible for these risks, remains a subject of serious discussion.

Historically, models of home ethnic policy or “nation-building” policy are often characterized as paternalistic [1, Troshina T.I., Minchuk O.V., p. 167]. Even in the post-Soviet period, it was characterized by the building a partnership between the state and ethnic communities. But it has been impossible to speak about the leading role of “informal institutions” [2, Zakharov V.V.]⁴ in ethnic processes and political discourse.

² Rech Vladimira Putina na plenarnom zasedanii IV Mezhdunarodnogo Arkticheskogo Forumu “Arktika — Territoriya Dialoga” 30 Marta 2017, Arkhangelsk [The Russian President Vladimir Putin’s speech at the plenary session of the IV International Arctic Forum “The Arctic — territory of dialogue” 30 March 2017, Arkhangelsk]. URL: <https://www.arctic.gov.ru/FilePreview/6bf7cc0d-2c6d-e711-80d2-00155d006312?nodeId=4370391e-a84c-e511-825f-10604b797c23> (Accessed: 19 September 2017) [In Russian]

³ Krjaklina T.F. Etnopolitika kak instrument upravlenija etnopoliticheskimi processami. [Ethnopolitics as an instrument of the management of ethnopolitical processes]. URL: http://pluriversum.org/news/analytics/ethnopolitics_as_a_tool_for_management_of_ethnopolitical_processes/ (Accessed: 19 September 2017) [In Russian]

⁴ The neoinstitutionalist interpretation: social practices and rituals are the result of subordination to cultural values and norms.

Studying the Strategy of the State National Policy of Russia⁵ (hereinafter — Strategy 2025), Yu.V. Popkov and V.G. Kostuk pointed that the Strategy recognized the fact of multiethnicity and existence of inter-ethnic relations, but it did not consider peoples of the Russian Federation active subjects of the state ethnic policy [3, Popkov Yu.V. & Kostuk V.G., p. 89]. Probably it relates to the legal and institutional formation of “the single Russian civic nation” started in Russia at the end of 2016⁶.

The objects of the research are specific elements and the institutional structure of the current model of the Arctic ethnic policy of Russia. Also, the authors had an attempt to develop a standardized definition of the designated model.

Institutional structure of the Russian ethnic policy model in the Arctic Zone of the Russian Federation

Institutional structure of the Russian ethnic policy model in the Arctic zone of the Russian Federation has its specifics, as it is related to the all-Russia integrative model with the elements of multiculturalism and has its own “Northern” component (traditional economy and everyday life of indigenous people and harsh climate).

In our opinion, the specifics of the ethnic policy model could be found in a composition of ten elements embodied in political and legal institutions.

1. Undivided authority when defining the foundations of the home ethnic policy

Present statement is caused by the provisions of the Constitution of the Russian Federation, paragraphs "b" and "e" of Art. 71, which regulate and protect of the rights of national minorities, set up the norm that the foundations of the ethnic policy is the responsibility of the federal bodies.

Part 3, Art. 80 secures the right of the President of Russia to define the main directions of home and foreign policy. Paragraph "m", part 1, Art. 72 of the Constitution: protection of the traditional lands and lifestyle of numerically small ethnic communities is under the joint jurisdiction of the Russian Federation and subjects of the Russian Federation.

2. Balance of responsibilities

A management subsystem of the state ethnic policy is developed in accordance with the federal structure of Russia and traditional institutionalized form of the “vertical of power” and

⁵ Ukaz Prezidenta Rossijskoj Federacii ot 19 dekabnja 2012 g. № 2012 “O Strategii gosudarstvennoj nacio-nalnoj politiki Rossijskoj Federacii na period do 2025 goda” [The decree of the President of the Russian Federation, 19 December 2012, No. 2012 “On the strategy of state national policy of the Russian Federation for the period till 2025”]. URL: <http://kremlin.ru/acts/bank/36512> (Accessed: 19 September 2017) [In Russian]

⁶ Zasedanie Soveta po mezhnacionalnym otnoshenijam ot 31.10.2016, Astrahan [A meeting of the Council for Inter-ethnic Relations, 31 October 2016, Astrakhan]. URL: <http://kremlin.ru/events/president/news/53173> (Accessed: 19 September 2017) [In Russian]

“centralization” established in the 2000s. This is reflected in the character of federalism in Russia, which, as N. Baranov writes, seems to be “asymmetrical” because of the significant “distortions” due to the mixed ethno-territorial nature of the Federation. According to the scholar, federalism in Russia “should be a territorial form of democracy”. It will contribute to the ethnic peace in the future [4, Baranov N.A., pp. 60–63].

Special federal bodies responsible for ethnic policy exist to solve problems of disparities in the management of the regions. Two of them are in the structure of the **Government of the Russian Federation**. The first is the Federal Agency for Nationalities (FADN of Russia) occupied with the development and implementation the state ethnic policy, legal regulation and providing state services in the sphere of ethnic policy. The second important state body is the *State Commission for the Arctic Development* responsible for the coordination of the Arctic policy to provide better living standards for people living or working in the Russian Arctic and protecting indigenous people, their economy and lifestyle as well as cultural heritage.

Two executive bodies for ethnic issues are found among the **presidential commissions and councils**. The first is the *Presidential Council for Interethnic Relations* aimed at working out proposals on the key issues of the state ethnic policy. The second is the Commission on information support of the state ethnic policy of the Presidential Council of the Russian Federation for Interethnic Relations, responsible for building the information space of the state national policy.

At the legislative level (Federal Assembly of Russia), various relevant committees and councils exist. At the level of the “lower chamber” of the Russian Parliament — the State Duma, *The Committee on Nationalities* carries out legislative work on the state national policy, civic identity issues, ethno-cultural development of the peoples of Russia, protection of the rights of indigenous peoples and national minorities, funding of the state national policy, and language policy.

At the level of the “chamber of regions”, one relevant committee and two councils are operating: *The Committee of the Federation Council for Federative Structure, Regional Policy, local government and Northern Affairs*. The function of the Committee is to implement laws on the federal structure of Russia; national and regional policy; state policy in the Arctic, sustainable development of indigenous peoples of the North, Siberia and the Far East, protection of their traditional lands and way of life, communities and traditional economic activities.

Among the other councils, it is possible to allocate *the Council for the Arctic and Antarctic* under the Federation Council and *the Council for Interethnic Relations and Cooperation with Religious Associations*. The function of the first one is the analysis and improvement of legislation and law enforcement practices on the state policy and national interests of the Russian Federation in

the Arctic and Antarctic. The function of the second council mentioned above is legislative support of federal relations, ethnic and cultural development of peoples and guarantees of social, economic and cultural development of indigenous peoples of Russia, protection of their traditional lifestyle and lands, economy and crafts.

3. *Unified strategic priorities of the Federation and its subjects*

“Adoption of the Strategy of the State National Policy of the Russian Federation until 2025 became the principal landmark event not only in the sphere of interethnic relations, but also in political life of the country in general⁷”. It is impossible not to agree with this statement. For the first time in the history of new Russia, ethnic policy was in a state strategic document, not a conceptual one, defined by a concrete political and ideological aim [5, Mushinskiy M.A., p. 499].

Despite the “Arctic Strategy 2025” mentioned above, Russia adopted the “Arctic Foundations 2020”, “Regional Basics”⁸ and “Cultural Basics”⁹ aimed at being political and legal instruments of the Russian ethnopolitics in the Arctic.

When analyzing the text “Arctic Foundations 2020”, one could conclude: the questions of the ethnic development have a little space in the document. It contains only a small number provisions, which correspond to the existing norms of the federal legislation. Subparagraph “h”, paragraph 7, section 6, Chapter III provides that: “7. The strategic priorities of the state policy of the Russian Federation in the Arctic are: [...] h) to improve the quality of life of the indigenous population and social conditions of the economic activity in the Arctic”; indentions 15–16, subparagraph “a”, paragraph 8, Chapter IV: “the main measures on realization of the state policy in the field of social and economic development of the Arctic Zone of the Russian Federation are: [...] improvement of educational programs for the indigenous population of the Arctic Zone of the Russian Federation, especially children adaptation programs for life in the modern society with full development of the skills necessary for living in extreme natural conditions, including equipment of ed-

⁷ Sovetu pri Prezidente Rossijskoj Federacii po mezhnacionalnym otnoshenijam — 5 let. *Bjulleten Komissii po vo-prosam informacionnogo soprovozhdenija gosudarstvennoj nacionalnoj politiki Soveta pri Prezidente RF po mezh-nacionalnym otnoshenijam*. Specvypusk. [Council under the President of the Russian Federation on Interethnic Relations - 5 years. *Bulletin of the Commission on Information Support of the State National Policy of the Council under the President of the Russian Federation on Interethnic Relations*. Special Issue]. M., 2017. p. 41. URL: http://sovetnational.ru/Documents/%D0%91%D1%8E%D0%BB%D0%BB%D0%B5%D1%82%D0%B5%D0%BD%D1%8C_%D1%81%D0%BF%D0%B5%D1%86%D0%B2%D1%8B%D0%BF%D1%83%D1%81%D0%BA_5%20%D0%BB%D0%B5%D1%82%20%D0%A1%D0%BE%D0%B2%D0%B5%D1%82%D1%83.pdf (Accessed: 19 September 2017 [In Russian])

⁸ Ukaz Prezidenta RF ot 03 ijunja 1996 g. № 803 “Ob Osnovnyh polozhenijah regionalnoj politiki v Rossijskoj Federacii”. [Decree of the President of the Russian Federation June 3, 1996 No. 803 “On the Basic Provisions of Regional Policy in the Russian Federation”]. URL: <http://docs.cntd.ru/document/444816807> (Accessed: 19 September 2017) [In Russian]

⁹ Ukaz Prezidenta Rossijskoj Federacii ot 24 dekabrja 2014 g. № 808 “Ob utverzhdenii Osnov gosudarstvennoj kulturnoj politiki” [Decree of the President of the Russian Federation of December 24, 2014 No. 808 “On the Approval of the Basic Provisions of State Cultural Policy”]. URL: <http://docs.cntd.ru/document/420242192/> (Accessed: 25 September 2017) [In Russian]

educational institutions and distant settlements with means of remote training; ensuring rational use of natural resources and development of environmentally safe forms of tourism in places of residing and traditional managing of indigenous peoples, the preservation of cultural heritage and languages, and national crafts”.

The main vector of the regional ethnic policy of Russia (incl. the Arctic) was laid out in a “Regional basics”. Paragraph 5 of the document: regional policy in the field of ethnic relations, should ensure that two areas of development: 1) state and legislation and 2) spiritual. In relation to state and legislation, it is determined that the federal structure of Russia should combine the current social, economic and political realities with historical experience. The document also contains the necessity of developing the legal and institutional framework for interethnic relations to meet the ethnic and cultural interest of peoples and the resolute struggle against “aggressive nationalism”.

In case of spiritual realm, the document states the need to respect individual rights and freedom; to grant equal rights to the peoples “with any form of self-determination”; to support the cultures of small peoples; to provide their language support and a support for Russian as long as it is a national language and means of communication; to strengthen “national secondary and higher education as an essential condition for the preservation and development of ethnic identity and cultures”; to preserve the historical heritage of the Russian (East Slavic) culture; to develop intercultural communication, especially with Slavs, Caucasian, Finno-Ugric, Mongolian, and other cultures within the framework of a common Eurasian ethno-cultural space”.

An important task for the federal and regional public authorities is the support and development of “national-cultural autonomy”¹⁰.

It has been already mentioned, in addition to the regional policy, ethnic politics, includes “cultural policy”, defined in the “Cultural Basics” as “actions undertaken by the state authorities of the Russian Federation and public institutions to support the preservation and development of all branches of culture, all types of creative activity of citizens of Russia and the formation of the system of values, personality based on the characteristic of the Russian society”. It is noteworthy that in addition to the concept of “cultural policy” the text of the “Cultural Basics” contains such social and philosophical concepts as “spiritual sphere” and “the mentality of the Russian people”. The first concept is defined there as “a system of ideas about the world and man, human society and the relations between people, values and their hierarchies”; the second concept means the “total-

¹⁰ Federalnyj zakon ot 17 ijunja 1996 g. № 74-FZ “O nacionalno-kulturnoj avtonomii” (s izmenenijami na 04 nojabrja 2014 g.) [Federal Law No. 74-FZ, June 17, 1996 “On National and Cultural Autonomy” (as amended on November 4, 2014)]. URL: <http://docs.cntd.ru/document/9018667/> (Accessed: 25 September 2017) [In Russian]

ity of intellectual, emotional, cultural characteristics, value orientations and attitudes inherent in the Russians”.

However, no detailed legal definitions of these concepts have been made, but in an official interview for “Bloomberg”, the Russian President Vladimir Putin said that: “...there is one distinctive feature that all peoples probably have, but it is especially pronounced. It is the pursuit of justice. This is one of the dominant features, I think, in the mentality of Russians and all the Russian people. Another aspect that is typical for the mentality of the Russian person — a commitment to any [ideals]”¹¹.

The most notable moments of the “Cultural Basics” are as follows:

- 1) providing a “civilizational identity” of Russia;
- 2) recognition of the key role of the Russian language and Russian culture;
- 3) recognition of the special role of the Orthodox Christianity;
- 4) recognition of the important role of traditional Russian religions: Islam, Buddhism and Judaism and other religions;
- 5) recognition of the “atomization of society”, that is, the rupture of social ties (friends, family, and neighborhood), growth of individualism, disregard for the rights of other people — one of the major problems of the Russian culture;
- 6) recognition of the importance of revival of the “family education” traditions;
- 7) approval of “traditional family values”, etc.

The importance of “traditional values” for the ethnic development of Russia was reflected in the decision of the Constitutional Court: “the meaning [...] of the constitutional provisions on the family, motherhood and childhood in their traditional, adopted from the ancestors understanding, is that they are the values that ensure continuous change of generations, the condition for the preservation and development of multi-national people of the Russian Federation, and therefore they are in need of special protection by the state”¹². It is important to note that in this context we are talking about “traditional values” of all the Russian society, or “political nation”.

After all, discussed above, now we are moving to the Arctic region which is a home to indigenous peoples with their special lifestyle, traditional family life and religion (however, they are often practicing more than one religion at the same time) [6, Zaikov K., Tamitskiy A., Zadorin M., pp. 125–142].

¹¹ Vladimir Putin: Otlichitel'naja cherta nashego naroda — stremlenie k spravedlivosti i idealam [Vladimir Putin: The distinctive feature of our people — commitment to the justice and ideals]. URL: <http://gosrf.ru/news/24908/> (Accessed: 25 September 2017) [In Russian]

¹² Postanovlenie Konstitucionnogo Suda RF ot 23 sentjabrja 2014 g. № 24-P. [Decision of the Constitutional Court of the Russian Federation of September 23, 2014 No. 24-P]. URL: <https://rg.ru/2014/10/03/sud-dok.html> (Accessed: 25 September 2017) [In Russian]

The “Concept of sustainable development of numerically small indigenous peoples” 2009¹³ and the adopted plan on its implementation in 2016–2025¹⁴ contain the list of the most promising tasks for ministries and federal agencies (31 — in total), which include, for example, the creation of a “model territories of traditional nature use”, the development of “telemedicine” in remote areas, translation of indigenous literature into the Russian and the issue of “native” registry.

4. Institutional specialization

Ethnic policy in the Arctic is impossible without the use of institutional structures responsible for the protection of human rights and the rights of indigenous peoples.

Authority for the protection of the rights of indigenous communities can be referred to the Commission and the Commissioner for human rights of a region. It is expressly provided in §21, Art. 16.1 of the Federal law “On bodies of the state power of subjects”¹⁵. However, not all lawyers share the enthusiasm about these powers: “it is likely that this will negatively affect the quality of protection of citizens' interests. E.g., the subjects of the Russian Federation with no special enthusiasm for human rights defenders, got the opportunity not to establish the posts of “extra” ombudsmen, and to close all functions of human rights protection in the region to one officer, who will be easier for “fighting back” than three or four separate commissioners”¹⁶. It is also noted that despite the positive developments in cooperation between the Ombudsman on human rights with the territorial federal executive bodies, but the current legislation “does not affect the issues of interaction between the Ombudsmen with the bodies of executive power of subjects of the Russian Federation»¹⁷.

¹³ Rasporjazhenie Pravitelstva Rossijskoj Federacii ot 04 fevralja 2009 goda № 132-r “Ob utverzhdenii Konceptcii ustojchivogo razvitija korennyh malochislennyh narodov Severa, Sibiri i Dalnego Vostoka Rossijskoj Federacii” [Order of the Government of the Russian Federation of February 4, 2009 No. 132-r “On the Approval of the Concept of Sustainable Development of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation”]. URL: <http://docs.cntd.ru/document/902142304> (Accessed: 25 September 2017) [In Russian]

¹⁴ Rasporjazhenie Pravitelstva Rossijskoj Federacii ot 25 avgusta 2016 g. № 1792-r “Ob utverzhdenii plana meroprijatij po realizacii v 2016–2025 godah Konceptcii ustojchivogo razvitija korennyh malochislennyh narodov Severa, Sibiri i Dalnego Vostoka Rossijskoj Federacii” (s izmenenijami na 04 avgusta 2017 g.). [Order of the Government of the Russian Federation of August 25, 2016 No. 1792-r “On approval of the plan of measures for the implementation of the Concept of Sustainable Development of Indigenous Minorities of the North, Siberia and the Far East of the Russian Federation in 2016-2025” (as amended on August 4, 2017)]. URL: <http://docs.cntd.ru/document/420372893> (Accessed: 25 September 2017) [In Russian]

¹⁵ Federalnyj zakon “Ob obshhih principah organizacii zakonodatelnyh (predstavitelnyh) i ispolnitelnyh organov gosudarstvennoj vlasti subiektov Rossijskoj Federacii” (s izmenenijami na 29 ijulja 2017 g.) (redakcija, dejstvujushhaja s 11 avgusta 2017 g.) [The federal law “On general principles for the organization of legislative (representative) and executive bodies of state power of the subjects of the Russian Federation” (as amended on July 29, 2017) (edition effective August 11, 2017)]. URL: <http://docs.cntd.ru/document/901744603> (Accessed: 25 September 2017) [In Russian]

¹⁶ Upolnomochennye po pravam cheloveka v subiektah RF: novye status i polnomochija. [Human Rights Ombudsmen in the Subjects of the Russian Federation: New Status and Authority] URL: <http://www.garant.ru/article/621669/> (Accessed: 25 September 2017) [In Russian]

¹⁷ Ibid.

Thus, the need for a clear institutional specialization of the Ombudsman and assigning tasks to the regions for the adoption of the relevant laws. Obviously, working with indigenous communities requires knowledge of the specificity, which is usual and ordinary officials cannot cope.

5. Coordination of joint activities of public organizations and regional bodies of state power

A practice of creating councils of indigenous peoples ("aboriginal councils"), ethnic councils under a senior official of the region has developed to ensure the stable interaction of public authorities. "Aboriginal councils" have close contacts with the Association of numerically small indigenous peoples of the North, Siberia and Far East of the Russian Federation (RAIPON), which acts as a "mediator". In addition to the "mediation", the Association was also active in the regulatory process at the federal level. E.g., RAIPON together with FADN developed a draft law on "the register of indigenous institutions" which must solve the problem of proving the belonging to the indigenous peoples in courts or public authorities.

The information for the registry was introduced by FADN; its source is the data of the Federal Tax Service and bodies of local self-government. Prior to the adoption of the Federal law, Russia had no unified legal system for defining the ethnicity, and people were forced to prove that they are "indigenous" through the courts, where the judge determined the criteria for the assignment of a person to "indigenous", including querying of archival data of pre-revolutionary "Church books" and old Soviet documents, which contained data on "nationality/ethnicity" (e.g., passports of the USSR citizens), etc. [7, Zadorin M., Klisheva O., Vezhlytseva K., Antufieva D., p. 7].

6. "Tetramorphism" of the state religious policy

In the Preamble of the Federal law "On freedom of conscience"¹⁸, it is recognized the "special role of the Orthodoxy in the Russian history, in the formation and development of its spirituality and culture", as well as respect to Christianity, Islam, Buddhism, Judaism and other religions that are an integral part of the historical heritage of the peoples of Russia". Despite its secular character (Art. 14 of the Constitution¹⁹), the government must consider the multi-religious reality — "the peoples of Russia", their culture and religion. It is vital to prevent religious conflicts and create a favorable climate for coexistence of all traditional religions and mutually beneficial cooperation to strengthen national unity. The question of who are the "people of Russia" in the strictly

¹⁸ Federalnyj zakon ot 26 sentjabrja 1997 g. № 125-FZ "O svobode sovesti i o religioznyh ubezhdenijah" (s izmenenijami na 06 ijulja 2016 g.) [Federal Law of September 26, 1997 No. 125-FZ "On Freedom of Conscience and on Religious Associations" (as amended on July 6, 2016)]. URL: <http://docs.cntd.ru/document/9040821/> (Accessed: 25 September 2017) [In Russian]

¹⁹ Konstitucija Rossijskoj Federacii [The Constitution of the Russian Federation]. URL: <http://docs.cntd.ru/document/konstitucija-rossijskoj-federacii> (Accessed: 19 September 2017) [In Russian]

legal sense of the word has been raised more than once in the public, political and legal discourse. This issue has not been passed by the officials. So, in the order of the former Ministry for Regional Development, the concept of “indigenous peoples” was understood as “the peoples historically living in the Russian Federation who have contributed to the formation of the Russian state”²⁰.

Thus, if one tries to concretize this concept, it will represent 1) the Russian people as “constituent” ethnic groups; 2) people who are “titular nations” from political (but not legal) perspective; the ethnic groups of national-territorial formations (republics, autonomous districts, autonomous region of Russia); 3) the peoples traditionally living on the territories of regions and in a state of a national minority, and 4) indigenous peoples numbering less than 50 thousand people.

However, this classification is conditional, as the number of the peoples of Russia is more than 160, and the real state support is received by only four traditional religions. Exception — traditional beliefs (animism, shamanism, etc.). “Natives” of the North, Siberia and the Far East of Russia get the state support which is carried out mainly at the regional level, and through the mediation of RAIPON in Moscow. However, due to historical proselytizing of Christianity in the development of the Russian state, many “aboriginal” peoples profess multiple religions: the dominant one and so-called “tribal”, i.e. they have “dual faith”. Moreover, it often turns into a religious syncretism or the blending of the spiritual foundations of traditional monotheism and polytheism. The role of such practices is important for the preservation of the spiritual heritage of the peoples of the Arctic, but due to the small number of its “carriers”, they have no significant impact on the state religious policy.

However, returning to the “state-forming” religions, it is important to note that the Government and the presidential Administration have also developed the necessary operational tool for interaction with believers — official bodies of “traditional” religions, namely: Christianity — Russian Orthodox Church — Moscow Patriarchate (ROC MP), the Islamic Council of Muftis of Russia and Spiritual administration of Muslims of the Russian Federation (DUM RF), the Buddhist traditional Sangha of Russia, and Judaism is represented by the Chief Rabbinate of Russia and the Federation of Jewish Communities of Russia (FJC), etc.

²⁰ Prikaz Minregiona Rossii ot 14 oktjabrja 2013 g. № 444 “Ob utverzhdenii Metodicheskikh rekomendacij dlja organov gosudarstvennoj vlasti subiektov Rossijskoj Federacii o porjadke vyjavlenija formirujushhihsja konfliktov v sfere mezhnacionalnyh otnoshenij, ih preduprezhdenija i dejstvijah, napravlennyh na likvidaciju ih posledstvij”. [Order of the Ministry of Regional Development of Russia of October 14, 2013 No. 444 “On the approval of methodological recommendations for public authorities of the subjects of the Russian Federation on the procedure for identifying emerging conflicts in the sphere of interethnic relations, their prevention and actions aimed at eliminating their consequences”]. URL: <http://docs.cntd.ru/document/499066331> (Accessed: 19 September 2017) [In Russian]

Thus, we can say “tetramorphism” of a state religion policy is based on the support of four influential religions that interact with the public authorities. This is reflected in the public educational programs of the Ministries of Education and Science of the Russian Federation and the “Basics of religious cultures and secular ethics” (BRCSE) and “Basics of spiritually-moral culture of the peoples of Russia”²¹.

The state uses the federal law “On extremism”²² to control the most radical ideas, including religious persuasion. If one conducts a review and analysis of the federal list of extremist materials (25 September 2017 — 4 225 titles), it is possible to detect that the greatest share of suspended is for three groups defined by their ideological orientation²³: 1) a radical neo-pagan racial and ethnic superiority ideas; 2) anti-Semitic ideas; 3) radical ideas of the Wahhabi of Islam. Conducting the demarcation line between freedom of speech, conscience and religion on the one hand and inciting ethnic hatred on the other, the state in the political-legal dimension is trying to identify the permissible limits of the law on the implementation of the cultural and spiritual needs of citizens and communities while safeguarding themselves and the society from the “tumor” formation, which will inevitably appear in the process of social transformation due to the challenges of specific time and historical period.

Undoubtedly, due to the constantly changing objective conditions of political life, the state's interest may shift in the directions previously not included in the agenda of the confessions, which also will play a role in the state construction. E.g., the interest of the President of Russia has determined the main directions of the home policy²⁴ towards the Russian Orthodox old believers' Church^{25 26}. Recently, the first for 350 years official visit of the President to the old believers' Church took place. No doubt, it is a momentous and far-reaching event.

²¹ Pismo Minobrnauki Rossii ot 25 maja 2015 g. № 08-761 “Ob izuchenii predmetnyh oblastej: “Osnovy religioznyh kultur i svetskoj jetiki” i “Osnovy duhovno-nravstvennoj kultury narodov Rossii”. [Letter No. 08-761 of the Ministry of Education and Science of the Russian Federation of May 25, 2015 “On the study of subject areas: “The Basics of Religious Cultures and Secular Ethics” and “The Basics of the Spiritual and Moral Culture of the Peoples of Russia”]. URL: <http://docs.cntd.ru/document/420282547> (Accessed: 19 September 2017) [In Russian]

²² Federalnyj zakon ot 25 ijulja 2002 g. № 114-FZ “O protivodejstvii jekstremistskoj dejatel'nosti”. Sajt “Jelektronnyj fond pravovoj i nauchno-tehnicheskoy dokumentacii”. [Federal Law of July 25, 2002, No. 114-FZ “On Counteracting Extremist Activity”. Website “Electronic Fund for Legal and Scientific and Technical Documentation”. URL: <http://docs.cntd.ru/document/901823502/> (Accessed: 19 September 2017) [In Russian]

²³ Federalnyj spisok jekstremistskih materialov (po sostojaniju na 25.09.2017). [Federal list of extremist materials (as of September 25, 2017)] URL: <http://minjust.ru/ru/node/243787> (Accessed: 25 September 2017)) [In Russian]

²⁴ Part 3 Art. 80, The Constitution of the Russian Federation. Ibid.

²⁵ Vstrecha s Mitropolitom Moskovskim i vseja Rusi Russkoj pravoslavnoj staroobradcheskoj cerkvi Korniliem. [Meeting with the Metropolitan of Moscow and All Russia of the Russian Orthodox Old Believer Church Cornelius.] URL: <http://kremlin.ru/events/president/news/54054> (Accessed: 19 September 2017) [In Russian]

²⁶ Poseshhenie Rogozhskogo duhovnogo centra Russkoj pravoslavnoj staroobradcheskoj cerkvi. [Visit to the Rogozhsky spiritual center of the Russian Orthodox Old Believer Church] URL: <http://kremlin.ru/events/president/news/54641> (Accessed: 19 September 2017) [In Russian]

However, some scholars are on the anti-clerical positions defend the idea that “Russia needs a model of Church-state relations, focused on a clear consolidation of federal and regional legislation and constitutional principles governing the relationship between the state and religious institutions. Such a model should establish the legal limits for the state power and religion. Only this can stop the excessive strengthening of the religious influence on social, political and economic processes on the one hand and state intervention in religious affairs on the other” [8, Ahaev M.J., Kamyshova E.G., pp. 7–15].

It is impossible to agree with this opinion: the fusion of state and leading religious organizations can indeed create conditions for the formation of “synthetic” forms of cooperation between bureaucratic and religious establishment. This is negative both for the state and for the religious institutions which will adopt not only positive but also negative practices from each other, incl. the bureaucratization of the hierarchical relationships. On the other hand, neglecting the spiritual needs of the society, the widespread practices of “atomization” and the domination of individualism will lead to the final loss of cultural roots and ethno-religious identification, or the so-called national “cultural code”²⁷.

Here one more issue arises: the relationship between “individual” and “collective” rights. The priority of “individual rights” is to be found in international relations. It is proved by the §1 Art.29 of the Universal Declaration of Human Rights 1948: “1. Everyone has duties to the community in which alone the free and full development of his personality is possible”.

On the other hand, “collective” rights are the fundamental for the preservation of the identity of any nation (§ 1 Art. 1 of the International Covenant on Civil and Political Rights 1966²⁸), incl. indigenous peoples (Art. 3 of the UN Declaration on the Rights of Indigenous Peoples 2007²⁹). But “identity” is in the sphere of ethnic policy of the state, where at least three approaches are possible: 1) primordialists (ethnicity as a “biological indicator”), 2) constructivist (ethnicity as “identity”), 3) instrumentalists (ethnicity as a free choice under personal gain or so-called “ethnic entrepreneurship” [9, Bezugly V.F., p. 148]).

The growth of ethnic identity creates both favorable and negative consequences for ethnic policy. On the one hand, there is a strengthening of intra-group interaction within an ethnic group,

²⁷ Sovmestnoe zasedanie Soveta po kulture i iskusstvu i Soveta po russkomu jazyku. [Joint meeting of the Council for Culture and Art and the Council on the Russian language]. URL: <http://kremlin.ru/events/president/news/53389> (Accessed: 19 September 2017) [In Russian]

²⁸ International Covenant on Civil and Political Rights 1966 URL: http://www.un.org/ru/documents/decl_conv/conventions/pactpol.shtml (Accessed: 19 September 2017) [In Russian]

²⁹ The UN Declaration on the Rights of Indigenous Peoples 2007. URL: http://www.un.org/ru/documents/decl_conv/declarations/indigenous_rights.shtml (Accessed: 19 September 2017) [In Russian]

increasing interest in culture and language, strengthen family ties, and the youth wants to live and work in their native land. On the other hand, it can lead to the growth of ethnic nationalism, the cultivation of historical grievances against the state and other neighboring ethnic groups. This inevitably leads to violence and risks of a long-term sustained ethnic conflict. Therefore, in the context of globalization (incl. the growth of individual consciousness through the global and regional human rights institutions, as well as promotion of multiculturalism and cosmopolitanism) and the growth of ethnic identity among small ethnic groups (incl. through the so-called “voluntary segregation”), the government uses the religious factor of proselytistic religions (especially monotheistic) to extinguish undesirable idea of separation of ethnic groups. Bet on Orthodoxy, “traditional Islam”, Judaism and Buddhism is politically adjusted and justified in our case. Religion is a powerful political inhibition tool to radical nationalist ideas, as it is based on the equality of all races and ethnic groups.

Special attention gets the promotion of “traditional Islam”. It is obvious that “traditional Islam” for the government is Islam of the peoples of Russia which incorporates the cultural and religious practices of these peoples and has adopted the principles of peaceful coexistence together with the other faiths. “Traditional Islam” is based on the principle of delimitation of religious and public spaces that is not committed to the Syariah law in the managerial, administrative and criminal matters, and it is limited by the individual spiritual needs of a person and the Islamic “Ummah” (community), support of family traditions and the upbringing of chastity and strong “iman” (faith) among young people. Such painful for the secular consciousness issues, such as polygamy, is not raised within public debate, as it implies that the issue can be resolved without official registration in the system of secular family law (the practice of informal polygamy exist to this day on a voluntary basis in some territories of Russia).

Thus, the “traditional Islam” is a syncretistic form of religion that combines theological doctrine, religious doctrine (e.g., Sunnis of the Volga region and the Sufis of the North Caucasus) and ethno-national traditions (the dress, rituals and practices that are unique to a specific ethnic group and the area). “Traditional Islam” is substantially different from the political “Wahhabi” (Salafism), whose main purpose is political seizure of power by one religious group and domination by the rules of Sharia law without any attention to local traditions and customs, as well as the rights of others ethnic groups. The legal and political level of the issue discussed above is confirmed by the paragraphs 18 and 19 of the Strategy of Counteracting Extremism in Russia³⁰. Moreover, we should not forget about the phenomenon of the “ethnic Muslim”, a man who professes their beliefs only on

³⁰ Strategija protivodejstvija jekstremizmu v Rossijskoj Federacii do 2025 g. [Strategy of counteraction to extremism in the Russian Federation till 2025]. URL: <http://legalacts.ru/doc/strategija-protivodejstvija-ekstremizmu-v-rossiiskoi-federatsii-do/> (Accessed: 25 September 2017) [In Russian]

the level of compliance with the ceremonial aspects, as it's part of his culture. In the framework of the Ummah they are distinguished from the genuine, "observant" Muslims³¹.

When it comes to the Arctic, the dominant religion is the Orthodox Christianity (it is Patriarch's project "Russian Arctic"³², joint expeditions, e.g., "The Arctic 2012"³³, building of Churches³⁴, and installation of crosses in the northernmost parts of the Arctic³⁵). The state stakes on Orthodoxy when trying to build inter-religious unity.

However, the increasing interest in culture of indigenous communities can shift the vector towards the traditional cults of the peoples of the North, especially since they can serve as a conduit to the support of enterprising initiatives of communities associated with the development of entrepreneurship in traditional economic activities (e.g., souvenirs, cosmetics, "traditional medicine" or cultural events). However, it is important not to focus on such narrow areas and to raise the real reservoir of knowledge about traditional practices and beliefs of indigenous communities which would be able to revive an almost extinct culture that could serve the preservation of the unique "Arctic cultural code", and not to assign "cultural signs and symbols associated with shamanism", by which, in N. Pimenov opinion, "there is a special cultural phenomenon of neoshamanism, which is more a representation of cultural practices of postmodern than pre-modern" [10, Pimenov N.N., pp. 28–66].

Also, the system of "customary law" is extremely important, which is undeservedly forgotten. It can be used in civil matters, incl. the issues of "determining the order of use of common property, enforcement of certain obligations"³⁶. E.g., it may be the reindeer herding and other traditional economic activities of the indigenous peoples of the Arctic. The role of custom is important in marriage and family relations, when, e.g., under part 2, Art. 58 of the Family Code of

³¹ "Jetnicheskie" i "sobljudajushhie". ["Ethnic" and "observant".] URL: <http://www.islam.ru/content/veroeshenie/45071> (Accessed: 25 September 2017) [In Russian]

³² Predstojatel' Russkoj Cerkvi vstretilsja s uchastnikami Patriarshego proekta "Russkaja Arktika" [Primate of the Russian Church met participants of the Patriarchal project "The Russian Arctic"]. URL: <http://www.patriarchia.ru/db/text/3585519.html> (Accessed: 25 September 2017) [In Russian]

³³ Osvjashhenie Russkoj Arktiki. Putevye zametki episkopa Narjan-Marskogo i Mezenskogo Iakova, stavshego pervym arhierieem, soprovozhdavshim jekspediciju po samym severnym shirotam. [Consecration of the Russian Arctic. Travel notes of the bishop Naryan-Mar and Mezensky Jacob, who became the first bishop to accompany the expedition to the northernmost latitudes]. URL: <http://www.pravoslavie.ru/57024.html> (Accessed: 25 September 2017) [In Russian]

³⁴ V samom severnom gorode RF pojavitsja pravoslavnyj hram [In the most Northern town of Russia an Orthodox church appeared]. URL: <http://www.arctic-info.ru/news/04-04-2016/v-samom-severnom-gorode-rf-poavitsa-pravoslavnii-hram/> (Accessed: 25 September 2017) [In Russian]

³⁵ Na Novoj Zemle i Zemle Franca-Iosifa ustanovjat poklonnye kresty. [Porcine crosses will be installed on the New Earth and Franz Josef Land]. URL: <http://www.pravoslavie.ru/72105.html> (Accessed: 25 September 2017) [In Russian]

³⁶ Postanovlenie Plenuma Verhovnogo Suda RF ot 23 ijunja 2015 g. № 25 "O primenenii sudami nekotoryh polozhenij razdela I chasti pervoj Grazhdanskogo kodeksa Rossijskoj Federacii". [Resolution of the Plenum of the Supreme Court of the Russian Federation of June 23, 2015 No. 25 "On the application of certain provisions of Section I of Part I of the Civil Code of the Russian Federation by courts"]. URL: <http://sudrf.kodeks.ru/rospravo/document/420283668> (Accessed: 25 September 2017) [In Russian]

Russia, the patronymic of the child “is assigned to the name of the father, unless otherwise provided by laws of the subject of the Russian Federation or not based on a national custom”³⁷.

Customary law may harmonize family relationship, strengthen the traditional family institutions³⁸, and to stop the growth of the divorce statistics (in 2014: 1 225 985 marriages and 693 730 divorces [11, Molchanova E.V., p. 619]), unregistered marriages³⁹, and imbalances in the issues of leaving children solely with the mother without regard to the interests of the father (according to the experts, only 5–6% of children remained with their fathers⁴⁰). It may also contribute to the establishment of liability of the spouses for adultery by including it in the category of “a misconduct which may be the grounds for refusal of an alimony”. Currently, courts often understand “misconduct” as “the alcohol or drug abuse, family violence”⁴¹. However, work in this direction has been already underway, as it is evidenced by the position of the Supreme Court of Russia, which “really dwells on the enumeration of all that courts must consider, if it deals with “children's” cases” when “it is necessary to find out the child's attachment to parents, brothers and sisters. The age of the child should be considered as well as the moral qualities of parents, the mode of behavior, opportunity to find time for the child and so forth”⁴². In such cases, customary law could be a litmus test of the mentality and be able to clarify the specifics of the public consciousness of the local group, its representatives and features of family life, private life, etc.

According to Sokolova F.H., “modern policy for revival the culture of indigenous peoples of the Arctic has a profound positive meaning. Being full members of modern societies, the studied ethnic groups will increase their creativity and contribute to the cultural enrichment of the country and the world” [12, Sokolova F.H., p. 57].

³⁷ Semejnnyj kodeks Rossijskoj Federacii (s izmenenijami na 01 maja 2017 g.). [The Family Code of the Russian federation (with changes on the 01 May 2017)]. URL: <http://docs.cntd.ru/document/9015517> (Accessed: 25 September 2017) [In Russian]

³⁸ Poslanie Prezidenta Federalnomu Sobraniju 01.12.2016. [The speech of the President to the Federal Assembly]. URL: <http://kremlin.ru/events/president/news/53379> (Accessed: 25 September 2017) [In Russian]

³⁹ V 2016 g. chislo zaregistrirovannyh brakov snizilos na 15%, razvodov — na 0,5%. [In 2016 the number of registered marriages decreased by 15%, divorces - by 0.5%]. “*Demoskop Weekly*”. No 715–716, 6–19 February 2017 URL: <http://www.demoscope.ru/weekly/2017/0715/barom04.php> (Accessed: 25 September 2017) [In Russian]

⁴⁰ V Rossii rastjot chislo otcov, kotorye ostavljajut u sebja detej posle razvoda. [In Russia, the number of fathers, who take their children after a divorce, grows]. “*Demoskop Weekly*”. No 311–312, 26 November – 9 December 2017. URL: <http://www.demoscope.ru/weekly/2007/0311/gazeta019.php> (Accessed: 25 September 2017) [In Russian]

⁴¹ Postanovlenie Plenuma Verhovnogo Suda RF ot 25 oktjabrja 1996 g. № 9 (v redakcii ot 16 maja 2017 goda) “O primenenii sudami Semejnogo kodeksa Rossijskoj Federacii pri rassmotrenii del ob ustanovlenii otcovstva i o vzyyskanii alimentov”. [Resolution of the Plenum of the Supreme Court of the Russian Federation of October 25, 1996, No. 9 (as amended on May 16, 2017) “On the application of the Family Code of the Russian Federation by the courts in cases involving the establishment of paternity and the recovery of alimony”]. URL: <http://sudrf.kodeks.ru/rospravo/document/9032391> (Accessed: 25 September 2017) [In Russian]

⁴² Delenie nedelimogo. Verhovnyj sud razjasnil, kak nado pravilno reshat, s kem budet zhit rebjonok posle razvoda roditel'ej. [To divide indivisible. The Supreme Court clarified which whom should live a child after their parent's divorce]. URL: <https://rg.ru/2014/09/30/sud.html> (Accessed: 25 September 2017) [In Russian]

7. The legitimization of alternative “quasi-security bodies” on the public base

The “conductor of the people's initiative” and the “mediator” in indigenous issue is RAIPON. In inter-ethnic issues harmony and the power of law enforcement by interacting with different ethnic groups is, undoubtedly, relevant to the institution of “Cossacks”. Part 3, Art. 2 of the federal law “On the Cossacks”⁴³: “The Cossack society is a form of self-organization of citizens of the Russian Federation, preserved on the basis of common interests for the purposes of revival of the Russian Cossacks, protection of its rights, preservation of traditional way of life, management and culture of the Russian Cossacks in compliance with federal law (a nonprofit organization) [...]”, which “is created as a farm, village, town, district (Yurt), regional (divisional) or Cossack army society, whose members are committed to keeping the public or other service in the prescribed manner.” Additionally, it is important to note that the establishment and legal registration of Cossack communities in the Russian Arctic appear to be an innovation, as traditionally, they were established to protect the South borders of the Russia, when Russia had no clearly built customs and border system. Currently, the security of the border lies on the FSB of Russia Boundary Service. The Cossack societies often play the role of police, when maintaining public order. In fact, the modern “Cossack societies” are the Russian equivalent of the Soviet “drugzinnik” — civil people, who helped the police to keep the public order⁴⁴.

8. The leveling of the ethnic factor in the public policy

The main official actors in public policy in Russia with the ability to shape public opinion, to express the will of the citizens and to represent their interests in state authorities and local self-government are political parties. And if various legal forms of public associations and cultural-national autonomy can carry out ethnic specificities, political parties cannot. Thus, § 3 Art. 9 of the federal law “On political parties”⁴⁵ prohibits the establishment of political parties on the grounds of professional, racial, national or religious affiliation.

The federal law refers this norm to the provisions in the Charter and program of a political party. They should not contain statements about protecting professional, racial, national or religious interests and, also it is impossible to reflect these points in the name of the political party.

⁴³ Federalnyj zakon ot 05 dekabnja 2005 g. № 154-FZ “O gosudarstvennoj sluzhbe rossijskogo kazachestva” (s izmenenijami na 01 maja 2017 g.). [Federal Law of December 5, 2005 No. 154-FZ “On the Civil Service of the Russian Cossacks” (as amended on May 1, 2017)]. URL: <http://docs.cntd.ru/document/901958588> (Accessed: 25 September 2017) [In Russian]

⁴⁴ Zaikov K. et al. Ibid.

⁴⁵ Federalnyj zakon ot 11 ijulja 2011 g. № 95-FZ “O politicheskikh partijah” (s izmenenijami na 28 dekabnja 2016 g.) [Federal Law of 11 July 2011 No. 95-FZ “On Political Parties” (as amended on December 28, 2016)]. URL: <http://docs.cntd.ru/document/901792270> (Accessed: 25 September 2017) [In Russian]

The official interpretation of this norm was given in the decision of the Constitutional Court of the Russian Federation, 15 December 2004 No. 18-P. Overall of the Resolution is that “atypical” political parties would violate the provisions of the Constitution of Russia about the secular nature of the state and priority of all-Russian values. The Constitutional Court also indicated that the creation of parties along ethnic lines could lead to dominance of the large ethnic groups interests in the elected state bodies, and thereby to the violation of the Constitution of the Russian Federation and it’s the principle of legal equality regardless of national affiliation⁴⁶. In addition, competition between parties, formed on ethnic or religious grounds can lead to the stratification of the multi-national people of Russia⁴⁷.

Thus, this legal norm is a kind of the border for the political participation of the ethnic communities. Of course, there are other political and legal mechanisms. E.g., interregional public movement “Komi Voytyr”. In accordance with Art. 75 of the Constitution of the Komi Republic⁴⁸, it has the right of legislative initiative that gives the direct participation in political life on the national level.

9. The uniformity of the graphic component (writing systems) in the language policy

Language policy in the Russian Federation has sufficiently developed legislation designed to solve such tasks as the preservation and maintenance of the balanced language situation; the increase of literacy and proficiency in Russian language; the regulation of migration flows, security of foreign citizens in Russia; realization of geopolitical interests of the state [13, Petrulevich, I.A., Mesropyan, L.M., p. 68].

The Russian law “On languages”⁴⁹ implements the provisions of the Art. 68 of the Constitution. The state language is Russian. Nevertheless, the law allows the presence of other official languages in the regions of Russia. It is also necessary to highlight the peculiarity of the legal status of languages of peoples, namely, the uniformity of the graphical component based on the Cyrillic alphabet (part 6, Art. 3). As it was pointed out by the Constitutional Court in one of its decisions: “[...] Such legislative solution currently provides the interest of preserving national unity — harmonization and balanced functioning of the federal language and the state languages of the re-

⁴⁶Postanovlenie Konstitucionnogo Suda Rossijskoj Federacii ot 15 dekabrja 2004 g. № 18-P. [Decision of the Constitutional Court of the Russian Federation of December 15, 2004 No. 18-P] URL: <https://rg.ru/2004/12/24/partii-ks-dok.html> (Accessed: 25 September 2017) [In Russian]

⁴⁷Ibid.

⁴⁸Konstitucija Respubliki Komi. [The Constitution of the Komi Republic]. URL: <http://docs.cntd.ru/document/951600634> (Accessed: 25 September 2017) [In Russian]

⁴⁹Zakon RF ot 25 oktjabrja 1991 g. № 1807-I “O jazykah narodov Rossijskoj Federacii”. [Law of the Russian Federation of October 25, 1991 No. 1807-I “On the languages of the peoples of the Russian Federation”] URL: <http://docs.cntd.ru/document/9003298> (Accessed: 19 September 2017) [In Russian]

publics, aimed at achieving optimum cooperation in the framework of a common linguistic space and not hinder the exercise by citizens of the Russian Federation of the rights and freedoms in the sphere of language, including the right to use their native languages”⁵⁰. This provision implies the possibility to use other graphics frameworks (e.g., Latin), but the implementation of the norms is only possible if it pursues constitutionally significant aims, meets the historical, cultural, social and political realities and the interests of the multinational people of Russia⁵¹. That means the actual unification in the aspect of graphical components in the language policy.

10. The leveling of the ethnic factor in public administration

Continuing the theme of participation of ethnic minorities in political life, it is worth dwelling on issues of “national (ethnic) quotas” in the legislative (executive) bodies of the subjects and the representative bodies of the local self-government. Until 2004 the federal law “On guarantees of the rights of indigenous peoples”⁵² included a provision on the establishment of a quota for the numerically small indigenous peoples in the legislative (representative) bodies of the relevant subjects of the Russian Federation and representatives for the local government. This opportunity was used by the administration of the Khanty-Mansiysk Autonomous Okrug — Ugra. The quota for representation of indigenous peoples of the North in this subject was three deputies. According to N. A. Filippova, this provision was an exceptional example in the practice of the subjects of the Russian Federation [14, Filippova N.A. pp. 144–145]. Then, the law of the Khanty-Mansi Autonomous Okrug — Yugra from December 09, 2015 No. 131-oz “On amendments to the Statute (fundamental law) of the Khanty-Mansiysk Autonomous Okrug — Ugra” abolished the rule and practice of ethnic quotas in the area.

Thus, the possibility of ethnic minority representation (indigenous peoples of the North) still has not gone beyond the previously identified forms of public participation.

Conclusion

Thus, to summarize, it should be noted that the Arctic ethno-politics of Russia is a system of political and legal measures to strengthen the integration of subjects, the formation of a single regional space by economic and cultural elements, but retaining the regional multi-cultural space and conceptual approval of the revival of traditional social institutions.

The main proposals for improving this model are the following:

⁵⁰ Postanovlenie Konstitucionnogo Suda Rossijskoj Federacii ot 16 nojabrja 2004 g. № 16-P. [Decree of the Constitutional Court of the Russian Federation of 16 November 2004 No. 16-P]. URL: <https://rg.ru/2004/11/23/tatar-yazyk-dok.html> (Accessed: 01 October 2017) [In Russian]

⁵¹ Ibid.

⁵² Federalnyj zakon ot 30 aprelja 1999 g. № 82-FZ “O garantijah prav korennyh malochislennyh narodov Rossijskoj Federacii”. [Federal Law No. 82-FZ of April 30, 1999 “On Guarantees of the Rights of Indigenous Peoples of the Russian Federation”] URL: <http://docs.cntd.ru/document/901732262> (Accessed: 01 October 2017) [In Russian]

- to raise the question of support for endangered languages of indigenous small peoples according to the interactive Atlas of UNESCO;
- to do monitoring, accounting and systematization of the customs of indigenous peoples in local governance (by analogy with the pre-revolutionary and early Soviet regulation);
- strengthen the role of the “native councils” under regional public authorities;
- to develop a regulatory definition of the “All-Russian civil nation”;
- not to ignore the support of traditional beliefs of indigenous peoples not mentioned in the federal law “On freedom of conscience”, to improve the “regional branding” projects;
- to start training of specialists in the field of ethnoconflictology with the knowledge of indigenous cultures (incl. etiquette, taboo topics, etc.) and skills for the prevention of ethnic conflicts;
- to make a clear institutional specialization of regional ombudsmen;
- to strengthen the state information policy aimed at supporting “traditional values” (with their subject marking list, accounting the prevailing legal/local/social practice) and tolerance of ethnic communities to each other;
- to carry out a full monitoring of the staffing needs of indigenous peoples and their communities.

References

1. Troshina T.I., Minchuk O.V. Formirovanie gosudarstvennoy politiki v otnoshenii korennykh malochislennykh narodov Severa v istoriko-pravovom izmerenii [Establishment of the state policy towards indigenous peoples of the North and its historical and legal dimensions (case of "Arkhangelsk Nenets")], *Arktika i Sever*, 2015, No. 21, pp. 165–189. DOI 10.17238/issn2221-2698.2015.21.165 [In Russian]
2. Zakharov V.V. Neoinstitutsionalizm v istoriko-pravovykh issledovaniyakh: k probleme rasshireniya metodologicheskogo instrumentariya otechestvennoy istorii gosudarstva i prava [Neoinstitutionalism in historical and legal studies: to the problem of expanding the methodological tools of the national history of the state and law], *Uchenye zapiski: elektron. nauch. zhurnal Kurskogo gos. un-ta*, 2010, No. 3 (15), Ch. 2, pp. 36–44. [In Russian]
3. Popkov Yu.V., Kostyuk V.G. Kontseptual'nye osnovy modeley natsional'noy politiki [Conceptual bases of models of national policy], *Vestn. Novosib. gos. un-ta, Seriya: Filosofiya*, 2014, Vol. 12, Chapter 3, pp. 84–91. [In Russian]
4. Baranov N.A. *Federalizm s rossiyskoy spetsifikoy* [Federalism with Russian characteristics] Sovremennyy federalizm: rossiyskie problemy v sravnitel'noy perspektive. Trudy Vserossiyskoy nauchno-prakticheskoy konferentsii s mezhdunarodnym uchastiem. Sankt-Peterburg, 21–22 noyabrya 2008 g. / Pod red. Yu.N. Solonina, L.V. Smorgunova. SPb.: Izd-vo S.-Peterb. un-ta, 2008, pp. 60–63. [In Russian]
5. Mushinskiy M.A. Strategii, kontseptsii i doktriny v pravovoy sisteme Rossiyskoy Federatsii: problemy statusa, yuridicheskoy tekhniki i sootnosheniya drug s drugom [Strategies, concepts and doctrines in the legal system of the Russian Federation: problems of status, legal technique and relations with each other], *Yuridicheskaya tekhnika*, No. 9, 2015, pp. 488–499. [In Russian]
6. Zaikov K., Tamitskiy A., Zadorin M. Legal and political framework of the federal and regional legislation on national ethnic policy in the Russian Arctic, *The Polar Journal*, 2017, No. 1 (7), pp. 125–142.
7. Zadorin M., Klisheva O., Vezhlytseva K., Antufieva D. *Russian Laws on Indigenous Issues: Guarantees, Communities, Territories of Traditional Land Use: Translated and Commented*, Lapland University, Rovaniemi, 2017, 37 p.

8. Yakh'yaev M.Ya., Kamyshova E.G. Vlast' i religiya v sovremennoy Rossii: metamorfozy vzaimodeystviya [Authority and religion in modern Russia: the metamorphosis of interaction], *Islamovedenie*, 2013, No. 1, pp. 7–15. [In Russian]
9. Bezuglyy V.F. *Mobilizatsionnyy potentsial etnicheskoy identichnosti* [Mobilization potential of ethnic identity], Dis. ... kand. polit. nauk. Spb., 2015, 148 p. [In Russian]
10. Pimenova N.N. Kul'turnoe nasledie korennykh malochislennykh narodov Krasnoyarskogo kraia i sovremennye kul'turnye praktiki [The cultural heritage of the indigenous small-numbered peoples of the Krasnoyarsk Territory and modern cultural practices], *Chelovek i kul'tura*, No. 2, 2014, pp. 28–66. [In Russian]
11. Molchanova E.V. Vzaimosvyaz' sotsial'no-ekonomicheskikh faktorov i semeyno-brachnykh otnosheniy v Rossii [Interrelation of social and economic factors and family-marriage relations in Russia], *Sovremennye issledovaniya sotsial'nykh problem*, No. 6 (50), 2015, pp. 616–630. [In Russian]
12. Sokolova F.Kh. Korennye malochislennyye narody Arktiki: kontsept, sovremennoe sostoyanie kul'tury [Indigenous people of the Arctic: concept, the status of culture], *Arktika i Sever*, 2013, No. 12, pp. 51–69. [In Russian]
13. Petrulovich I.A., Mesropyan L.M. Sovremennaya yazykovaya politika Rossiyskoy Federatsii: osnovnye vektory i tendentsii razvitiya [Modern language policy of the Russian Federation: main vectors and development tendencies], *Gumanitarniy Yuga Rossii*, 2015, No. 4, pp. 66–76. [In Russian]
14. Filippova N.A. Natsiya i natsionalnye men'shinstva v parlamentakh: ot XX k XXI veku [Nation and national minorities in parliaments: from the 20th to the 21st century], *Nauchnyy ezhegodnik IFiP UrO RAN*, 2014, No. 2, pp. 144–145. [In Russian]

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Delimitation between Russia and Norway in the Arctic: new challenges and cooperation



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Abstract. The article analyzes the provisions of the Treaty between the Russian Federation and Kingdom of Norway on delimitation of the sea areas and cooperation in the Barents Sea and the Arctic Ocean of 15 September 2010 and it also provides an assessment of the conformity of the Treaty to national interests of Russia. The article considers the results of its practical impact on fishing activity in the North-Western sector of the Arctic, especially in the Russian home fisheries. The author discussed steps necessary for the protection of national interests after the Treaty of 2010 and its influence on fishing in the North-Western sector of the Arctic. It is proposed to hold additional Russian–Norwegian negotiations to reach an understanding between parties about the home fisheries based on traditional character near the Spitsbergen Archipelago, as well as to adopt unified measures to control fishing and harmonize penalties for violation of the agreed fishing rules for all the fishing activities at the Barents Sea.

Keywords: *the Barents Sea, the Arctic Ocean, delimitation, collaboration, Russia, Norway, the Treaty on delimitation of marine living resources, continental shelf, 200-mile zone, fisheries policy, the UN Convention on the Law of the Sea, international treaties and agreements*

Signing and enactment chronology

The agreement between the Russian Federation and the Kingdom of Norway on the delimitation of maritime areas and cooperation in the Barents Sea and the Arctic Ocean (hereinafter — the “Treaty” or the “Treaty of 2010”) was signed in Murmansk on September 15, 2010 by the Minister of Foreign Affairs Russia S.V. Lavrov and the Minister of Foreign Affairs of Norway J. Støre, in the presence of the President of the Russian Federation, D.A. Medvedev and Prime Minister of the Kingdom of Norway J. Stoltenberg.

It was assumed that the ratification of the Treaty 2010 would be carried out by the parliamentarians of the two countries before the end of 2010. However, this was impossible due to the opposition represented by the fishing community of the Murmansk, Arkhangelsk and other regions of Russia. They required additional time for consideration in accordance with the national interests of Russia. Parliamentary hearings on this issue were held, which did not lead to an unambiguous conclusion. Most speakers, specialists, scientists and practitioners cited arguments about the non-compliance of the Treaty with national interests and proposed rejecting its ratification.

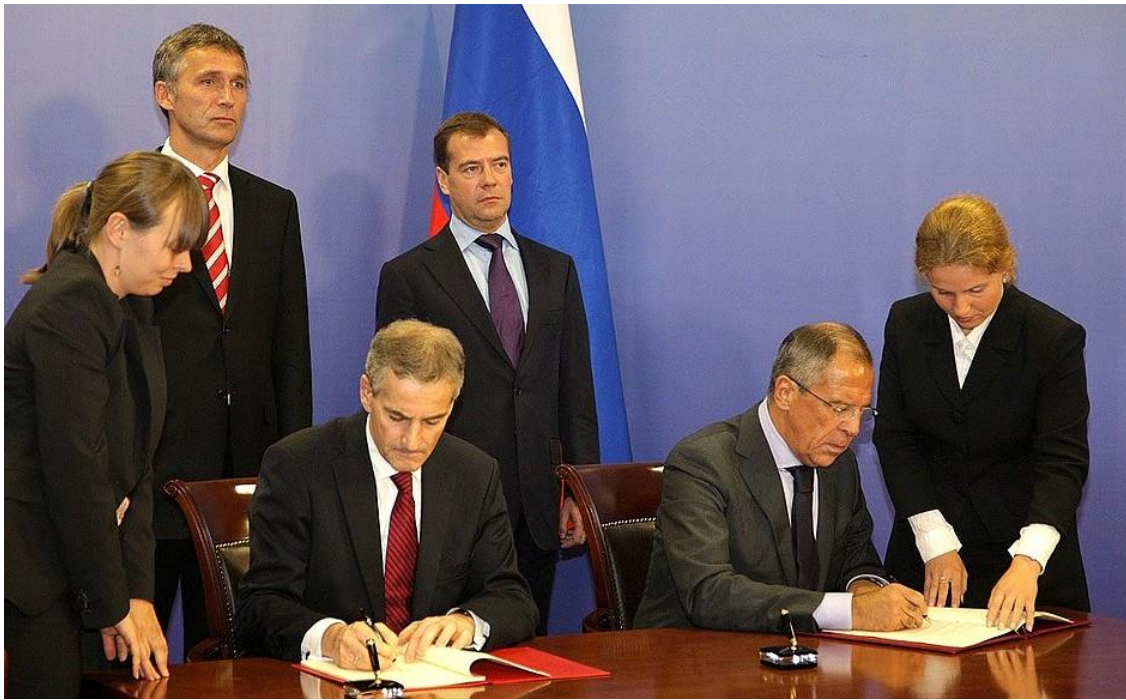


Fig. 1 Signing of the Treaty, 15 September 2010. Photo: Lev Fedoseev.
First published in "Murmansk Vestnik" 16 September 2010. No 169 (4812).

Nevertheless, the Treaty 2010 was first ratified by the Norwegian Storting (Parliament) on February 8, 2011 by 169 parliamentarians (100%) from 7 contracting parties. At the same time, parliamentarians stressed the relevance of the Treaty to the interests of Norway and noted the special contribution of the Norwegian participants in the negotiating process and the development of its provisions. Special congratulations from all parties represented in the Storting, including opposition ones, were received by Prime Minister J. Stoltenberg¹. At the same time, it was stressed that this is a historic achievement and a major Norwegian diplomatic victory.

In Russia, the 2010 Treaty was ratified by the State Duma of the Federal Assembly of the Russian Federation more than a month after the Norwegians, on March 25, 2011. Then it was approved by the Federation Council on March 30, 2011. At the same time, only 311 voted for its ratification deputies (or 69.1% of those involved in the issue) and all of them represented only one party — "Edinaya Rossiya". This is a very low rate of voting, considering the importance of the document. Other parties — the CPRF, the Liberal Democratic Party, and "Spravedlivaya Russia" — criticized the provisions of the Treaty and even offered to reject it. Despite this, the Treaty was ratified using the "voting machine", and this was accompanied by a special "Statement regarding the delineation of maritime spaces between the Russian Federation and Norway in the Barents Sea and the Arctic Ocean" (See Annex 1). The President of the Russian Federation D.A. Medvedev signed federal law on ratification of the Treaty on April 5, 2011 (No57-FZ).

¹ Soon after the Treaty, J. Stoltenberg was elected the Secretary General of NATO.

The exchange of ratification instruments between the representatives of Russia and Norway was only carried out on June 7, 2011. On the 30th day after this procedure, the Treaty entered into force, in accordance with its Art. 8. However, certain fishery agreements that were achieved earlier, e.g., the Protocol on Provisional Rules for Fishing in an adjacent section of the Barents Sea of January 11, 1978, continued to apply “In the former disputed area ... during of the transitional period for a period of two years from the date of entry into force of this Treaty” (Art. 2, Annex I to the Treaty 2010). Thus, considering the transition period, the Treaty had entered into the full force on July 7, 2013, and four years it has been implemented by Russia and Norway. It gives a certain, but so far little material for assessing those goals and expectations that were stated in the Treaty itself.

Basic provisions of the Treaty

The text of the Treaty 2010 contains a preamble of 11 paragraphs, 8 articles, Annex I “Fisheries” and Annex II “Cross-border hydrocarbon deposits”. Here is a brief analysis (article by article) of the basic provisions of the Treaty with a regard to their application in resource activities.

In **the preamble** the main purpose of the Treaty is proclaimed as “the maintenance and strengthening of good-neighbor relations, stability and strengthening cooperation in the Barents Sea and the Arctic Ocean”² and “to complete the demarcation of maritime spaces of the Parties”.

As implementation of the above-mentioned targets, the importance for both sides of the “values of living resources for coastal fishing communities”, “the traditional nature of Russian and Norwegian fisheries in the Barents Sea” and the responsibility “with respect to the conservation and rational management of the living resources of the Barents Sea and in the Arctic Ocean. ”

No less importance is attached to hydrocarbon resources, which is reflected in the text of the preamble as “the importance of efficient and responsible management of their hydrocarbon resources.” It is these two areas of economic activity in the Barents Sea and the Arctic Ocean — fisheries and the use of hydrocarbon resources — that are devoted to Annex I “Fisheries issues” and Annex II “Transboundary hydrocarbon deposits”.

Article 1 secured the agreements reached by the Parties on the delineation of maritime areas in the Barents Sea and the Arctic Ocean as 8 points in appropriate coordinates, connected between each other from the South to the North. The line of demarcation is reflected not only in coordinates, but also on the map-scheme attached to the Treaty (Fig. 2). The length of the line is about 844 miles or 1,689 km.

² All the provisions of the Treaty 2010 are translated from the text presented in the Russian variant of the article — Eds. note

Unfortunately, this Article, as well as the others and the preamble of the Treaty, have no explanation of the term “maritime areas”. What is their meaning for the Parties? The continental shelf? Exclusive 200-mile economic zones? The fishing zone around Svalbard? Territorial sea? Or all of them are understood under the term “maritime areas?” By the way, the term “maritime areas” is not registered in the UN Convention on the Law of the Sea of December 10, 1982, referred to by the Parties in the preamble of the Treaty, as one of the basics for making decisions on delimitation. In Russian home treaty practice, the term “maritime areas” was first used in the Agreement between the Government of the USSR and the USA on the maritime space delimitation line of June 1, 1990, which was ratified by the US Senate on September 16, 1991, but was not ratified by the USSR and it is still not ratified by Russia.

The question of the content of the term “maritime areas” used in the Treaty 2010 is not only of a theoretical nature, but primarily of practical importance, both for fishing and exploration and development of hydrocarbons. Attempts, made by the Union of Fishermen of the North (hereinafter — SRPS) to receive clarification from the Russian Foreign Ministry involved in the development of the provisions of the Treaty from our side and led the Russian delegation in negotiations with the Norwegians, are still unsuccessful.

Article 2 defines the obligations of the Parties to comply with the line of delineation and states that they “should not claim, and not exercise, any sovereign rights or jurisdiction of the coastal state in maritime areas outside this line”. It means that everything that is located East of the line of delineation belongs to the competence of Russia, and everything that is West of the line of delimitation is the competence of Norway.

Article 3 describes the arrangements of the Parties for the “special area”, which has the form of “kerchiefs”. It is a small area, allegedly handed over by the Norwegian side to the Russian side. At the same time, Norway has never owned, either legally or practically, this small and economically unimportant sea area. The question arises: “How is it possible to convey something that you’ve never owned?”. On the other hand, after a “deal”, Russia automatically expanded its 200-mile exclusive economic zone beyond this limit — up to 225 miles, which contradicts the UN Convention on the Law of the Sea of 1982. In addition, § 2 Art.3 let Russia the adoption of the relevant laws, regulations on its sovereign rights or jurisdiction in the “special area”, as well as its application on maps. It has not yet been fully implemented by us. In general, the provision of Art. 3 does not have a reasonable explanation for its adoption by the Russia.

Article 4 defines the provisions for close cooperation, and the Annex I specifies the principles and tools for its implementation in fisheries “to maintain existing shares in the total allowable

catch”, and states that “the conclusion the Treaty shall not adversely affect the capabilities of each Party in fisheries”. These provisions are important for both Russian and Norwegian fisheries. Taking into account the provisions reflected in Annex I, and, first of all, the prolongation of the Agreement on Cooperation in Fishing from April 11, 1975 and the Agreement on Mutual Relations in the Field of Fisheries of October 15, 1976 for a 15-year period, as well as the continuation of the work of the Joint Russian-Norwegian Fisheries Commission (hereinafter — JRNC) for adoption of the total allowable catches, the definition of reciprocal quotas and measures for regulating fisheries, is, on the one hand, a good basis for the continued sustainable fisheries of both parties to all the water area of the Barents Sea. At the same time, the absence in this Article, as in the entire Treaty 2010, of references to the maritime region falling under the Svalbard Treaty 1920, which is the most important in the Russian fishing, and the provisions of Article 2, creates in the long term real threat to the continuation of sustainable Russian fishing in the offshore area of the Spitsbergen archipelago.

Article 5 describes arrangements and procedures for the exploitation of hydrocarbon resources on the continental shelf, where they lie on both sides of the demarcation line. Annex II provides a detailed procedure for the joint development of those transboundary oil and gas fields. At the same time, it allowed inspecting the hydrocarbon extracting machinery located on continental shelf, which operates transboundary deposits. To consult and resolve emerging issues, related to the use of transboundary hydrocarbon resources, the Parties shall establish a Joint Commission.

Article 6 emphasizes that the Treaty should not prejudice the rights and obligations of the Parties under other international treaties to which both Russia and Norway are parties, and which are effective at the time of signing and entry into force of this Treaty. It can be assumed that under the “other international treaty”, the Parties imply the Svalbard Treaty of 1920 and that the Art. 6, in the opinion of the developers of the 2010 Treaty [1, Kolodkin R.A., p. 27; 2, Titushkin V.Yu., p. 382], allows Russia, “to justify its position on the so-called fish-protection zone around Spitsbergen”, but not recognize it. At the same time, as A.K. Krivorotov rightly observed [3, Krivorotov A.K., p. 70], the same provisions could equally be used by Norwegians for their interpretation of the regime of the maritime areas around Svalbard, justifying the Norwegian 200-mile fish-protection zone, introduced here. Sharing such a conclusion Krivorotov A.K., I would pay attention to the following: even if we assume that the argument Kolodkin R.A. that this Article protects our resource interests in the maritime area of Spitsbergen is correct, then how does this relate to the provisions of the Article 2 of the Treaty? And it explicitly states that everything that is west of the

line of delineation does not belong to the sovereign rights or jurisdiction of the coastal state, that is, to Russia. Then to whom does this apply? The answer is obvious — to Norway. Thus, Article 6 is of a general nature and cannot be used, considering other provisions of the Treaty 2010, as a legal instrument for the protection of Russian interests in the maritime region of Spitsbergen.



Signs as follows:

Black line means Russian Polar territories; Red line is the demarcation line according to the Treaty 2010; Blue line is borders of the Spitsbergen Treaty 1920; Green Line is the 200 miles line from Spitsbergen; Orange crosses is the special area according to the Treaty 2010; Violet line is the Russian Exclusive economic zone; Brown line is the Norwegian Exclusive economic zone. Continental shelf outside the 200-miles zone: Norway (green field), Russia (violet field). All distances measured in miles.

Fig. 2. Maritime space demarcation line according to the Treaty between Russia and Norway, 15 September 2010³

³ Kislovskiy V.P. S pozicii mezhdunarodnogo prava — nichtozhen! [From the international legislation perspective — is insignificant], *Morskie vesti Rossii*, 2015. No. 12. pp. 13–15.

Article 7 contains important provisions stating that the Annexes to the Treaty are an integral part of it. However, it also provides the possibility of amending the Annexes through separate agreements, which come into force in a certain order and from the date secured in these agreements.

Article 8 specifies the mandatory procedure for ratification, the date of entry into force of the Treaty and the fact that the texts of the Treaty are made in Russian and Norwegian languages, both texts being equally authentic.

At the same time, it is noteworthy that the texts in Russian and Norwegian do not coincide in meaning in some cases. This might be the origin of conflicts when it comes to the application of the Treaty. In the opinion of A. Krivorotov. [3, p. 77], who also speaks Norwegian, “the heavy-weight style ... in Russian and in Norwegian texts of the Treaty, clearly outlined in English, indirectly testifies to the haste in its preparation, which did not even allow the translation to be completed”. Even more negative assessment of the inconsistency in fishing issues in Russian and Norwegian texts is given by Ph.D. Lukasheva E.A. [4, Lukasheva E.A., pp. 33–35], who revealed several significant differences in the texts. The most important of them are given in the table 1 compiled earlier based on the E.A. Lukasheva’s analysis.

Table 1

Comparative analysis of the Russian and Norwegian texts of the Delimitation Treaty, 15 September 2010, regarding fishery

Russian text	Translation of the relevant provisions from the Norwegian text. The translation s made by a specialist in fisheries with knowledge of Norwegian language and the relevant terminology (PhD. Lukasheva E.A.)
Sixth indention of the preamble:	
“...coastal fishery communities...”	“... coastal fishing communities...”
“... usually had fisheries in these areas”	“... usually has fisheries in these areas”
Eights indention of the preamble:	
“... and responsibility as the coastal states...”	“...and primary responsibility as the coastal states...”
Article 4 § 1:	
“...should not have negative effect on opportunities... ”	“...should not damage the relevant opportunities... ”
Article 4 § 2:	
“Aiming this, the Parties continue to cooperate closely in the field of fisheries to retain their existing share in the total allowable catch and to ensure relative stability of fishing activities for each respective type of fish stocks ”	“To this end, the two Sides will continue close cooperation on fisheries to retain their respective shares of the total allowable catch and to ensure relative stability of fishing in respect of certain of the stocks concerned ”
Annex I Fishery issues. Art 2.	
“...technical regulations concerning of cell size of nets and minimum catch size established by each of the parties for their fishing vessels are used... ”	“... technical requirements , the cell size of networks and the minimum fish size set of each of the parties for their fishing vessels operate... ”

All these inconsistencies of the texts in Russian and Norwegian languages need to be addressed, especially because the Norwegian text regarding the fisheries, fully meets the semantic approach on these issues, the Russian practitioners of the Northern basin.

What did the Treaty delimit?

As it was mentioned in the Treaty itself, certain "sea spaces" were subjected to the delimitation between Russia and Norway in the Barents Sea and the Arctic Ocean. There are no definitions of this term in the Treaty. There are no explanations on this issue from the relevant competent Russian authorities.

However, the last indention of § 1, Art. 1: "The final line of the boundary-line ... connecting the easternmost point of the outer limit of **Norway's continental shelf** and the western point of **the outer border of the continental shelf of the Russian Federation** (highlighted by the author)", which indicates that all the way from point 1 to point 8 (almost 1, 7 thousand km) — (see Fig. 2), the sides divided, first of all, the continental shelf of the Barents Sea and partially the shelf in the North-Western sector of the Arctic. As for the delineation of the 200-mile exclusive economic zones (hereinafter — the EEZ), which are recognized by both Parties (I recall that the 200-mile fish protection zone around Svalbard is not such), then in the text of the Treaty and on the enclosed map, there are no mention of this. Meanwhile, this issue is of a great practical importance in the implementation and control of fishing in areas of the direct line of delineation between the Parties to their recognized EEZs. In this regard, below there is a map-scheme, which was compiled by the author of this article and cartographer V.P. Kislovskiy with the involvement of experts from the Northern Basin and the NPO "Marine Informatics", and which is temporarily used in the analysis of home and foreign fisheries in the Barents Sea and in the Northwest Sector of the Arctic (Fig. 3).

As follows from the data presented in Fig. 2 and 3 map schemes of the southern part of the region adjacent to the continental coast of Russia and Norway, the line of delimitation concerns both the shelf and the EEZ. Further beyond 200 miles from the coasts and to point 5, this line of delineation applies only to the continental shelf. Then again between 5-6-7-8 points are delineated both the shelf and, it can be assumed, the EEZ, but no further than 200 miles from their coasts where the zones do not overlap.

In the central part of the Barents Sea there is an open part of it — an enclave called Loop Hole, bounded from the south, east and north by the outer boundary of the EEZ of Russia, and from the west by a contractual line of demarcation. However, the continental shelf in this open area of the Barents Sea is Russia's shelf with all the ensuing consequences.

With this interpretation of the purpose of the line of delineation of maritime areas, several issues arise, among which the most important and fundamental is: "Did Russia, by signing and ratifying the 2010 Treaty on the delimitation of maritime spaces, recognized the existence of the shelf around Spitsbergen and its belonging to Norway, and recognized the 200-mile fish-protectionzone

around Svalbard?” I believe that this really follows from the analysis of the line of demarcation and proceeds from the provisions of the Treaty. It should be added in fairness that such a conclusion is based on an analysis of all the provisions of the Treaty, including delineation, cooperation in fisheries and the use of hydrocarbon resources in the Barents Sea and the Arctic Ocean. Does this approach meet the national long-term interests of Russia? I think that it does not.

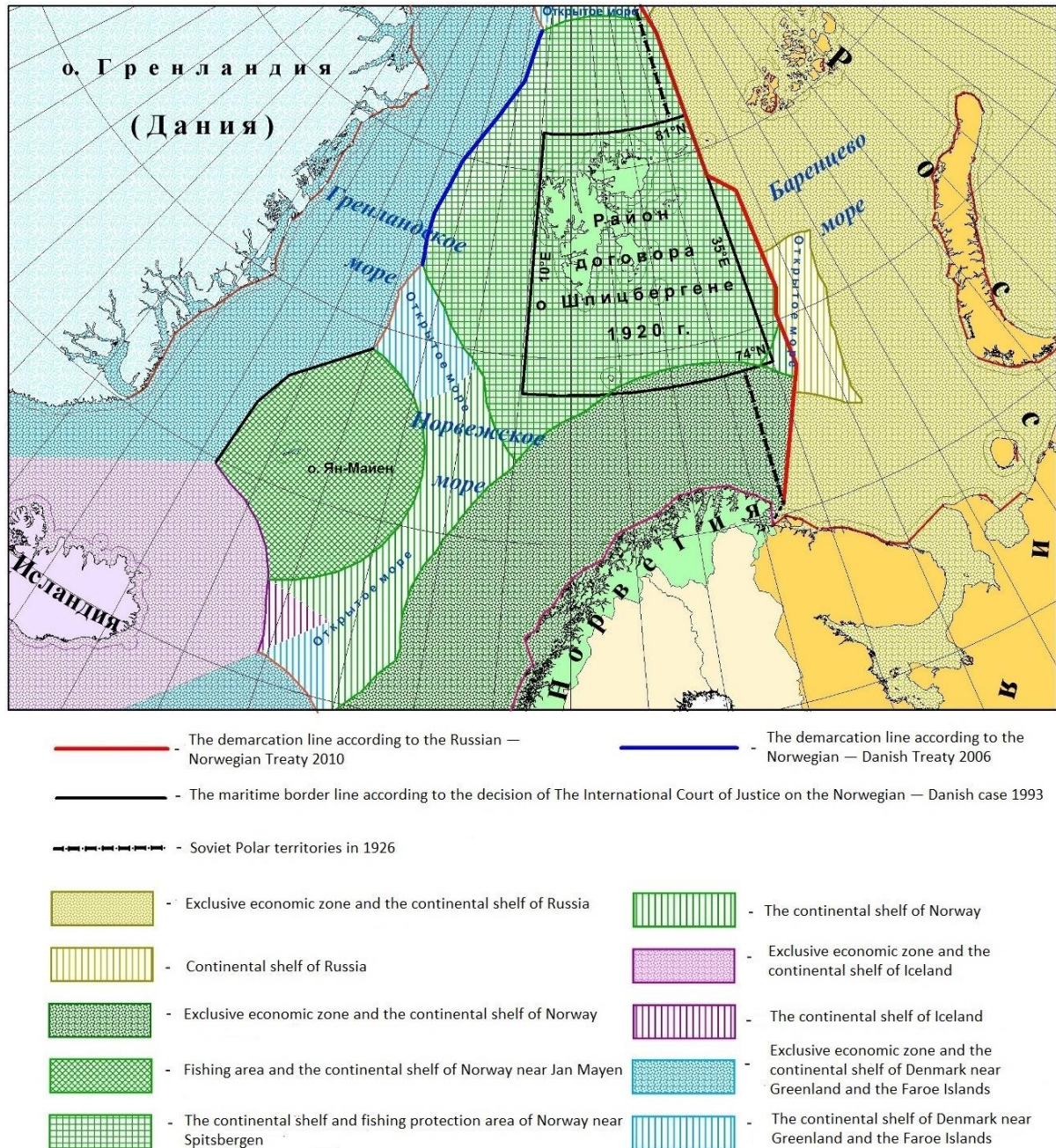


Fig 3. The spatial position of the various zones, areas of jurisdiction in the Barents, Norwegian and Greenland Seas and the line of demarcation under the Treaty of 2010.

Spitsbergen fight

An analysis of the provisions of the 2010 Treaty and its Annexes is detailed in many articles by scientists, international law experts, international relations, historians, politicians, practitioners. Several works can be mentioned [5, Melkov G.M.; 1, Kolodkin R.A.; 2, Titushkin V.Yu., 3, 6, Krivo-

rotov A.K.; 7, 8 Lukin Yu.F.; 9, 10, Vylegzhanin A.N.; 11, 12, Oreshenkov A.M.; 13, Kislovskiy V.P.; 14, Bekyashev K.A.; 15, Plotnikov A.Yu.; 16, Portcel A.K.; 17, Didikh V.V.; 18, 19, 20, Zilanov V.K.] Khlestov O.N., as well as the author of this article evaluated the treaty in its interviews ^{4,5}. We should also note the journalistic materials of Kalashnikov L.I. ⁶, Oreshenkov A.M. ⁷ and Kislovskiy V.P. ⁸ A number of these works reflect the point of view of official representatives of Russia — the developers of the text of the Treaty (Kolodkin R.A., Titushkin V.Yu.), as well as those few scientists, specialists in the field of international law (Khlestov O.N., Bekyashev K.A.), who, as a rule, are in solidarity with the position of the developers and defend the compliance of its provisions with the national interests of Russia. At the same time, most of the other articles, mentioned above, reflect the opposite assessment of the Treaty — the inconsistency of its provisions with the national interests of Russia due to unjustified concessions on our shelf, the lack of a factor in the extent of the shoreline, the provisions of the Treaty on Spitsbergen 1920, the boundaries of the polar possessions of the USSR in 1926 and departure from the principle of justice (Melkov G.M., Kalashnikov L.I., Krivorotov A.K., Plotnikov A.Yu., Kislovskiy VP ⁹, etc.). The most complete analysis of different points of view regarding the provisions of the 2010 Treaty and its impact on Russian resource activities was carried out by Dr. Yury F. Lukin [7, pp. 14–17]. In his study, Lukin Yu.F., using SWOT analysis, identified both the strengths and weaknesses of the Treaty.

Among **the strengths** he noted: the completion of the delimitation process, the establishment of the outer limits of the continental shelf, the opening of hydrocarbon resources in the previously disputed area, the continuation and development of cooperation in fisheries and other areas, and the creation of prerequisites for the promotion of the Russian application for the continental shelf in the Arctic Ocean.

⁴ Hlestov O.N. Dogovor Rossii i Norvegii po razdelu Arktiki: mnenie jeksperta (intervju korrespondentu "Golosa Rossii" Isakovej E.) [Hlestov O.N. An agreement between Russia and Norway in the Arctic: expert opinion (interview with the correspondent of "Voice of Russia" Isakova E.)]. 16.03.2011. URL: <http://flot2017.com/item/monitoring/36391> (Accessed: 01 November 2017)

⁵ Zilanov V. Dogovor Medvedeva-Stoltenberga urezal vladenija Rossii v Arktike. [The Treaty Medvedev-Stoltenberg cut the domains of Russia in the Arctic.] URL: <http://realtribune.ru/news/economics/302> (Accessed: 01 November 2017)

⁶ Kalashnikov L. Rossija gotova podarit Norvegii sotni tysjach kvadratnyh kilometrov Barenceva morja. Ocherednuju "Kemsuju volost" sdajut v interesah "Gazproma". [Russia is ready to give Norway hundreds of thousands of square kilometers of the Barents Sea. Another "Kem volost" being surrendered in the interests of "Gazprom"]. URL: <https://svpressa.ru/society/article/40913/> (Accessed: 01 November 2017)

⁷ Oreshenkov A.M. Bitva za Shpicbergen [Batalle for Spitsbergen]. *Nezavisimaja gazeta*. 13 January 2009.

⁸ Kislovskiy V.P. Obiekty spora Barenceva morja [Objects for dispute in the Barents Sea] *Morskie vesti Rossii*. 2013. No 1. pp. 8–9.; Kislovskiy V.P. S pozicii mezhdunarodnogo prava — nichtozhen! [From the international legislation perspective — is insignificant] *Morskie vesti Rossii*. 2015. No 12. pp 13–15. Kislovskiy V.P. Pjatlet «dogovoru» s Norvegiej [Five years of the "treaty" with Norway]. *Morskie vesti Rossii*. 2016. No. 3.

⁹ Kislovskiy V.P. S pozicii mezhdunarodnogo prava — nichtozhen! [From the international legislation perspective — is insignificant]. *Morskie vesti Rossii*. 2015. No 12. pp. 13–15.

Among **the weaknesses** of the 2010 Treaty Lukin Yu.F. discussed that the Treaty does not resolve the existing differences of the parties in the maritime region of Spitsbergen. The Treaty of 2010 also destroys the border of the polar possessions of the USSR in 1926, “pushing” it to the east for 60–70 miles because of differentiation. According to Yu.F. Lukin, the Treaty “contradicts, openly violates the Treaty on Spitsbergen 1920”.

In another study on this issue, Honored Lawyer of the Russian Federation, Doctor of Law, Professor G.M. Melkov [5, pp. 10–13], who presented at the parliamentary hearings in the State Duma a detailed Legal Opinion to the 2010 Treaty, concludes that the wording of his provisions and article 2, lead to Russia's recognition of "Norway's continental shelf and 200-mile zone around Spitsbergen" All this is already reflected, above all, on the activities of domestic fisheries in the marine area of Spitsbergen, where annually we harvest 160–230 thousand tons.

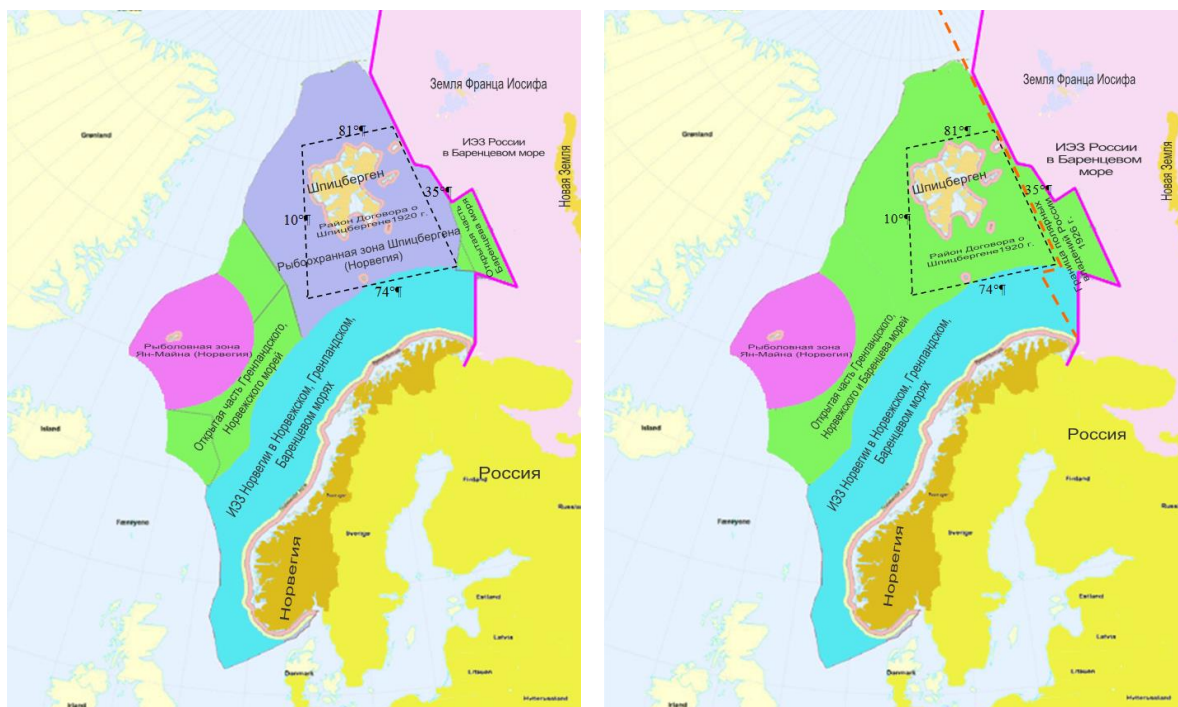
With the entry into force of the 2010 Treaty, fishing vessels under the flag of the Russian Federation continue to fish for marine living resources in the maritime region of Spitsbergen at the expense of their national quota adopted within the framework of the RNCF. At the same time, the capitals of Russian vessels carrying out fishing operations here are guided by a special Explanation of the Federal Fishery Agency of June 27, 2011 (hereinafter referred to as "Explanations"), according to which the sea area around Spitsbergen is considered by Russia as an open sea area. The viewpoint of Norway is different: around Spitsbergen there was and, despite the 2010 Treaty, a 200-mile Norwegian fishing zone with all the ensuing consequences for the Russian fishing fleet (Fig. 4).

At the same time, the captains of Russian fishing vessels, in accordance with the “Explanations” of Rosrybolovstvo, continue, as before the entry into force of the Treaty, to allow Norwegian Coast Guard inspectors (KYSTVAKT or known to fishermen as BOHR) on board the Armed Forces Norway, to verify the implementation of fisheries management measures in the maritime region of Spitsbergen. As a result, protocols are usually drawn up; captains of Russian fishing vessels, in accordance with the “Explanations”, did not sign these protocols and informed their shipowner about the situation. In the opinion of Norwegian inspectors, there are suspicions or violations of fishing rules (issued by the Norwegian authorities), the vessel is delayed, and the proceeding is carried out. If it is impossible to identify all the circumstances of the violations, the vessel is escorted to the Norwegian port and to the Norwegian courts in accordance with the Norwegian laws. Such arrests — arrests of Russian fishing vessels in the maritime region of Spitsbergen — occur regularly. In recent years, it was 1–3 vessels per year. As for the inspections of Russian fishing vessels by Norwegian inspectors of BOHR in the maritime region of Spitsbergen, they cover almost 100% of vessels. As a rule, most vessels are inspected 2–3 times during the period of their pres-

ence in the fishery. After each such inspection, the ship's master receives a written warning about the consequences of the failure of the Norwegian authorities to receive daily information on whereabouts, catch, etc. when working in the Norwegian Spitsbergen 200-mile Norwegian fish protection zone and the requirement to sign this warning. The latter is dismissed with a reference to "Explanations", and information about this is sent to the shipowner.

Позиция Норвегии относительно статуса морских пространств, касающихся рыболовства морских живых ресурсов в Баренцевом, Гренландском, Норвежском морях.

Позиция России относительно статуса морских пространств, касающихся рыболовства морских живых ресурсов в Баренцевом, Гренландском, Норвежском морях.



In the left: Norway's position on the status of marine spaces relating to fisheries and marine living resources in the Barents, Greenland and Norwegian seas. There is a fish protection area near Spitsbergen.

In the right: Russia's position on the status of marine spaces relating to fisheries and marine living resources in the Barents, Greenland and Norwegian seas. There area near Spitsbergen is supposed to be regulated by the Treaty of 1920

Fig. 4. Doctrinal approaches of Russia and Norway regarding the status of the marine area around Svalbard.

All proposals of the Russian side to resolve these acute conflict situations, helped to work out coordinated joint control and inspection procedures for fisheries management measures, but they are rejected by Norwegians as affecting their jurisdiction in this area. After the 2010 Treaty, the Norwegian side had additional arguments in its favor on this issue: first, under the Treaty (Article 2), Russia recognized Norway's jurisdiction and sovereign rights to the west of the boundary line, which also includes the 200-mile fish protection zone of Spitsbergen. It is this issue — the recognition of Norway's rights to the marine region of Spitsbergen and the provision of optimal conditions for the work of the Russian fleet in it in the conditions of entry into force of the Treaty 2010 — it was one of the main decisions of the deputies and senators of the Federal Assembly of

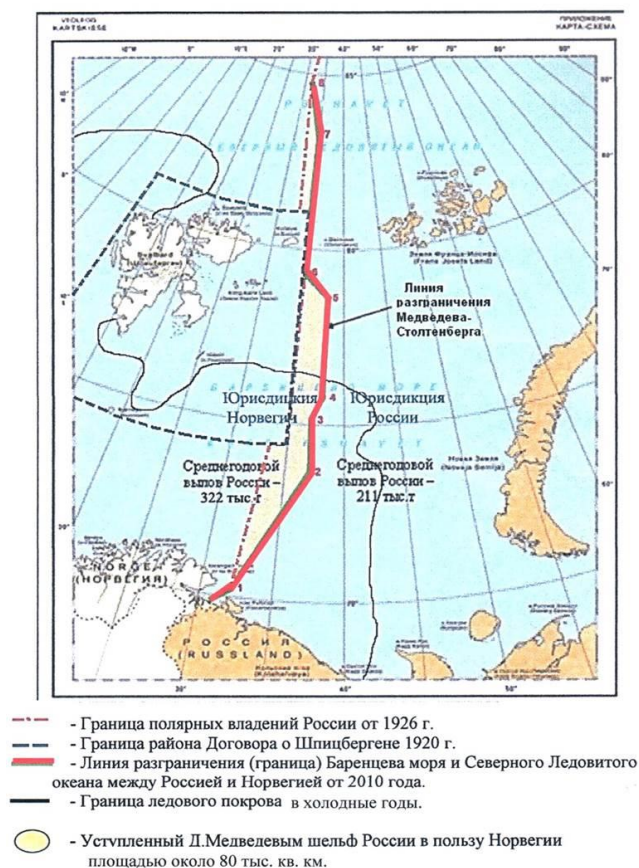
the Russian Federation about its ratification. Without convincing arguments on this issue during the open Plenary session of the State Duma from the official representative of the President of the Russian Federation, Deputy Foreign Minister Titov V.G., the deputies nevertheless decided to ratify the Treaty (with the votes of only one fraction), accompanied by the statement “In connection with the delineation of maritime spaces between the Russian Federation and Norway in the Barents Sea and the Arctic Ocean” (Annex 1). The legislators stated the main provisions of the Treaty and expressed hope for the possible further strengthening of bilateral cooperation after its entry into force, emphasized the importance of not incurring, “any damage to the rights and obligations of the Parties under other international treaties” and **“of course, the Treaty of Spitsbergen of 1920”**¹⁰. This is the only one of all official documents related to the 2010 Treaty, mention of the importance for the Russian resource activities of the sea area, subject to the Spitsbergen Treaty of 1920, Russian parliamentarians send an important signal to the Norwegian side about the need to take this into account and consider with co-operation in the area. Unfortunately, the text of the Declaration itself, in my opinion, is too weak regarding defending Russian interests in the maritime region of Spitsbergen, and its level (it is not part of the Federal Law on Ratification of the Treaty) is very low. It was not even officially handed over to the Norwegian side in the exchange of instruments of ratification, although it was published in the Parliamentary Gazette.

As mentioned above, the main concerns — the challenges regarding the 2010 Treaty — are due to the uncertainty of the possibility of a long-term continuation of the work of the domestic fleet to the west of the line of delineation, where our fleet, on average, up to 322 thousand tons a year, 160–230 thousand tons in the offshore area of Spitsbergen. The importance of this area for domestic fishing in the Barents Sea especially increases in the cold oceanographic years, when almost the entire eastern part of the sea, and this EEZ of Russia, is covered with ice, and it is impossible to fish here. And the main objects of fishing — cod and haddock — migrate to the western, warmer regions of the sea.

The location of the line of demarcation under the Treaty of 2010 and the absence in the text of its guaranteed formulations for ensuring the continuation of the work of the domestic fishing fleet in the maritime region of the Spitsbergen archipelago essentially create a serious threat in the future, under certain circumstances (sanctions, etc.), the Norwegian side closes domestic fishing in the eastern “ice mesh” of the Barents Sea (Figure 5). This, long before the signing of the Treaty, drew the attention of its developers, representatives of the Ministry of Foreign Affairs, fishermen of the Northern Basin and Rosrybolovstva. Moreover, on March 11, 2010, six months before the signing of

¹⁰ Highlighted by the author.

the Treaty, in the name of the President of the Russian Federation Medvedev D.A. a letter was sent with concrete proposals for amending the draft Annex I to the Treaty (Annex 2). In the future, these amendments were reviewed and approved during the meeting of the ad hoc Working Group (I was a member of the working group on fishery) under the chairmanship of the head of Rosrybolovstva Krainy A.A. and sent on May 17, 2010, 4 months before the signing, to the Ministry of Foreign Affairs of Russia, so that they are considered in the final agreement with the Norwegian side of the draft text of the Treaty. Unfortunately, not all the proposals of the Rosrybolovstvo Working Group were considered in the text of the 2010 Agreement [14, p. 14]. This is especially true of guarantees to ensure the interests of domestic fishing in the maritime region of Spitsbergen: they were rejected by the Ministry of Foreign Affairs without explaining the reasons. I believe that such an approach suggests that the overriding motives of its hasty development and the signing was not the solution of the whole complex of problems, including fishing issues, and settlement of roofing, to the problems associated with the exploration and development of hydrocarbon resources in the continental shelf The Barents Sea. The latter is more in the interests of Norway than Russia.



Brown line is the border of the Russian Polar areas in 1926; Black line is the border according to the Spitsbergen treaty 1920; Red line is the border line in the Barents Sea and the Arctic Ocean between Russian and Norway in 2010; Curved black line is ice cover border in the cold years; Yellow field is the shelf of Russia given to Norway by D. Medvedev, the area equals to approx. 80 000 km²

Fig. 5. Areas of jurisdiction of Russia and Norway after the entry into force of the Treaty 2010, the average annual catch of Russia in the eastern and western regions of the Barents Sea, the spread of the ice cover in the cold years and the areas of the continental shelf ceded to the Norwegians.

With the entry into force of the 2010 Treaty, both parties in relation to fishing in the maritime area of Spitsbergen retain a delicate balance of equilibrium, which at any time may result in a Russian-Norwegian conflict. And in this possible conflict legal instruments, based on the provisions of the 2010 Treaty, on the Norwegian side. Special attention is paid to this by the Doctor of Law, Professor G.M. Melkov. [5, pp. 10–13; 21, pp. 231–245]. In his legal opinion, he believes that since the entry into force of the 2010 Treaty:

"- Russia will no longer have grounds to object to the 200-mile zone of Norway around Spitsbergen (and until the Treaty of 2010 such grounds were in accordance with the Treaty of Spitsbergen of 1920).

- Russia will no longer have grounds to object to Norway's continental shelf around Spitsbergen (and until the Treaty of 2010 such grounds were in accordance with the Treaty of Spitsbergen of 1920).

- Russia will no longer have reason to object to Norway's territorial sea around Svalbard (and until the Treaty of 2010 such grounds were in accordance with the Treaty of Spitsbergen of 1920).

- Any economic activity of Russia after the entry into force of the Treaty of 2010 in the marine areas around Svalbard based on the Svalbard Treaty becomes legally impossible. Such an activity is possible only if it is fully subordinated to Norway's legislation in its territorial sea, 200-mile zone, continental shelf. "

Sharing such conclusions of Professor G.M. Melkov, I note that they were brought to the attention of Russian negotiators — representatives of the Foreign Ministry. Why the latter neglected them is the subject of future special studies. Here I just want to draw attention to the fact that the mechanisms of decision-making at the federal level in such situations need to be adjusted.

As for the delimitation of the continental shelf in the Barents Sea, here, too, Russia incurred losses in comparison with the previously claimed claims, which were sufficiently substantiated. According to various estimates, Russia lost to Norway from 80 to 143 thousand square meters. km of the continental shelf in the Barents Sea [Fig. 5; 19; Kislovskiy V.P.¹¹]. Trying to refute such losses during the parliamentary hearings and at the plenary session in the State Duma, the representative of the President of the Russian Federation, the Deputy Minister of Foreign Affairs, Titov V.G. [22, Transcript of the Parliamentary Hearings, p. 337] even quoted this passage: "If we take the Barents Sea, then about 860,000 sq. km", and "Norway remains about 510 thousand". However, I note that the object of delineation between the States was not the Barents Sea, but the continental shelf and the EEZ. And these are completely different things. It is because of concessions on the part of the continental shelf and created threats, based on the provisions of the 2010 Treaty, on a possible Norwegian ban on fishing for our fishermen to the west of the line of

¹¹ Kislovskiy V.P. Obiekty spora Barentseva morja [Objects for dispute in the Barents Sea], *Morskie vesti Rossii*. 2013. No. 1. pp. 8–9.

delimitation, especially in the maritime region of the Spitsbergen archipelago, the deputies of the three factions of the State Duma, fishermen of the Northern Bassein and opposed its ratification. Moreover, the Treaty of 2010 for the first time created in the Russian-Norwegian fishing relationship the legal basis for such a unilateral decision by the Norwegian side.

This follows from the research of Kislovskiy V.P.¹², who, analyzing the Treaty for compliance with its several provisions of international law and paying attention to the absence in the text of even mentioning the Treaty of Spitsbergen of 1920, which, in determining the line of delimitation of the continental shelf in the Barents Sea, is unquestionably of particular importance, comes to the conclusion that the 2010 Treaty "not only did not solve the existing problems, but also created new ones, provoking a lot of questions".

A detailed analysis of the special significance for resource activities in the area covered by the Svalbard Treaty of 1920 and the rationale for Russia's position on the non-recognition of Norway's 200-mile fish protection zone as declared by Norway is given in the works of Dr.Sc., Professor Vylegzhanin A.N. [23; 10].

Is it possible for the parties to the Treaty of 2010 to come to an optimal solution to the emerging problems, primarily in fishing in the maritime region of Spitsbergen, using the principle of "cooperation" proclaimed in it? As the four-year practice of its application shows, so long as the status quo is preserved. Consequently, opportunities remain to achieve a mutually acceptable solution to this most complex problem.

The 2010 agreement entered into force, and its provisions, regardless of its positive and negative assessments, have been applied in practice by both Russia and Norway. As the Doctor of Jurisprudence, professor Vylegzhanin A.N. [10, p. 5], "in the present time the Treaty is a legal reality, part of the current international law, which provides for very specific rights and obligations of Russia and Norway. Both sides are to fulfill this Treaty" At the same time, this does not exclude the possibility of introducing amendments and amendments to the Treaty and its Appendices, which, naturally, can only be adopted with the consent of the Parties.

Proceeding from the above and considering the relevant provisions of the 2010 Agreement concerning the possibility of amending, above all in the Annex, it would be timely to implement previously made and adjusted by considering the practice of applying the Treaty in recent years and this study, the following changes:

¹² Kislovskiy V.P. Obiekty spora Barenceva morja [Objects for dispute in the Batents Sea], *Morskie vesti Rossii*. 2013. No. 1. pp. 8–9.; Kislovskiy V.P. S pozicii mezhdunarodnogo prava — nichtozhen! [From the international legislation perspective — it is insignificant], *Morskie vesti Rossii*. 2015. No. 12. pp 13-15. Kislovskiy V.P. Pjat let «dogovoru» s Norvegiej [Five years of the "treaty" with Norway], *Morskie vesti Rossii*. 2016. No. 3.

1. Conduct Russian-Norwegian negotiations on amending Annex I of the 2010 Agreement relating to fisheries issues by providing relevant proposals to the Norwegian side, in advance, developed by scientists, practitioners and approved by Rosrybolovstvo on this issue.

2. Inform Norway that, prior to the adoption of amendments to Annex I, Russian vessels will continue to fish in the offshore area of the Svalbard archipelago in compliance with the regulatory measures and fishing rules adopted by the RNC. Control over the activities of vessels flying the flag of Russia is carried out in this area only by the Russian competent authorities.

3. The implementation of special Russian-Norwegian negotiations for developing and adopting common regulatory measures and fishing rules, harmonized procedures for verifying their execution by both Russian and Norwegian vessels is promising. And, penalties in case of their violation in all fishing areas of the Barents Sea irrespective of areas of jurisdiction.

4. To send to the Norwegian side the Statement of the State Duma adopted by it upon ratification, the unchanged position of Russia on the strict observance of the Svalbard Treaty (1920) and the non-recognition of the so-called Norwegian 200-mile fish protection zone, as before, introduced around the Spitsbergen archipelago.

5. To reconsider the decision to expand the Russian exclusive economic zone beyond 200 miles due to the allegedly received from Norway "Special Area" in connection with violations of the relevant provisions of the United Nations Convention on the Law of the Sea of 1982

6. Develop and adopt at the national and international levels special environmental requirements for the exploration and development of hydrocarbon resources on the shelf of the Barents Sea and the Arctic Ocean. It is necessary to give preference to the preservation of traditional fisheries, the environment, species diversity and the gene pool of marine living resources.

7. To initiate the establishment of a Russian-Norwegian Center for Monitoring the State of Marine Living Resources and Controlling the Activity of Fishing Vessels in the Barents Sea and the International Arbitration Court on disputes related to economic activities in the offshore area around the Spitsbergen Archipelago.

Based on the experience of the negotiation process in the development and adoption of decisions by the Russian competent authorities under the 2010 Treaty, it is necessary to conduct internal events, including:

1. Repeated analysis of previously taken, as it turned out, erroneous decisions regarding the negotiations on the Treaty of 2010 and the procedure for making such decisions, as well as the formation of the composition of the delegation. Based on the analysis, it is necessary to improve the decision-making procedure by the relevant competent Russian authorities. In the future, it is necessary to envisage the participation of specialists, scientists, professional public non-governmental organizations, representatives of the business community and regional executive and legislative bodies on issues of major national importance and relating to them.

2. Development and adoption of a federal target program for the construction of an up-to-date Arctic scientific research fleet for monitoring the state of living marine resources and identifying an additional resource base for domestic fisheries in the Northwest Arctic and adjacent seas.

3. The imposition of control over the proper implementation of the 2010 Treaty by the relevant SRIs of the Northern Basin in close cooperation with economic entities operating in the maritime region that is subject to its operation.

Russia's proper conduct of the above-mentioned measures at the international and domestic levels will indeed create conditions for the further development of Russian-Norwegian cooperation in the Barents Sea and the Arctic Ocean.

References

1. Kolodkin R.A. Dogovor s Norvegiei: razgranichenie dlya sotrudnichestva [Treaty with Norway: delimitation for cooperation], *Mezhdunarodnoe pravo*, 2011, No. 1, pp. 1–12. [in Russian]
2. Titushkin V.Yu. O Dogovore mezhdru Rossiiskoi Federatsiei i Korolevstvom Norvegiya o razgranichenii morskikh prostranstv i sotrudnichestve v Barentsevom more i Severnom Ledovitom okeane ot 15 sentyabrya 2010 g. [About the Treaty between the Russian Federation and the Kingdom of Norway on Maritime Delimitation and Cooperation in the Barents Sea and the Arctic Ocean on September 15, 2010] *Ezhegodnik morskogo prava* 2010, M., 2011, pp. 380–389. [in Russian]
3. Krivorotov A.K. Neravnyi razdel popolam: k podpisaniyu rossiisko-norvezhskogo Dogovora o razgranichenii v Arktike [The unequal division in half: to the signing of the Russian-Norwegian Treaty on the Delimitation in the Arctic], *Vestnik Moskovskogo Universiteta*, 2011, No. 2, pp. 62–91. [in Russian]
4. Lukasheva E.A. Ekspertnaya lingvisticheskaya otsenka Dogovora mezhdru Rossiiskoi Federatsiei i Korolevstvom Norveгии o razgranichenii morskikh prostranstv i sotrudnichestve v Barentsevom more i Severnom Ledovitom okeane [Expert linguistic evaluation of the Treaty between the Russian Federation and the Kingdom of Norway on the delimitation of maritime areas and cooperation in the Barents Sea and the Arctic Ocean], *Rybnoe khozyaistvo*, 2013, No. 6, pp. 33–35. [in Russian]
5. Melkov G.M. Yuridicheskaya otsenka Dogovora mezhdru Rossiei i Norvegiei [The legal assessment of the Treaty between Russia and Norway], *Rybnye resursy*, 2010, No. 4, pp. 10–13. [in Russian]
6. Krivorotov A.K. Mezhdunarodno-pravovoi status rybookhrannoi zony vokrug Shpitsbergena [International legal status of the fish protection zone around Svalbard], *Moskovskii zhurnal mezhdunarodnogo prava*, 1994, No. 3–4, pp. 96–113. [in Russian]
7. Lukin Yu.F. Dogovor mezhdru Rossiei i Norvegiei — shag k mirnomu peredelu morskikh prostranstv Arktiki [Treaty between Russia and Norway — a step towards a peaceful redistribution of the Arctic marine areas], *Arktika i Sever*, 2011, No. 2, pp. 59–87. [in Russian]
8. Lukin Yu.F. Rossiisko-norvezhskii dogovor o razgranichenii v Barentsevom more (2010 g.): vzglyad iz Arkhangel'ska [The Russian-Norwegian agreement on the delimitation in the Barents Sea (2010): a view from Arkhangelsk], *Sbornik statei i materialov v chest' 20-letiya Barentseva Evro-Arkticheskogo sotrudnichestva (1993–2013 gg.)*, Vypusk 1 (1), Murmansk, 2013. [in Russian]
9. Vylegzhanin A.N. Razlichie v tolkovanii polozhenii dogovora o Shpitsbergene [The difference in the interpretation of the provisions of the treaty on Spitsbergen], *Rybnye resursy*, 2010, No. 1, pp. 13–16. [in Russian]
10. Vylegzhanin A.N. Pravovaya model' upravleniya transgranichnymi morskimi mineral'nymi resursami v zapadnoi chasti Arkticheskoi zony Rossii [Legal model of transboundary marine mineral resources management in the western part of the Arctic zone of Russia], *Arktika: Ekologiya i ekonomika*, 2016, No. 2, pp. 4–9. [in Russian]
11. Oreshenkov A.M. Norvezhskii natisk na severo-vostok. Pamyati Yu.A. Kvitsinskogo posvyashchaetsya [The Norwegian onslaught to the northeast. In memory of Yu.A. Kvitsinsky]. *Svodnyi referativnyi sbornik zhurnala «predstavitel'naya vlast' — XXI vek: zakonodatel'stvo, kommentarii, problemy»*, 2010, No. 5–8, p. 14. [in Russian]
12. Oreshenkov A.M. Arkticheskii kvadrat vozmozhnostei. Severnyi polyus i shel'f Shpitsbergena ne mogut byt' norvezhskimi [Arctic square of possibilities. The North Pole and the Spitsbergen shelf cannot be Norwegian], *Arkticheskii region: Problemy mezhdunarodnogo sotrudnichestva: Khrestomatiya v 3 tomakh / Ros. sovet po mezhd. delam [pod obshch. red. I. S. Ivanova]*. M.: Aspekt Press, 2013, T. 1, pp. 66–74. [in Russian]
13. Kislovskiy V.P. Delimitatsiya morskikh prostranstv v raione Barentseva morya [Delimitation of marine areas in the Barents Sea region], *Rybnye resursy*, 2011, No. 2, pp. 6–12. [in Russian]
14. Bekyashev K.A. Dostoinyi vklad v ukreplenie pravovogo rezhima v Arktike [A worthy contribution to strengthening the legal regime in the Arctic], *Al'manakh kafedry mezhdunarodnogo prava MGYuA im. O. E. Kutafina*, 2012, pp. 8–19. [in Russian]
15. Plotnikov A.Yu. Novoe morskoe razgranichenie s Norvegiei ili eshche raz o sindrome «Beikera — Shevardnadze» v nashei vneshnei politike. Istoriko pravovoi analiz [New maritime demarcation with

- Norway or once again about the Baker-Shevardnadze syndrome in our foreign policy. Historical legal analysis]. Murmansk, *Rybnye resursy*, 2010, No. 4. pp. 8–9. [in Russian]
16. Portsel' A.K. Spor o Shpitsbergene: tochka ne postavlena [The Spitzbergen dispute: the point is not set], *Arktika i Sever*, 2011, No. 3, pp. 42–62. [in Russian]
 17. Didikh V.V. Razvitie rossiiskoi Arktiki: idet podgotovka novykh politicheskikh reshenii [Development of the Russian Arctic: new political solutions are being prepared], *Sever promyshlennyi*, 2011, No. 5 (40), pp. 11–14. [in Russian]
 18. Zilanov V.K. MIDvezh'ya usluga severnomu rybolovstvu Rossii. Stsenarii otechestvennogo rybolovstva v Barentsevom more v usloviyakh Dogovora mezhdru Rossiei i Norvegiei o razgranichenii morskikh prostranstv [Disservice to northern Russian fisheries. Scenario of domestic fisheries in the Barents Sea under the Treaty between Russia and Norway on the delimitation of maritime areas], *Rybnye resursy*, 2010, No. 3, pp. 12–17. [in Russian]
 19. Zilanov V.K. Polozheniya Dogovora mezhdru Rossiei i Norvegiei o razgranichenii morskikh prostranstv, kasayushchiesya otechestvennogo rybolovstva v Barentsevom more [Treaty between Russia and Norway on the delimitation of maritime areas concerning domestic fisheries in the Barents Sea], *Rybnoe khozyaistvo*, 2011, No. 3, pp. 36–41. [in Russian]
 20. Zilanov V.K. *Barentsevomorskaya oshibka Prezidenta* [Barents Sea mistake of the President]. Murmansk, 2013, 418 p. [in Russian]
 21. Melkov G.M. Pravovoe zaklyuchenie po voprosu ratifikatsii Dogovora mezhdru Rossiei i Norvegiei o razgranichenii morskikh prostranstv i sotrudnichestve v Barentsevom more i Severnom Ledovitom okeane [Legal opinion on the ratification of the Treaty between Russia and Norway on the delimitation of maritime areas and cooperation in the Barents Sea and the Arctic Ocean], Zilanov V. *Rossiya teryaet Arktiku?* M., 2013, pp. 231–245. [in Russian]
 22. Stenogramma Plenarnogo zasedaniya Gosdumy 25 marta 2011 goda [Transcript of the Plenary Session of the State Duma, March 25, 2011]. Zilanov V. *Rossiya teryaet Arktiku?* M., 2013, pp. 336–379. [in Russian]
 23. Vylegzhanin A.N., Zilanov V.K. *Shpitsbergen: pravovoi rezhim prilegayushchikh morskikh raionov* [Spitsbergen: Legal Regime of Adjacent Marine Areas]. M.: SOPS, 2005, 247 p. [in Russian]

Annex 1
THE STATE DUMA
FEDERAL ASSEMBLY OF THE RUSSIAN FEDERATION
OF THE FIFTH CONVOCATION

DECISION
of 25 March 2011 No. 5030-5 GD

ON THE APPLICATION OF THE STATE DUMA
FEDERAL ASSEMBLY OF THE RUSSIAN FEDERATION
“IN CONNECTION WITH THE DISTRIBUTION OF MARINE SPACES
BETWEEN THE RUSSIAN FEDERATION AND NORWAY
IN BARENTS SEA AND NORTHERN ICE OCEAN”

The State Duma of the Federal Assembly of the Russian Federation decrees:

1. To adopt the Statement of the State Duma of the Federal Assembly of the Russian Federation "In connection with the delineation of maritime spaces between the Russian Federation and Norway in the Barents Sea and the Arctic Ocean".
2. To forward this Decision and the said Application to the President of the Russian Federation D.A. Medvedev, to the Government of the Russian Federation, to the Public Chamber of the Russian Federation.
3. To forward this Decision and the said Application to the "Parliamentary Gazette" for official publication.
4. This Resolution comes into force from the date of its adoption.

Chairperson
The State Duma
Of the Federal Assembly
Russian Federation
B.V. GRYZLOV

**STATE DUMA OF THE FEDERAL ASSEMBLY OF THE RUSSIAN FEDERATION
OF THE FIFTH CONVOCATION
STATEMENT of 25 March 2011
REGARDING THE DISTRIBUTION OF MARINE SPACES
BETWEEN THE RUSSIAN FEDERATION AND NORWAY
IN BARENTS SEA AND NORTHERN ICE OCEAN**

The State Duma of the Federal Assembly of the Russian Federation considers that the Treaty between the Russian Federation and the Kingdom of Norway on the delimitation of maritime spaces and cooperation in the Barents Sea and the Arctic Ocean (hereinafter referred to as the Treaty), signed in the presence of the heads of state, is a significant event in the newest national history, completing more than forty-year negotiation period between the two states and opening additional opportunities for cooperation of the Parties in the exploitation of natural resources of the vast sea area, as well as the peaceful development of the Arctic.

The treaty ratified by the State Duma, based on universally recognized principles and norms of international law, determines the sovereign rights and jurisdiction of the Russian Federation and Norway in relation to maritime areas with a total area of about 175 thousand square kilometers.

It is of fundamental importance that no harm is done to the rights and obligations of the Parties under other international treaties to which the Russian Federation and the Kingdom of Norway are parties. Of course, such treaties include the Svalbard Treaty of 1920, and the United Nations Convention on the Law of the Sea of 1982. Such basic treaties that ensure cooperation between the Parties in the field of fisheries, such as the Agreement between the Government of the Union of Soviet Socialist Republics and The Government of the Kingdom of Norway on cooperation in fisheries in 1975, the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the Kingdom of Norway on mutual relations in the field of fisheries in 1976.

With the entry into force of the Treaty, the foundations of bilateral cooperation between the Russian Federation and Norway should be strengthened, including in the integrated development of the northern regions of the two states, in fishing activities, where unique mechanisms for coordinating mutually beneficial solutions, and in the operation of transboundary hydrocarbon deposits.

It is important that the principles of joint development and distribution of natural resources laid down in the Treaty, as well as effective procedures for resolving possible disputes, are in practice ensured by the adoption of sustainable and responsible decisions in this area.

The deputies of the State Duma proceed from the fact that after the entry into force of the Treaty the regime of joint management of common fish stocks, including the activities of the Joint Russian-Norwegian Fisheries Commission, will be preserved and is strengthened, and also because the Government of the Russian Federation will continue to take all necessary measures to ensure the legitimate rights and interests of the domestic fishing industry and strict observance of the basic principle of the relations of the Russian Federation and Norway in the field of fishery, fixed by the Treaty after the seabed spaces: The Treaty should not negatively affect the capabilities of each Party in the field of fisheries.

The State Duma is convinced that the completion of the process of delineation of sea spaces between the Russian Federation and Norway in the Barents Sea

And the Arctic Ocean will have a positive impact on the overall situation in the Arctic region and will be a constructive contribution to strengthening the legal regime of the Arctic, maintaining peace, understanding and cooperation in this strategically important region.

Chairperson
The State Duma
Of the Federal Assembly
Russian Federation
B.V. Gryzlov

Annex 2**№-01 / 1-38 of 11.03.2010****To the President of the Russian Federation****D.A. Medvedev**

Dear Dmitry Anatolyevich!

According to the incoming information, negotiations between Russia and Norway on the delineation of exclusive economic zones and the continental shelf in the Barents Sea and the North-Western part of the Arctic Ocean are ongoing, and their completion may be ruled out soon.

At the same time, there are certain fears that at the same time, as in the Far East in the Bering Sea, when the 200-mile zones between Russia and the USA are delineated, the interests of domestic fishing will not be considered fully. Such an approach with respect to the Barents Sea, which includes the marine area covered by the Spitsbergen Treaty of 1920, will result in the loss of at least 50% of the domestic catch, and this is 250–300 thousand tons of such valuable food items as cod, haddock, perch, halibut, herring, capelin and other species. As a result, our fishing fleet may be "closed" in the eastern part of the Barents Sea, where, as is known, fishing cannot be performed year-round due to biological and ice conditions.

To avoid such a situation, dear Dmitry Anatolyevich, we propose, in the negotiation process, to seek the adoption of several provisions for the protection of domestic fisheries, which are reflected in the annexes to this appeal.

It is equally important to defend our position, previously voiced by the Minister of Foreign Affairs of the Russian Federation, S.V. Lavrov, on the non-recognition by Russia of the so-called "200-mile fish protection zone" declared by Norway on June 3, 1977 in the area covered by the Treaty of Svalbard 1920. Therefore, this area should not be subject to delimitation of exclusive economic zones between Franz Josef Land (Russia) and Spitsbergen, and between Novaya Zemlya (Russia) and Spitsbergen.

We also believe, dear Dmitry Anatolyevich, that it is extremely necessary that the documents on fisheries that are being developed should be reviewed by the practical experts of Russian fisheries in the Northern Basin before they are accepted.

We ask, Comrade President of the Russian Federation, your appropriate intervention as guarantor of the Constitution of the Russian Federation.

The appendix: under the text on 2 side.

Chairman of the Board, BUT "Union of Fishermen of the North"	V.P. Kasatkin
Executive Director OJSC "Murmansk Trawl Fleet"	N.V. Carlin
Executive Director OJSC "Arkhangelsk Trawl Fleet"	Yu.P. Nikulin
Executive Director NO "Union of Fishermen of the North"	V.F. Nikitin
Executive Director of NP "Association of the fishing industry "North-West"	V.V. Azhogin
Chairman of the Coordination Council "Sevryba"	V.K. Zilanov
Chairman of the Council of the "Barents Sea fish processing association"	I.N. Savchenko

Project

Annex to the letter to the President of the Russian Federation D.A. Medvedev**Annex I (draft) to the Treaty between the Russian Federation****and the Kingdom of Norway on the delineation of exceptional****economic zones in the Barents Sea and the Arctic Ocean****Fisheries issues****Article 1**

Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the Kingdom of Norway on cooperation in fisheries of 11 April 1975 and the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the Kingdom of Norway on mutual relations in the field of fishery of 15 October 1976 remain in force for fifteen years after the entry into force of this Treaty. After the expiration of this period, each of these Agreements shall remain in effect for the following six-year periods, unless either party notifies the other Party of its termination no later than 6 months before the end of the six-year period.

Article 2

In an area in which fishing was previously regulated within 200-mile exclusive economic zones from the mainland parts of the Russian Federation and the Kingdom of Norway, the Protocol on Provisional Fisheries Regulations in the Adjacent Area of the Barents Sea of 11 January 1978 and the relevant Exchange Letters of 11 January 1978 shall be applied in full for a transitional period of ten years after the entry into force of this Treaty .

Article 3

The mixed Russian-Norwegian Fisheries Commission, established by the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the Kingdom of Norway on cooperation in fisheries of 11 April 1975, continues to operate in accordance with the Agreements referred to in Art 1 of this Annex.

Article 4

Effective measures to regulate fisheries for common stocks and associated species representing the unified ecological complex of the Barents, Norwegian, Greenlandic seas and the North-Western part of the Arctic Ocean, adopted within the framework of the Joint Russian-Norwegian Fisheries Commission (hereinafter the "Joint Commission") at the time signing of this Treaty shall remain in force for a period of ten years unless otherwise decided jointly by the Mixed Commission.

Article 5

The Parties will assist in the implementation of joint scientific programs on monitoring of fishery objects, the state of the environment conducted in their exclusive economic zones, creating the most favored nation treatment regime for these purposes.

Article 6

The Parties will continue to work within the framework of the Joint Commission on the early adoption of unified fishing rules, harmonized control measures for fishing vessels in the Barents, Norwegian, Greenland Seas and the North-West of the Arctic Ocean and penal procedures in case of violation of the joint rules of fishing.

Article 7

In the area covered by the Treaty on Spitsbergen in 1920, fisheries and measures for its regulation are carried out in accordance with those adopted in the framework of the Joint Commission.

The control over the activities of their vessels in this fishing area is carried out by each Party independently, informing the other Party about this.

Article 8

The Parties shall make every effort to resolve any disagreement in the field of fisheries as soon as possible. However, if the Parties cannot come to an agreement, they jointly consider all options to resolve the current situation.

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Methodological and methodical aspects of studying the social well-being of the population of the Arctic zone of the Russian Federation in the context of its value orientation¹



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Abstract. The article considers the methodology problems of studying the population social well-being in relation to its hierarchies of values and attitudes. Social well-being is interpreted as an integral indicator with two aspects. First, social well-being represents the objective parameters of the quality of life related to the state of the socio-economic system of a society, the level of infrastructure development, social security and the quantity of political rights. Secondly, an evaluation of subjective well-being, including the overall satisfaction with life and social optimism. The article gives a general description of the main international and Russian methods for measuring the quality of life. The necessity of modification of existing methods is shown. It's proposed to be implemented by incorporating indicators that represent the specifics of living conditions in the Arctic, along with the preservation of universal tools for measuring social well-being. The characteristic of the international measurement methods of quality of life in the Arctic is given as an example of such modification. The article offers the idea that the study of social well-being should be done out in the context of the value orientation studies, because the latter is an important part of the individuals' interpretation of socio-economic, political and legal situation. It's proposed to use the additional variables, affecting the state of social well-being, such as personal motivational and value characteristics (dominant terminal and instrumental values) and culturally determinated value-behavioral imperatives common in a society.

Keywords: *social well-being, value orientations, the quality of life, subjective well-being, the Russian Arctic*

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Introduction

Among the priority areas of the Strategy for the Development of the Arctic Zone of the Russian Federation (hereinafter referred to as the Russian Arctic), its comprehensive socio-economic development has come first. Along with economic indices, such as GRP, average per capita income, labor market tension and many other things, key indicators of social and economic development dynamics are indicators reflecting the social well-being of the population. At the same time, as studies of Russian sociologists show [1, Gorshkov M.K., pp. 52–76], when measuring social well-being, it is important to consider the value orientations of the population of a country or region, because the individuals' assessment of their social and material position is interpreted through the prism of the hierarchy of life values and culturally conditioned imperatives of behavior. Thus, knowledge of regional cultural features helps to better interpret the data received, and at the stage of developing an empirical research program — to increase the validity of its tools. Next, we will consider the methodological and methodological aspects of researching the social well-being of the population in relation to the Arctic territories, and we will also determine the methodological possibilities for studying the dynamics of socio-economic development in the context of value transformations.

Methodological aspects of empirical studies of social well-being

The concept of "social well-being" does not have a generally accepted strict definition: its content can vary depending on the disciplinary field (in psychology and sociology the interpretation of the category of social well-being will be different). Nevertheless, it can be argued that there is a conceptual core of the term, bringing together its various definitions. At the same time, we can talk about two main approaches: the first relates to the interpretation of the concept in the broad sense as an analog of social sentiments, the second in a narrow one: as a similarity to subjective well-being.

The first approach involves considering, on the one hand, a general assessment of the individual's own lives in the context of the situation in society (social adaptation, material status, social status, etc.), and on the other hand, an assessment of the affairs in the country (economic and the political situation, the activities of the authorities and institutions) [2, Kuchenkova A.V., p. 120]. The second approach to interpreting the category of social self-feelings — through the measurement of satisfaction with life or its various aspects (spheres, domains) [3, Balatsky E.V.].

According to the P.M. Kozyreva, social well-being is a subjective expression of the process and outcome of individuals' adaptation to social transformations and, consequently, should be studied in the light of this phenomenon [4, Kozyreva P.M., pp. 25–26]. She also proposes to meas-

ure special well-being by means of three key variables: 1) satisfaction and stability of existence, 2) stable status (the idea of one's position in the system of stratification of the transforming Russian society), self-assessment of the state of health (physical and mental) [5, Kozyreva P.M.].

Social well-being is determined by a complex of factors of objective and subjective nature, the integral indicator of which is the quality of life of the population (otherwise — social well-being) [6, Morozova T.V., Belaya R.V., Murina S.G., p. 141]. The quality of life is traditionally determined through a set of objective characteristics of a specific society reflecting its overall economic and technological state [7, Ayvazyan S.A.]. At the same time, in the last quarter of the 20th century, Critical judgments have been made in the scientific literature regarding this approach, the essence of which is reduced to pointing to the one-sidedness of the "objectivist" interpretation of the term "quality of life" and the paradoxes it generates: with high rates of economic development, the population of a country or region may experience a pronounced dissatisfaction with life. At present, there is no doubt about the validity of such criticism. At the same time, the socio-psychological approach, appealing to the concept of "subjective welfare" [8, Badoux A., Mendelsohn G.A.] as a key category of assessing the quality of life, represents the opposite extreme — subjective assessments of the degree of satisfaction with life, representing a concentrated the expression of the success / failure of the implementation of the individual life strategy, with the aggregation of mass data still reflect the state of the economic subsystem of a particular society. Thus, the task is to find a balance between these complementary approaches.

The index of the best life (The OECD Better Life Index) is an attempt to bring measurable indicators of well-being together. In accordance with the OECD methodology, 11 main categories are used to calculate the index, which reflect various aspects of people's lives and social welfare parameters. At the heart of each aspect lies from one to three indicators.

Table 1

The system of indices for measuring Better Index of Life²

CATEGORY OF ANALYSIS	INDICATOR
1. Housing conditions	▪ number of rooms per person;
2. Income	▪ housing with basic communal facilities;
3. Work	▪ housing costs
4. Society	▪ Adjusted net household income after tax;
5. Education	▪ financial well-being of the household
6. Ecology	▪ level of employment;
7. Civil rights	▪ level of long-term unemployment;
8. Health	▪ average salary;
9. Satisfaction	▪ Guarantee of employment
10. Security	▪ social support network

² OECD Better Life Index. URL: <http://www.oecdbetterlifeindex.org> (Accessed: 22 November 2017)

11. Work / rest	▪ level of education;
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These categories are divided into two groups: aspects of well-being in terms of material living conditions (housing, income, work) and in terms of opportunities to meet social, cultural and political needs (society, education, ecology, civil rights, health, satisfaction with life, safety, balance of work and personal life). The index is determined by calculating the weighted average of the values listed above. The indicators are based on data from state statistics and sociological research.

The World Health Organization has developed a quality of life questionnaire (The World Health Organization Quality of Life — WHOQOL). The quality of human life, as defined by WHO, is the degree of comfort of a person both within himself and in the environment, which is determined by the physical, social and emotional factors affecting him. Although the WHOQOL questionnaire is primarily aimed at assessing the state of physical and mental health of citizens of a country, it also includes several issues by which the respondents assess their psychological state, social environment and infrastructure, safety, life goals, values and beliefs. In accordance with the methodology of WHOQOL, all questions are grouped into blocks (domains). Currently, there are six such domains:

1. Physical state.
2. Psychological state.
3. Independence (from the help of others).
4. Social relations.
5. Environment (quality of the environment).
6. The spiritual sphere.

To measure each variable in questions, we use ordinal 5-point scales. Aggregated indicators are calculated as the arithmetic mean / weighted average of all indicators of one domain³.

The methodology for evaluating the quality of life proposed by WHO reflects a widespread view of this phenomenon as complex and multifactorial, requiring not only objectively and more or less accurately measurable indicators of economic welfare and inequality, the development of infrastructure or medical problems of the population, but also subjective opinions of people regarding the conditions of their existence, the satisfaction of vital and spiritual needs and the state of social relations. It should be noted that in the WHOQOL methodology, these aspects are given more space in comparison with the OECD approach, which makes it useful for researching the social well-being of residents of a region.

Among the domestic methods of the survey of the quality of life of the population, one of the most developed methods is the methodology used within the framework of the project "High-

³ For more information on WHOQOL see the WHO webpage. URL: http://www.who.int/mental_health/publications/whoqol/en/ (Accessed: 24 November 2017)

er School of Economics", "Russian Monitoring of the Economic Situation and Health of the Population." This method allows to collect representative data, first, on the state and dynamics of micro-economic indicators of households and individuals, their human capital (income and expenditure structure, material welfare, employment, migration behavior, health and nutrition, educational trajectory, leisure, etc.). Details of the methodology, indicators, questionnaires and data received annually in the monitoring are available on the website of the Higher School of Economics (<https://www.hse.ru/rims/>).

Another method for measuring the quality of life was developed in the framework of the project of the Center for the Study of Socio-Cultural Changes of the Institute of Philosophy of the Russian Academy of Sciences, Lapin and L.A. Belyaeva [12, Lapin N.I., Belyaeva L.A.]. The system of indices proposed by this method is reflected in Table 2 [9, Belyaeva L.A., pp. 37–38].

Table 2

The system of indices for measuring the quality of life by the methodology of the Center for the Study of Socio-Cultural Changes of the Institute of Philosophy of the Russian Academy of Sciences

COMPONENTS OF QUALITY OF LIFE	PRIVATE INDEXES
I. Living standard (well-being)	1. The index of the material standard of living 2. The index of housing satisfaction 3. The index of access to health care 4. The index of accessibility of education
II. Quality of the nearest social environment	1. Self-identification index with residents of your settlement 2. Crime prevention index 3. The index of protection from poverty 4. Index of protection against the arbitrariness of officials 5. Index of protection against arbitrariness of law enforcement agencies
III. Quality of the environment	1. Index of protection against environmental threats 2. Index of air purity 3. Water purity index
IV. Social wellbeing of the population	1. The index of confidence in the future 2. The index of satisfaction with life 3. The Index of autonomy

The formula for calculating the partial indices: $I \text{ part.} = (X - Y) + 100$, where X — the share of positive answers (estimates), Y — the proportion of negative. Generalizing indices for each of the components of the quality of life ($I_{\text{comp.}}$) Are calculated as the arithmetic mean of the partial indices, and the integral index (of the quality of life) as the arithmetic mean of the generalizing indices of the components.

The above-described methods, with all their inherent advantages, take little account of the specifics of vital activity in the Arctic territories, which are characterized by a focal type of settlement, the limited resources of transport infrastructure, extreme natural and climatic conditions, the specific sectoral structure of regional economies, the preservation of elements of traditional economy and culture among indigenous peoples residing on these territories, acute demographic

problems and additional difficulties with attracting, as well as reproduction and preservation of highly skilled labor.

Since the beginning of the XXI century in the environment of researchers of the Arctic, attempts are being made to create and approbate a variety of methods for studying the quality of life and the social well-being of the population, considering the specific conditions of their life activity in the arctic territories. Among these attempts, the most significant projects were The Arctic Social Indicators (ASI) and Survey of Living Conditions in the Arctic (SLiCA).

The Arctic Social Indicators project was initiated by an international group of Arctic researchers following the results of the Arctic Human Development Report prepared for the Arctic Council in 2004. In studies conducted by the ASI methodology to assess the quality of life of Arctic residents the state of health of the population, material well-being, educational opportunities, cultural well-being, communication with the natural environment (contact with nature), opportunities to control fate are studied. The system of indicators developed by the ASI research team is presented in general form in Table 3 [13, Arctic Social Indicators, pp. 29–145].

Table 3

Arctic Social Indicators

CATEGORY OF ANALYSIS	INDICATORS
Health	<ul style="list-style-type: none"> - infant mortality - infant mortality - availability of medical services - percentage of suicides - self-evaluation of health - the percentage of obese people - percentage of smokers
Material well-being	<ul style="list-style-type: none"> - GDP per capita - per capita income - unemployment rate - poverty level - volume of production of traditional (natural) farming (per capita) - net migration rate
Education	<ul style="list-style-type: none"> - the proportion of people receiving vocational education (students of the college, university) - the proportion of people who successfully graduated from college, university - the share of graduates of colleges, universities, which in the next 10 years remained on the arctic territories
Cultural well-being	<ul style="list-style-type: none"> - cultural autonomy - preservation of the language (the proportion of representatives of small indigenous peoples who speak their native language) - percentage of the population involved in recreational activities at the local level - percentage of the population engaged in subsidiary farming at the local level
Connections with nature	<ul style="list-style-type: none"> - production of (food) traditional farming - consumption of food (traditional) food

Opportunities to control your destiny	Indicators characterizing the local community	<ul style="list-style-type: none"> - Representation of indigenous peoples in local authorities - the area of the territory handed over to indigenous communities - budgetary powers of local / regional authorities in the Arctic territories
	Indicators characterizing the participation of an individual in the life of a local community	<ul style="list-style-type: none"> - electoral activity - the possibility of collective (public) distribution of natural resources at the local level - satisfaction with the standard of living - the possibilities (conditions) for preserving the native language

Since the system of indicators presented was designed to examine the living conditions of indigenous peoples living in the Arctic territories, the limitations imposed by the ASI methodology on studying the quality of life and social well-being of Arctic residents outside the traditional indigenous habitat are obvious. In urban areas with ethnically and culturally mixed populations, including regional centers and monotowns, where there are other types of economic activity and other institutional forms of public life, the use of this methodology is not entirely adequate to the research tasks of measuring the social well-being of the population. At the same time, this method allows obtaining relevant data on the territories where the population is represented mainly by indigenous people leading a traditional way of life.

The SLiCA methodology was tested and finalized as part of a multi-year international research project to study the living conditions of the indigenous peoples of the arctic territories of the USA, Canada, Denmark, Sweden, Norway and Russia (Inuit, Saami, indigenous peoples of Chukotka)⁴. Even though, the authors of the methodology point to the need for adaptation of the toolkit to the specifics of a region and the ethno-social community being researched, the ideas that are based on it remain unchanged. Specifically, the research program of the SLiCA project involves measuring the situation of residents of the Arctic territories in the following areas: family relations and the economy of the household; mobility (geographical), language and education; lifestyle (employment, values and beliefs, identity, health); environment (housing conditions, income and expenses, security and legal protection, technical infrastructure); ecological situation, relations within the local community and participation in the public sphere [14, Birger Poppel, p. 109].

⁴ The results of this study were presented at the University of Greenland in May 2011. Financial support was provided by international organizations, including the Nordic Council of Ministers, the Barents Secretariat, and others, and the state structures of several Arctic Council member countries.

Social well-being in the light of research on value orientations

In domestic research practice, there is an experience of studying the social well-being of residents of the Arctic territories — based on techniques, as discussed above, and some others [6, Morozova T.V., Belaya R.V., Murina S.G.; 10, Mikhailova A.N., Popova L.N.; 15, Osipova O.V., Maklashova E.G.; 16, Popov A.I., Popova T.L.; 17, Romashkina G.F., Kryzhanovskii O.A., Romashkin G.S.]. However, in these works, there is no evidence of torture to identify the relationship between variables that reflect the value orientations of the population and indicators of subjective assessments of social well-being. Therefore, an important factor of social well-being is ignored, since the objective parameters of the socio-everyday, economic and political-legal situation of individuals influence its assessment not directly, but only when interpreted in the context of an actual value hierarchy and attitudes. It should be borne in mind that at an individual level, in comparison with the level of societal ones, value systems are organized in accordance with other principles. In one case, we are dealing with a motivation-value system, which organizes the priority life goals of individuals and acceptable means of goal achievement (terminal and instrumental values, according to M. Rokich) from their point of view. In another case, we are talking about normative cultural-value orientations, reflecting the dominant, institutionally supported collective notions about correct and deviant behavior that have for the individual a compulsory force. In this regard, between the culturally prescribed and personal values in the case when they simultaneously regulate the same sphere of social practices, contrary to expectations, a negative correlation may well be observed [18, Schwartz S.H.].

R. Inglehart, one of the initiators of the international project World Values Survey, is a leading figure in the study of values and beliefs. He points to a dialectical connection between the cultural and mental characteristics of national and regional communities and the existing economic institutions in them. The differentiation of cultural features, presented during large-scale comparative empirical studies, is conceptually conceptualized by R. Inglehart and his colleagues (especially, K. Welzel) through contrasting the systems of value orientations, namely 1) traditional values-secular-rational values; 2) "survival values" (self-expression values) [19, Inglehart R., Welzel K., p. 80].

One of the productive hypotheses of the scientist relates to the idea that intergenerational changes in value systems (from traditional to secular-rational and from values of survival to values of self-expression), caused initially by fundamental socio-economic shifts, in turn become one of the main factors that determine the content of everyday practices of individuals (economic, political, marital, etc.) [20, Inglehart R.].

Another significant hypothesis of R. Inglehart and K. Welzel, based on an empirically fixed trend, is that as the opportunities (economic, political and legal) for empowering social well-being in an aggregated assessment of social well-being and quality of life are expanded a large role begins to play by assessing people's opportunities for their participation in the life of society (through public and public institutions). Hence it follows logically that the high level of democratization of society, the real guarantees of political rights and freedoms in the conditions of cultural and socio-economic transformations in the countries of Modernity at the turn of the 20th and 21st centuries become a prerequisite for maintaining a high level of social self-feeling, and high income and economic security indicators cease to be a sufficient factor in this process [21, Welzel C., Inglehart R.].

G. Hofstede, interpreting culture as "the collective programming of consciousness, which distinguishes the members of one group or the type of people from others" [22, Hofstede G., p. 10], based on the data of intercountry comparative studies of cultural differences, developed a six-dimensional system of value coordinates that determine standards and patterns of behavior in a society. Aspects of culture in this system are indicated to them through a set of its dichotomous characteristics: "power distance (large / smaller)", "avoiding uncertainty (more / less)", "individualism / collectivism", "masculinity / femininity", "long-term / short-term temporary orientation", "indulgence / restraint" [22, Hofstede G., pp. 21–33].

Like R. Inglehart, in the center of Schwartz's research there is a correlation of normative value prescriptions mediating and supporting certain models of social relations, and the level of social and economic development of territories (countries, regions). At the heart of his approach is the identification of the basic cultural-conditioned value orientations that prevail in a society, which reflect the way in which this society organizes the resolution of the fundamental problems of regulating human behavior. Among these problems Sh. Schwartz singles out 1) the definition of the nature of relations and boundaries between the individual and the group; 2) ensuring the reproducibility of the social order; 3) regulation of the use of human and natural resources. The scientist a priori introduces for each fundamental problem two polar variants of the cultural "answer" (in the form of a certain basic value orientation), which are Weberian ideal types, whereas the real situation is one or another intermediate variant. The recipe for solving the first problem lies in the choice between the society of the position between the alternative values, identified by Schwartz as autonomy and belonging. The solution of the second problem implies a greater or lesser adherence to either the values of equality, or the value of the hierarchy. Finally, the answer to the third problem lies within the cultural dichotomy, expressed through the opposition of the

values of "harmony" and "skill" [23, Schwartz Sh., pp. 37–67]. In a generalized form, Schwartz's concept is presented in Fig. 1.



Fig.1. Cultural value orientations: theoretical structure. It includes harmony, affiliation, hierarchy, mastership, affective autonomy, intellectual autonomy, equality of rights.

Conclusion

Empirical studies of the social well-being of the population of the Russian Arctic require the development of a toolkit that would integrate three groups of indicators: 1) reflecting the socio-economic situation of the inhabitants of the Russian Arctic; 2) reflecting their subjective assessments of personal and social well-being; Value orientations that mediate the relationship between the variables of the first and second groups.

In addition to adapted to the specifics of the Arctic Territories methods of measuring social well-being, the appeal to the approaches discussed above in the study of values will allow to enter data on the population of the Russian Arctic in the broad context of international and cross-regional comparative analysis of cultures, and hence determine the socio-cultural typological niche as the Russian Arctic, as well as individual territories included in it.

From the point of view of the development of socio-cultural processes in the Russian Arctic, this methodological orientation seems to be fruitful for determining the interdependence of these processes and the socio-economic dynamics of Russia's Arctic territories.

References

1. *Rossijskoe obshchestvo i vyzovy vremeni. Kniga pervaja* [Russian society and challenges of time] / M.K. Gorshkov [i dr.]; pod red. Gorshkova M.K., Petuhova V.V. M.: Izdatel'stvo «Ves' Mir», 2015, 336 p. [in Russian]
2. Kuchenkova A.V. Social'noe samochuvstvie i sub'ektivnoe blagopoluchie: sootnoshenie ponjatij i sposobov izmerenija [Social well-being and subjective well-being: a correlation of concepts and

- methods of measurement], *Vestnik RGGU. Serija: Filosofija. Sociologija. Iskustvovedenie*, 2016, No. 2 (4), pp. 118–127. [in Russian]
3. Balackij E.V. Metody diagnostiki social'nogo samochuvstvija naselenija [Methods for diagnosing the social well-being of the population], *Monitoring obshhestvennogo mnenija*, 2005, No. 3, pp. 47–53. [in Russian]
 4. Kozyreva P.M. Social'naja adaptacija naselenija Rossii v postsovetskij period [Social adaptation of the Russia's population in the post-Soviet period], *Sociologicheskie issledovanija*, 2011, No. 6, pp. 24–36. [in Russian]
 5. Kozyreva P.M. *Processy adaptacii i jevoljucija social'nogo samochuvstvija rossijan na rubezhe XX–XXI vekov* [The processes of adaptation and the social well-being' evolution of Russians at the turn of the XX–XXI centuries], M.: Centr obshhechelovecheskih cennostej, 2004, 319 p. [in Russian]
 6. Morozova T.V., Belaja R.V., Murina S.G. Ocenka kachestva zhizni na osnove indikatorov social'no-jekonomicheskogo blagopoluchija naselenija [Evaluation of the quality of life based on the socio-economic well-being of the population' indicators], *Trudy Karel'skogo nauchnogo centra RAN*, 2013, No. 5, pp. 140–145. [in Russian]
 7. Ajvazjan S.A. *Integral'nye indikatory kachestva zhizni naselenija: ih postroenie i ispol'zovanie v social'no-jekonomicheskom upravlenii i mezhregional'nyh sopostavlenijah* [Integral indicators of the population' quality of life: their construction and use in socio-economic management and interregional comparisons], M.: CJeMI RAN, 2000, 118 p. [in Russian]
 8. Badoux A., Mendelsohn G.A. Subjective Wellbeing in French and American Samples: Scale Development and Comparative Data, *Quality of Life Research*, 1994, Vol. 3, Iss. 6, pp. 395–401.
 9. Beljaeva L.A. Uroven' i kachestvo zhizni. Problemy izmerenija i interpretacii [Level and quality of life. The problems of measurement and interpretation], *Sociologicheskie issledovanija*, 2009, No. 1, pp. 33–42. [in Russian]
 10. Mihajlova A.N., Popova L.N. Analiz kachestva zhizni i chelovecheskogo potenciala (na primere regionov Arkticheskoj zony Rossii) [The quality of life' analysis and human potential (on the example of the Russian Arctic regions)], *Teorija ustojchivogo razvitija jekonomiki i promyshlennosti*, SPb, 2016, pp. 258–292. [in Russian]
 11. Rath T., Harter J. *Wellbeing: The Five Essential Elements*, Gallup Press, 2011, 240 p.
 12. Lapin N.I., Beljaeva L.A. *Programma i tipovoj instrumentarij «Sociokul'turnyj portret regiona Rossii» (Modifikacija — 2010)* [The program and the standard toolkit "Sociocultural portrait of the Russian region" (Modification — 2010)], M.: MFRAN, 2010, 111 p. [in Russian]
 13. Arctic Social Indicators / Editors: Joan Nymand Larsen, Peter Schweitzer and Gail Fondahl (2010). Copenhagen, Nordic Council of Ministers. 159 p.
 14. SLiCA: Arctic living conditions / Birger Poppel (ed.) (2015). Copenhagen, Nordic Council of Ministers, 427 p.
 15. Osipova O.V., Maklashova E.G. Migracionnye namerenija molodjozhi Arktiki v kontekste sub'ektivnyh ocenok social'nogo samochuvstvija [Migration intentions of the Arctic youth in the context of social well-being' subjective opinions], *Arktika i Sever*, 2016, No. 24, pp. 14–26. DOI 10.17238/issn2221-2698.2016.24.14 [in Russian]
 16. Popov A.I., Popova T.L. Mediko-social'nye problemy zhitelej Jamala: stress i udovletvorennost' zhizn'ju [Medical and social problems of Yamal' residents: stress and satisfaction with life], *Nauchnyj vestnik JaNAO*, 2015, No. 3 (88), pp. 63–66. [in Russian]
 17. Romashkina G.F., Kryzhanovskij O.A., Romashkin G.S. Ocenka sostavljajushhih social'nogo samochuvstvija naselenija Arkticheskogo regiona [Evaluation of the components of the social well-being of the population of the Arctic region], *MIR (Modernizacija. Innovacii. Razvitie)*, 2015, T. 6, No. 4, pp. 58–63. [in Russian]
 18. Schwartz S.H. Cultural value differences: Some implications for work, *Applied Psychology: An International Review*, 1999, No. 48, pp. 23–47.
 19. Inghart R., Vel'cel' K. *Modernizacija, kul'turnye izmenenija i demokratija: Posledovatel'nost' chelovecheskogo razvitija* [Modernization, cultural change and democracy: The sequence of human development], M.: Novoe izdatel'stvo, 2011, 464 p. [in Russian]
 20. Inghart R. Postmodern: menjajushhiesja cennosti i izmenjajushhiesja obshhestva [Postmodern: changing values and changing societies], *Polis*, 1997, No. 4, pp. 6–23. [in Russian]

21. Welzel C., Inglehart R. (2010) Agency, Values, and Well-Being: A Human Development Model. URL: <https://link.springer.com/content/pdf/10.1007%2Fs11205-009-9557-z.pdf>
22. Hofstede G. Model' Hofstede v kontekste: parametry kolichestvennoj harakteristiki kul'tur [Hofstede model in the context of: parameters of quantitative characteristics of culture], *Jazyk, komunikacija i social'naja sreda*, 2014, No. 12, pp. 10–49. [in Russian]
23. Shvarc Sh. Kul'turnye cennostnye orientacii: priroda i sledstvija nacional'nyh razlichij [Cultural value orientations: the nature and consequences of national differences], *Psihologija. Zhurnal Vysšej shkoly jekonomiki*, 2008, T. 5, No. 2, pp. 37–67. [in Russian]

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The Russia-USA legal dispute over the straits of the Northern Sea Route and similar case of the Northwest Passage



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Abstract. This article examines the legal status of the Northern Sea Route (NSR), which has been a subject of dispute between the Soviet Union\Russia and the United States for over fifty years. The main legal issue of the analysis is the question whether straits of the Northern Sea Route are international, where the freedom of navigation applies, or whether the straits are internal waters of Russia and they are subjected to national rules of navigation. The case of the Northern Sea Route straits is considered from a historical perspective and with

references to relevant provisions of the contemporary international law of the sea. A similar dispute between Canada and the USA over the Northwest Passage is assessed as well. The author concludes that the USA has a disadvantageous position in the disputes due to difficulties in proving that both routes can meet necessary criteria for international straits developed by the international law. So far, the debate on legal status of the NSR waters is more of theoretical nature and has no practical implications. However, the situation might change with the Arctic sea ice melting and Russia planning to use the NSR on a much larger international scale.

Keywords: *the Arctic, the Northern Sea Route, Russia, the USA, international straits, freedom of navigation, law of the sea, internal waters, sovereignty, Canada, the Northwest Passage*

The Northern Sea Route dispute in retrospective

Over the last few decades the Arctic Ocean has experienced a rapid reduction of sea ice. These changes have opened previously inaccessible shipping lanes. First and foremost, this relates to two Arctic routes — the Northern Sea Route (NSR) and the Northwest Passage (NWP). These maritime lines could potentially be an alternative to traditional southern routes through Suez and Panama channels. At the same time the legal status of the waters constituting the both passages remain disputable. The essence of the dispute can be expressed in a simple question — whether and in what extent there is freedom of navigation in the waters of these routes or they are sovereign waters of the coastal states and are subject to national legislation.

The NSR, sometimes called Northeast Passage, is the shipping route connecting Europe and Asia, north of the Russian coast. The NSR has the potential to reduce the distance between Europe and Asia by up to 40 per cent, compared to the contemporary Suez Channel Route (SCR) [1, Humpert M., p. 10]. The NSR is not a specific route but a multitude of passageways along the Russian Arctic and therefore covers a vast segment of the Arctic Ocean.

Russia and USA have a long-standing dispute over the legal status of the Northern Sea Route that have been impacting the bilateral relations in the Arctic since 1960-s. Russia claims the NSR to be a national transport communication subject to national legislation on historical grounds.

USA challenge such approach and consider some of the straits of the NSR — in particular, straits of the Karsky Sea, the Laptev and Sannikov Straits — to be international, to which freedom of navigation applies.

In the mid 20 century there was an incident in the waters of NSR leading to exchange of diplomatic notes between USA and USSR. In 1963 without an advance permission of the Soviet authorities the USCGC Northwind collected data in the Laptev Sea; during the following summer the USS Burton Island surveyed in the East Siberian Sea. Reacting on this voyage the Soviet Union in its diplomatic note by 21 July 1964 argued that “...the northern seaway route at some points goes through Soviet territorial and internal waters. Specifically, this concerns all straits running west and east in the Karsky Sea. In as much as they are overlapped two-fold by Soviet territorial waters, as well as by the Dmitry, Laptev and Sannikov Straits, which unite the Laptev and Eastern Siberian Seas and belong historically to the Soviet Union. Not one of these stated straits, as is known, serves for international navigation. Thus, over the waters of these straits the statute for the protection of the state borders of the USSR fully applies, in accordance with which foreign military ships will pass through territorial seas and enter internal waters of the USSR after advance permission of the Government of the USSR”¹.

United States responded with a note, in which stated its position: “With respect to the straits of the Karsky Sea described as overlapped by the Soviet territorial waters it must be pointed out that there is a right of innocent passage of all ships through straits used for international navigation between two parts of the high seas and that this right cannot be suspended”².

In 1967 the United States planned navigation by the U.S. Coast Guard icebreakers Edisto and East Wind in the waters off the coast of Novaya Zemlya and Severnaya Zemlya and in the Laptev Sea and the East Siberian Sea. Due to severe ice conditions on the route the ships passed through the Karsky Sea and were proceeding towards the Vilkitsky Straits. This resulted in a protest of the Soviet government, considering these actions by USA to be violation of the Soviet regulations. This statement forced US vessels to cancel the planned navigation³.

Since those times both sides maintained their respective positions on the status of the straits of the Northern Sea Route. In 1980s Soviet Union to strengthen its sovereignty in the Arctic waters issued special decree drawing straight baselines in some waters of the NSR thus including

¹ United States responses to excessive national maritime claims — US Department of State Bureau of Oceans and International Environmental and Scientific Affairs — Limits in the Sea No. 112. URL: <https://www.state.gov/documents/organization/58381.pdf> (Accessed: 18 October 2017)

² Ibid.

³ Ibid.

them in internal waters on historic grounds⁴. Current legislation of Russia considers the NSR as national maritime transport route, to which special national rules of navigation apply⁵. USA, in turn, in its official national policy acts relating to Arctic reiterate, that the freedom of the seas is a top national priority for USA and, accordingly, they treat the Northwest Passage and some of the straits of the Northern Sea Route as straits used for international navigation, to which the regime of transit passage applies⁶. This stalemate in the approaches to the legal regime of the Arctic shipping routes will likely be influencing the relations of the Arctic states in the coming decades. In the following part of this paper we will discuss the legal status of the NSR with reference to the relevant provisions of the Law of the Sea.

Relevant provisions of the international law

The NSR consists of maritime areas with different legal status. Most of the waters constitute areas, where Russia enjoys sovereignty or sovereign rights — internal waters, territorial sea or EEZ of Russia, but it also includes parts of the high seas. When a strait constitutes parts of the high seas or EEZ there is little to discuss — these waters are subject to freedom of navigation for foreign vessels. Most of the legal disputes arise when straits include territorial sea or are enclosed by straight baselines into internal waters of the coastal state. Here the concept of baselines is of critical importance. All the maritime zones are defined by reference to the baselines established by a coastal state.

The waters on the landward side of the baseline are defined as internal waters. In its internal waters state exercises the greatest degree of control in comparison to other maritime zones. International law provides that internal waters are subjected to the full force of the coastal state's legislative, administrative, judicial, and executive powers [2, Lasserre F., Lalonde S., p. 32]. The drawing of straight baselines has been the primary mechanism through which international straits have been enclosed within a coastal state's internal waters. Article 5 of the UN Convention on the Law of the Sea 1982 (UNCLOS) provides that the normal baseline is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal state. However, UNCLOS provides that "[i]n localities where the coastline is deeply indented and cut into, or if there is a

⁴ List of Geographic Coordinates of Points that Determine the Position of the Straight Baselines from Which the Breadth of the Territorial Sea, Economic Zone and Continental Shelf of the USSR Off the Continental Coast and Islands of the Arctic Ocean, the Baltic and Black Seas Is Measured, Approved by the Resolutions of the Council of Ministers of the USSR of February 7, 1984, and January 15, 1985

⁵ The Russian Federation Federal Law №132, 3 July, 2012, On Amendments To Specific Legislative Acts Of The Russian Federation Related To Governmental Regulation Of Merchant Shipping In The Water Area Of The Northern Sea Route. URL: www.arctic-lia.com (Accessed: 18 October 2017)

⁶ See e.g. National Security Presidential Directive and Homeland Security Presidential Directive NSPD-66 / HSPD-25, 9 January 2009, on Arctic Region Policy.

fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline" (Art.7)⁷.

Moreover, Law of the Sea enables a country to claim title over internal waters on historic grounds if it can show that it has, for a considerable length of time, effectively exercised its exclusive authority over the maritime area in question. Soviet Union used this provision in special Decrees of the Council of Ministers of the USSR of February 7, 1984, and January 15, 1985 to draw straight baselines and claiming White Sea, waters of the Cheshskaya, Pecherskaya, and Baydarata Bays, of the Gulf of Ob and of the Yenisei Bay, the waters of the straits separating Novaya Zemlya, Kolguev, Vaigach, Severnaya Zemlya, Anjou, and Lyakhov Islands, a range of smaller islands from the continent and of the straits separating the foregoing islands, lands, and archipelagos from each other, as historical internal sea waters⁸. The most influential Russian legal expert in the field of the Law of the Sea A.N. Vylegzhanin elaborates on the argument of historical claim over the waters of the NSR: "In a legal sense, the achievements of the Russian Federation in the Arctic consist, first, in the discovery and exploration of many Arctic spaces and the right of discovery was <...> a sufficient title to extend the authoritative powers of the Russian state to the discovered spaces" [3, Vylegzhanin A., p. 121].

However, there is one more criterion for claiming waters as historical — acquiescence. Coastal state must prove that its exercise of authority has been accepted by other countries, especially those directly affected by it. As we have already noted, Russia's claim over the waters of the NSR straits as historical internal waters is opposed by USA. But at the same time, no other country has joined expressly in the United States' persistent objection to Russia's claim of sovereignty over the Northern Sea Route [4, Rossi C., p. 505], so the question remains open.

But even if we consider waters of the straits of the NSR to be internal waters of Russia, we should bear in mind an important limitation of possible infringements of freedom of navigation by coastal states, provided by the UNCLOS. Article 8(2) stipulates that "[w]here the establishment of a straight baseline in accordance with the method set forth in article 7 has the effect of enclosing as internal waters areas which had not previously been considered as such, a right of innocent passage as provided in this Convention shall exist in those waters." Relating to the legal regime of international straits, it means, that Russia must prove, that those waters have not been used as

⁷ United Nations Convention on the Law of the Sea, 1833 U.N.T.S. 397

⁸ List of Geographic Coordinates of Points that Determine the Position of the Straight Baselines from Which the Breadth of the Territorial Sea, Economic Zone and Continental Shelf of the USSR Off the Continental Coast and Islands of the Arctic Ocean, the Baltic and Black Seas Is Measured, Approved by the Resolutions of the Council of Ministers of the USSR of February 7, 1984, and January 15, 1985

straits for international navigation before drawing the straight baselines. And here we come to the problem of legal definition of international straits.

Straits are natural maritime passages connecting parts of the high seas, or seas and oceans. Some straits due to their geographical position and importance for international navigation are subject to special international legal regime. UNCLOS does not contain an official definition of international straits. However, there is one developed by legal practice. In 1949 the International Court of Justice decided the Corfu Channel case⁹, in which it set out the criteria for considering a strait used for international navigation. There are two main criteria:

- 1) the strait must connect two parts of the high seas (geographical requirement),
- 2) and the strait must be used for international navigation (functional requirement — volume of traffic is crucial).

Most experts believe that both a geographical and a functional element must be satisfied for a strait to be qualified as an international one [2, Lasserre F., Lalonde S., p. 34]. Indeed, the Court's deliberate use of the coordinative conjunction "and" gives equal weight to both criteria. If we apply these criteria to the Northern Sea Route, it will be obvious, that its straits meet the geographical requirement while connecting parts of the high seas or Russian EEZ, which in this context also can be treated as high seas.

Contrary to that, there are ongoing debates on the functional criterion. Some legal experts, primarily from the United States, argue that so long as the body of water can potentially be used for international navigation, the Court's functional test is satisfied. Others believe that to define a strait as an international, it must be a "useful route for international maritime traffic," that it must have a history of usage by the ships of foreign nations [5, Pharand D., p. 224]. But then a next question arises: what volume of traffic is sufficient? For example, there is a view that "the sufficiency of the use is determined mainly by reference to two factors: the number of ships using the strait and the number of flag states represented. Both figures should normally reach the order of magnitude shown to exist in the Corfu Channel case. There, the ships using the North Corfu Channel averaged 137 a month, during a twenty-one-month period, and represented seven flag states". [6, Pharand D., p. 107]

In any case, applying the functional criterion to the straits of the NSR would demonstrate, that before the Soviet government declared some of its waters internal, they were used for international navigation only for few times. Even nowadays international navigation through the NSR is counted literally by several dozens of transits (2014 — 24 vessels, 2015 — 18, only 8 of them are

⁹ Corfu Channel Case, [1949] I.C.J. Reports, 4.

foreign flagged¹⁰). So, it would be justified to conclude, that functional requirement is not fulfilled in case of the NSR straits. However, USA maintain their position that some straits can be potentially used for international navigation and thus represent international straits.

Unlike legal definition of an international strait, the legal regime for navigation through such straits is firmly established. Part III of the UNCLOS addresses five different kinds of straits used for international navigation, each with different legal regime:

1. Straits connecting one part of the high seas/EEZ and another part of the high seas/EEZ (Article 37 — governed by transit passage).

2. Straits connecting a part of the high seas/EEZ and the territorial sea of a foreign state (Article 45(1) (b) — regulated by nonsuspendable innocent passage).

3. Straits connecting one part of the high seas/EEZ and another part of the high seas/EEZ where the strait is formed by an island of a state bordering the strait and its mainland, if there exists seaward of the island a route through the high seas/EEZ of similar convenience regarding navigation and hydrographic characteristics (Article 38(1) and Article 45(1) (a) — regulated by nonsuspendable innocent passage).

4. Straits regulated in whole or in part by international conventions (Article 35(c)). The LOS Convention does not alter the legal regime of straits regulated by long-standing international conventions in force specifically relating to such straits. Examples of such straits are the Dardanelles and Bosphorus, Baltic Straits and others.

5. Straits through archipelagic waters governed by archipelagic sea lanes passage (Article 53(4)).

Most of the straits of the Northern Sea Route and in relation to which USA claim the status of international straits can be attributed to the first category, and thus can be potentially connected with the regime of transit passage. Transit passage applies to straits connecting one part of the high seas/EEZ and another part of the high seas/EEZ and is defined in the LOS Convention as the exercise of the freedom of navigation and overflight solely for continuous and expeditious transit in the normal modes of operation. For warships this means that submarines are free to transit international straits submerged, since that is their normal mode of operation. The right of transit passage “shall not be impeded.” UNCLOS provides certain limitations of the transit passage — all transiting ships and aircraft must proceed without delay; must refrain from the threat or the use of force against the sovereignty, territorial integrity, or political independence of states bordering

¹⁰ Volume of shipment through the Northern Sea Route, official statistic of the Russian agency of state statistics. URL: <https://www.fedstat.ru/indicator/51479> (Accessed: 17 October 2017)

the strait; and must otherwise refrain from any activities other than those incidental to their normal modes of continuous and expeditious transit (Article 39(1)).

Transit passage through international straits cannot be suspended by the coastal state for any purpose (Article 44). The state bordering the international strait may designate sea lanes and prescribe traffic separation schemes to promote navigational safety.

Returning to the dispute between Russia and USA on the legal status of the straits of the NSR, it should be noted, that the straits claimed by the United States as international — Dmitry Laptev, Sannikov and some other — connect parts of the high seas or EEZ of Russia. Theoretically, if it is proved that they should be treated as international straits; norms of UNCLOS pertaining to transit passage could be applied to them. But there is one important issue to bear in mind: the regime of transit passage was established only by UNCLOS and there is a legal question if transit passage represents customary law. USA have not yet ratified the UNCLOS, however, the country acknowledges most of the provisions of UNCLOS as reflective of customary international law. Obviously, USA treats the transit passage regime also as customary law. Contrary to that, Canadian lawyers think that the rule may not have had enough support in practice to claim the customary law status [7, Jia B., p. 127]. It is worth mentioning that during the first diplomatic note exchange between USSR and USA on the issue of the legal regime of the NSR straits in 1960-s, Washington argued that straits were subject to “right of innocent passage”. And that is no wonder, because the transit passage regime was introduced only later with the development of the 1982 UNCLOS.

USA may rely on an argument that freedom of navigation existed in the straits of the NSR before 1984 when USSR included them into internal waters. But then another question arises: can a treaty-based provision (transit passage regime, introduced by UNCLOS), which could have hardly evolved into customary law for a short period of time, be claimed by a state, which is not a party to that treaty (USA), retrospectively to a situation, existed prior to the year of this treaty coming into effect (the UNCLOS was enforced in 1994)? The author of this paper believes that it could hardly be done with sufficient legitimacy. The reasoning of USA is however also clear — being a strong supporter of as much freedom of navigation in the World Ocean as possible, the United States aim at providing best opportunities for its naval forces. And in this context transit passage is more in favour for foreign ships navigating through a strait than the regime of innocent passage. However, from the angle of law and consistency, it would be more appropriate for USA to refer to the innocent passage regime.

The regime of innocent passage, rather than transit passage, contains less freedom for foreign vessels and a higher extent of sovereignty of the coastal state. The concept of innocent pas-

sage is normally associated with the territorial sea but applies also to certain types of straits — mentioned in the Article 45(1) (b) and Article 38(1). In comparison with transit passage the extent in which the coastal state can interfere with the navigation of a foreign vessel with the innocent passage regime is much higher. This can be evidently shown by a list of laws and regulations that the coastal state can adopt regarding the both regimes: in the innocent passage regime the list is twice as big as for the transit passage. Moreover, innocent passage is not so favourable for naval forces of foreign states as well — e.g. submarines passing through international straits in a regime of innocent passage must navigate on the surface and to show their flag (Art. 20). There is an important difference in the innocent passage through international straits and innocent passage through territorial sea — there may be no suspension of innocent passage through straits (Art. 45).

In any case, today current legislation of Russia considers the NSR as a national maritime transport route. According to Russia, the NSR consists of waters with different legal status, in each of the maritime zones except for the high seas — territorial or internal waters, EEZ or contiguous zone — Russia as a coastal state exercises sovereignty or jurisdiction. Even in the EEZ Russia has special authority according to Art. 234 UNCLOS to adopt laws for prevention of pollution of the sea. These authorities allow Russia to treat the NSR as a single set of waters with national status. The integrity of the Route for the legal regime is supported by the argument by Russia, that navigation in any parts of the NSR which constitute high seas and in which freedom of navigation applies would be not possible for a foreign vessel without entering the territorial sea and internal waters of Russia. The straits, which the USA addresses as international straits, are included into internal waters of Russia. Overall the Northern Sea route, special national rules of navigation apply. One of the essential rules is that a foreign vessel wishing to pass through the NSR must apply for a special admission to the Russian authorities 15 days in advance¹¹.

The main argument for expanding Russian sovereignty over the waters of the NSR is that this route represents very harsh climate and ice conditions. Russia argues that it is the responsibility of the coastal states to ensure safety of navigation there and to prevent possible ecological threats resulting from accidents on the sea, like oil spills, collision of ships etc. To control the navigation and provide vessels with hidrographical, icebreaking and other support the coastal state should obtain all necessary information about the passing vessel. If the vessel fails to meet existing requirements posing threat to the safety of navigation Russia may not allow this vessel to pass

¹¹ Rules of navigation on the water area of the Northern Sea Route approved by the order of the Ministry of Transport of Russia dated January 17, 2013. URL: <http://www.arctic-lia.com> (Accessed: 18 October 2017)

through the NSR. Though in reality there were hardly cases of refusal to foreign vessels in transiting the NSR. A. Vylegzhanin believes, that “the principal geographic, climate. political and legal feature of marine areas in the Arctic Ocean lies in the fact, that even in ice-melting conditions a non-Arctic state may safely perform shipping, fishing and other economic activities in such extremely severe polar areas solely with the consent of a relevant Arctic coastal state, relying on its coastal infrastructure, communication technologies, capability to respond to emergency situations, to search for and rescue people and cargo, to eliminate consequences of marine pollution etc”. [8, Vylegzhanin A., p. 6].



Figure 1. The Northern Sea Route.

Indeed, navigation in its waters most time of the year is hardly possible without the aids of the coastal state. Foreign ships may have to rely on local icebreakers, ice conditions forecast and other forms of assistance. Some argue [7, Jia B., p. 129], that in such case straits can no longer be treated as natural straits and refer to the 1951 Anglo-Norwegian Fisheries Case on the legal regime of the Indreleia strait. In that case, Norway drew straight baselines to measure its territorial sea claiming that sea space on the landward side of these straight lines were part of its internal waters, while the UK opposed this. The International Court of Justice supported Norwegian position stating that “the Indreleia is not a strait, but rather a navigational route prepared as such by means of artificial aids to navigation provided by Norway” and has a status of internal waters of Norway¹². So, following the logic of this decision, if there exists a degree of dependence of navigation on aids of the coastal state it may not be treated as a natural geographical strait at all, but ra-

¹² Anglo-Norwegian Fisheries Case, 1951 I.C.J. 8 (Order of Jan. 10). URL: http://www.worldcourts.com/icj/eng/decisions/1951.01.10_fisheries.htm (Accessed: 16 October 2017)

ther some kind of artificially maintained route which can be used by foreign vessels only with the aids of the coastal state. Thus, international rules of transit passage cannot be applied to such routes. However, in case of the Arctic routes question arises, whether this argument can be used by a coastal state if the aid is being carried out not by this state or if it is not needed at all — for example, in case of a foreign icebreaker or vessel of Arctic class.

Similar case of the Northwest Passage

The United States and Canada have also a long-standing dispute over the legal status of the waters of the Northwest Passage between Davis Strait / Baffin Bay and the Beaufort Sea. The NWP is defined as the combination of shipping lanes connecting the Atlantic Ocean with the Pacific Ocean through the North American Arctic waterways. The Passage has the potential to function both as an alternative to the Suez Canal and the Panama Canal. Potentially the distance between Northwestern Europe and Asia can be reduced by up to 30 per cent, as well as up to 20 percent between East Coast USA and East Asia [9, Hansen C., Gronsedt P., Graversen C., Hendriksen C., p. 14]. In similarity to the NSR, it is not a specific route but a combination of several routes due to the multitude of different straits and waterways.

As in the case of the NSR, there was also an incident in the late 1960-s with a voyage by the US SS Manhattan from the Beaufort Sea through the Northwest Passage to Davis Strait. This trip was perceived by the Canadian government as a direct threat to Canadian sovereignty in the Arctic waters as the US was accused of not having obtained a formal admission of the Canadian authorities for its vessel [10, Rothwell D., p. 338]. At that moment there had been no formal assertion of Canadian sovereignty over all the Passage waters or those surrounding the Archipelago, and that forced the Canadian Prime Minister Trudeau to make a following statement:

The area to the north of Canada, including the islands and the waters between the islands and areas beyond, are looked upon as our own, and there is no doubt in the minds of this government, nor do I think was there in the minds of former governments of Canada, that this is national terrain.¹³

After a second voyage of the Manhattan through the NWP the Canadian government came up with enacting the Arctic Waters Pollution Prevention Act, which prolonged Canadian jurisdiction over 100 nautical miles from the low-water mark to ensure environmental standards on vessels passing through Canada's arctic waters. The main argument for such action the growing concern for ecological protection of the Arctic. The United States reacted with strongly opposing such

¹³ Canada, House of Commons, Debates, Vol. 8, at 8720 (May 15, 1969)

measures by Canada. As in the case of the NSR, USA insisted, that the NWP constituted waters to which the freedom of navigation applied [10, Rothwell D., pp. 340–341].

Following the incidents with the *Manhattan* Canada continued to reinforce its sovereignty over the waters of the NWP. In 1973 Canada claimed the waters of the Canadian Arctic Archipelago to be “internal waters of Canada, on a historical basis, although they have not been declared as such in any treaty or by any legislation.”¹⁴ Later on in 1986, after another incident with a United States vessel — icebreaker *Polar Sea* — sailing through the Passage without seeking an approval of Canada, this claim was formally affirmed by the governmental act establishing straight baselines around the Canadian Arctic Archipelago and thus making it officially internal waters of Canada over which it had complete sovereignty and jurisdiction. The United States reacted with expressions of “regret” over the Canadian decision and formally objected in writing to the Canadian action [10, Rothwell D., p. 345].

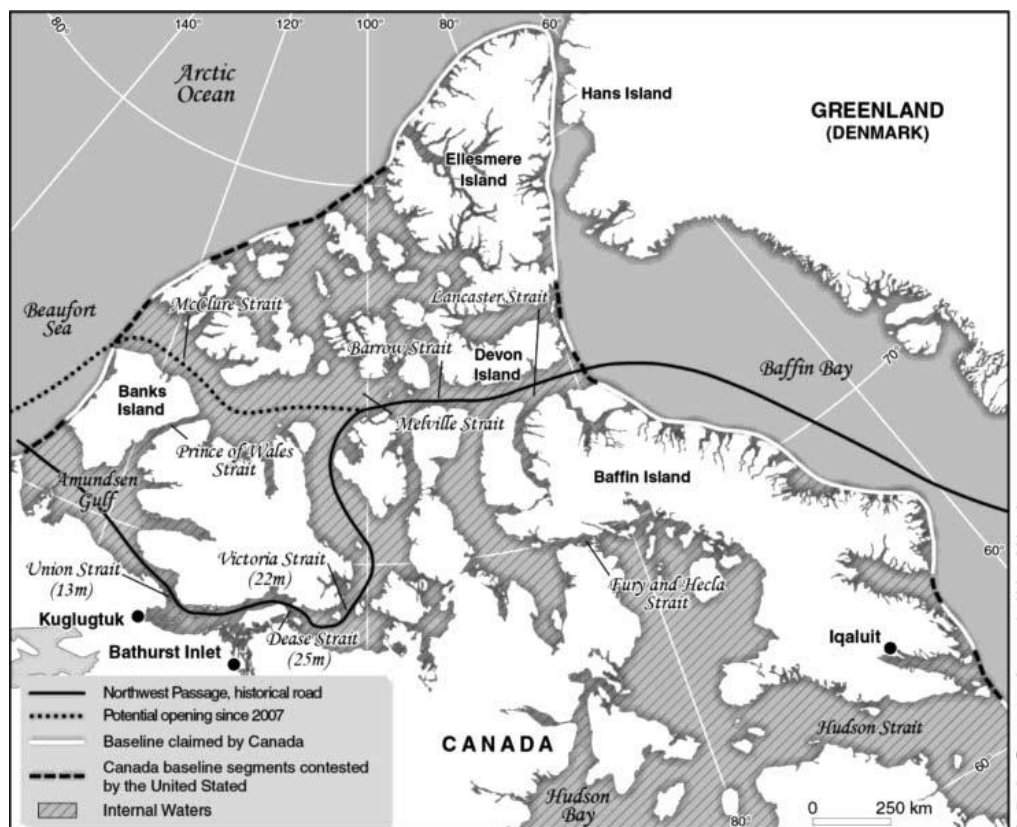


Figure 2. The Northwest Passage.

When considering whether the Northwest Passage is an international strait through which a right of navigation exists, the same provisions of international law apply as in the case of the NSR discussed above. The key point here is also a test of the NWP on the functional criterion of international straits. And alike with the NSR it would be unjust to assert that the NWP can meet the func-

¹⁴ Canadian Practice in International Law during 1973 as Reflected Mainly in Public — Correspondence and Statements of the Department of External Affairs, 12 CAN. Y.B. INT'L L.272, 279 (comp. Edward G. Lee 1974).

tional requirement because of the low number of recorded transits. The total number of passages for the whole history of NWP equals only 236 (end of 2015). A record number (30) of vessels transited through the Northwest Passage in 2012¹⁵. It is obvious that this would be not enough to complete the functional test of the ICJ.

The history of confrontation between Canada and USA however goes further than that of Russia-USA. Trying to reconcile the differences of opinions Canada and the United States made an "Arctic Cooperation Agreement."¹⁶ This agreement sets forth the terms for cooperation by the two governments in coordinating research in the Arctic marine environment during icebreaker voyages and in facilitating safe, effective icebreaker navigation off their Arctic coasts. There is an important provision in the agreement, that navigation by United States icebreakers within waters claimed by Canada to be internal would be undertaken with the consent of Canada.

However, this agreement deals only with navigation of icebreakers, leaving all other issues of commercial navigation aside. Moreover, the Agreement has not affected the positions of the both countries on the legal status of the NWP. Both countries reserved their views, namely USA — that the NWP is an international strait and that the regime of transit passage applies; Canada — that the NWP constitutes historic internal waters of Canada over which it exercises full sovereignty and that navigation of foreign vessels should proceed with its permission.

Conclusion

The dispute between Russia and the United States over the Northern Sea, as well as between USA and Canada over the Northwest Passage has continued for over fifty years and has involved important issues of territorial sovereignty and national security, on the one hand, and freedom of navigation — on the other. The choking point of the dispute is the legal status of the straits of both passages. The opposing sides rely upon different legal arguments which became possible since the UNCLOS has certain lacunae in terms of providing a clear vision of what international straits really are. Nevertheless, in the author's opinion, Russia and Canada have stronger positions due to the fact that both routes, especially the NSR remain to be used mainly as internal transport communications for domestic purposes and have a low record of international passages. This makes it hard to assert that these passages would meet a functional criterion of international straits, developed by legal practice. Moreover, even when a foreign vessel passes through these Arctic routes, it strongly depends on the aids provided by coastal states — hidrographical, ice-

¹⁵ Headland R. K. — Transits of the northwest passage to end of the 2015 navigation season Atlantic Ocean ↔ Arctic ocean ↔ Pacific Ocean / R. K. Headland // University of Cambridge. URL: <http://www.americanpolar.org/wp-content/uploads/2015/10/NWP-2015.pdf> (Accessed: 16 October 2017)

¹⁶ Agreement on Arctic Cooperation, Jan. 11, 1988, U.S.-Can., reprinted in 28 I.L.M. 142 (1989)

breaking, meteorological and other services. The dependence of the routes on the aids by a coastal state enables to draw analogy with the Indreleia strait case, when the International Court of Justice classified this route as internal waters of Norway.

In any case, if the Northern Sea Route, as well as the Northwest Passage, due to severe climate and ice conditions and lack of developed infrastructure, is not involved on a large scale into the international navigation, the debate on legal status of its waters is more of theoretical nature and so far, has no practical implications. However, climate is rapidly changing and ice in the Arctic is melting, the navigation season is becoming longer. On that background Russian authorities plan to increase the potential of the Northern Sea Route as international maritime route connecting the markets of Asia with Europe¹⁷¹⁸¹⁹. The growth of international navigation through the NSR would mean new arguments for USA insisting that straits of this route are international. It also means that all countries and stakeholders interested in using the Northern Sea Route would need to reach some sort of agreement on the terms of navigation in its waters that would, on the one hand, benefit the interests of free and expedite passage of foreign flagged trade vessels and, on the other hand, have a due regard to the sovereignty and security concerns of Russia.

References

1. Humpert M., Raspotnik A. *The Future of Arctic Shipping*. The Arctic Institute, Washington, 2007. 20 p.
2. Lasserre F., Lalonde S. The Position of the United States on the Northwest Passage: Is the Fear of Creating a Precedent Warranted? *Ocean Development and International Law* 44: 28–72 (2013).
3. Vylegzhanin A. Features of the Legal Regime of Subsoil Use in the Arctic. *International Legal Fundamental Principles of the Subsoil Use: Manual*. Ed. A. Vylegzhanin. Moscow, Norma (2007). [In Russian]
4. Rossi Ch.R. *The Northern Sea Route and the Seaward Extension of Utī Possidetis* (Juris). Koninklijke Brill Nv, Leiden, 2014. pp. 476–508
5. Pharand D. The Arctic Waters and the Northwest Passage: A Final Revisit. *Ocean Development and International Law* 38 (2007)
6. Pharand D. *The Northwest Passage in International Law*, 17 CAN. Y.B. INT'L L. 99, 100-01 (1979).
7. Bing Bing Jia The Northwest Passage: An Artificial Waterway Subject to a Bilateral Treaty Regime? *Ocean Development and International Law* 44: 123-144 (2013).
8. Vylegzhanin A. Introduction in International Cooperation in the Sphere of Environmental Protection, Preservation and Sustainable Management of Biological Resources in the Arctic Ocean. *Materials of the International Science Symposium*, ed. A. Zagorsky and A. Nikitin. Moscow, Russian Political Science Association, Russian Political Encyclopedia (2012) [In Russian]
9. Hansen C. Gronsedt P., Graversen C., Hendriksen C. Arctic Shipping — Commercial Opportunities and Challenges. Ed. Carsten Ørts Hansen. The Arctic Institute. 2016. 94 p. URL: <https://services->

¹⁷ The Northern Sea Route for Russia and the World. Valdai club. URL: <http://valdaiclub.com/a/highlights/the-arctic-20-years-later/> (Accessed: 18 October 2017)

¹⁸ These are the new Barents priorities. BarentsObserver. URL: <http://barentsobserver.com/en/politics/2015/10/these-are-new-barents-priorities-16-10> (Accessed: 18 October 2017)

¹⁹ China to get better terms on Northern Sea Route. BarentsObserver. URL: <http://barentsobserver.com/en/arctic/2014/05/china-get-better-terms-northern-sea-route-21-05> (Accessed: 18 October 2017)

webdav.cbs.dk/doc/CBS.dk/Arctic%20Shipping%20-%20Commercial%20Opportunities%20and%20Challenges.pdf (Accessed: 18 October 2017)

10. Donald R. Rothwell, The Canadian-U.S. Northwest Passage Dispute: A Reassessment, Cornell, *International Law Journal*, Vol. 26. Iss. 2. Pp. 331–372. URL: <http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1309&context=cilj> (Accessed: 18 October.2017)

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State preferences for the people in remote and northern territories of Russia¹

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Abstract. The necessity of special benefits and guaranties for distant territories, and areas of the Far North and equivalent territories, allocated in a special group, aimed at involvement of people and providing the needs of national economy with natural resources are described in the article. The author's periodization of the legal development of northern benefits and guaranties was presented. The grounds for separating the periods were the years of regionalization of these territories and a set of state preferences granted to the population in different periods. Five stages are highlighted: first — pre-Soviet, tsarist period, when the benefits and guaranties were introduced for distant localities; second stage — 1923–1932, the foundations of the benefit system by territories and branches were laid; third — 1942–1945, the WWII years, when all benefits were collapsed or cancelled, fourth stage — 1946–1967, recovery of earlier established benefits, introduction the new benefits; fifth stage — 1990–2014, was ordering of benefits and guaranties due to the new economic realities; a part of benefits became a competence of labor law, defined by the Labor Code of the Russian Federation. The authors conclude that the development activities in the northern territories were the main goal of the government, and, therefore, the legal regulation of guaranties and benefits for the employees of the Far North and equivalent for them territories were also a priority. During the 20th century and in the beginning of the 21st century, the benefits for the employees of the Far North and equivalent territories had been repeatedly changed. They were expanded or limited depending on the necessity and opportunities of the state.

Keywords: *the Far North, territories equivalent to the Far North, distant localities, benefits and guaranties, compensation, residents, the steps for introducing benefits and guarantees, labor law*

Introduction

Throughout the history of the Russian state, the role of remote or marginal territories was important both in geopolitical and economic terms. Among the marginal territories, a special place was occupied by the northern and eastern regions.

The movement to the North began long ago. Known maritime trips of Novgorodians to the west from the Northern Dvina to the borders with Norway. Originated at the turn of the XVI–XVII centuries. Archangelsk became the first sea port through which Russia was connected with Eng-

¹ The article was prepared within the framework of the research "Demographic and labour factors of sustainable development of Northern regions of Russia" (№ GR AAAA-A16-116021210329-2, 2016-2018).

land and other countries of Western Europe. Bold marches to the east through the "stone" — the Urals — and sailing through the Arctic seas promoted the conquest of Russia by huge northern territories. Russia's greatest interest in the North was during the times of Veliky Novgorod, Ivan IV, Peter the Great, at a time when the young Russian state was spreading its influence on the uninhabited, rich in fish and fur-bearing areas, and was looking for an outlet to the west. In the subsequent period with the founding of St. Petersburg, the interest in Arkhangelsk, separated from the central regions by thousands of miles of impassability, cooled down [1, Slavin S.V., p. 55].

The north was interesting not only to Russia but also to other states. In the IX century. Finns, Swedes, Norwegians and Danes, developing trade, moved to the North along the coast of the Gulf of Bothnia and along the northern coast of Norway.

A special place in the study of marginal / northern subjects is taken by state policy towards indigenous peoples. It was in every country specific, but inherently colonial. The policy of the tsarist Russia regarding the annexation of the North, Siberia and the Far East was also colonial. However, the ongoing colonization policy was aimed at involving indigenous peoples in the economic, political and cultural space of Russia. It should be noted that Scandinavian countries, the USA and Canada also sought to use the northern territories, but unlike Russia, they did not consider the interests of the indigenous people.

In the twentieth century interest in the northern territories has not dried up. In the well-known "Outline of the Plan of Scientific and Technical Works" issued in April 1918, Lenin the task of drawing up a plan for the rational allocation of industry. It provided for the independent supply of the country with its own resources of raw materials and energy. The solution of this problem required, first, a broad study of the natural resources of the country and of the northern and eastern territories that represented the "white spot" in the overwhelming majority.

For the development of vast remote / northern sparsely populated areas people were needed, qualified personnel. This was understood by the tsarist government. It was possible to attract the population to the uninhabited lands with complex natural and climatic conditions by economic incentives. At the end of the nineteenth century a document is adopted to compensate certain categories of working inconveniences associated with living in remote areas: "Regulations on the special advantages of civil service in remote areas, as well as in the provinces of Western and the Kingdom of Poland²". There, for the first time, the privileges and guarantees for certain

² Polozhenie ob osobyykh preimushhestvakh grazhdanskoj sluzhby v otdaljonnykh mestnostjakh, a takzhe v gubernijah Zapadnykh i Carstva Polskogo. *Svod zakonov Rossijskoj imperii*. [Regulations on the special advantages of civil service in remote areas, as well as in the provinces of the West and the Kingdom of Poland. *Code of laws of the Russian Empire*]

categories of the population, branches and posts were registered; the list of territories covered by the Regulations was given. It should be emphasized that the main principles for the allocation of territories and the provision of benefits, laid down in the Regulations, were used later in the documents of the Soviet period.

From the first days of Soviet power, the Council of People's Commissars paid much attention to the system of privileges and guarantees for attracting the population to remote areas of the Soviet Union. Based on economic interests and the political situation in the country, privileges and guarantees were selective. Under their influence, individual industries or enterprises, professions or categories of workers were involved. All this solved the local tasks of the Government, but adversely affected the mood of the population of the territories living in the same climatic conditions, but having different levels of income, benefits and guarantees. Among other things, the existing procedure for granting benefits and guarantees for a long time did not concern the local population (especially the rural population), which did not have a positive impact on its relationship with the outgoing population.

The subject of the study is the mechanisms of the right regulation of state preferences to the population working and living in regions classified as or equal to the Far North.

The purpose of the article is to systematize the historical practice of normative and legal encouragement of human economic activity in the extreme conditions of the North and the Arctic of Russia as the basis for substantiating the author's approach to the periodization of the history of the application of state benefits, guarantees and compensations.

The authors of the article do not claim that they were able to analyze all the regulatory legal acts with a regard to benefits and guarantees for the Far North and localities equated to them [2, Fauzer V.V., Lytkina T.S., Fauzer G.N.]. But there is a hope that most of them will become available to a wide range of researchers who have read this article.

We are sincerely grateful to the employees of the Laboratory of Demography and Social Management of the ISE and EPS of the Komi Scientific Center of the Ural Branch of the RAS Goncharenko Anna Viktorovna, Panarina Irina Aleksandrovna and Smirnov Andrey Vladimirovich for assistance in preparing the manuscript for publication.

***Periodization of the benefits and guarantees system introduction in the 20th century
and the beginning of the 21st century***

Analysis of the "northern" legislation indicates that the development of the northern regions was the main task of the state, and therefore, the priority was the regulatory regulation of

guarantees and benefits provided to employees of the Far North and localities equated to it. Throughout the twentieth century and in the beginning of the XXI century benefits for workers in the Far North and in areas equated to them, changed several times. In this connection, there are several approaches to the periodization of the history of applying / developing a system of benefits and guarantees for northern (marginal / remote) territories.

So, to understand the history of the development of legislation on the local benefits, A.I. Ivanov conditionally divided it according to the level of economic development of the socialist state and the content of the legislation itself for three periods. The first: from 1923 to 1932 (i.e., from the adoption of the decree of the All-Russian Central Executive Committee and the Council of People's Commissars of the RSFSR "On benefits for business people sent to work in remote areas of the RSFSR" of July 25, 1923 and until the law on northern benefits were allocated to a separate group and began to exist independently). The second one: from 1932 to 1960 — this period includes the pre-war time, the time of suspension of the law on northern benefits regarding the Great Patriotic War that began and the post-war period before the introduction of the current legislation. The third period: from 1960 to the early 1990s. This division follows from the prehistory and history of the development of the legislation on northern benefits, therefore, its historical description is given by periods [3, Ivanov A.I., p. 6].

According to Kozlova T.A., the development of legislation on benefits to employees of the Far North and equated localities passed several stages, each of which had its own characteristics. It identifies four stages: 1) the period from 1917 to 1940; 2) the period of the prewar period and the Great Patriotic War; 3) the third period covers a much longer period and coincides in calendar terms with the end of the Great Patriotic War (1945) and ends in 2004; 4) the last, the fourth stage, is the modern period of the development of legislation (from 2004 onwards) [4, Kozlova T.A., pp. 34–52].

In the scientific literature there is another periodization. For example, Khaldeeva, N.V. Periodization was determined on the basis of the following criteria: from 1922 to 1931, during this period the foundations were laid for the allocation of individual areas with special legal regulation in the territory of the country; from 1932 to 1991 inclusive, in connection with the intensive improvement of regulatory regulation in the RSFSR and the USSR; from 1992 to the present — a period characterized by the development of new approaches to the regulation of labor relations in the regions of the Far North. This division allows us not only to see the dynamics of the development of special norms and to follow the state's position regarding the definition of areas with special legal regulation, but also to show the objective grounds for differentiation in different periods

of national history, establishing the influence of special labor law norms on the formation of labor potential in working conditions, which differ from normal ones [5, Khaldeeva N.V., p. 61].

The system of benefits established for civil servants in remote areas of tsarist Russia

To assess the benefits and guarantees established by the Soviet government in the early 1920s, it is necessary to consider in more detail the benefits and guarantees introduced by the tsarist government for remote areas, legislated in the "Provision on special advantages ...", which covered a wide range of territories and the list of positions for which they were distributed³.

1. Separate benefits extended to persons of only a certain gender. Thus, special benefits of the civil service were enjoyed by female employees serving in the postal and telegraph offices in remote areas and in the provinces of the Kingdom of Poland. They were granted the following privileges: 1) run-in money at a reinforced cost; 2) benefits for recovery and establishment; 3) increases to salaries; 4) benefits for the service of decades; 5) leave on preferential terms and 6) pension benefits, at the same time, the terms established for long-term pensions and lump-sum benefits, they were not reduced.

2. The sectoral approach was also traced. The Regulation noted that special privileges are used in all branches of the state civil service, except for the Ministry of the Imperial Court, both civilians and military officials holding civilian positions, if they are summoned or transferred in remote areas to serve from provinces or regions not adjacent to them and to those that are not recognized as remote.³ There was a separation of benefits, which only applied to the employed servants and only to employees from among the local natives. For example, from persons summoned or transferred to the service to remote areas, special advantages were not granted to the natives of the locality to which they are designated, except for: 1) those who received higher education; and 2) those natives of the remote area who stayed outside of it not less than ten years in a row before entering there for service. However, the note clarifies that persons summoned, appointed or transferred to the places where the greatest advantages are provided, do not use them only if they belong to the number of natives of that locality where they are determined.

According to the Regulations, special benefits were provided to all employees, regardless of where and to what posts they were appointed and comprised: 1) run-in money in a reinforced amount; 2) benefits for recovery and establishment; 3) additions to salaries; 4) benefits for decades of service; 5) allowances for the upbringing of children; 6) leave on preferential terms; 7) pension benefits; 8) family benefits for persons who died in the service.

³ Ibid.

Particularly worthy of attention is article 30, which deals with the upbringing of children. It notes that for the education of children by persons who served in remote areas, without distinction from newcomers from residents, approved state scholarships in educational institutions of both civil and military departments based on special regulations on this subject. Moreover, visiting officials serving in the areas indicated in note 1 to article 1 are provided for each son or daughter after reaching the age of nine: 1) running money for two horses to be taken to the nearest educational institution corresponding to their age and knowledge; 2) before they enter an institution for public maintenance, an annual allowance for students in educational institutions: higher education — three hundred and sixty rubles, secondary education — two hundred and forty, and lower ones — one hundred and twenty rubles. If the children are brought up with their parents or in their places of residence, the allowance is made: up to a thirteen-year-old age — at the rate of one hundred rubles, and from the designated age to eighteen years — one hundred and fifty rubles a year.

The tsarist government paid special attention to the provision of pensions for employees working in unfavorable conditions. Article 34 states that pensions and one-off benefits for employees in remote regions, as well as their families, are appointed on the basis of the Pension Statute with a reduction in pension terms, and in some localities — and with an increase in the salaries of pensions for those receiving them under the General Pension Charter for the following grounds: 1) in the areas indicated in note 1 to article 1, two days of service are considered as three, and the size of the pension is increased by three divisions (grade or degree); 2) in the remaining parts of the Amur governor general, in the Trans-Baikal region and in the Turkestan general-governorship (except for the Semirechenskaya oblast), three days of service are counted as four, and the size of the pension is increased by two sub-divisions; 3) in the remaining parts of the Irkutsk Governor-General, the Tobolsk and Tomsk provinces, as well as in the Steppe Governorate-General and in the Semirechye region, three days of service are counted for four, and 4) in the Ural and Turgai regions, as well as in Article 1 Northern Caucasus and Transcaucasia, as well as in the Pinega, Onega and Kholmogory districts of the Arkhangelsk province, in the Povenets and Pudozh uyezds of Olonets province and in the Yarensky and Ustysysol districts of the Vologda province, four days of service are counted for five.

In no normative legal act of the USSR, and now in Russia, there is no such privilege as was prescribed in Article 38. The family of a person who died in the service in the remote region (widowed and unmarried daughters, as well as sons under the age of seventeen), are issued inseparably, irrespective of the pension or a lump sum, on the basis of articles 34 and 37: 1) running money

for the class of office occupied by the deceased, in a double or one and a half amount, according to Article 8, to the place from which it was originally called or transferred to the service in a remote area ay, and 2) allowance — in the amount of the salary of his salary.

As you can see, the list of benefits covered almost all aspects of life of state employees working in remote areas. This Regulation and other normative-legal acts were aimed not at attracting employees to these remote regions, but for compensating for the severity of the climate and the inconvenience of life activities associated with the isolation from the "center" and the "mainland". The disadvantage of this provision was that it concerned only government employees, that is, it had a selective character.

Benefits and guarantees established for those working in the Far North in 1923–1932

The first legal act on the granting of certain northern privileges was the Decree of the All-Russian Central Executive Committee and the Council of People's Commissars of the RSFSR of July 25, 1923, "On Benefits for Workers Committed to Work in Remote Locations of the RSFSR"⁴. This document provided for a short-term business trip, but the direction of an employee to a remote location for permanent work. The decree established the following list of benefits applicable to all persons newly appointed or transferred to permanent work in remote areas: 1) payment of compensation in an increased amount when transferring to work in remote areas; 2) payment of expenses for travel to the place of former residence in case of dismissal due to illness or the result of a mutilation; 3) wages at double tariff rates during the first three months; 4) benefits when leaving.

The following privileges were additionally established for persons holding managerial positions in the state apparatus, economic institutions, and specialists: payment of a lump sum in the amount of three months' wages after three years of work; free education of children in educational institutions and free travel to their parents' place of residence twice a year during the holidays (if the employee has worked in remote areas for at least three years); additional paid three-month leave after five years of work; the right to a scientific mission after five years of work for a duration of three to six months [3, Ivanov A.I., pp. 6–7].

Two years later, the Resolution of the All-Russian Central Executive Committee and the Council of People's Commissars of the RSFSR issued from August 17, 1925 "On the benefits for persons sent to work in remote areas RSFSR state institutions and enterprises"⁵. This Decree abolishes

⁴ Декрет ВЦИК и СНК РСФСР от 25 июля 1923 г. "О льготах для командированных на работу в отдаленные местности РСФСР". *Sobranie ukazanij RSFSR*. [Decree of the All-Russian Central Executive Committee and the Council of People's Commissars of the RSFSR of July 25, 1923 "On benefits for those sent to work in remote areas of the RSFSR". *Collection of instructions of the RSFSR*]. 1923. No 69. St. 673. [In Russian]

⁵ Постановление ВЦИК и СНК РСФСР от 17 августа 1925 г. "О льготах для лиц, направляемых на работу в отдаленные местности РСФСР государственным учреждениями и предприятиями". *Sobranie ukazanij RSFSR*. [Resolution of the

the decree of July 25, 1923; establishes benefits for workers and employees irrespective of the position held and the work performed (Article 1); limits the recipients of benefits: they did not apply to the sending of individuals to work, if the distance between the point of departure and the destination is less than two hundred and fifty versts (art. as a condition for the emergence of the right to benefits has been established distance; establishes a list of remote areas that give the right to benefits (Article 4). The decree adopted, and the Decision applied to the Russian territories.

One of the first all-Union documents that secured guarantees for workers who moved to work in remote areas was the Decree of the Central Executive Committee and the Council of People's Commissars of the USSR on May 11, 1927 "On benefits for employees of state institutions and enterprises in remote areas Union of Soviet Socialist Republics"⁶. This document has become fundamental for future legislators, developing a list of benefits and guarantees for attracting and securing the population in remote areas.

The decree defined the procedure for beneficiaries and guarantees: employees who are transferred (at least on personal request) or appointed to work in state institutions and enterprises in remote areas of the USSR (Article 2), if the distance between the original place residence and place of new work exceeds 1000 kilometers of the railway track or 500 kilometers of other ways of communication, enjoy the benefits provided below (Note 1. This decree does not apply to: a) in the ranks of the Workers 'and Peasants' Red Army servicemen; b) in the case of mass recruitments and transfers) (Article 1).

To determine the amount of benefits granted, all remote areas, depending on the degree of remoteness from the center, the working conditions and the cultural level of the population, were divided into two belts. The first zone includes areas with particularly severe conditions of communication and communication with the center, with severe climatic conditions and with a particularly low cultural level. The second zone includes other remote areas (Article 2). The list of privileges for the first and second belt was common, however, the benefits for the first belt were higher. Here are the most significant benefits.

Employees transferred on the initiative of the administration are reimbursed for the costs of moving and are given a per diem for the time of moving and additionally for 6 days in the

All-Russian Central Executive Committee and Council of People's Commissars of the RSFSR of August 17, 1925 "On benefits for persons sent to work in remote areas of the RSFSR by state institutions and enterprises". *Collection of instructions of the RSFSR* 1925. No 64. St. 512. [In Russian]

⁶ Postanovlenie Centralnogo Ispolnitelnogo Komiteta SSSR i Soveta Narodnyh Komissarov SSSR ot 11 maja 1927 g. "O lgotah dlja rabotnikov gosudarstvennyh uchrezhdenij i predpriyatij v otdaljonnyh mestnostjah Sojuza SSR". Dostup iz pravovoj sistemy "Konsul'tantPljus". [Resolution of the Central Executive Committee of the USSR and the Council of People's Commissars of the USSR of May 11, 1927 "On benefits for employees of state institutions and enterprises in remote areas of the USSR". Access from the legal system "ConsultantPlus"]. [In Russian]

amount of not less than one thirtieth monthly salary, a one-time allowance in the amount of a monthly salary, and, in case of moving with them who are dependent on their family members, a one-time allowance in the amount of the cost of moving family members, but not less than 1/4 of the monthly salary for each member of the family. The amount of all these payments may be increased by agreement of the parties, but not more than up to a double size (Article 3).

For those specified in Art. 1 employees are set percentage bonuses to the salary received in the following amounts: a) in the areas of the first belt — 10% after the expiry of each year of work; b) in the areas of the second belt — 10% after each three years of operation. The total amount of extra charges cannot exceed 100% of salary. Allowances are paid if the employee continues to work in the locality, the service in which entitles them to appropriate allowances (Article 5).

Specified in Art. 1 workers are entitled to receive for each three years of work from the same employer in the localities of the first belt and five years in the localities of the second belt of a three-month vacation (including another), with preservation of the content. The time required to move to the place of use of leave and back is not credited to the term of the latter, however, that the total period of absence cannot exceed six months (Article 6).

Particular attention should be paid to Art. 8, according to which children of workers who worked for more than three years in remote areas, at least their services, took place in various state institutions and enterprises, with respect to their admission to educational institutions are equated to persons of manual labor and enjoy the legislation established by the legislation of the Union republics with benefits in respect of admission to educational institutions and tuition fees, as well as travel by the employer to educational establishments outside the worker's place of residence and back twice a year according to the existing for the school their tariff (Article 8).

The decision limited the employee's ability to independently change the place of work without loss of preferential work experience. Thus, when a worker moves from one state institution or enterprise in a remote area to another, as well as in cases of interruption of work in state institutions and enterprises in remote areas, the length of work in the remote area is calculated from the moment of entering the new job. The account of the previous experience can take place under the agreement of the parties (Article 10).

Deserves the art. 11, which stimulated the return of local / indigenous people to their places of origin / birth. Privileges provided by Art. 7 and 8, also apply to employees referred to in Art. 6 categories, who lived before being invited to work in this remote area (Article 11), i.e. The effect of this Decree did not affect those residents who lived permanently and did not change their place of residence.

The Central Executive Committee and the Council of People's Commissars of the USSR on August 12, 1930 approve the "Provision on privileges for persons working in remote areas of the USSR and outside large urban settlements" No. 42/2046⁷. In Art. 1 it is determined that the Regulations are used by persons working for hire in remote areas and outside large urban settlements in state institutions and enterprises, mixed joint-stock companies, cooperative and public organizations. In particularly remote areas of the Far-Eastern Region, benefits apply to individuals working in private enterprises. The last addition expanded the number of beneficiaries and guarantees under this Regulation.

In this Regulation, Art. 2, as in the Decree of 11.05.1927, remote areas are divided by their remoteness from the center and the difficulties of working conditions on two belts. The 1st belt includes the most remote areas and areas with the most severe work conditions. The rest of the remote areas belong to the 2nd belt.

New in this situation was the fact that in Art. 3. to determine the volume of benefits provided, all employees are divided into three groups according to their qualifications and positions held. The first group includes the highest and average administrative personnel and specialists in higher and secondary industry, transport, communications, agriculture and water management, as well as medical and veterinary personnel working to combat epidemics and epizootics. The second group is not assigned to the first group: a) heads of institutions and enterprises that are not lower than district ones; b) specialists of the highest and, in some cases, intermediate qualifications; c) judicial officers. The third group includes all other employees not assigned to the first and second groups. Benefits determined by the Decree of 11.05.1927, were retained and supplemented with new ones.

However, as noted above, benefits and guarantees have been differentiated into groups of employees. So, outside the large urban settlements, the benefits provided for in this Regulation are granted only to workers in the first group (Article 4). Workers of the second and third groups enjoy benefits in remote areas if their former residence has been removed from the duty station by at least 1,000 kilometers of rail track or 500 kilometers by other routes of communication. Benefits for the remaining employees of the second and third groups are provided: a) when working in the institutions of the USSR, enterprises and organizations of all-Union significance and concession

⁷ Polozhenie Centralnogo Ispolnitelnogo Komiteta SSSR i Soveta Narodnyh Komissarov SSSR ot 12 avgusta 1930 g. No 42/2046 "O lgotah dlja lic, rabotajushhih v otdaljonnyh mestnostjakh SSSR i vne krupnyh gorodskih poselenij". Dostup iz sprav.-pravovoj sistemy "Konsul'tantPljus". [The Regulations of the Central Executive Committee of the USSR and the Council of People's Commissars of the USSR of 12 August 1930 No. 42/2046 "On benefits for persons working in remote areas of the USSR and outside large urban settlements". Access from the legal system "ConsultantPlus"]. [In Russian]

enterprises in cases determined by the instruction; b) when working in other institutions, organizations and enterprises in cases determined by the legislation of the Union Republics (Article 5). The conditions and cases of granting benefits to employees recruited through mass recruitment are defined in the instruction (Article 6). Privileges provided for in this Regulation are not used by foreigners employed at work from abroad (Article 7).

The length of time required to receive benefits is preserved: a) in case of transition from the agreement of the administration to another job in the same or another remote area; b) in the case of a break in work for not more than three years, if this break is caused by transfer to work in another locality, by mobilization or calling for active service in the Red Army cadres (Article 8).

Attention deserves Art. 9. It notes that in remote areas and outside large urban settlements, members of the same family have the right to work together if the relevant trade union agrees. However, the work of members of one family in direct submission to each other is not allowed.

The regulation of August 12, 1930 provided for the possibility of concluding an employment contract with persons working in remote areas, and with workers of the first group — and outside large urban settlements, for up to five years (Article 10). Work on the term employment contract for benefits did not affect.

The Regulations set out the procedure for calculating wages. In the localities of the 1st belt after the expiration of each year, and in the areas of the 2nd belt and outside the large urban settlements — at the end of every three years, the employees are paid a ten-percent surcharge to the salary. Workers of the first group, aimed at combating epidemics and epizootics, receive a 20% premium after each year of service (Article 15). For the first time in the localities of the 1st zone, the employer makes an additional payment to the allowance received during temporary incapacity for work, up to the full size of the content received in the service. In the areas of the 2nd belt and outside large urban settlements, this surcharge is made, if it is provided for by the agreement of the parties (Article 17). Workers in remote areas and outside large urban settlements receive additional leave in 12 working days for workers of the first group in the areas of the 2nd belt and outside large urban settlements; for workers of the second group in the areas of the 2nd belt; for workers of the third group in the localities of the 1st belt (Article 18). The duration of the next vacation is increased against the one-month fixed by the labor legislation for all workers of the first and second groups in the areas of the 1st zone, and for workers of the first group involved in combating epidemics and epizootics, and outside large urban settlements (Article 19). Workers who

have served for three years have the right in the areas of the 1st belt for a three-month vacation, and in the areas of the second belt for a two-month vacation, including the regular (Article 20).

Benefits for teaching children have been preserved. So, in Art. 23 it is written that the children of the workers of the first and second groups in the process of admission and training in all educational institutions are equated to the children of workers. In addition, they are granted twice a year at the expense of the hirer travel to educational institutions and back at the rate established for the students. By agreement of the parties, the employer can pay scholarships to the children of workers who study in universities and technical schools (Article 24). There were privileges to provide and pay for housing, there was a new benefit: the reservation of living space at the place of permanent residence, which persisted in the direction of the first belt for three years, and in other areas — for two years from the date of departure v. 26). For the first time, privileges were granted for the calculation of income tax. Art. 28 established that the income tax is collected from employees working in the localities of the 1st belt, based on half of the total amount of wages, and from those working in the localities of the 2nd belt — from the calculation of 75% of its total amount.

On May 10, 1932, the All-Russian Central Executive Committee and the Council of People's Commissars of the RSFSR adopted the Resolution "On Approval of the Provisions on Benefits for Persons Working in the Far North of the RSFSR"⁸, which was published "in withdrawal" from the all-Union from August 12, 1930, the effect of which went on and on: everywhere in remote areas (except for territories recognized as the Far North) — in full, and in the Far North — in the order of fulfillment gaps in the norms of the situation on May 10, 1932. This resolution from the list of remote areas of the USSR for the first time in a separate group identified areas of the Far North of the RSFSR. From that moment, the legislation on northern benefits began to exist independently.

The Regulation applies to employees of all state, cooperative, public institutions, enterprises and organizations and mixed joint-stock companies both of union and republican and local significance.

In Art. 1 instead of the three groups established in the previous Resolution, all employees of institutions, enterprises and organizations of the Far North are divided into two groups. The first group includes: a) the highest and average administrative staff of all institutions, enterprises and organizations; b) specialists of higher and secondary qualifications of all branches of the na-

⁸ Postanovlenie Vserossijskogo Centralnogo Ispolnitelnogo Komiteta i Soveta Narodnyh Komissarov RSFSR ot 10 maja 1932 g. "Ob utverzhdenii Polozhenija o lgotah dlja lic, rabotajushhih na Krajnem Severe RSFSR". Dostup iz sprav.-pravovoj sistemy "Konsul'tantPljus". [Resolution of the All-Russian Central Executive Committee and the Council of People's Commissars of the RSFSR of May 10, 1932 "On Approval of the Regulations on Benefits for Persons Working in the Far North of the RSFSR". Access from the legal system "ConsultantPlus"]. [In Russian]

tional economy and socio-cultural construction (workers of education, health, scientific, etc.); c) judges, prosecutors, investigators and notaries. The second group includes all other employees of institutions, enterprises and organizations of the Far North.

Employees of the second group enjoy privileges established by this Regulation only if they are directed to work in the Far North from other USSR locations. For workers of the 1st group this restriction does not apply (Article 2), i.e. they receive benefits regardless of whether they are sent to work in the North, whether they were on their own initiative, or are local natives. For foreign specialists who are invited to work from abroad, this Regulation does not apply (Article 3).

The nomenclature of privileges for workers of the first group did not coincide with the list of privileges for workers of the second group. So, according to Art. 7, the employees of the first group agree with the agencies sending them to work, they can pay for travel expenses to get familiarized with the working conditions. In addition, different groups of workers used a different amount of benefits. So, the duration of the next vacation for workers of the first group is increased by 1 month, and for workers of the second group — by 12 working days against the terms established by the labor legislation; for employees of the Murmansk District, the duration of the next vacation, respectively, increases by 1 1/2 months and 24 working days, and the duration of leave should not exceed 2 1/2 months. Employees who have served in the Far North for 3 years have the right to receive a 3-month vacation with the inclusion of another (Article 12).

The entire system of northern benefits during this period consisted of those benefits that were provided to workers in remote areas, and some entirely new, additional ones. For example, for workers eligible for a long service pension, the year of work in the Far North was counted in two years to receive such a pension. And people who continuously worked in the Far North for 10 years, the pension for length of service was accrued in the amount established for 25 years of experience, and this privilege was not granted to those working in remote areas.

This Resolution established the following system of northern benefits. Employees sent to work in the Far North were paid: a) the cost of passing them and their family members to the place of work according to the norms established by labor legislation for cases of transfer to work in other areas; b) the cost of carrying a baggage in the amount agreed upon with the sending institution, but not lower than the norms established by the said labor legislation; c) a one-time allowance and per diem in a double amount against the norms established by the labor legislation for cases of transfer to other areas (Article 8). Employees of the Far North are paid 10% of the supplement to the basic salary for each year of work; medical and veterinary workers aimed at combating epidemics and epizootics, the bonus is paid at a rate of 20% for each year of work; for em-

employees of the Murmansk District, interest bonuses are paid at the end of every six months of work, and the period for obtaining interest allowances is calculated from the moment of arrival at the place of work in the Murmansk region, but not earlier than January 1, 1932 (Article 10).

The resolution established / maintained benefits for training, housing, taxation and procurement. Thus, workers who served in the Far North for at least 2 years enjoy the right to enter all higher educational institutions and technical schools on the same line with workers. This right is reserved for them for 3 years after the end of work in the Far North (Article 17). Children of workers in the Far North regarding the order of admission to all educational institutions are equal to the children of workers. This right is reserved for them for 3 years after the end of the term of work in the Far North of the person they depend on. Travel of children of workers of the Far North to educational institutions and back (twice a year) is paid by the employer at the rates established for students. In addition, the agreement of the employer with the employee may provide for the payment by the employer of scholarships to the children of the employee who study at universities and technical schools (Article 18).

Employers who are directed to the Far North from other areas, the employer must provide an apartment. The agreement of the employee with the employer may provide for the obligation of the employer to pay the full or partial value of the rent (Article 19). For workers sent to the Far North, the living space in the place of former residence remains, irrespective of whether the members of the employee's family stay there or leave with him (Article 20). All types of tax from workers of the Far North are calculated with 50% of the wages they receive. The remaining 50% are not subject to any encumbrance (Article 22). The members of the working family who are in the place of former residence, who are dependent on him, use during the whole period of his work in the Far North supplying food and manufactured goods according to the same rules and in the same way as family members of the staff of the institution sending the employee to the Far North (Article 25).

In subsequent years, the number of guarantees for workers moving to work in the regions of the Far North and working in them decreased and / or was completely abolished by the normative acts of the USSR and Russia. The reasons that served as the basis for changing regulatory regulation were different, one of them was the Great Patriotic War of 1941–1945.

Benefits and guarantees established for those working in the Far North in 1942–1945

In connection with the war and the transfer of the country to martial law, the Decree of the Presidium of the Supreme Council of the USSR of October 3, 1942 "On the termination of the calculation of interest increments to wages for workers and employees and the provision of other

benefits associated with work in remote areas, outside the large urban settlements and on the North-North”^{9 10} Art. 1 from October 1, 1942 stopped the accrual of interest-based allowances for wages to workers and employees and the provision of other benefits related to work in remote areas, outside large urban settlements and in the Far North, as well as payment of lump sums to servicemen consisting of service in remote areas. However, it only extended to new arrivals.

The decree established that the amounts of interest-bearing allowances for wages received by 1 October 1942 by employees of institutions and enterprises in remote areas, outside large urban settlements and in the Far North, are paid to them for the entire time of their work in the same terrain and when transferring to another locality, the work in which gave the right to receive such allowances (Article 2).

The decree was short-lived. Because of the Art. 3 from January 12, 1943, the Council of People's Commissars of the RSFSR issued Decree No. 35 "On Amending the Legislation of the RSFSR regarding the Edict of the Presidium of the Supreme Soviet of the USSR of October 3, 1942" On Terminating the Calculation of Interest Additions to Wages to Workers and employees and providing them with other benefits related to work in remote areas, outside large urban settlements and in the Far North»¹¹. The decree abolishes all legal acts for all categories of workers and, in the first place, the Regulation "On Benefits for Persons Working in the Regions of the Far North of the RSFSR", approved by the Resolution of the Central Executive Committee of the USSR and the Council of People's Commissars of the USSR on May 10, 1932. Privileges were abolished for virtually all categories of workers. The exception was retained only for employees of the Main Directorate of the Northern Sea Route, working in the Arctic Circle.

Realizing the importance of restoring the national economy in the post-war period and the role of the northern territories in the country's economy, the Presidium of the Supreme Soviet of

⁹ Ukaz Prezidiuma Verhovnogo Soveta SSSR ot 3 oktjabrja 1942 g. "O prekrashhenii nachislenija procentnyh nadbavok k zarabotnoj plate rabochim i sluzhashhim i predostavlenija im drugih lgot, svjazannyh s rabotoj v otdaljonnyh mestnostjah, vne krupnyh gorodskih poselenij i na Krajnem Severe". Dostup iz pravovoj sistemy "Konsul'tantPljus". [Decree of the Presidium of the Supreme Soviet of the USSR of October 3, 1942 "On the termination of the accrual of interest-bearing allowances for wages to workers and employees and the provision of other benefits related to work in remote areas, outside large urban settlements and in the Far North". Access from the legal system "ConsultantPlus"]. [In Russian]

¹⁰ The word "North" began to be written with a capital letter. — Authors' note.

¹¹ Ob izmenenii Zakonodatelstva RSFSR v svjazi s izdaniem Ukaza Prezidiuma Verhovnogo Soveta SSSR ot 03 oktjabrja 1942 g. "O prekrashhenii nachislenija procentnyh nadbavok k zarabotnoj plate rabochim i sluzhashhim i predostavlenija im drugih lgot, svjazannyh s rabotoj v otdaljonnyh mestnostjah, vne krupnyh gorodskih poselenij i na Krajnem Severe". Postanovlenie Soveta Narodnyh Komissarov RSFSR ot 12 janvarja 1943 g. № 35. Dostup iz pravovoj sistemy "Konsul'tantPljus". [On the amendment of the Legislation of the RSFSR in connection with the issuance of the Decree of the Presidium of the Supreme Soviet of the USSR of October 3, 1942 "On Terminating the Calculation of Interest Additions to Wages of Workers and Employees and Granting Other Benefits Related to Work in Remote Areas, Outside Large City Settlements and The Far North". Resolution of the Council of People's Commissars of the RSFSR of January 12, 1943 No. 35. Access from the legal system "Consultant Plus"]. [In Russian]

the USSR issued an order on August 1, 1945, "On benefits for people working in the Far North"¹². The decree resolved: to restore, from August 1, 1945, the following pre-war conditions for employees of state, cooperative and public enterprises, institutions and organizations located in the Far North areas: to pay workers and employees in the Far North after the expiration 6 months of work 10% bonus to the rates (salaries), the total amount of allowances should not exceed 100% of the wage rate (salary); to grant additional leave in excess of those established by the current legislation in the Far North to workers with a normalized working day of 18 working days in duration, and employees with a non-standard working day of 30 working days; enterprises, institutions and organizations are obliged to provide workers and their families with a living space according to the norms established for a given locality; in case of temporary disability by persons working in the Far North, the enterprise, institution and organization are obliged to pay them the difference between social insurance benefits and actual earnings (including interest-bearing allowances), but the allowance together with the surcharge should not exceed the maximum the amount of the social insurance benefit established by the current legislation; when calculating the length of service entitling them to receive a pension for old age, disability and long service, one year of work in the Far North shall be taken for two years; for workers transferred and sent to work in the Far North, to maintain for the entire period of the employment contract the residential area at the place of their former residence, regardless of whether the members of the family of the worker stay there or go out with him.

Privileges established by this Decree were granted from August 1, 1945: a) to persons who received before October 1, 1942 privileges based on the previous legislation; b) persons sent to work before October 1, 1942, but not received benefits regarding the publication of the Decree of the Presidium of the Supreme Soviet of the USSR of October 3, 1942 on the abolition of benefits, as well as to persons sent to work after October 1, 1942. The Decree applied to persons who had concluded employment contracts in the Far North for a period of at least 3 years.

Supplements the above decree Resolution of the Council of People's Commissars of the Union of Soviet Socialist Republics of September 2, 1945 No. 2262 "On the approval of the list of areas of the Far North and the instruction of the USSR People's Commissariat and the AUCCTU on

¹² Ukaz Prezidiuma Verhovnogo Soveta SSSR ot 01 avgusta 1945 g. "O lgotah dlja lic, rabotajushhih v rajonah Krajnego Severa". Dostup iz pravovoj sistemy "KonsultantPljus". [Decree of the Presidium of the Supreme Soviet of the USSR of August 1, 1945 "On benefits for persons working in the regions of the Far North". Access from the legal system "ConsultantPlus".] [In Russian]

the application of the Decree of the Presidium of the Supreme Soviet of the USSR of August 1, 1945 "On Benefits for Individuals working in the Far North"¹³.

Benefits in these areas are being restored with significant changes, namely: workers and employees have ceased to be divided into two groups in terms of qualifications and occupying positions; abolished benefits by agreement of the parties; Reduced the duration of additional leave for work in the Far North; the list of benefits was reduced (there were advantages to training for the employee and his children, travel privileges, income tax benefits, etc.). The most significant changes introduced to the legislation on benefits are that for the first time on August 1, 1945, a decree between the conclusion of a fixed-term employment contract and the granting of benefits was established: benefits were granted subject to the employee's conclusion of an employment contract for term of not less than three years [3, Ivanov A.I., p. 14].

Such contracts with the provision of benefits under the instruction of the People's Commissariat of Finance were concluded with employees of state, cooperative and public organizations, institutions and enterprises located in the Far North: a) transferred by order of the maximum bodies, although at the personal request of workers, and also sent or invited to work again; b) sent or transferred by Soviet agencies, as well as party, trade union and Komsomol organizations; c) sent in due course to work at the end of educational institutions, courses, etc. ; d) sent to the expedition, provided the duration of the work of ex-pedagogy is more than a year; e) sent before October 1, 1942, but not received benefits in connection with the publication of the Decree of the Presidium of the Supreme Soviet of the USSR of October 3, 1942 on the abolition of benefits, as well as directed to work after October 1, 1942; e) working in the Far North and receiving benefits on the basis of previous legislation.

The territory of the Far North is set within the boundaries of less than pre-war. However, in the same year 1945, the "List of remote areas equated to the regions of the Far North" (Chapter 1) is approved, where the benefits should be applied with reduced premiums to wages for work in these areas and with additional holidays a shorter duration — 12 working days for those working with a normal working day and, respectively, 24 working days for workers with a non-standard working day. The decree facilitated the consolidation of the GULAG released from the

¹³ Postanovlenie Soveta Narodnyh Komissarov Sojuza SSR ot 2 sentjabrja 1945 g. № 2262 «Ob utverzhdenii perechnja mestnostej Krajnego Severa i instrukcii Narkomfina SSSR i VCSPS po primeneniju Ukaza Prezidiuma Verhovnogo Soveta SSSR ot 1 avgusta 1945 g. "O lgotah dlja lic, rabotajushhih v rajonah Krajnego Severa". Dostup iz sprav.-pravovoj sistemy "KonsultantPljus". [Resolution of the Council of People's Commissars of the Union of Soviet Socialist Republics of September 2, 1945 No. 2262 "On the approval of the list of localities of the Far North and the instructions of the USSR People's Commissariat and the All-Union Central Council of Trade Unions on the application of the Decree of the Presidium of the Supreme Soviet of the USSR of August 1, 1945 "On Benefits for Persons Working in the Regions North". Access from the legal system "ConsultantPlus"]. [In Russian]

system and the attraction of a new population to the regions of the Far North [6, Lytkina T.S., Fauzer V.V.; 7, Fauzer V.V., Lytkina T.S., pp. 128–129; 8, Fauzer V.V., Lytkina T.S., Fauzer G.N., pp. 159–160].

***Benefits and guarantees established for those working in the Far North
and in the areas equated to them in 1946–1967***

The post-war legislation on northern benefits played an important role in attracting the population and labor resources to the northern regions of the country, facilitating the consolidation of the arrivals in these areas and thereby making a significant contribution to the restoration of the country's national economy destroyed by the war. Legislation on the north benefits of this period was not devoid of certain shortcomings, because there were many different normative acts regulating the procedure for granting privileges to individual branches or specialties, but they did not carry a general order.

The resolution of the Council of Ministers of the USSR of August 25, 1946 established district coefficients for the wages of workers in the Urals, Siberia and the Far East from 1.15 to 1.7. In the next ten years there has been a tendency of sectoral regulation of the value of district coefficients. For example, the USSR Goskomtrud decree and the Secretariat of the All-Union Central Council of Trade Unions of 27.07.1959 No. 527/13 established district coefficients for workers in the oil and gas industry, another decree established district coefficients for construction workers, a third one — for health workers etc. The existence of such several documents that regulate similar or even homogeneous social relations had a negative impact on the law enforcement practice and complicated the work of personnel officers, created conditions for discrimination by occupation, although the degree of exposure to unfavorable production factors was often the same. The same [4, Kozlova T.A.].

With a view to streamlining the legislation on benefits for employees of the Far North and localities equated to them, the Decree of the Presidium of the Supreme Soviet of the USSR of February 10, 1960 "On the regulation of benefits for people working in the regions of the Far North and in the regions equated to the regions of the Far North of the North"¹⁴ and Resolution of the Council of Ministers of the USSR of February 10, 1960 No. 148 "On the procedure for the application of the Decree of the Presidium of the Supreme Soviet of the USSR of 10.02.1960 "On the regulation of benefits for persons working in the Far North and in areas equivalent to the regions

¹⁴ Ukaz Prezidiuma VS SSSR ot 10 fevralja 1960 g. "Ob uporyadochenii lgot dlja lic, rabotajushchih v rajonah Krajnego Severa i v mestnostjah, priravnennyh k rajonom Krajnego Severa". Dostup iz sprav.-pravovoj sistemy "Konsul'tantPljus". [Decree of the Presidium of the Supreme Council of the USSR of February 10, 1960 "On the regulation of benefits for persons working in the Far North and in areas equated to the regions of the Far North". Access from the legal system "ConsultantPlus"]. [In Russian]

of the Far North Of the North”¹⁵. In accordance with the Decree and the Resolution, privileges and guarantees were established to specified workers in the field of wages, rest time, the procedure for calculating the length of service, guarantees for relocation, as well as for the right to housing.

In the field of wage regulation of these workers, the order of appointment and the amount of allowances for work in the regions of the Far North and territories aligned with them was determined. The amount of allowances for work in the Far North and places equal to the regions of the Far North depended on the degree of adverse effects of climatic conditions in this or that region. For example, in the Chukotka Autonomous Okrug of the Magadan Region, the Koryak Autonomous Okrug and the Aleutian District of the Kamchatka Oblast, as well as on the islands of the Arctic Ocean and its seas (excluding the White Sea), 10% after the first six months of operation, with an increase of 10% for each subsequent six months of work. In the remaining regions of the Far North, 10% after the first year of operation, with an increase of 10% for each subsequent year of work. In the areas equated to the Far North, 10% after the first two years of operation with an increase of 10% for each subsequent two years of operation. The maximum amount of the allowance in all cases could not be higher: in the Far North 80% of earnings and in localities equivalent to the regions of the Far North — 50% of earnings and should not exceed 240 rubles for the regions of the Far North and for places that are equivalent to the regions of the Far North — 150 rubles. At the same time, allowances were paid monthly, but were charged only on earnings up to 300 rubles per month. Thus, the decree extended the time for calculating interest-bearing allowances for wages, reduced the rhythm of their increase and lowered the ceiling of allowances. Guarantees in the field of rest time consisted in establishing the procedure for granting and fixing the duration of additional holidays to workers of the Far North and equated localities. Additional leave was established for all categories of workers of the following duration: working in the Far North — 18 working days, and in the regions, equivalent to the Far North — 12 working days. As it was before, holidays of workers of the Far North and equal places could be summed up, but not more than for three years, but for the first time it was normatively fixed the duty of the employer to provide at least 6 working days of leave each year, and additional leave for this period and the rest of the leave minus six working days. The time required for travel to the place of use of leave

¹⁵Postanovlenie Soveta Ministrov SSSR ot 10 fevralja 1960 g. № 148 “O porjadke primeneniya Ukaza Prezidiuma Verhovnogo Soveta SSSR ot 10 fevralja 1960 g. “Ob uporyadochenii lgot dlja lic, rabotajushhih v rajonah Krajnego Severa i v mestnostjakh, priravnennyh k rajonom Krajnego Severa”. Dostup iz pravovoj sistemy “Konsul'tantPljus”. [Decree of the Council of Ministers of the USSR of 10 February 1960 No. 148 “On the procedure for the application of the Decree of the Presidium of the Supreme Soviet of the USSR of February 10, 1960 “On the regulation of benefits for persons working in the Far North and in areas equated to the regions of the Far North”. Access from the legal system “ConsultantPlus”. [In Russian]

and back, was not counted on a leave basis once every three years. The cost of travel to the place of use of leave and back every three years was paid by the enterprise, institution or organization.

The decree of February 10, 1960 divided the northern benefits into two groups: (a) the basic ones provided to all workers and employees of state, cooperative and public enterprises, institutions and organizations in the North (including those who came on their own initiative and residents) and b) additional workers who are transferred, directed or invited to work in the North from other parts of the country. Additional benefits are provided only if individual written employment contracts are concluded for a period of five years, and on the islands of the Arctic Ocean — two years. These included benefits related to moving to work in another locality and in terms of paying for travel and transportation of property, and regarding payments during and / or in connection with the move (daily subsistence allowance, one-time salaries, payroll), and also housing benefits and privileges for booking a dwelling at the former place of residence for the entire term of the employment contract in the specified localities. However, work experience in the regions of the Far North and localities equivalent to the above-mentioned areas has already been calculated somewhat differently: it is not a year of work in the Far North in two years of work, and a year of work in the Far North in just one year and six months in the localities with the usual climatic conditions. Inadequate additional benefits were provided to persons who arrived in these areas on their own initiative and entered into a fixed-term employment contract in these areas.

However, the benefits established by the Decree of February 10, 1960 did not ensure the influx of labor resources to the Far North in sufficient measure. Insufficient material interest of workers and employees did not contribute to their consolidation for a long period in these regions and localities, so in subsequent years there was a further expansion of benefits to employees of the Far North and places equal to them. In accordance with the Directives of the 23rd Congress of the CPSU, the Decree of the Presidium of the Supreme Soviet of the USSR of 26 September 1967 No. 1908-VII "On the Expansion of Benefits for Persons Working in the Far North and in Areas Equated to the Territories of the Far North"¹⁶. This Decree significantly expanded the list and the amount of benefits provided by the Decree of February 10, 1960. It established a new procedure for calculating district coefficients, differentiating territories according to the degree of discomfort.

The effect of the decree resolved to pay to all workers and employees of state, cooperative

¹⁶ Ukaz Prezidiuma Verhovnogo Soveta SSSR ot 26 sentjabrja 1967 g. № 1908-VII "O rasshirenii l'got dlja lic, rabotajushchih v rajonah Krajnego Severa i v mestnostjah, priravnennyh k rajonom Krajnego Severa". Dostup iz pravovoj sistemy "Konsul'tantPljus". [Decree of the Presidium of the Supreme Soviet of the USSR of 26 September 1967 No. 1908-VII "On the expansion of benefits for persons working in the Far North and in areas equated to the regions of the Far North". Access from the legal system "ConsultantPlus"]. [In Russian]

and public enterprises, institutions and organizations an extra charge for their monthly earnings (without taking into account the district coefficient and remuneration for long service) in the following amounts: a) in the Chukotka Autonomous Okrug and the Severo-Even the Magadan region, the Koryak autonomous region and the Aleutian region of the Kamchatka region, as well as on the islands of the Arctic Ocean and its seas (except for the islands of the White Sea) — 10 percent after the expiration and the first six months of work, with an increase of 10 percent for each subsequent six months of work. To raise the maximum amount of surcharges in these areas and localities to 100 percent of earnings or up to 300 rubles per month; b) in the remaining regions of the Far North — 10 percent after the first six months of operation, with an increase of 10 percent for each subsequent six months of work, and after reaching a 60% premium — 10 percent for each subsequent year of work; c) in the districts equated to the regions of the Far North, 10 percent after the first year of operation, with an increase of 10 percent for each subsequent year of work (Article 1). According to the Decree, the terms for calculating the premiums were reduced: if the Decree of 10 February 1960 in the regions of the Far North, the employee could receive an 80% surcharge for 8 years, then according to the Decree of September 26, 1967 — for 5 years; in areas equivalent to the regions of the Far North, the employee could receive a maximum 50% bonus for 5 years instead of 10 years of work.

For the first time, this decree reinforced the reduction of the retirement age for persons who have worked for a long time in areas with unfavorable climatic conditions. So, workers and employees who have worked in the Far North for at least 15 calendar years, and in the districts equated to the Far North regions — at least 20 calendar years, old-age pensions are assigned to men — at the age of 55 and women — after reaching 50 years (Art. 2).

This Decree also pursued the goal of securing the population in the regions of the North. Firstly, the duration of the employment contract giving the right to receive benefits was reduced from five to three years. Secondly, now all these benefits were granted to persons who arrived in these areas and areas on their own initiative, provided they concluded employment contracts for a period of three years, and on the islands of the Arctic Ocean — two years (Article 3).

The decree stimulated the extension of labor contracts for a new term. When the first employment contract was renewed, the employee was paid a one-time benefit in the amount of 50 percent of the average monthly earnings excluding the district coefficient, seniority pay and allowances for work in the Far North and in areas equivalent to the Far North regions (Article 4).

A norm has appeared that allows to summarize the work experience for family members of workers and employees working in the Far North and localities equivalent to them for the period

of seasonal work and for women who have temporarily left work to care for children of preschool age or for health reasons entitling them to receive benefits provided for in this Decree (Article 5).

New in the Decree was the fact that attention was paid to the collective-farm peasantry, however, only selectively. They could start receiving benefits if they changed their line of business. In Art. 6 it is written: to count the time of their work on collective farms located in the Far North and in areas equal to the regions of the Far North in the length of service entitling them to receive benefits if they the termination of work on the collective farm before going to work as a worker or an employee has passed no more than three months.

The privileges established by the Decree of the Presidium of the Supreme Soviet of the USSR of 26.09.1967 were supplemented by Decree No. 1029 of the Council of Ministers of the USSR of 10 November 1967 "On the Procedure for Applying the Decree of the Presidium of the Supreme Soviet of the USSR of September 26, 1967, "On Expansion of Benefits for Individuals, working in the Far North and in areas close to the Far North"¹⁷.

Two provisions of the Decree became fundamentally new. It was proposed that, beginning on January 1, 1968, district coefficients for scholarships for graduate students, students and students of higher and secondary special educational institutions located in the regions of the Far North and in areas equal to the regions of the Far North in the amounts established in the respective regions to the wage pay of educators (Article 4).

The mechanism of solving the housing problem after working in the Far North for at least 15 years has been prescribed. The Resolution was authorized by the Council of Ministers of the Buryat ASSR, the Council of Ministers of the Komi ASSR, the executive committees of the Krasnoyarsk Territory Council of Workers' Deputies, Irkutsk, Tomsk, Tyumen, Murmansk and Arkhangelsk regional Soviets of Workers' Deputies to organize workers and employees who worked in the Far North and in areas equal to the regions of the Far North, at least 15 years, housing cooperatives for the construction of houses in cities and workers' settlements of other republics, regions and regions, except administration centers of the Soviet republics, Moscow and Leningrad, the Moscow region, as well as resort areas (Art. 5).

¹⁷ Postanovlenie Soveta Ministrov SSSR ot 10 nojabrja 1967 g. № 1029 "O porjadke primenenija Ukaza Prezidiuma Verhovnogo Soveta SSSR ot 26 sentjabrja 1967 g. "O rasshirenii l'got dlja lic, rabotajushhih v rajonah Krajnego Severa i v mestnostjah, priravnennyh k rajonom Krajnego Severa". Dostup iz pravovoj sistemy "Garant". [Resolution of the Council of Ministers of the USSR of November 10, 1967 No. 1029 "On the procedure for the application of the Decree of the Presidium of the Supreme Soviet of the USSR of September 26, 1967, "On the Expansion of Benefits for Persons Working in the Far North and in Areas Equated to the Territories of the Far North". Access from the legal system "Garant"]. [In Russian]

***Benefits and guarantees established for those working in the Far North
and in localities equivalent to them in 1990–2014***

First, the Decree of the Council of Ministers of the RSFSR of October 22, 1990 No. 458 "On the regulation of compensation to citizens residing in the North"¹⁸. In it, an attempt was made to unify the approach to the procedure for providing guarantees and benefits to workers in the Far North and regions equated to it. This Decree specifies the procedure for calculating and maintaining a continuous work record for obtaining the right to a surcharge for working in unfavorable climatic conditions. Emphasis is placed on attracting young people to the regions of the Far North and securing young people at the enterprises located in these regions, as well as families with children. The decision fixed a special procedure for calculating the continuous length of service for women with children: "Continuous work experience entitling them to compensate women with children under the age of 14 years or a disabled child under the age of 16 (including those on their custody) shall be retained on condition that they are employed for a period not exceeding the specified age, irrespective of the reason for dismissal (except for dismissal for culpable actions) and the duration of the break in work ". For the young people, it was envisaged that wage supplements would be raised in an increased amount and with a continuous length of service of a shorter duration than for older workers. Young people who have lived at least one year in the Far North and enter into labor relations, surcharges to wages were established from January 1, 1991 at a rate of 20% after the first six months of work with an increase of 20% for each subsequent six months , and on completion 60% of the allowance was paid at a rate of 20% — for one year of work, and in localities equal to the regions of the Far North and in regions where the allowances are paid in the manner and under the conditions provided by the resolution of the Central Committee of the CPSU, The Council of Ministers of the USSR and the All-Russia Central Council of Trade Unions act 1972 number 255 — in the Rabo you a 10% every six months [4, Kozlova T.A.].

In modern history, the most important normative and legal document on streamlining / expanding benefits and guarantees for northerners can be considered as the Federal Law "On State Guarantees and Compensations Adopted by the State Duma of the Russian Federation on February 19, 1993 for people working and living in regions of the Far North and localities equivalent to them" No. 4520-1¹⁹ (in Ed. The law of the Russian Federation from 02.06.1993 № 5082-1,

¹⁸ Postanovlenie Soveta Ministrov RSFSR ot 22 oktjabrja 1990 g. № 458 "Ob uporjadochenii kompensacii grazhdan, prozhivajushhim v rajonah Severa". Dostup iz pravovoj sistemy "Konsul'tantPljus". [Resolution of the Council of Ministers of the RSFSR of October 22, 1990 No. 458 "On the regulation of compensation for citizens living in the areas of the North". Access from the legal system "ConsultantPlus"]. [In Russian]

¹⁹ Zakon Rossijskoj Federacii ot 19 fevralja 1993 g. № 4520-1 "O gosudarstvennyh garantijah i kompensacijah dlja lic, rabotajushhih i prozhivajushhih v rajonah Krajnego Severa i priravnennyh k nim mestnostjah". Dostup iz pravovoj sistemy "Konsul'tantPljus". [Law of the Russian Federation of February 19, 1993, No. 4520-1 "On State Guarantees

with the changes brought by the Decree of the President of the Russian Federation from 24.12.1993 № 2288).

For the first time, the enactment of the enacted law began to apply to persons employed for hire permanently or temporarily at enterprises, institutions, organizations located in the Far North and equivalent areas, regardless of the form of ownership, and persons living in these areas and localities.

State guarantees, and compensations were provided to non-working pensioners, servicemen, laid-off by age or due to the reduction in the Armed Forces of the Russian Federation, students of higher and secondary special educational institutions, students of vocational schools and general schools, arrived in the regions of the Far North and territories equated to them together with the breadwinner (Article 1).

The sources of financing the costs of state guarantees and compensations were the republican budget of the Russian Federation, as well as the Pension Fund of the Russian Federation for persons receiving state pensions, the Social Insurance Fund of the Russian Federation for persons receiving temporary disability benefits, for pregnancy and childbirth and eligible for payments related to sanatorium treatment, the State Employment Fund of the population of the Russian Federation (in relation to the employment fund of the population the resolution became invalid from January 1, 2001 on the basis of Federal Law No. 118-FZ of August 5, 2000) — for persons entitled to guarantees in the field of employment, in accordance with the provisions on these funds.

Due to the consolidated budget of the Russian Federation, expenses related to the departure from the regions of the Far North and the places equal to them were compensated, employees of budget institutions, organizations that worked in these areas and localities for at least three years, pensioners, people with disabilities, people who lost their jobs and registered as unemployed in these areas and localities, at a rate of 100 percent of the costs incurred, and persons who have worked for at least three years at state-owned enterprises located in these districts and localities — 50 percent of the costs incurred, but not exceeding the norms provided for in Article 35 of this Law (Article 4).

Enterprises located in the Far North and equivalent areas were exempted from paying taxes on a part of the profit (income), directed to capital investments of production and non-production purposes (Article 5).

Persons released from enterprises, from institutions, organizations in regions of the Far

North and territories equated to them regarding their reorganization or liquidation, were kept for the period of their employment, but not more than six months, the average wage, considering the monthly severance pay.

Payment of the monthly severance pay, and the saved average wage was made in the former place of work at the expense of enterprises, institutions, organizations (Article 6).

Persons living in areas of the Far North and localities equated to them and recognized as unemployed in accordance with the established procedure, unemployment benefits were paid based on the rayon coefficient (Article 9).

Young people (persons under 30 years of age) were paid the full wage on the first day of work in the regions of the Far North and their localities if they lived in these areas and localities for at least five years (Art. 11).

In addition to the additional holidays provided by the law, provided on a general basis, persons working in northern regions of Russia were also compensated for an annual additional leave: in the regions of the Far North, 21 working days; in equated localities — 14 working days; in other parts of the North, where the district coefficient and the percentage increase to wages are set, 7 working days (Article 14). Full or partial connection of leave to persons working in the Far North and equivalent areas was allowed in no more than two years. The time required for travel to the place of use of leave and back, was not counted once in two years on the date of vacation (Article 15).

For persons arriving in the regions of the Far North and territories equated to them, for the entire period of work in these areas and localities, the residential area at the former place of residence in the territory of the Russian Federation was booked in accordance with the established procedure (Article 17).

Citizens, including indigenous residents, who worked in the Far North and equivalent areas for at least 10 calendar years, and workers who received disability (including general disease) or occupational disease-were granted prior to the expiry of the specified period the right to a newly elected residence to purchase an apartment or a priority entry into a housing and construction cooperative, or a land plot was allocated for individual housing construction (Article 18).

Persons who study in higher and secondary educational institutions, vocational schools and schools of various profiles located in the regions of the Far North and their localities are awarded a regional coefficient and a percentage allowance for the scholarship. As we see, unlike the Resolution of the Council of Ministers of the USSR of November 10, 1967 No. 1029, article 20 among the beneficiaries included students in vocational schools and schools of various profiles but excluded

graduate students. It was envisaged to pay not only the regional coefficient, but also the percentage mark-up.

Persons enrolled in day schools in higher and secondary special educational institutions, students of schools located in the Far North and areas adjacent to them, and in need of inpatient treatment, were paid to travel to the place of treatment in other regions of the Russian Federation and back, if such services are not available in the place of residence (Article 20).

In the Law, special attention is paid to motherhood and women. Thus, women working in the Far North and equated localities with children under 16 years of age are entitled to a monthly additional day off without saving wages (Article 21). *For women, a 36-hour working week was set,* if the shorter working week is not provided for certain categories of women by other legislative acts of the Russian Federation. At the same time, the salary was paid in the same amount as in the full working week (Article 22).

In the case of temporary incapacity for work, people working in the Far North and equated localities were paid a temporary disability allowance in the amount of full earnings, considering the district coefficient and the percentage premium (Article 24).

Provided a reduced pension the pension regarding work in the Far North and similar areas was established: men — at the age of 55 and women — at the age of 50 if they worked for at least 15 calendar years in the Far North or at least 20 calendar years in the areas equated to them and have a total length of service of at least 25 and 20 years, respectively.

For women with two or more children, the pension was established after reaching 50 years with a total work experience of 20 years, if they worked for at least 12 calendar years in the Far North or at least 17 calendar years in the equated localities.

Citizens who worked in the regions of the Far North and localities equated to them, the pension was established for 15 calendar years of work in the Far North. At the same time, every calendar year of work in the regions equated to the regions of the Far North is considered for nine months of work in the regions of the Far North.

Citizens who worked for at least 7 years in the Far North for at least 6 years received a pension with a decrease in the general established age (for men — 60 years, for women — 55 years) for four months for each full calendar year of work in these areas (Article 25).

The law places special emphasis on the specific labor employed and the small peoples of the North. The right to a pension on favorable terms has reindeer herders, fishermen, hunters-fishers who live constantly in the regions of the Far North and equated to them the localities: men — at the age of 50 and with the work experience of at least 25 years and women — at the age of

45 years and with the experience of this work not less than 20 years (Article 26). Social pensions established by the RSFSR Law "On State Pensions in the RSFSR" are assigned to citizens from among the small-numbered peoples of the North: men — at the age of 55, women — at the age of 50 years in the amount of a minimum old-age pension (Article 27).

When calculating the length of service for appointing a pension on general, preferential grounds, and regarding special working conditions, the period of work in the regions of the Far North and the districts equated to them is calculated in a one and a half amount regardless of the fact of entering into a fixed-term employment contract, (Article 28).

According to the Law for citizens residing in areas where the regional coefficient for wages is established, the amount of labor and social pensions is determined by applying the appropriate regional coefficient to wages (Article 30). And the pension is appointed and paid, considering the district coefficient to the salary, irrespective of the place of residence and the time for applying for a pension (Article 31).

Persons who work and live in areas of the Far North and equated localities were guaranteed medical supervision during employment, partial payment for travel for medical advice or treatment to other regions of the Russian Federation and back if such services are not available at the place of residence. For the small peoples of the North, an obligatory annual medical examination is organized (Article 32). In addition, the Law provided for compensation of expenses for payment of fare and baggage to the place of use of leave and back, including to pensioners and invalids (Article 33, 34).

In case of relocation or change of residence, the Law guaranteed compensation for expenses related to relocation, to persons who arrived in the Far North and areas adjacent to them from other regions of the Russian Federation and other countries and who concluded an employment contract (contract), as well as to young specialists, arrived at enterprises, institutions, organizations, regardless of the permanent place of residence.

They were granted the following guarantees and compensations: a one-time allowance in the amount of two official salaries (rates) and a lump sum for each member of the family in the amount of half of the official salary (rate); payment of the cost of travel of a worker and his family members and the transportation of baggage, but not more than 5 tons per family at actual expenses; daily subsistence allowance; paid leave for fees and arrangement on a new place for a period of 7 calendar days. In the case of moving an employee to a new place of residence in connection with the termination or termination of an employment contract (contract) for any reasons, except for dismissal for guilty actions, the cost of travel of the employee and his family members and the baggage is paid, but not more than 5 tons per family according to actual expenditures (Article 35).

Since the adoption of Law No. 4520-1 of 19.02.1993, significant changes have occurred in the socioeconomic development of Russia. Considering the changes that have occurred, on August 22, 2004 the State Duma adopts the Federal Law No. 122-FZ, which made significant changes to the current Law. In subsequent editions of Law No. 4520-1, part of the benefits and guarantees were "transferred" to the Labor Code (adopted on December 30, 2001 No. 197-FZ). The last edition of the Law was made on December 31, 2014 r.²⁰ Let us stop here.

Article 1. The effect of this Law applies to persons employed for hire permanently or temporarily in organizations located in regions of the Far North and equated localities, regardless of the form of ownership, and persons living in these areas and localities (*As amended by Federal Law No. 122-FZ of August 22, 2004*).

In the cases provided for in this Law, guarantees and compensations are provided to non-working pensioners, servicemen dismissed by age or in connection with the reduction of the Armed Forces of the Russian Federation, to persons studying in professional educational organizations and educational organizations of higher education, and also to family members, arrived in the Far North and areas adjacent to them along with the breadwinner (*as amended by Federal Law No. 122-FZ of August 22, 2004, No. 185-FZ of July 2, 2013*).

The main "innovation" of 122-FZ is that guarantees and compensations for individuals who work and live in regions of the Far North and localities equated to them in organizations financed from the federal budget are established by federal laws; in organizations financed from the budgets of the constituent entities of the Russian Federation, by the laws of the constituent entities of the Russian Federation; in organizations financed from local budgets, by municipal legal acts; in organizations that are not related to the budgetary sphere, by the employer, with the exception of cases provided for by this Law (part three was introduced by Federal Law No. 122-FZ of August 22, 2004).

The guarantees and compensations provided for in this Law for persons residing in the Far North and equated localities are applied to persons working for residents of the territories of advanced social and economic development located in the regions of the Far North and equated localities with them taking into account the specifics established by the Federal Law "On the Territories of Advanced Social and Economic Development in the Russian Federation" (*part fourth was introduced by Federal Law No. 519-FZ of December 31, 2014*).

²⁰ Закон Российской Федерации от 19 февраля 1993 г. № 4520-1 (ред. от 31 декабря 2014 г.) "О государственных гарантиях и компенсациях для лиц, работающих и проживающих в районах Крайнего Севера и приравненных к ним местностях". Доступ из правовой системы "КонсультантПлюс". [Law of the Russian Federation No. 4520-1 of February 19, 1993 (as amended on December 31, 2014) "On State Guarantees and Compensations for Persons Who Work and Live in the Far North and Equivalent Territories". Access from the legal system "ConsultantPlus"]. [In Russian]

Article 4. Financial Provision of Guarantees and Compensations for Persons Who Work and Live in the Regions of the Far North and Equivalent Territories (*as amended by Federal Law of August 22, 2004, No. 122-FZ*).

The guarantees and compensations established by this Law and other normative legal acts of the Russian Federation are the expenditure obligations of the Russian Federation insofar as they relate to citizens working in organizations financed from the federal budget, persons studying at the expense of budgetary appropriations of the federal budget in professional educational organizations and educational organizations of higher education, servicemen dismissed by age or in connection with the reduction of the Armed Forces of the Russian Federation in the part of citizens who receive temporary disability benefits, maternity benefits from the funds of the Social Security Fund of the Russian Federation, in the part of unemployed citizens who receive an insurance pension or pension on state pension provision from the funds of the Pension Fund of the Russian Federation and the federal budget (*as amended by Federal Law No. 185-FZ of July 2, 2013, No. 216-FZ of July 21, 2014*).

Compensation for expenses related to relocation from the Far North and the localities adjoining to them to citizens specified in part six of Article 35 of this Law is carried out at the expense of budgetary allocations provided from the federal budget in the form of interbudgetary transfers to the budget of the Pension Fund of the Russian Federation (*part two was introduced by Federal Law of July 21, 2014 No. 231-FZ*).

Guarantees and compensation established for citizens working in organizations, funded from the budgets of the RF subjects are the financial obligation of the subjects of the Russian Federation.

Guarantees and compensation established for persons working in organizations financed from local budgets are expenditure obligations of municipal entities. Guarantees and compensation established for citizens working in organizations that are not related to the budgetary sphere are carried out at the expense of the employer.

Article 5. Guarantees in the field of employment of the population, remuneration of labor, duration of holidays, benefits for certain categories of the population, social insurance and pensions, medical services, the procedure for determining the length of service (*as amended by Federal Law No. 122 of August 22, 2004 -F3*).

Guarantees in the field of employment, pay, duration of leave, benefits for certain categories of population, social insurance and pensions, medical services, the procedure for determining the length of service is regulated by the Labor Code of the Russian Federation, the legislation of

the Russian Federation in the field of social insurance, pensions and employment of the population.

The most significant change was made to Article 11. In the basic version, it was written as follows: "Young people (persons under the age of 30) are paid a percentage increase to wages in full of the first day of work in the Far North and equated to them if they have lived in the said rayons and localities for at least five years ". Here is a new version.

Article 11. Interest rate increment to wages (as amended by Federal Law No. 122-FZ of August 22, 2004). "Persons working in the Far North and equated localities are paid a percentage premium to wages for work experience in these areas or localities. The amount of the percentage mark-up and the procedure for its payment shall be established in accordance with the procedure determined by Article 10 of this Law to establish the size of the district coefficient and the procedure for its application.

We will cite Art. 10, to which reference is made. Art. 10. District coefficient to wages, benefits, scholarships and compensation (as amended by Federal Law No. 122-FZ of August 22, 2004). The size of the district coefficient and the procedure for its application for calculating the wages of employees of organizations located in the Far North and equivalent areas, as well as increasing the fixed payment to the insurance pension, pensions for state pensions, benefits, benefits and compensation to individuals , living in the Far North and equivalent areas, are established by the Government of the Russian Federation (*in the edition of Federal Laws No. 213-FZ of July 24, 2009, No. 216-FZ of July 21, 2014*).

The bodies of state power of the subjects of the Russian Federation and local self-government bodies are entitled, at the expense of the funds of the budgets of the constituent entities of the Russian Federation and municipal budgets, to set higher sizes of district coefficients for state bodies and state institutions of the constituent entities of the Russian Federation, institutions. A normative legal act of a constituent entity of the Russian Federation may set a limit for raising the regional coefficient established by municipal entities that are part of the constituent entity of the Russian Federation (*as amended by Federal Law No. 55-FZ of April 2, 2014*).

Unlike the old version, the new version does not have a direct exposition on the right of young people born in the North to receive interest-bearing surcharges to wages from the first day of work. The phrase "percentage markups" is simply missing. Having considered all the references to other laws and regulations, we find that young people will not receive per-cent surcharges from the first day of work. She must earn them, although, for local youth, there is an accelerated procedure for obtaining them.

In conclusion we give the content of art on guarantees and compensation for expenses related to the move (*in the amended version of Federal Law No. 122-FZ of August 22, 2004*).

Persons who have concluded employment contracts for work in organizations financed from the federal budget located in regions of the Far North and equated localities and who have arrived under these agreements from other regions of the Russian Federation receive the following guarantees and compensations from the employer's funds: a one-time allowance in the amount of two official salaries (monthly tariff rates) and a one-off allowance for each member of his family arriving with him in the amount of half of the official salary (monthly tariff rate) of the employee; payment of the cost of travel of an employee and his family members within the territory of the Russian Federation at actual expenses, as well as the cost of carrying baggage not exceeding five tons per family for actual expenses, but not exceeding the tariffs envisaged for carriage by rail; paid leave for a period of seven calendar days for accommodation in a new location.

Right to get a payback for employee's and his / her family's tickets and luggage is available 1 year after the signing of the contract with the employer, registered in the relevant areas and territories.

An employee of an organization financed from the federal budget and members of his family in case of moving to a new place of residence in another locality in connection with the dissolution of the employment contract for any reasons (including in the event of the worker's death), with the exception of dismissal for the guilty the cost of travel for actual expenses and the cost of carrying baggage from the calculation of no more than five tons per family for actual expenses, but not more than the tariffs for rail transportation.

The guarantees and compensations provided for in this article are provided to the employee of the organization financed from the federal budget only at the main place of work.

The amount, conditions and procedure for compensation of expenses related to relocation, persons working in organizations financed from the budgets of the constituent entities of the Russian Federation are established by state authorities of the constituent entities of the Russian Federation, in organizations financed from local budgets, by local self- in organizations not related to the budgetary sphere, by the employer.

Persons who are recipients of labor pensions and (or) pensions for state pensions that do not work under employment contracts that do not receive payments and other remuneration under civil law contracts, the subject of which is the performance of work, the provision of services, under the contracts of the author's order, agreements on the alienation of the exclusive right to works of science, literature, art, publishing licensing agreements, licensing agreements on the

granting of the right to use works of science, literature, art and not carrying out other activities during which they are subject to compulsory pension insurance in accordance with the legislation of the Russian Federation and members of their families who are dependent on them in case of moving from the regions of the Far North and equated localities to a new place of residence in the territory of the Russian Federation, which does not belong to the specified regions and localities, the costs for paying the cost of travel to the new place of residence and the cost of the baggage transportation (*part six was introduced by the Federal Law of July 21, 2014 No. 231-FZ*).

As you can see, all the years the separate articles of the “basic/fundamental” Law were substantially edited²¹, which ultimately led to a modification / loss of some of the benefits and guarantees. To know and apply / use the full list of benefits and guarantees established for employees of the Far North and localities equated to them, it is necessary to apply to the Labor Code of the Russian Federation.

Conclusion

The Government of Russia actively used the natural resources of remote territories to solve its socio-economic and political tasks and following the interests of the country's defense capability. However, given their weak population, the state was forced to use different methods of attracting and securing the population in these regions. Until the late 1950's these were mostly methods of coercion. In subsequent years, the state passed to incentive measures.

It should be emphasized that the list / set of benefits, guarantees and compensations working and living in the regions of the Far North and equated localities has repeatedly or expanded, or decreased. It is indisputable that the corresponding adjustments were made both under the influence of factors of an economic and political nature, considering the immediate tasks of socio-economic policy at this stage and the state's capabilities and the role that was assigned to the North in different historical periods of the country's development. Legislation on benefits, compensations and guarantees first in remote areas, then in the regions of the Far North and, finally, for regions equal to the regions of the Far North, five stages have passed. The basis for separating the stages was two points: 1) years of zoning of remote / northern territories and 2) a set of state preferences granted to the population in a historical period [2, Fauzer V.V., Lytkina T.S., Fauzer G.N., pp. 18–37].

²¹ Обзор изменений Закона Российской Федерации от 19 февраля 1993 г. N 4520-1 “О государственных гарантиях и компенсациях для лиц, работающих и проживающих в районах Крайнего Севера и приравненных к ним местностях”. Изменения внесены Указом Президента от 24 декабря 1993 г. № 2288. Доступ из справ.-правовой системы “КонсультантПлюс”. [Review of amendments to the Law of the Russian Federation of February 19, 1993 N 4520-1 “On State Guarantees and Compensations for Persons Working and Living in the Far North and Equivalent Territories”. The amendments were introduced by Presidential Decree No. 2288 of December 24, 1993. Access from the consultant-legal system “ConsultantPlus”]. [In Russian]

Including those or other territories in a special list, the state determined / differentiated the set of benefits and guarantees for each category of localities. Until 1932, privileges and guarantees extended to remote territories included in the List. The Decree of the Council of People's Commissars of the RSFSR of October 26, 1932, singled out areas of the Far North from remote areas, for which the privileges adopted by the Resolution of the All-Russian Central Executive Committee and the Council of People's Commissars of the RSFSR of May 10, 1932, were distributed. After the abolition of privileges for the period of the Great Patriotic War, in 1945.

Then, the decisions of the All-Russian Central Executive Committee and the Council of People's Commissars were repeatedly adopted on streamlining, expanding the system of privileges, guarantees and compensations for people working in the Far North and in areas equal to the districts of Far North.

An important stage in the development of the system of privileges, guarantees and compensations was the transition of the country from the Soviet planned system to a market economy. The system of privileges and guarantees was fundamentally revised, which was fixed by the Federal Law "On State Guarantees and Compensations for Persons Working and Living in the Far North and Equivalent Territories" No. 4520-1 of February 19, 1993. This document reflected the best, which was achieved in previous years.

In the 2000s there have been significant changes in the socio-economic development of Russia, as reflected in Federal Law No. 122-FZ of August 22, 2004. This act makes the State Duma significantly amend the Law "On State Guarantees and Compensations for Persons Who Work and Live in the regions of the Far North and regions equated to them". Some of the benefits were either curtailed or canceled. In subsequent editions of the Law No. 4520-1, certain privileges and guarantees were "transferred" to the Labor Code of the Russian Federation. In society, there is still no unambiguous assessment of this revitalized Law.

It can be concluded that the existing zoning and the adopted system of benefits and guarantees pursued two goals: 1) compensation for living and working in extreme climatic conditions; 2) attraction and consolidation of the population in the regions of the Far North and localities equivalent to them.

The migration balance between the North and the "materik" in different historical periods serves as an assessment of the effectiveness of the state policy on zoning and granting of benefits and guarantees to the population. In recent decades, and especially in the 2000-s, the migration balance has become negative [10, Fauzer V.V., Lytkina T.S., pp. 141–149].

In conclusion of the article we would like to draw attention to two more points. First, state

preferences at all stages of development and living conditions of the North helped to attract and consolidate the population in these harsh territories. It is arguable that only with a stable / permanent population can develop the northern and arctic territories of the country and make them sustainable [11, Fauzer V.V., Lytkina T.S., Fauzer G.N., pp. 229–234]. At present, benefits and guarantees do not fully fulfill their function. Secondly, in recent years, the Russian government has paid more attention to the land areas of the Arctic Zone of the Russian Federation. There is a fear that the northern territories not included in the Arctic will once again become distant or "separated" from the state's finances, material resources, attention and protectionism.

References

1. Slavin S.V. *Osvoenie Severa* [The development of the North]. Moscow: Izdatel'stvo «Nauka», 1975, 200 p. [in Russian]
2. *Demograficheskie i migratsionnye protsessy na Rossiiskom Severe: 1980–2000 gg.: monografiya* [Demographic and migratory processes on the European North: 1980–2000: monograph] / V.V. Fauzer, T.S. Lytkina, G.N. Fauzer. Syktyvkar: Izd-vo SGU im. Pitirima Sorokina, 2016, 158 p. [in Russian]
3. Ivanov A.I. *L'goty dlya rabotnikov Severa* [Benefits for employees on the North]. Moscow, 1991, 143 p. [in Russian]
4. Kozlova T.A. Pravovoe regulirovanie truda rabotnikov Krainego Severa i priravnennykh k Krainemu Severu mestnostei (dinamika i razvitie na sovremennom etape) [Legal regulation of labor of the employees on the Far North and equivalent localities (dynamics and development on the modern stage)], *Trudovoe pravo*, 2006, No. 12, pp. 34–52. [in Russian]
5. Khaldeeva N.V. *Trudovye otnosheniya v raionakh Krainego Severa: teoriya i praktika pravovogo regulirovaniya* [The labor relations on the regions of Far North: theory and practice of legal regulation], Diss. dokt. yurid. nauk. Moscow, 2014, 448 p. [in Russian]
6. Lytkina T.S., Fauzer V.V. Gosudarstvennoe upravlenie prinuditel'noi migratsiei kak sposob osvoeniya Severa Rossii v 1930–1950-e gg. [State management of forced migration as a way of development the North in 1930–1950], *Zhurnal sotsiologii i sotsial'noi antropologii*, 2016, Vol. XIX, No. 1 (84), pp. 90–109. [in Russian]
7. Fauzer V.V., Lytkina T.S. Prinuditel'nye migratsii sovetskogo perioda: khronologiya i masshtaby [Forced migrations of the soviet period: chronology and scales], *Demograficheskie protsessy na postsovetском prostranstve: sbornik materialov VI Ural'skogo demograficheskogo foruma s mezhdunarodnym uchastiem*, Vol. I, Ekaterinburg: Institute of Economics (Ural branch of RAS), 2015, pp. 124–131. [in Russian]
8. Fauzer V.V., Lytkina T.S., Fauzer G.N. Gosudarstvennoe upravlenie migratsiei naseleniya: ot prinuzhdeniya k pooshchreniyu [State management of population migration: from compulsion to encouraging], *Korporativnoe upravlenie i innovatsionnoe razvitie ekonomiki Severa: Vestnik NITs KPUVI SyktGU (elektronnyi zhurnal)*, 2015, No. 3, pp.151–168. [in Russian]
9. Gintsburg L.Ya., Smirnova N.M. *L'goty rabotayushchim na Krainem Severe* [The benefits for employees of Far North]. Moscow, 1975, 215 p. [in Russian]
10. Fauzer V.V., Lytkina T.S. Migratsionnye processy na rossijskom Severe [Migration processes in the Russian North], *Social'naya politika i sociologiya*, 2017, Vol. 16, No. 1 (120), pp. 141–149. [in Russian]
11. Fauzer V.V., Lytkina T.S., Fauzer G.N. Demograficheskie aspekty ustojchivogo razvitiya severnykh territorij [Demographic aspects of the sustainable development of the northern territories]. *Novye podhody i metody upravleniya ustojchivym social'no-ekonomicheskim razvitiem regionov: Materialy Vserossijskoj nauchno-prakticheskoy konferencii 24–25 oktyabrya 2017 g., IPREH RAN*, St. Petersburg: State University of Aerospace Instrumentation, 2017, pp. 229–234. [in Russian]

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Counterterrorism in the Russian Arctic: legal framework and central actors¹

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Abstract. Russia's strategic interests in the Arctic coupled with a complex and diffuse terrorist threat has produced a niche topic: Arctic counterterrorism. Arctic counterterrorism is a new and underdeveloped topic that has received only limited attention. This article contributes a discussion of the legal framework and the main actors involved in countering terrorism in the Russian Arctic. The author finds that the legal framework for counterterrorism is extensive yet centered in core docu-

ments. Similarly, counterterrorism involves many and varied actors united in a relatively simple and streamlined national system for counterterrorism. Current legal regulation and organisation provide a solid base that may support efficient management of counterterrorism, also in the Arctic. A notable strength is the concentration of coordination responsibilities in the hands of one central actor, the FSB. Another important characteristic is that the system is symmetrical and follows Russia's federal organisation with coordinating bodies for all regions including those in the Arctic. Counterterrorism legislation is kept up to date and the trend is towards tougher punishments and a wide understanding of terrorist offenses. A potential weak spot is the unclear role of the newly formed National Guard. The uncertainty surrounding the role of the National Guard in the fight against terrorism may challenge the FSB and weaken coordination of the system for counterterrorism in the future.

Keywords: terrorism, counterterrorism, Russian Arctic, legislation, actors

Introduction

President Vladimir Putin includes terrorism among the threats that must be considered to ensure comprehensive safety and security² in the Russian Arctic.³ Although both "terrorism" and "the Arctic" are current topics, they seldom appear together. As much as we hope that this separation may persist and that the Arctic may remain relatively untouched by terrorism; there are good reasons why we should, as the Russian President does, include terrorism among the many challenges that we must be prepared to face in the Arctic. According to the Global Terrorism Index, terrorist activities have increased substantially over the last years and resulted in higher death tolls and a wider spread of high fatality attacks.⁴ While most attacks take place in specific geographic regions far from the Arctic, recent attacks and terrorist propaganda show ability and will to strike outside regions commonly associated with terrorist activities. Furthermore, focus on the Arctic as a strategic asset and resource reserve runs the risk of the region being perceived as a

¹ This paper was written within the framework of the international research project "Maritime Preparedness and International Partnership in the High North" (MARPART).

² Russian *bezopasnost'* can be translated as either safety or security, or both.

³ Kremlin.ru (2014) Security Council Meeting on Implementing State Policy in the Arctic [in Russian] URL: <http://www.kremlin.ru/events/president/news/20845> (Accessed: 31 May 2017)

⁴ Global Terrorism Index, 2014:2. URL: <http://visionofhumanity.org/app/uploads/2017/04/Global-Terrorism-Index-Report-2014.pdf> (Accessed: 22 August 2017)

prestigious target for terrorists aiming to expand the reach of terrorism further. Coupled with increased activities in and access to the Arctic this may entice also unwanted activities such as terrorism.

This study discusses Russia's counterterrorist system with a focus on the Arctic. The objective is to understand the current state of Russian counterterrorism in the Arctic and the direction for further developments. The study presents developments and recent events in terrorism, Russian interests in the Arctic, the relationship between terrorism and the Arctic, and the methods and sources used in this study. It then proceeds with discussions of the legal framework for Russian counterterrorism, central actors in Russia's system for counterterrorism, and counterterrorist activities in the Russian Arctic, before it concludes.

Short on terrorism

While not a new phenomenon, international terrorism came to everyone's attention in September 2001 when the "9/11" attacks triggered a global war on terrorism. Despite this war on terrorism, we have witnessed many more terrorist attacks in recent years and the geographical reach of the terrorist threat is expanding. According to the 2015 Global Terrorism Index, there was a nine-fold increase in deaths from terrorism between 2000 and 2014.⁵ The index also shows a wider spread of high fatality attacks (50 fatalities or more).⁶ The most recent Global Terrorism Index (2016) shows that two prominent terrorist organisations, Boko Haram and ISIS (Islamic State of Iraq and Syria)*, have expanded their areas of operation.⁷ ISIS surpassed Boko Haram as the deadliest terrorist organisation in 2015⁸ and has been linked to several recent terrorist attacks in Europe. The international dimension of these terrorist organisations was underscored in March 2015 when Boko Haram pledged allegiance to ISIS.⁹ ISIS' ranks are also replenished by foreign fighters recruited from all over the world in what is described as a "truly globalized mobilization on an epic scale".¹⁰ According to estimates, some 25,000–30,000 foreign fighters have arrived in

⁵ Global Terrorism Index, 2014:2. URL: <http://visionofhumanity.org/app/uploads/2017/04/Global-Terrorism-Index-Report-2014.pdf> Accessed: 22 August 2017

⁶ Ibid.

*Illegal in the Russian Federation.

⁷ Global Terrorism Index, 2016. URL: <http://visionofhumanity.org/app/uploads/2017/02/Global-Terrorism-Index-2016.pdf> Accessed: 22 August 2017

⁸ Global Terrorism Index, 2014:2. URL: <http://visionofhumanity.org/app/uploads/2017/04/Global-Terrorism-Index-Report-2014.pdf> Accessed: 22 August 2017 and Global Terrorism Index, 2016. URL: <http://visionofhumanity.org/app/uploads/2017/02/Global-Terrorism-Index-2016.pdf> Accessed: 22 August 2017

⁹ Elbagir, N. Cruickshank, P. and Tawfeeq, M. (2015) Boko Haram purportedly pledges allegiance to ISIS. *CNN*. 9th March. URL: <http://edition.cnn.com/2015/03/07/africa/nigeria-boko-haram-isis/> Accessed: 10 May 2015

¹⁰ Awan, A. N. (2014) What Happens when ISIS Comes Home? *The National Interest*. 29th September. URL: <http://nationalinterest.org/feature/what-happens-when-isis-comes-home-11363>. Accessed: 10th April 2015.

Iraq and Syria from 100 different countries since 2011.¹¹ These foreign fighters are encouraged to bring *jihad* back to their countries of origin.

Russia is one of many countries from which ISIS recruits its foreign fighters. According to FSB director Aleksandr Bortnikov, as many as 1,700 Russian citizens may be fighting for ISIS in Iraq.¹² Bortnikov stresses the need to prevent people from going and to do everything possible to prevent terrorist attacks by foreign fighters that return.¹³ Members of ISIS have also directed threats at President Vladimir Putin and Russia in response to Russian involvement with Syrian President Bashar al-Assad.¹⁴

Russia is well versed in the threat of terrorism. Both Imperial Russia and the Russian Union Republic in the USSR had their experiences with terrorists and terror. The first major terrorist attack in post-Soviet Russia took place in June 1995 when a group of Chechen insurgents led by Shamil' Basayev attacked the city of Budënnovsk in neighbouring Stavropol Kray. The attack culminated in a siege of the city's hospital with over a thousand hostages. The Budënnovsk hospital siege is considered a turning point in the first Chechen war and is even accredited with bringing about the Khasavyurt Agreement that ended the war in August 1996 [1].

Other infamous acts of terrorism include the Dubrovka theatre siege in October 2002 and the Beslan school siege in September 2004. Death tolls following these attacks are in the hundreds. In both cases, the terrorists demanded Chechen independence and the withdrawal of Russian forces from the North Caucasian republic. The Beslan school siege is considered the third worst terrorist incident in the period 2002–2011.¹⁵

Russia has also suffered many terrorist attacks on a smaller scale, several of them nonetheless lethal. The National Consortium for the Study of Terrorism and Responses to Terrorism's Global Terrorism Database holds 2158 entries for Russia covering the period January 1992–December 2016.¹⁶ According to former Chairman of the Investigative Committee of the Prosecutor

¹¹ Global Terrorism Index, 2015:3. URL: <http://visionofhumanity.org/app/uploads/2017/04/2015-Global-Terrorism-Index-Report.pdf> (Accessed: 1 August 2017)

¹² RIA Novosti (2015) Head of the FSB: Up to 1.7 Thousand Russian Citizens May be Fighting in Iraq [in Russian] URL: <http://ria.ru/world/20150220/1048707159.html> (Accessed: 13 April 2015)

¹³ Ibid.

¹⁴ IRAQI NEWS (2014) Video: ISIS personally threatens Russian President Putin with seized Russian fighter jets. 5th September. URL: <http://www.iraqinews.com/arab-world-news/urgent-video-isis-personally-threatens-russian-president-putin-seized-russian-fighter-jets/> (Accessed: 13 April 2015)

¹⁵ Global Terrorism Index, 2012. URL: <https://www.files.ethz.ch/isn/156010/2012-Global-Terrorism-Index-Report1.pdf> (Accessed: 22 August 2017)

¹⁶ Global Terrorism Database. URL: http://www.start.umd.edu/gtd/search/Results.aspx?expanded=yes&casualties_type=&casualties_max=&success=yes&country=167&ob=GTDID&od=desc&page=1&count=100 (Accessed: 1 August 2017)

General's Office, Aleksandr Bastrykin, 661 terrorist offences were recorded in 2013 alone.¹⁷ Thirty-one of these offences were terrorist attacks that claimed 40 lives and injured dozens more.¹⁸ Most recently, a terrorist attack on the metro in Saint Petersburg killed 10 people and injured many more on 3 April 2017. The attack was allegedly ordered by al-Qaeda leader Ayman al-Zawahri in retaliation for Russian actions in Syria, Chechnya and Libya.¹⁹

The global terrorism indices present scores for direct and indirect impact of terrorism (0–10) and rank countries accordingly²⁰. Russia's scores over the last years are high but decreasing. An overview of the number of years countries have been among the top ten countries most affected by terrorism shows that Russia has been in the top ten no less than 9 years over the period 2000–2014. This dubious honour is shared by Algeria and only topped by Iraq (12 years), Afghanistan (13 years), Pakistan (also 13 years), and India (14 years).²¹ Russia is among several countries whose considerable numbers of terrorist incidents contributed to a steep increase in terrorism over the period 2002–2009.²² Russia alone accounted for 4% of the global total of terrorist incidents over this period.²³

The numbers for 2011 gave Russia a score of 7.07 and ranked it the ninth country most affected by terrorism.²⁴ In 2013 and 2014 Russia scored 6.76 and 6.207 and ranked as the 11th and 23rd respectively.²⁵ The most recent index provides the numbers for 2015 and has Russia listed as the 30th country most affected by terrorism with a score of 5.43.²⁶ This places Russia in the orange category (score 4–6) alongside countries like Saudi Arabia, the UK and the USA.²⁷

¹⁷ RT.com (2014) Russia hit by 31 terror attacks in 2013 — chief investigator. 27 February. URL: <http://rt.com/politics/russian-terrorism-investigator-committee-993/> (Accessed: 10 September 2014)

¹⁸ Ibid.

¹⁹ Kupfer M. After Metro Bombing, Russia Confronts New Terror Challenges, 2017. The Moscow Times. URL: <https://themoscowtimes.com/articles/after-metro-bombing-russia-confronts-new-terror-challenges-57910> (Accessed: 9 May 2017)

²⁰ Impact of terrorism is here understood as lives lost, injuries, property damage and the psychological after-effects of terrorism.

²¹ Global Terrorism Index, 2015, Table 1. URL: <http://visionofhumanity.org/app/uploads/2017/04/2015-Global-Terrorism-Index-Report.pdf> (Accessed: 1 August 2017)

²² Global Terrorism Index, 2012:6. URL: <https://www.files.ethz.ch/isn/156010/2012-Global-Terrorism-Index-Report1.pdf> (Accessed: 22 August 2017)

²³ Ibid.

²⁴ Ibid.

²⁵ Global Terrorism Index, 2015. URL: <http://visionofhumanity.org/app/uploads/2017/04/2015-Global-Terrorism-Index-Report.pdf> (Accessed: 1 August 2017) and Global Terrorism Index, 2014. URL: <http://visionofhumanity.org/app/uploads/2017/04/Global-Terrorism-Index-Report-2014.pdf> (Accessed: 22 August 2017)

²⁶ Global Terrorism Index, 2016. URL: <http://visionofhumanity.org/app/uploads/2017/02/Global-Terrorism-Index-2016.pdf> (Accessed: 22 August 2017)

²⁷ Ibid.

The Russian Arctic

Russia is one of five Arctic littoral states, alongside Norway, Denmark (Greenland), Canada and the USA (Alaska). Russia's Arctic waters stretch from the Barents Sea in the West, through the Kara and Laptev seas, to the East Siberian Sea. Leaving disputed maritime areas aside, Russia's internal waters, territorial sea and Exclusive Economic Zone in the Arctic cover an area about the same size as those of the other four Arctic littoral states combined. There are different ways to set the outer limit of the Arctic (the Arctic Circle, the tree line, and the July 10°C isotherm). Regardless of one's method for delimitation, the Russian Arctic is vast and varied — and so are Russia's interests in the region.

President Putin started his address to the Russian Security Council on 22 April 2014 by stating that the Arctic has been and remains in Russia's sphere of special interests and that “practically all aspects of national security are concentrated here: military-political, economic, technological, ecological, and resource [security]”.²⁸ Owing to this concentration of interests, Russian authorities seek to approach the Arctic systematically and in a long-term perspective. This approach manifests itself in a handful of strategic documents that address the Arctic specifically or where the Arctic appears as one region/topic of special interest for the Russian Federation.

In 2008, President Dmitriy Medvedev approved the Fundamentals of the Russian Federation's State Policy in the Arctic for the Period to 2020 and Further Prospects [the Arctic Policy].²⁹ The document lists Russia's national interests in the Arctic including utilising the Arctic Zone of the Russian Federation (AZRF) as a strategic resource base in order to safeguard the country's socio-economic development and utilising the Northern Sea Route as a unitary national transport line (Section II, Article 4). Russia's Arctic Policy goes on to list several goals and strategic priorities including securing the country's supply of hydrocarbons, biological resources and other raw materials; maintaining necessary military power in the region; and developing infrastructure in the AZRF (Section III, Articles 6 and 7). Among the basic tasks to be carried out to reach these goals is the formation of a comprehensive safety and security system to protect the territory, population and objects that are critical for Russian national security against natural and man-made emergency situations (Section IV, Article 8). The Arctic Policy is to be implemented in three phases and the final phase (2016–2020) should witness the AZRF being transformed into Russia's main base for strategic resources (Section VI, Article 11).

²⁸ Kremlin.ru (2014), Security Council Meeting on Implementing State Policy in the Arctic [Russian] URL: <http://www.kremlin.ru/events/president/news/20845> (Accessed: 31 May 2017)

²⁹ URL: <http://government.ru/media/files/A4qP6brLNJ175I40U0K46x4SsKRHGfUO.pdf> (Accessed: 4 August 2017)

In 2013, Russia also adopted a Strategy for Developing the Arctic Zone of the Russian Federation and Ensuring National Security for the Period to 2020 [the Arctic Strategy].³⁰ The Arctic Strategy lists priority directions for developing the AZRF and ensuring Russia's national security including international cooperation in the Arctic and ensuring military security, defence and protection of Russian state borders in the Arctic (Section III, Article 7.) The Arctic Strategy upholds focus on the Arctic's importance to Russia's socio-economic development as well as its military security.

The reason why the Arctic figures prominently in Russia's long-term strategy for socio-economic development owes to the region's natural resources and strategic location. The Russian Arctic holds considerable deposits of minerals such as gold, diamonds, apatite, nickel and copper, among others and is important to Russia's expansive mining industry. Arctic areas account for as much as 90% of the country's total nickel and cobalt extraction.³¹ The Arctic is also home to Russia's Northern Basin fish fleet. It is Arctic oil and gas deposits, however, that have drawn the most attention in recent years. According to numbers from the All-Russian Research Geological Institute, Russia's Arctic continental shelf holds in excess of 100 billion tons of oil equivalents, which make up 87% of the total hydrocarbon resources in Russia's continental shelf [2].

The Arctic's role for Russia's military security is linked to its geographic location and the military capabilities located in the Arctic. The Russian Arctic is home to the largest fleet in the Russian Navy, the Northern Fleet. The Northern Fleet is one of two fleets equipped with strategic nuclear capabilities and it is based on the Kola Peninsula in the Northwestern Russian Arctic. Today we see that military infrastructure and bases are being built or rebuilt along the Arctic coast. Recently, the organisation of Russia's Armed Forces has also been tweaked to address the Arctic dimension directly. A new "Arctic military district" has been formed, the Joint Strategic Command North (JSC North). This new military district is formed around the Northern Fleet (formerly in the JSC West) and also draws capabilities from the Central and Eastern JSCs. This reorganisation underscores the continued importance of the Arctic in a military strategic perspective.

The Arctic is also a topic in documents on Russia's strategic interests and aims more broadly, such as the National Security Strategy to 2020 (2009)³² and the Military Doctrine (2014)³³. Russia's National Security Strategy points to the importance of energy resources and asserts that international politics will, in the long-term perspective, centre in on control of energy deposits such as those located on the Barents Sea shelf and other areas in the Arctic (Section II, Article 11). The

³⁰ URL: <http://government.ru/media/files/2RpSA3sctElhAGn4RN9dHrtzk0A3wZm8.pdf> (Accessed: 4 August 2017)

³¹ RIA Novosti, Natural Resources in the Arctic: A Reference [In Russian]. URL: https://ria.ru/arctic_spravka/20100415/220120223.html (Accessed: 4 December 2017)

³² URL: <http://www.kremlin.ru/supplement/424> (Accessed: 4 August 2017)

³³ URL: <https://rg.ru/2014/12/30/doktrina-dok.html> (Accessed: 4 August 2017)

strategy also states a need to raise the effectiveness of border protection in Russia's Arctic Zone (Section IV-2, Article 42). Russia's Military Doctrine lists the Arctic Strategy among the documents whose relevant provisions are considered in the doctrine (Article 4). Among the main tasks of the Armed Forces, other forces and bodies during peace time we find: to secure the national interests of the Russian Federation in the Arctic (Article 32).

During his "direct line" earlier this year, President Putin was asked why Russia is so keen on the Arctic and spends vast resources on the region.³⁴ Putin's answer serves as a summary illustration of the official Russian view of the Arctic and priorities in the region:

*The Arctic is a most important region, which will ensure Russia's future. Opportunities for the Russian Federation will grow in the region. Around 30% of all hydrocarbons will be extracted in the Arctic. If the climate changes, this will mean that the navigation period in the Arctic zone will last longer. The region is attracting interest also from non-Arctic states. This is good. We are prepared to cooperate, but we must safeguard our priorities. It is necessary to ensure economic activity in the Arctic. It is also necessary to ensure a military presence, to ensure border control. We must keep watch of routes for intercontinental missiles that pass through there. Failure to do this was not due to a lack of interest, but because they were unable to do this. Today we can do this.*³⁵

Terrorism and the Arctic

Seeing as the Arctic is intended to become Russia's main base for strategic resources — oil and gas duly mentioned — it is no wonder that President Putin, when he expressed his concern for terrorism in the Arctic, stated that "Oil and gas production facilities, loading terminals and pipelines should be adequately protected from terrorists and other potential threats".³⁶

Under the heading Terror's Next Target, Gal Luft and Anne Korin have argued that the world's energy system will likely become a favoured target among terrorist organisations [3]. Indeed, as the authors point out, oil and gas facilities have long been targeted by terrorists, but this has not received much attention as these attacks have been treated as part of the "industry's risk" [3].

According to the Energy Policy Information Center, "energy and terrorism have a long history, and the relationship between the two appears to be strengthened".³⁷ This claim rests on an

³⁴ Maksimov Ilya and Dmitriy Sosnovskiy, (2017). "Direct line" with Vladimir Putin. Online Transcription [Russian] *Rossiyskaya Gazeta*. URL: <https://rg.ru/2017/06/15/priamaia-liniia-s-vladimirom-putiny-m-onlajn-translaciia.html> (Accessed: 15 June 2017)

³⁵ Ibid.

³⁶ Kremlin.ru (2014), Security Council Meeting on Implementing State Policy in the Arctic [Russian] URL: <http://www.kremlin.ru/events/president/news/20845> (Accessed: 31 May 2017)

³⁷ Energy Policy Information Center (2014) The Growing Connection between Oil and Terror. URL: <http://energypolicyinfo.com/2014/09/the-growing-connection-between-oil-and-terror/> (Accessed: 6 May 2015)

analysis that shows that attacks on oil and gas facilities have risen sharply in both aggregate and relative terms. Attacks on oil and gas facilities have risen from less than 100 attacks per year in the 1970s to almost 600 in 2013 alone.³⁸ In the mid–1990s attacks on oil and gas facilities made up less than 2.5 percent of total attacks while the 600 attacks on oil and gas facilities in 2013 made up nearly a quarter of the attacks that year.³⁹

Industry risk or not, energy facilities' vulnerability to terrorist attacks is receiving more attention today. This comes partly as a result of actual attacks, such as the one on the In Amenas joint venture (Sonatrach, BP and Statoil) in Algeria 16–19 January 2013 that killed 40 people and disrupted operations for over a year.⁴⁰ In 2015, a US owned gas factory in Lyon, France, was among the targets in a string of what appeared to be coordinated attacks on energy facilities.⁴¹ ISIS claimed responsibility for the attacks.⁴² According to John Siciliano, these attacks "raised the spectre of what many security experts call an inevitable physical or cyber attack on the U.S. electricity grid".⁴³

Developments in cybercrime and the vast potential detrimental effects of cyberterrorism places this diffuse threat high up on the counterterrorist agenda. Cyberattacks would allow terrorists to target objects far beyond their geographical areas of activities and without establishing any physical presence in the areas where the objects are located. While cyberattacks are not among the *modi operandi* of terrorist organisations at present, there is concern that such organisations may soon adopt such methods. According to the Cybersecurity Strategy of the European Union, terrorists are among potential origins of threats to Europe's cybersecurity.⁴⁴

One of just a few studies that address the nexus between terrorism and the Arctic directly is an article by Kseniya Bidnaya on cyberterrorism as a threat to state security in the Arctic region [4]. Bidnaya portrays a potential terrorist threat in the Arctic as stemming from tension between Arctic states. In the future, she writes, "the fight between Russia and the United States over the Arctic will move into cyberspace" [4]. Bidnaya also speculates that Russian drilling rigs can be

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Statoil, The In Amenas Attack, 2013. URL: <https://www.statoil.com/content/dam/statoil/documents/In%20Amenas%20report.pdf> (Accessed: 1 August 2017)

⁴¹ Siciliano, John (2015). New wave of terror attacks shows energy infrastructure at risk, *The Washington Examiner* 27 June 2015. URL: <http://www.washingtonexaminer.com/new-wave-of-terror-attacks-shows-energy-infrastructure-at-risk/article/2567159> (Accessed: 1 August 2017)

⁴² Ibid.

⁴³ Ibid.

⁴⁴ European Parliament, et al., *Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace*. 2013:3. URL: http://www.eeas.europa.eu/archives/docs/policies/eu-cyber-security/cybsec_comm_en.pdf (Accessed: 4 August 2017)

hacked and compromised so that oil spills into the Arctic and thus provide the United States with falsified evidence of Russian activities in the Arctic harming the environment [4].

A more comprehensive discussion of the topic is presented by Roman Zalyvskiy in his article on the threat of terrorism in the Russian Arctic [5]. Zalyvskiy addresses several important underlying factors for terrorism in Russia, such as unemployment among youth etc. [5]. He also points to interesting trends, such as “distraction strikes” that have preceded several major terrorist attacks in Russia including the attacks on the Dubrovka theatre and school No. 1 in Beslan [5]. Zalyvskiy entertains controversial claims of a Cold War plot to destabilise Russia by fuelling Islamic discontent in the Caucasus and Central Asia [5]. In Zalyvskiy’s words, “this plan, as we can see, is being carried out quite successfully by Russia’s ‘good colleagues’” [5]. Zalyvskiy goes on to claim that Russia’s “friends” are even financing terrorists [5].

In the author’s opinion, a potential terrorist threat in the Arctic is disconnected from potential conflicts over the Arctic and other tensions between Arctic states. No Arctic state has been labelled as a terrorist organisation and, although they certainly affect relations between Arctic states in a negative way, recent hacking incidents have not been labelled cyber-terrorism. The state-centred outlook and focus on tension between Russia and “the West” (and thus among the Arctic states) presented by Bidnaya and Zalyvskiy distract attention from the real origins and potential for terrorism in the Arctic. A terrorist threat in the Arctic will arguably come from terrorist organisations, should they become active in the Arctic (physical presence) or through cyber-attacks targeting Arctic objects from outside the region.

If the Arctic states go ahead and utilise oil and gas deposits located in the Arctic it cannot be ruled out that terrorists (including eco-terrorists) might target oil and gas facilities there. Environmentalists are paying attention to the Arctic and campaign against economic projects that may impact the vulnerable Arctic environment. Greenpeace's 2013 protest at the Prirazlomnoye oil platform in the Pechora Sea illustrated the vulnerability of such facilities. While we might think that Arctic oil and gas facilities enjoy a certain level of security simply from being located far away and in an inhospitable climate, the fact that a group of activists made their way to the platform and even started scaling it before they were apprehended proves otherwise.

This weakness has not gone unnoticed by the head of the FSB, Aleksandr Bortnikov, who has stated that:

the current work of anti-terrorist agencies in the [Arctic] region has some faults, especially in ensuring the security of the Northern Sea Route and maritime-based economic enterprises [...] In particular, we need to perfect the legal basis that regulates the anti-terror protection of nuclear

*icebreaking fleet, maritime drilling rigs and underwater facilities. We must also develop a protocol for the minimization and liquidation of any consequences of terrorist attacks on infrastructure of the North Sea Route. [...] regional anti-terror commissions must launch constant control programs assessing the state of protection at Russia's Arctic sea ports.*⁴⁵

Besides oil and gas facilities (present and future) and the Northern Sea Route's infrastructure, there are also other potential targets of terrorism in the Arctic. These targets range from public areas and events that draw crowds to strategic objects that may be targeted due to the massive damage potential, e.g. airports, train stations, schools, nuclear objects etc. Two of Russia's 10 active nuclear power plants are in the Arctic (Kola NPP in the Murmansk region and Bilibino NPP in the Chukotka region). Additionally, many nuclear objects belonging to the Armed Forces are in the Arctic. In her article on cyber-terrorism as a threat in the Arctic region, Bidnaya singled out Russia's anti-ballistic missile (ABM) system as well as computer control systems of drilling rigs as potential targets [4].

Among the numerous incidents registered in Russia in the post-Soviet period according to the Global Terrorism Database, two took place in the Russian Arctic. In 1998, a group of "unidentified sailors" took children and teachers hostage at a school on Novaya Zemlya (Arkhangelsk Oblast') and threatened to start killing hostages if their demands for weapons and a plane were not met.⁴⁶ The second incident took place in the same region in 2006, when a car bomb blew up near a department belonging to the Ministry for Natural Resources and Forestry in the regional capital.⁴⁷

It is difficult to predict with much accuracy what trajectory developments in the Arctic will take in the long term. However, what is certain is that the larger role the Arctic plays, say as a strategic resource deposit or as an important transport route, the more likely is the region going to attract even more attention. Such attention may come from investors looking to make a profit, from activists looking to deter economic activities in the Arctic, or from terrorists looking to strike strategic assets.

⁴⁵ RT.com (2015) Russian security chief urges stronger anti-terror defense for Arctic. 11 August. Available from <https://www.rt.com/politics/312187-russian-security-chief-urges-international/> (Accessed: 12 August 2015)

⁴⁶ Incident Summary GTD ID 199809050002. National Consortium for the Study of Terrorism and Responses to Terrorism, University of Maryland. URL: <https://www.start.umd.edu/gtd/search/IncidentSummary.aspx?gtidid=199809050002> (Accessed: 16 August 2016)

⁴⁷ Incident Summary GTD ID 200602020002. National Consortium for the Study of Terrorism and Responses to Terrorism, University of Maryland. URL: <https://www.start.umd.edu/gtd/search/IncidentSummary.aspx?gtidid=200602020002> (Accessed: 16 August 2017)

Methods and sources

Arctic counterterrorism is a relatively new and under-researched topic. The current study's objective is to start the process of filling this gap by providing an initial case study of counterterrorism in the Russian Arctic. This is in many ways an exploratory case study, but it is limited to two select units of analysis: legal regulation and formal organisation. The choice of these two units of analysis rests with the novelty of the topic, which necessitates laying down the groundwork for subsequent analyses of more sophisticated specificities of Arctic counterterrorism.

This legal and organisational case study is largely based on primary sources such as federal laws and concept and strategy documents. The method of analysis used to inform this case study based on these documents is methodical qualitative text analysis. The choice of this method rests on these documents' function and authority. The federal laws, concepts and strategic documents here subjected to text analysis are legally binding and steering documents. These texts are the public expression of the Russian authorities' tasks and objectives on questions pertaining to the topic at hand. In other words, these texts reveal the legal framework and organisation of Russia's Arctic counterterrorism as the Russian authorities perceive and prescribe them. Secondary sources have also been consulted, such as the global terrorism indices and the media. Secondary sources mainly inform the context and they also provide insights on counterterrorist activities in the Russian Arctic.

Counterterrorism in the Russian Federation

This section considers the organisation of counterterrorism in the Russian Federation in general and in the Russian Arctic. The section is organised into three parts: a presentation of the legal framework that regulates counterterrorism, a presentation of the actors that formulate and carry out counterterrorist measures, and a presentation of counterterrorist activities in the Russian Arctic.

Legal framework

There are several legal documents that regulate counterterrorism in the Russian Federation. Central among these are the federal law No. 35 On combating terrorism (2006) and the Concept of Counterterrorism (2009). Russia's anti-terrorism legislation reaches much wider than this with many legal acts regulation relevant activities (laws regulating travel, transport, communication, intelligence activities etc.). The current presentation focuses on federal law No. 35, the Concept of Counterterrorism as well as the Russian Criminal Code. The presentation concludes with a few comments on the most recent changes to counterterrorism legislation, the Yarovaya-law package.

Criminal Code

The Criminal Code of the Russian Federation⁴⁸ holds a chapter on crimes against public safety, including acts of terrorism. It defines an act of terrorism as any action that:

evokes fear in the population and creates danger for loss of life, causes substantial material damage or other severe consequences with the aim to destabilise activities of state bodies or international organisations or to influence their decisions; and also, the threat to undertake such actions with such aims. (Article 205, section 1).

Carrying out an act of terrorism is punishable by a custodial sentence of 10–20 years and potentially followed by a restricted freedom regime. Aggravating circumstances include that the act of terrorism is carried out by an organised group or that it trespasses on a nuclear facility (Article 205, sections 1, 2 and 3).

Other related charges include participation in terrorist organisations or associations and public calls for, or justification of, terrorism. Such crimes are punishable by one or a combination of custodial sentences (2–20 years), restricted freedom regimes (1–2 years or indefinitely), fines (≤1,000,000 RUB or ≤5 years income), forced labour (≤5 years), and embargo from offices or activities (≤5 years) (Articles 205–205.5).

There have been several calls to reinstate the death penalty in Russia and terrorism is one of the categories of crimes claimed to justify such punishment. While these calls have been unsuccessful, other ways to expand the reach of the Criminal Code and to punish terrorists directly and indirectly are also being promoted. More on this below.

Federal law No. 35 On combating terrorism

Federal law No. 35 On combating terrorism was adopted 6 March 2006⁴⁹. The law lays down the basic principles for counterterrorist measures and lists the powers vested in the Russian president, the federal government, regional authorities, and local authorities. Three topics are given particular attention: suppressing terrorist acts in the air; suppressing terrorist acts at sea (in internal waters and the territorial sea, on the continental shelf and to protect national shipping) and use of the Armed Forces in the fight against terrorism. In broad strokes, any aircraft or marine vessel that fails to respond to and comply with commands can be annihilated by the Armed Forces to prevent loss of life or an ecological disaster (articles 7,8 and 9). The Russian Armed Forces can also be used in counterterrorist operations beyond Russia's state borders (article 10).

⁴⁸ URL: <http://ivo.garant.ru/#/document/10108000/paragraph/26654339:5> (Accessed: 4 August 2017)

⁴⁹ URL: <http://ivo.garant.ru/#/document/12145408/paragraph/17901:2> (Accessed: 4 August 2017)

Counterterrorist operations can be initiated if other means to prevent an act of terrorism are deemed insufficient (Article 12.1). In this event, a special legal regime can be introduced to regulate the area for the duration of the operation to prevent and expose the act of terrorism, minimise the effects thereof and protect vital interests. This could include expelling people from the area or quarantining them in it, commandeering vehicles, tapping phones and other sources of information, among other things (Article 11). The law opens for the possibility to engage in negotiations with terrorists during a counterterrorist operation, but any political demands are not to be considered (Article 16).

Concept of Counterterrorism

In October 2009 President Dmitriy Medvedev affirmed the Concept of Counterterrorism in the Russian Federation⁵⁰. Its stated goal is to lay down the basic principles for Russia's state policy on counterterrorism and to set the goal, tasks, and course for further development of a nationwide system for combating terrorism in the Russian Federation (Preamble). The concept includes a list of general contemporary trends in terrorism, among them an increase in terrorist acts and casualties thereof as well as a wider geographic span and international character of terrorist organisations (Section I, article 1, a) and b)).

The concept presents a national system for counterterrorism that consists of the aggregate of subjects [bodies] combating terrorism and normative legal acts that regulate their activity on detection, warning (prevention), suppression, exposure and investigation of terrorist activities, minimising and (or) eliminating the consequences of terrorism (Section II, Article 5). The organisation of this national system for counterterrorism is presented in the next section on central actors.

The legal base for the national system for counterterrorism is, according to the Concept of Counterterrorism: the Russian Constitution, universally recognised principles and norms of international law, international treaties that Russia is party to, federal constitutional laws, federal laws, normative legal acts of the president and the government, the National Security Strategy till 2020, the Foreign Policy Concept, the Military Doctrine, the Concept of Counterterrorism, and other relevant normative legal acts (Section I, article 9). While these are important documents (or general categories of documents) in the Russian legal hierarchy, many do not or only superficially address terrorism.

Russia's National Security Strategy to 2020 (2009) touches upon terrorism as well as the Arctic, but these topics are not explicitly linked. The strategy identifies terrorism, international and domestic, among threats to Russia's national security. To ensure national security in the long term,

⁵⁰ URL: <https://rg.ru/2009/10/20/zakon-dok.html> (Accessed: 4 August 2017)

the strategy reads, it is necessary to continuously improve law-enforcement measures to expose, prevent, suppress, and detect acts of terrorism (Section IV-1, article 36). As already mentioned above, the National Security Strategy emphasizes the importance of energy deposits and improved border control in the Arctic.

The Foreign Policy Concept (2016)⁵¹ describes the strengthening of international terrorism as one of the most dangerous threats of today (Section II, Article 14). Globalisation allows for the formation of criminal power centres that pool resources and further increase the influence of criminal organisations, also through connections with terrorist and extremist organisation (Section II, Article 16).

Russia's Military Doctrine (2014) lists terrorism among both external and domestic military threats to the Russian Federation (Articles 12 and 13). Participation in international counterterrorism is listed among the tasks Russia undertakes to contain and prevent military conflict (Article 21). The doctrine also asserts that international cooperation in counterterrorism is insufficiently effective, a condition that allows the "threat of global extremism (terrorism) and its new manifestations" to grow (Article 12).

The Yarovaya law package

In the summer of 2016, an anti-terrorism law package was adopted. The so-called 'Yarovaya law' (federal laws No. 374 and No. 375, 2016⁵²), introduced changes to several legal acts including federal law No. 35 On combating terrorism and the Criminal Code's article 205 on acts of terrorism. This new law package has been widely criticised both in Russia and abroad for what is perceived as a widening of scope for anti-terrorism legislation among other things.⁵³

The changes introduced to the Criminal Code raise the minimum punishment for some terrorist crimes. While carrying out an act of terrorism previously qualified for 8–15 years in prison, the minimum custodial sentence today is 10 years. If the terrorist act was carried out by an organised group, the scope for custodial sentencing used to be 10–20 years and is now 12–20 years (Article 205). Public calls for or justifications of terrorism in mass media used to qualify for up to 7 years in prison. Today such statements made in mass media or via electronic or information-telecommunication networks including the internet, still qualify for maximum 7 years in prison,

⁵¹ URL: http://www.mid.ru/foreign_policy/news/-/asset_publisher/ckNonkJE02Bw/content/id/2542248 (Accessed: 4 August 2017)

⁵² URL: <http://ivo.garant.ru/#/document/71437484/paragraph/1:1> (Accessed: 4 August 2017) and <http://ivo.garant.ru/#/document/71437612/paragraph/1:3> (Accessed: 4 August 2017)

⁵³ Borshchevskaya, Anna (2016) "Brave New World": Russia's New Antiterrorism Legislation in Forbes 8 July. URL: <https://www.forbes.com/sites/annaborshchevskaya/2016/07/08/brave-new-world-russias-new-anti-terrorism-legislation/#17509123d559> (Accessed: 6 September 2016)

but now there is also a minimum sentence of 5 years for such crimes (Criminal Code, Article 205.2). Controversially, a new category of terrorist crimes has been added to the Criminal Code: failure to report someone for preparing, carrying out or having carried out a terrorist crime (Article 205.6). Changes to the federal law “On combating terrorism” consist of a few additions and specifications of responsibilities, particularly relating to coordinating efforts between the different actors and involving lower level actors in fundamental preventive activities. More on this in the section on actors below.

Central actors

Many different actors have an obligation to participate in Russian counterterrorism ranging from state bodies through non-governmental organisations to individual citizens. This presentation focuses on the formal organisation of Russian counterterrorism and on the most central state actors with a special attention given to the coordinating bodies in the national system for counterterrorism.

President of the Russian Federation

The highest authority for counterterrorism in the Russian Federation is the president. The president sets the basic direction of state counterterrorist policy, he determines the jurisdiction of federal executive bodies subordinate to the presidency in this field, and he can also decide to use Russian forces to fight terrorism outside of Russian territory.⁵⁴ The president also has the power to set up an authoritative body to coordinate and organise counterterrorist activities of federal and regional executive bodies and local bodies. He can also decide that relevant bodies must be formed with representatives from territorial divisions of federal executive bodies, and from regional state bodies, among others. Decisions made by these bodies within their area of responsibility are legally binding for all state bodies.⁵⁵

Federal government

The federal government determines the jurisdiction of federal executive bodies subordinate to it in this field, it develops and implements counterterrorist measures according to the president’s guidelines, and it is responsible for ensuring that counterterrorist activities of federal and regional executive bodies and of local bodies are carried out with sufficient means and resources.⁵⁶ The federal government is also responsible for categorising objects in need of protection from terrorists; criteria for protecting them, controlling that these criteria are observed, as

⁵⁴ Federal law No. 35, 2006, article 5, section 1.

⁵⁵ Ibid. Article 5, sections 4 and 4.1.

⁵⁶ Ibid. Article 5, section 2.

well as issuing security passports for such objects.⁵⁷ New, as of the introduction of the Yarovaya law is that the federal government sets procedures for cooperation between federal, regional and local authorities as well as individuals and organisations when assessing information about an impending act of terrorism and when informing subjects combating terrorism about identified terrorist threats.⁵⁸

Regional authorities

Regional authorities in the many federal subjects (regions) also play a role in Russian counterterrorism. This role mainly rests with the highest regional official, in most cases a governor, and the highest regional executive body, the regional government.

The governor organises the implementation of state policy on counterterrorism in the region, she coordinates preventive and reactive measures of regional state bodies, and she is obligated to organise activities of counterterrorist bodies with representation from territorial divisions of federal executive bodies, regional state bodies etc. set up on the president's order.⁵⁹

The regional government, which is chaired by the governor, has many obligations when it comes to counterterrorism. This includes developing and implementing a regional state programme for counterterrorism, rehabilitation of victims of terrorism, organising training in methods to detect terrorist threats and minimise effects of terrorist acts, and carrying out interregional counterterrorist cooperation, among other things.⁶⁰

Local authorities

Local authorities' role in combating terrorism has been minimal. Among the amendments introduced by the Yarovaya law, we find the inclusion of an article listing the competencies of local authorities in the field of combating terrorism. This includes articulating and implementing municipal programmes for prevention of terrorism, and organising outreach events in local educational institutions that explain the essence of terrorism and its dangers for society and that form hostility to terrorist ideology in the population.⁶¹

National system for counterterrorism

As mentioned above and according to the Concept of Counterterrorism, the national system for counterterrorism consists of the aggregate of subjects [bodies] combating terrorism. These bodies are: all authorised bodies of state power (i.e. federal and regional authorities) and of local self-government (i.e. local authorities) whose competencies include measures to combat ter-

⁵⁷ Ibid.

⁵⁸ Ibid. Article 5, section 2, paragraph 5.

⁵⁹ Ibid. Article 5.1, section 1.

⁶⁰ Ibid. Article 5.1, section 2.

⁶¹ Ibid. Article 5.2.

rorism, as well as non-governmental organisations and associations and also citizens who cooperate with bodies of state power and local self-government in implementing counterterrorist measures.⁶² Federal law No. 35 On combating terrorism also provides a description of a possible composition of a counterterrorist group (force): subdivisions, military units and formations of the Armed Forces, subdivisions of federal executive bodies pertaining to security, defence, internal affairs, ensuring the activities of the National Guard's troops, justice, civil defence, protection of the population and territory against emergency situations, fire safety and safety of people at sea, other federal executive bodies, and also subunits of regional executive bodies.⁶³ Needless to say, with such large and varied groups of actors involved, Russia's national system for counterterrorism requires solid coordination.

Responsibility for coordinating the national system for counterterrorism rests with the National Antiterrorism Committee (NAC) through its Federal Operational Staff (FOS) and regional operational staffs (ROS).⁶⁴ Additionally, there are regional antiterrorism commissions (RAC) in each of Russia's regions.⁶⁵ These coordinating bodies predate the Concept of Counterterrorism as they were set up by presidential decree in 2006 in order to improve the state's management of counterterrorism.⁶⁶ All members in the coordinating bodies in the national system for counterterrorism serve *ex officio*. NAC advises the President of the Russian Federation on the formulation of Russia's counterterrorism policy and on articulating Russia's counterterrorism legislation.⁶⁷ The NAC also participates in international counterterrorism cooperation, including preparation of international treaties.⁶⁸ The RACs coordinate activities between territorial subdivisions of federal executive bodies, regional executive bodies and local bodies in the fields of terrorism prevention and minimising (eliminating) consequences of terrorism.⁶⁹ The FOS and the ROS' are responsible for planning and directing counterterrorist operations.⁷⁰

The coordinating bodies in Russia's system for counterterrorism bring together officials occupying leading positions in various governmental bodies, including the leaders of the most central security services. Table 1 lists the members of the NAC and identifies those holding central positions in the NAC.

⁶² Concept of Counterterrorism, Section II, Article 7.

⁶³ Federal law No. 35 On combating terrorism, Article 15.3.

⁶⁴ Concept of Counterterrorism, Section II, Article 8.

⁶⁵ Ibid.

⁶⁶ Presidential decree No. 116, 2006, 'On measures to counter terrorism', Preamble.

⁶⁷ Provision on NAC introduced by presidential decree No. 116, 2006.

⁶⁸ Ibid.

⁶⁹ Presidential decree No. 116, 2006, Article 3.

⁷⁰ Ibid. Article 4.

Table 1

Members of the NAC and their positions

Members of the NAC [Position in the NAC]
Director of the Federal Security Service (FSB) [NAC Chairman]
Minister of Internal Affairs (MVD) [Deputy NAC Chairman]
Deputy director of the FSB [Leader of the NAC apparatus and deputy NAC Chairman]
Deputy Prime Minister and presidential plenipotentiary for the North Caucasus Federal District
First deputy leader of the presidential administration
First deputy Chairman of the Federation Council (by agreement)
First deputy Chairman of the State Duma (by agreement)
Minister of Emergency Situations (MChS)
Minister of Foreign Affairs
Minister of Defence
Minister of Justice
Minister of Health
Minister of Industry and Trade
Minister of Communications and Mass Media
Minister of Transport
Minister of Energy
Director of the Foreign Intelligence Service (SVR)
Director of the National Guard and chief commander of the National Guard forces (Added. N 657, 07.12.16)
Director of the Federal Protective Service (FSO)
Director of Rosfinmonitoring
Head of the General Staff of the Armed Forces of the Russian Federation and first deputy defence minister
Deputy secretary of the Security Council of the Russian Federation
Chairman of the Investigative Committee of the Russian Federation

Source: Composition of NAC approved by Presidential decree No. 1258 (2012) with alterations and additions of 26 June 2013 and 7 December 2016.

As we can see from Table 1, the Federal Security Service (FSB) both chairs the NAC and holds the leadership of its apparatus. The FSB's role in the national system for counterterrorism is further entrenched by the power of the NAC Chairman to appoint the leader of the FOS. The central role of the FSB in Russian counterterrorism is also visible in the regional counterterrorist bodies. While the top position as RAC chairman is occupied by the regional executive head, the head of the regional FSB division serves as deputy RAC chairman and is also the default leader of the ROS.

The Ministry of Internal Affairs (MVD) also holds central positions in the national system for counterterrorism. The MVD minister serves as deputy FOS leader as well as deputy NAC chairman, and the head of the regional MVD serves as deputy ROS leader as well as a member of the

RAC. However, recent developments have weakened the MVD and its role in combating terrorism. 2016 witnessed the creation of a new organisation in Russia's security system: the Federal Service Troops of the National Guard (FSVNG), the National Guard.⁷¹ The new service has taken over the interior troops previously belonging to the Ministry of the Interior including various rapid response and special purpose detachments.⁷² The National Guard's long list of tasks includes protection of public order, public security and emergency rule, fighting terrorism and ensuring the legal regime of counterterrorist operations.⁷³ According to President Putin, the main objective of the National Guard is to fight terrorism and organised crime.⁷⁴ In December 2016, the director of the National Guard was included in the NAC and the FOS.⁷⁵

The National Guard's inclusion in the coordinating bodies in the national system for counterterrorism has not introduced this new agency into these bodies' central positions. However, the creation of the National Guard and the emphasis placed on its role in combating terrorism have resulted in speculation as to the new agency challenging the FSB's position in Russia's fight on terrorism. Due to the novelty of these developments and the lack of publically available information, little can be said about such speculation other than, for the time being at least, the FSB retains its central positions in the coordinating bodies in the national system for counterterrorism and the National Guard is included among the coordinating bodies' rank and file members.

The Russian Arctic

The formation of a streamlined system for counterterrorism, the national system for counterterrorism presented above, ensures designated counterterrorist bodies also in the Russian Arctic.

Counterterrorist bodies in the Russian Arctic

In addition to the two federal bodies, the NAC and FOS, there are eight regional antiterrorism commissions and the same number of regional operational staffs with jurisdiction over Arctic territory: Murmansk RAC and ROS, Arkhangelsk RAC and ROS, Nenets RAC and ROS, Komi RAC and ROS, Yamalo-Nenets RAC and ROS, Krasnoyarsk RAC and ROS, Sakha RAC and ROS, and Chukotka RAC and ROS.⁷⁶

⁷¹ Presidential decree No. 157 (2016).

⁷² Nikolsky A. Russia's New National Guard: Foreign, Domestic and Personal Aspects // Moscow Defense Brief. 2016. No. 2. Pp. 16–17. URL: <http://mdb.cast.ru/mdb/5-2017/item3/article3/> (Accessed: 13.11.2017)

⁷³ Federal law No. 226 (2016).

⁷⁴ The Moscow Times (2016). Putin Announces Establishment of Russian National Guard. URL: <https://themoscowtimes.com/news/putin-announces-establishment-of-russian-national-guard-52400> (Accessed: 29 June 2017)

⁷⁵ Presidential decree No. 657 (2016).

⁷⁶ The number of regional coordinating bodies that have jurisdiction over Arctic territory varies depending on where one draws the external border of the Arctic. I have here included all regions with territory (land and/or maritime terri-

These bodies ensure some attention to the topic of counterterrorism, as their meetings are often reported in regional mass media along with brief presentations of central points on the agenda. Their agendas often include discussions of preventive measure in relation to public events, strategic objects etc. and counterterrorist exercises.

As could be expected, the *raison d'être* of counterterrorist activities in the Arctic today is related to developments outside this region rather than in the region itself. Speaking at a Krasnoyarsk RAC meeting in December 2014 Governor Viktor Tolokonkiy, asserted a need to improve the commission's efforts across the board in 2015, in the light of recent changes in the external environment.⁷⁷ In the fight against terrorism, the governor stated, we must strengthen the practical effort to the maximum. We all know of the severe consequences of activities carried out by extremists and terrorists in some of this country's regions.⁷⁸ At that same meeting the end of year results for 2014 were presented, including "no terrorist offences recorded in the region in 2014".⁷⁹

Krasnoyarsk Kray hosts an annual exhibition forum, Contemporary Security Systems — Antiterror, that includes an all-Russian conference dedicated to theoretical and practical questions relating to countering terrorist ideology. Such events emphasise the wider geographic spread of counterterrorist activities than terrorist activities in Russia. Krasnoyarsk Kray is a large region that stretches from the very north of Russia almost to the southern border and the capital, Krasnoyarsk (where the forum and conference takes place), is itself located in the south of the region and not in its Arctic part. The region's capital city was also the location of the region's only incident registered in the GTD, a vicious beating of a foreign student in 2006.⁸⁰

Counterterrorist activities in the Russian Arctic are not limited to meetings of bodies that happen to be physically located on Arctic territory. In fact, regular counterterrorist exercises are taking place in the Russian Arctic.

Counterterrorist exercises in the Russian Arctic

Here are a few examples of counterterrorist exercises that have taken place in the Russian Arctic over the past years. These examples are from the Murmansk Region located in the westernmost part of the Russian Arctic.

tory) north of the Arctic Circle. Were we, for example, to follow the standard set by the Arctic Council's SAR agreement of 2011 we would also include a ninth pair of regional coordinating bodies, Kamchatka RAC and ROS.

⁷⁷ Krasnoyarsk Kray Official Portal (2014) Viktor Tolokonkiy: In the Fight against Terrorism, it is Necessary to Strengthen Practical Activities to the Maximum [in Russian] 19 December. URL: <http://www.krskstate.ru/safety/news/0/news/76324> (Accessed: 4 June 2015).

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ GTD incident No. 200604010030
<http://www.start.umd.edu/gtd/search/IncidentSummary.aspx?gtdid=200604010030> (Accessed: 4 August 2017)

Antiterror-2011. This exercise took place at the Murmansk Seaport in June 2011. The scenario was as follows: a group of armed terrorists made their way into the port's area on a speedboat. They intended to capture a vessel and send it into the port terminal to inflict maximum disruption on the port's activities. A patrol boat intercepted the terrorists and, following a short chase and shoot-out; the terrorists were apprehended, and their boat was towed away. This was the second exercise using some of the functions of a new mobile system for physical protection of objects included in the region's arsenal two years prior. The system's radar was used to locate the terrorists' boat and its long-distance cameras then provided real-time footage of the terrorists' movements.⁸¹

Antiterror-2013. This exercise took place in Vitino port (on the White Sea) in August 2013. According to the exercise scenario, a terrorist placed mines around an oil deposit and made various demands. The whole area was sealed off, the culprit was located using radar and subsequently apprehended by a patrol boat following a short chase.⁸²

Kola Bay, June 2015. According to a recent exercise scenario, terrorists high-jacked the ship Mikhail Dudin in the Kola Bay. The terrorists threatened to kill hostages and to blow up the ship. To prove that they meant business, the terrorists threw two crewmembers overboard. Negotiations with the terrorists revealed that they were out of fuel. Under the pretext of replenishing the terrorists with fuel, a neutralising operation was carried out. The remaining hostages were freed, the terrorists were apprehended, and the two crewmembers in the water were airlifted to safety. Commenting on the exercise, Governor Marina Kovtun emphasised that the Murmansk port and the whole of the Kola Bay, 'as key points for the Northern Sea Route', demand that attention is paid to ensuring security in these waters. Kovtun also asserted that such exercises are necessary to promote cooperation and coordination among those involved in counterterrorism.⁸³

A similar scenario was exercised in June 2017: an oil tanker *en route* from Arkhangelsk to Murmansk was high-jacked by terrorists that had infiltrated the crew.⁸⁴ Tv21 reported that the

⁸¹ News.vmurmanske.ru (2011) The exercise "Antiterror-2011" took place in Murmansk Port [In Russian] URL: <http://news.vmurmanske.ru/v-murmanskom-portu-proshli-ucheniya-antiterror-2011/> Accessed: 18 October 2016. Uvo-murmansk.ru, n/d. "Murmansk Sea Port. Antiterror-2011" [In Russian] URL: <http://www.uvo-murmansk.ru/component/content/article/1-latest-news/74-morskoy-port-antiterrir> (Accessed: 18 October 2016)

⁸² Tv21.ru (2013) The Antiterror-2013 exercise took place in Vitino sea port [In Russian]. URL: <http://www.tv21.ru/news/2013/08/27/vmorskoy-portu-vitino-proshli-ucheniya-antiterror-2013> (Accessed: 06 September 2016)

⁸³ Tv21.ru (2015). Large exercise with participation from all special services of Murmansk took place in the Kola Bay [In Russian]. URL: <http://www.tv21.ru/news/2015/06/05/v-akvatorii-kolskogo-zaliva-sostoyalis-masshtabnye-ucheniya-s-uchastiemvseh-specsluzhb-murmanska> (Accessed: 15 June 2015)

⁸⁴ Tv21.ru (2017). Conditional Terrorists who Seized a Tanker Neutralized by the Border Guard in the Barents Sea [Russian] URL: <http://www.tv21.ru/news/2017/06/07/v-barencem-more-pogranichniki-obezyedili-uslovyh-terroristov-zahvativshih-tanker> (Accessed: 4 August 2017)

terrorist made “unthinkable political demands” and the operative staff decided to storm the tanker to free the hostages and neutralise the terrorists. To this end, vessels from the coast guard (FSB) and the Northern Fleet as well as FSB aviation joined forces in a counterterrorist operation that blocked off the tanker. While combat swimmers silently approached the tanker from the water, special forces descended from a helicopter. The exercise was declared a success after the terrorists were neutralized, their leader liquidated, and the hostages freed. A fire started by the terrorist before they were boarded was also extinguished without difficulty. According to the head of the FSB coast guard for the Western Arctic Region, Igor Konstantinov, everyone performed their tasks perfectly.⁸⁵

Conclusion

Counterterrorism in the Russian Arctic has become a recurring topic in relevant discourses, the discourse on Russia's interests in the Arctic and — to a lesser degree — the Russian discourse on counterterrorism. That said, the Arctic counterterrorism is a minor topic, also in the discourse on Russian interests in the Arctic, and it is an underdeveloped topic. Its inclusion on the agenda appears as an effort to cover all bases, rather than as a response to any direct threat. While this complicates the task of studying Arctic counterterrorism, the nature of terrorism calls for just such a better safe than sorry attitude.

Russian attention to the Arctic counterterrorism is related to the country's goal of making the Arctic its main base for strategic resources, and the fear that this may draw terrorists' attention to infrastructure of the Northern Sea Route and other maritime facilities. This fear is fuelled by recent developments in international terrorism with terrorist organisations moving beyond their traditional areas of operation. Russia is one of the countries in the world that are most affected by terrorism. In addition to the threat of international terrorism, Russia also has home-grown terrorist organisations whose cause is supported by international terrorist organisations.

While the timeframe set for the AZRF to become Russia's main base for strategic resources is highly unrealistic, the importance of the Arctic and its strategic resources in the long term is cause for preventive measures to be taken. What will likely become the region's strengths are areas of activities that have long been favoured among terrorists, energy and transport. Coupled with the potential wide reach and detrimental effects of cyberterrorism it is inevitable that we must consider the Arctic as a possible (if not, at present, very probable) target for terrorists.

This paper's main objective has been to provide an initial case study of counterterrorism in the Russian Arctic. The goal has been to produce insights into the current state of Russian counter-

⁸⁵ Ibid.

terrorism in the Arctic and the direction for further developments. This case study has addressed two formal aspects of Arctic counterterrorism, its legal foundation and its organisation. The selection of these two focal points rests with the novelty of the topic and the need to lay down a fundament for further analyses into what may well become a salient topic in the future.

The legal framework for Arctic counterterrorism is extensive, as is often the case in Russia's legal tradition. The existence of relatively recent core documents nevertheless makes this a relatively well-regulated area. We also see that counterterrorist legislation is kept up to date through revisions. This is positive, even though some observers take issue with some of the concrete revisions.

Russia's national system for counterterrorism complete with coordinating bodies on the two levels of state power has been established to make the counterterrorist effort more effective. We saw that the FSB enjoys a prominent role in this system. As of late, the FSB's status may be challenged by the newly formed National Guard. If so, the national system for counterterrorism may fall prey to a turf war between security bodies, a scenario that has a familiar ring to it in the Russian context. Such an eventuality would likely hamper smooth operations of the national system for counterterrorism.

A benefit of the national system for counterterrorism is that it streamlines Russia's counterterrorist activities across the federation, including the Arctic. Counterterrorist measures are also visible through regular exercises aiming to improve cooperation and coherence among actors involved in counterterrorism. These exercises and their scenarios reflect the perceived potential threat to economic activities and infrastructure in the Russian Arctic.

References

1. Foxall A. Russia's Canary in the North Caucasus' Mine: Stavropol'skii krai. *The Fire Below: How the Caucasus Shaped Russia*, R.B. Ware, Editor. 2013, Bloomsbury: London.
2. Kaminskiy V., Suprunenko O., Smirnov A. Mineral'no-syr'evye resursy arkticheskoy kontinental'noy okrainy Rossii i perspektivy ih osvoeniya [Mineral resources of the Arctic continental margin of Russia and prospects for their development], *Arktika: jekologija i jekonomika*, 2014, No. 3 (15), pp. 52–61. URL: [http://www.ibrae.ac.ru/docs/3\(15\)/052_061_ARKTIKA_3\(15\)_09_2014.pdf](http://www.ibrae.ac.ru/docs/3(15)/052_061_ARKTIKA_3(15)_09_2014.pdf) (accessed: 22.08.2017) [in Russian]
3. Luft G. and Korin A. Terror's Next Target, *The Journal of International Security Affairs*, December 2003. URL: <http://www.iags.org/n0111041.htm> (accessed: 23.08.2015)
4. Bidnaya K.W. Kiberterrorizm kak ugroza gosudarstvennoy bezopasnosti v Arkticheskom regione [Cyber-terrorism as a threat to national security in the Arctic region], *Arktika i Sever*, 2012, No. 7, pp. 4–7. URL: http://narfu.ru/upload/uf/60b/AaN_2012_7.pdf (accessed: 02.08.2017) [in Russian]
5. Zalyvskiy R.N. Ugrozy terrorizma v Rossijskoy Arktike [The threat of terrorism in the Russian Arctic], *Arktika i Sever*, 2014, No. 17, pp. 44–59. URL: <http://narfu.ru/upload/uf/eb0/17-ais.pdf> (accessed: 03.08.2017) [in Russian]

REVIEWS AND REPORTS

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On the shore of the icy sea, among the rocks, and forests...



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Abstract. The article is devoted to the author's trip to the village of Gridino (Northern Karelia, Russia). Oboimov A.P. tells about the life of the employees of the local weather stations, peculiarities of lifestyle of Pomor villages and the beauty of the Northern nature. The article is accompanied by a series of

landscape and portrait photos.

Keywords: *Northern Karelia, Pomors, Gridino, meteostation MG-2 Gridino*

Oh, roads...

I heard a lot of stories about the Pomorie village of Gridino, but I had to visit only the hydro-meteorological station MG-2 Gridino of the same name, which is several kilometers to the southeast, and even then, it was by travel, more precisely, by a helicopter from the "Mikhail Somov". But, for a long time, I wanted to visit these areas and slowly wander around the local neighborhoods.

The train arrived early in the morning at the railway station of Engozero. I was met by the former head of the meteorological station Antonina Valentinovna Rodina, who gave more than twenty years of work to the MG-2 Gridino. She helped me to find a ride to the point of my trip. Just 52 km on the road, but this is not the M-8 route: only extreme. Gennady, the driver of the quad bike, said that if we were lucky, in 3–4 hours we would be there.

— And if we won't be lucky? — I asked him with a smile.

"It's better not to think about it", — Gennady laughed. — "We need to have time to arrive, otherwise we'll have to walk several kilometers to reach the station on the rough terrain. And with your load it will be difficult".

We got to the sea quite quickly — in just three hours, but we were completely exhausted by the road, which in some places resembles a place cleared of trees, with wild stones and "mutton foreheads" stick out in a capricious order. Sometimes it seemed that this was not a road, but a certain space, covered with stones of different caliber. In addition, several times we had to cross the water barriers, and then our out-of-the-roader turned into a cross-country amphibian. Once

we turned over: someone dismantled a part of the bridge across the stream, and our vehicle could not resist a flimsy ferry.

A couple of kilometers remained to the station. But, as I was peering, I could not see the road or anything that looked like a road.

— No roads here, you need to go almost on a hunch, among the stones, on the littoral. You only can do this with this technique, nothing else can pass here, — Gennady explained.

At the meteostation

MG-2 Gridino was completely lost on the Karelian coast of the cold sea among the rocks, forests, and it can be seen only from the water. The meteorological station was opened in October 1915. It is located on Cape Gibliy (Mogilnyi). It is a stony, flat ledge in the sea, which rises steeply to the station. There the former chiefs of the MG-2 Gridino were buried.

Arriving at the station, we were warmly greeted by its aborigines, Timur Zaitsev and Albina Vasilyeva, who came there last year. Timur previously worked at MG-2 Cape Konstantinovsky and at MG-2 Mudyug, Albina — at M-2 Moseevo. By chance they met on vacation and decided to go to any station, but together.

Timur — a weather station chief took me around. We must say that there were enough buildings. What is the value of the house of 1915? It is the coeval of the station, although it is now used as a warehouse, but I did not fail to examine it from the inside. The first thing that caught my eye was quality and fundamental: whatever you say, but how great they built it, and it's been more than a century ago. On the shelf I saw an old samovar with a chimney, perhaps it was also the first half of the last century. Near the station — a vegetable garden where children grow potatoes, beets, carrots, greens; there are also two greenhouses with tomatoes and cucumbers there. In a word — subsistence farming.

“We have enough products, the provision is ok, and if necessary, we'll bring it from the village”, — the young hostess of the weather station says, smiling.

“We collect the firewood ourselves, we take the “felling card” and fell deadwood, plus there are a lot of fins along the shore”, — Timur continues the conversation. “Technics is working for us. The tractor is indispensable in the summer, and in winter the snowmobile helps a lot. However, it has already developed its resource, and constantly requires repair. In winter you cannot walk to the spring for water, it is almost four versts to it. Electricity is produced by gasoline units, but we would be very much helped by the wind generator. And fuel would be saved and it is much better for the environment. The wind is always blowing, so that wouldn't be of no use.

Even when we were riding a quad bike, I asked if there were many mushrooms in these places. Gennady gloomily replied that year the harvest for mushrooms was extremely poor.

How amazing it was to me when I arrived at the station and made the first reconnaissance, to discover the abundance of mushrooms: no more than three hundred meters away, in an hour I easily collected two impressive baskets of moss and oats. True, in addition to the fungi, near the meteorological station, traces of the “master of the forest” — Mikhail Potapich (bear), were also found. Then I behaved not so carelessly and was more circumspect.

It turns out that the locals did not consider these mushrooms useful and they did not consider them as mushrooms, they take only white. But Timur and Albina did not know that these mushrooms are edible. Thus, I diversified the ration of the local inhabitants of the station, and several dozen cans of forest gifts were prepared for several days with my help.

Besides them, the cat Murka and the dog named What would you think? That's right: Grid!.. lived on the station.

The first two days the weather favored us, but then the hard north-west wind started to blow up to 20 m/s. Low lead clouds literally merged with the sea, the waves rattled against the rocky shore. About the desired fishing, promised by the station's chief, was forgotten for a while.

About fishing

Time passed, the main work was done. From the Office, it was finally informed that tomorrow the wind would abate and the weather would improve. The mood immediately rose up. Closer to dinner, the wind died down, as if by magic, the clouds dispersed, and the long-awaited sun looked out. Our weather forecasters from the Hydrometeorological Center were not mistaken, their prognosis was 100% correct. Me and Timur dug worms and decided to go for cod. In these areas, no one leaves far to fish in the sea, two or three hundred meters maximum: there is an open sea, catching takes place near small islands that are not far from the coast. Cod is represented by its sub-species, which differs from the Atlantic “sister” in half the size. The body length of the White Sea cod, as a rule, does not exceed half a meter, however, such large fish are not frequent. People distinguish between the small “summer” (Pomors call it “pertuy”), and larger “winter” cod. We were going for it. It is best to look for large cod from off-spring rocks leaving the sea with a sharp depth, the small one is caught quite well in the shallow waters near the rocky shore. In an open sea, cod prefers to keep near the cans (stone ridges) covered with bottom marine vegetation — laminaria (sea kale), sharply rising above the rest of the bottom and often drying out in the upper part at low tide. Such places on the North Karelian coast of the White Sea are called corgi or bakshi.

We Quickly set up a simple tackle, lower it to the bottom, and here it is — the first catch. The cos is certainly not from the Barents Sea, too small, but still not bad.

“Let's take over by quantity”, — Timur said with a smile.

A couple of hours later the box was full of fish. The fishing was successful, the impressions were received in full. Later there was an evening by the fire, pomor fish soup from freshly caught cod, tea with cranberries and fishing stories (how to stay without them). Then we all fell silent without a command and listened to silence. The autumn evening slowly absorbed us, only the crackling of logs, the noise of surf, and the rare cries of seagulls reminded us that all this was real, and not illusory.

“Russo turista”

The trip approached its logical conclusion, it was a time to think about the return journey. On my luck, the meteorological station was visited by tourists from Moscow Oblast. Their large motor boat would easily accommodate another passenger. The bottle of “wheat juice” accelerated the negotiations and our departure to the village of Gridino and then to Engozer where it would be easier to find a passing boat.

By sea to this ancient settlement, no more than eight kilometers. Along the way, they talked, it turned out that they had already been to these places for the tenth autumn. They were attracted by the splash of co-furious waves, the cries of seagulls, the glaciated rocks and the emerald green of the woods, which were touched by the crimson. Andrew — one of those who do not need a Turkish coast.

“Nothing compares to our Russian North. But not all tourists will like this region, too harsh places here, the cold White Sea, huge boulders covered with lichens, are not suitable for a free and idle life. There is definitely no “All inclusive”, — he laughs. — At first glance it may seem that this is an ordinary village. Nothing like this! If you've ever been here, you will always return to this beautiful place, to Gridino. Fresh air, the smell of the sea, coniferous forest, green grass and the taste of juicy berries dream me, and I think one day they will dream you”...

His companion Igor continues: “No southern sea will ever catch on like this: these people, one hundred square kilometers, this harsh expanse, north wind, motor boat, jumping on the waves and dazzling you with cold salty spray!”

Andrei interrupts him: “And where else will you see fir trees, smeared with the north wind on the rocks, it is unknown from what past are the abandoned remains of wooden carbases, thrown out by the sea to the shore, wooden cupolas of the chapels from unknown times? Here you begin to feel what “Russian” is. You understand this, not with your head, but your heart!”...

Pomor past

The first impression of what I saw when our boat was buried in the Gridinsky shore was a shock. I never saw such an unusual relief. Then, we found ourselves on the ridge of a huge stone ridge, which tends towards the middle of the village, and then breaks off. At the very top of this rock stands a large worship cross. Around on the rocks we saw houses, ambers, baths. They win their place among the wild stones, not adapted for construction or walking.

From the ridge there is a magnificent view of the sea bay, overlooking the open sea. In the distance one can see islands with barns, they are now empty.

Seated from the salt sea wind villages, wooden walkways on rocks, baths, barns, crooked fences from poles... It seemed that time had frozen there long ago. The collapsing church in the center of the village also adds impressions.

Seemingly at random, the chaos of the development of Gridino is explained by the peculiarities of the landscape. The houses are located on rocks with no vegetation or terraces descending to the river bank. Most residential buildings and farm buildings are oriented with windows of the main facades to the south. A distinctive feature is the system of boardwalks, denoting the streets and allowing you to move around the village.

I talked with one of the residents. Maxim Mikhnin, that's the name of my interlocutor, a native of this village, his ancestors were also local. Mikhnin and Konovalov were the first settlers of these places. Maxim complained that there were almost no Pomors there. The collective farm collapsed at the beginning of the 2000s, and the locals were left to themselves. It was necessary to survive: someone was engaged in the service of tourists, someone left for more attractive places, and someone began to poach. Maxim decided to live in harmony with the law, became an individual entrepreneur. He was engaged in fishing on legal grounds. Maxim was against the poachers, did not allow to block the spawning rivers in nets. It helped fish inspectors.

"Real tourists come here a little. With the word "real", I mean those who do not leave garbage after themselves and live in full harmony with Mother Nature. I respect them, if necessary, I will always help with word and deed. And those who think that "after me even the grass does not grow," — "I can not stand them", — said Maxim...

Gridino is one of the few surviving Pomor villages, which is under the protection of UNESCO. The condition of the houses has long been so-so, plastic windows are looking through places, sometimes historical barns can become firewood, but residents could be understood as they do not allocate money for the maintenance of old houses, but they must live somehow. In the village there are many boats. In some places wooden sleds are hanging on the walls of the

network houses and anchors. The population lives mostly from fishing, which is understandable: the climate there is harsh for agriculture and the sea — here it is, at your side. But people do not seek to move to the cities from there, with rare exceptions — they are accustomed to a certain free lifestyle, and in beauty with these places, there is very little to compare.

The people in Gridino are special, the real Pomor bone, they are strong, solid. No fuss, empty talk, boasting. There is nothing to say about these qualities. And still very noticeable is the love of purity. We, the townspeople, have something to learn from them.

Photo impressions and some more...

Dawn, and especially here in Karelia, is whimsical, but very colorful. You can wait, stand in the rain and wind with hope to look at the pink feathers of the high clouds. And It might happen that there will be evenly nothing to wait. I hoped that everything would be different for me. After all, there was plenty of time, but the days went on, the business trip was over, and early ups and downs did not bring the expected results. But this is nature with its whims and laws. I could only accept these rules of the game.

And now, just before the departure, the perfect weather was outside. And early morning did not deceive my premonitions. A thin strip of light appeared on the very horizon, flared up, gradually grew brighter. A little more, and the blue bellies of the low clouds began to dye to a barely discernible crimson color. With every minute, they became more distinct and brighter, when they suddenly faded. But it was only a respite before the culmination of the symphony of color and light. A couple of minutes, the sun, hidden by clouds, painted clouds in the whole gamut of warm tones. Colors shimmered, flowed, until they began to fade out in a gradual manner. It was a real quiet autumn dawn on the sea. In addition, I managed to see both the fog in the swamp, and the bright sunsets, and the beauty of the forest, the cobwebs and dew on it, the grandeur of the stone blocks and all this it is — Northern Karelia!

Already on the way back there was a feeling that Gridino did not let go. I remembered people who relied on a newcomer with a camera and a notebook in his hands: “Help, write, so that life in the village will improve”. A bitter feeling of regret arises when I think about Pomors: if fishing in the sea does not revive, the strong northern base in people will disappear, they will have to survive and serve tourists.

But still there was a sense of peace when the space ends and the time stops, a feeling that you will not find in large or small towns, and this is what it is worth to come to this God-created land.

Northern Karelia, Gridino, September 2017

All the photos were made by the author



Fig. 1. Wooden barns — an integral part of the interior of the Pomorie village



Fig. 2. It is possible to get there only in low tide



Fig. 3. The house of the meteorostation built in 1915



Fig. 4. Golden Autumn



Fig. 5. Maxim Mihnin — a thunder-storm for poachers



Fig. 6. Chief of the MG-2 Gridino Timyr Zaitsev



Fig. 7. Still there are boat masters



Рисунок 8. Crossing, crossing...



Fig. 9. Pitched cross on top of a rock



Fig 10. Fairytale landscape near the meteostation



Fig 11. Church of St. Nicholas the Wonderworker



Fig 12. Old Gridino houses



Fig 13. "Russo turisto"



Fig 14. "Russo turisto"-2



Fig. 15. Morning landscape



Fig. 16. Oh, roads...



Fig. 17. Tog on the swam



Fig 18. Custodian



Fig. 19. Symphony of the color and light



Fig. 20. Sejd of Karelia



Fig. 21. Dawn at the meteostation

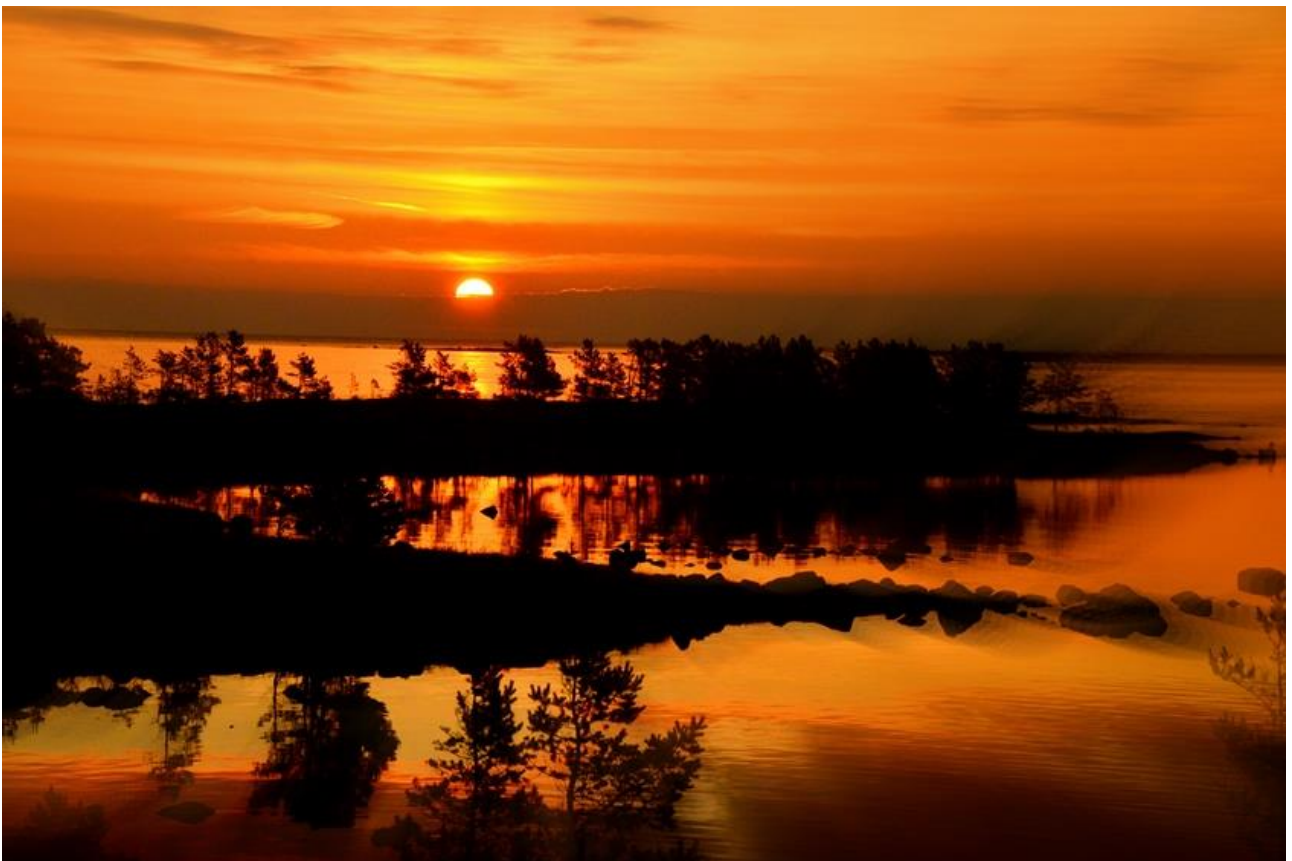


Fig. 22. Dawn



Fig. 23. Beauty of the North Karelia



Fig. 24. On the karelian rocky coast

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“The neighbors on the roof of Europe” strengthen friendly relations

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Abstract. The article is devoted to analysis of Russian-Norwegian conference “Potential of town twinning for the effective development of the Northern territories” held in Arkhangelsk on the 22nd of September 2017. The review article examines the results of discussion about conditions and prospects of cross-border cooperation in the Northern areas of Russia and Norway. Special attention is paid to the innovative inter-regional projects with the participation of business, academia and municipalities of two countries, and studying the experience of the parties in the social, economic and cultural spheres.

Keywords: *Russia, Norway, regions, municipalities, business forum, cross-border cooperation, business, innovation, projects*

“With good intent” — this winged expression of the head of the department of culture, tourism and sport of the administration of the Pinezhsky district of the Arkhangelsk region L.A. Zhytov, taken from the ancestors who supported active cooperation with Norwegians as far back as the nineteenth and early twentieth centuries, became the leitmotif of the plenary meeting of the Russian-Norwegian conference “Twinning Potential — for the Effective Development of the Northern Territories”, held in Arkhangelsk in the framework of the famous Margarita Fair September 22 th-year-end.

By the performance of the national anthems of Russia and Norway, the International Forum solemnly opened the combined orchestra of the musicians of Arkhangelsk and Tromsø.

The conference in the form of a business twinning dialogue between the representatives of the seven municipalities of Northern Norway and nine municipalities of the Arkhangelsk region was organized jointly by the Archangelsk Municipality, the Russian Ministry of Foreign Affairs in Arkhangelsk, the Norwegian Consulate General in Murmansk, the Honorary Consul of the Kingdom of Norway in Arkhangelsk A.A. Shalev and the Barents Secretariat.

The participants of the conference were welcomed by the Head of the Assembly of Deputies of the Arkhangelsk Region V.F. Novozhilov and the head of the city Duma V.V. Syrova. In her

welcome speech, Valentina Syrova stressed that, in the context of the expanding sanctions policy of a number of states with regard to Russia at the regional level, the interaction of the two countries is taking place in an atmosphere of mutual interest and the establishment of partnership and business ties. In support of this, the deputy noted the importance of geographic, historical and socio-cultural factors that prevail over the political aspects in the relations between Russia and Norway.

The Consul General of Norway in Murmansk Eric Szedal, as well as mayors of sister cities of Arkhangelsk and Vardø — Igor Godzish and Robert Jensen, spoke about the importance of twinning of northern municipalities for strengthening mutual understanding and cooperation between the regions of Northern Norway and the Arkhangelsk region.

Consul General of Norway in Murmansk Erik Szedal noted the special place of Archangelsk in the field of cross-border cooperation between the two countries, pointing to the ever-increasing interest of Norwegians to interact with their neighbors. One of the factors contributing to the strengthening of the interaction of the two peoples, E. Sveadal called the god-experience of profitable traditional Pomor trade.

In their speeches I. Godzish and R. Jensen also stressed that since the first Russian-Norwegian twinning agreement between Arkhangelsk and the Vardø commune was achieved in 1989, significant results have been achieved in the implementation of bilateral projects in the educational and cultural spheres, as well as in the sphere of interaction between the youth of the two countries. I. Godzish drew the attention of the guests to the fact that due to the rich experience in international relations, Arkhangelsk occupies a leading position among the municipalities of the Arkhangelsk region in the development of international relations and is ready to make every effort to create a new impulse for the development of interregional relations between Russia and Norway.



Fig. 1. Chairman of the Arkhangelsk City Duma Valentin Syrov and Deputy Chairman Maxim Korelsky.

M.A. Preminin, the 3rd secretary of the Russian Ministry of Foreign Affairs in Arkhangelsk, spoke at the plenary session with an analysis of the all-round cooperation between Russia and Norway, stressing that the trade turnover between the two countries in 2017, despite the sanctions foreign policy, tends to growth. Thus, in January–April this year the volume of bilateral trade increased by 9.2 percent compared to the same period in 2016. "Regional cooperation and especially brotherly ties in the north of Europe are a unique phenomenon," stressed Maxim. "Their importance in the current conditions is steadily increasing and responding to the current and long-term interests of both Russia and Norway". The deputy mayor of Arkhangelsk, N.V. Evmenov, informed about the growing dynamics of cooperation.



Fig 2. Head of Arkhangelsk Igor Godzish and Consul General of Norway in Murmansk Erik Svedal (3rd right).

Kristin Raimo, Mayor of Tromsø municipality, stressed: "The whole world is looking at us. And our task is to justify the hopes of the world community for the sustainable development of the Arctic. We also played a significant role in the development of Arctic tourism. According to a survey conducted in the PRC, about 300 million Chinese people would like to get acquainted with the Arctic, and we need to strengthen cross-border cooperation to help them realize this desire. It is very important to show unity in practice, not in words, but in practice, considering our common responsibility for the Arctic macroregion as "neighbors on the roof of Europe".

President of the Arkhangelsk Chamber of Commerce and Industry V.Yu. Sidorovsky proposed extending the text of the resolution to the section "Economic Cooperation", actively using the channel of commercial and industrial representations of Russia and Norway for this purpose.

The need for a balance between official and popular relations was spoken by the deputy of the regional meeting of Finnmark Remi Strand: "From polite phrases of officials — to true cooperation between the peoples of the northern regions of Norway and Russia with the support of Moscow and Oslo, this is how we can convince all categories of the population in the important and the profitability of cooperation between Norwegians and Russians, "the deputy stressed.

The plenary meeting, thus, gave the start to the work of sections, master classes. Great success was enjoyed by the exhibition of books in the Arkhangelsk Regional Scientific Library named after N.A. Dobrolyubova, dedicated to the history of cooperation of the countries of the Barents Region: from the navigation of Scandinavians across the White Sea to the Russian North in

the 9th century. and the development of pomor trade before the signing of the Kirkenes Declaration on 11 January 1993. Visitors could get acquainted with the study of K.F. Thiander's "Journeys of the Scandinavians in the White Sea", published in 1906, with photographs of the nature of the Barents region and with research in various fields, as well as with the fair "Ideas of Russian–Norwegian Projects".

The cultural program ended in the evening of Friendship.



SUMMARY

Authors, titles, abstracts, and keywords

ECONOMICS AND POLITICAL SCIENCE, SOCIETY AND CULTURE

Задорин М.Ю., Минчук О.В. Этнополитика России в Арктической зоне: интеграция, региональная мультикультуральность, традиция

Maxim Yu. Zadorin, Oleg V. Minchuk The ethnopolitics of Russia in the Arctic zone: integration, regional multiculturalism, and tradition

Аннотация. Статья посвящена стратегическим вопросам развития национальной этнополитики в Арктической зоне Российской Федерации. В настоящее время в науке конституционного права и политологии не существует однозначного понимания модели этнонациональной политики России в Арктике, отсутствуют понятные дефиниции и критерии, по которым можно оценить существующую и желаемую модель, которая бы удовлетворяла интересы государства и поликультурного общества. Также важно отметить, что нередко течение тех или иных этнических процессов в России в целом и в АЗРФ в частности детерминируется посредством государственного механизма, главным инструментом которого является регулирование общественных отношений правовыми и политическими методами. В данной статье авторы предприняли попытку осмысления политико-правового механизма действующей модели этнополитики России в Арктике. Практической целью является выработка конструктивных предложений по совершенствованию основных компонентов в целях формирования более развитой модели. Авторами определено десять основных элементов этнополитики России в Арктической зоне, воплощенных в политико-правовых институтах (в том числе с использованием авторских теоретических разработок в области понятийного и категориального аппаратов), и обозначено девять практических предложений по совершенствованию указанной модели.

Ключевые слова: этнополитика, АЗРФ, модель, коренные малочисленные народы, население, мигранты, идентичность, этничность

Abstract. The article is dedicated to the strategic issues of the ethnic policies' development in the Arctic zone of the Russian Federation. Nowadays the academic knowledge of constitutional law and political science doesn't demonstrate clear understanding of the Russian ethnic national policy model in the Arctic, there are no comprehensible definitions and criteria, which could be used to estimate the present and desired model satisfying interests of the state and polytechnic society. It is also important to note that the course of certain ethnic processes in Russia and in the Russian Arctic is determined by the state mechanism. Its main instrument is the regulation of public relations with legal and political methods. In this article, the authors tried to understand the political and legal mechanism of the current Russian ethnic policy model in the Arctic. The practical goal is to develop proposals for improving its main components to form a more advanced policy model. The authors identified ten basic elements of the ethnopolitics of Russia in the Arctic zone, embodied in political and legal institutions (including the author's theoretical ideas about conceptual and categorical apparatus), and indicated eight practical proposals for improving this model.

Keywords: ethnopolitics, AZRF, model, indigenous small-numbered peoples, population, migrants, identity, ethnicity

Зиланов В.К. Арктическое разграничение России и Норвегии: новые вызовы и сотрудничество

Vyacheslav K. Zilanov Delimitation between Russia and Norway in the Arctic: new challenges and cooperation

Аннотация. В статье анализируются положения Договора между Российской Федерацией и Королевством Норвегия о разграничении морских пространств и сотрудничестве в Баренцевом море и Северном Ледовитом океане от 15 сентября 2010 г. Дается оценка соответствия Договора

Abstract. The article analyzes the provisions of the Treaty between the Russian Federation and Kingdom of Norway on delimitation of the sea areas and cooperation in the Barents Sea and the Arctic Ocean of 15 September 2010 and it also provides an assessment of the conformity of the Treaty to national

национальным интересам России, рассматриваются результаты его практического влияния на ресурсную деятельность в Северо-Западном секторе Арктики, особенно на отечественное рыболовство. Предлагаются шаги по защите отечественных интересов в условиях вступления в силу и практического влияния положений Договора 2010 г. на морскую ресурсную деятельность в Северо-Западном секторе Арктики. В частности, предложено провести российско-норвежские переговоры, с тем чтобы достичь понимания между сторонами о продолжении отечественного рыболовства с учётом его традиционности в морском районе архипелага Шпицберген, а также разработать и принять единые меры контроля за рыболовством и гармонизированные меры наказания при нарушении согласованных правил рыболовства для всего Баренцева моря.

Ключевые слова: Баренцево море, Северный Ледовитый океан, разграничение, сотрудничество, Россия, Норвегия, Договор о разграничении, морские живые ресурсы, континентальный шельф, 200-мильные зоны, рыболовная политика, Конвенция ООН по морскому праву, международные договоры и соглашения

Максимов А.М., Малинина К.О., Блынская Т.А., Балицкая С.М. Методологические и методические аспекты изучения социального самочувствия населения Арктической зоны Российской Федерации в контексте его ценностных ориентаций

Anton M. Maximov, Kristina O. Malinina, Tatyana A. Blynskaya, Svetlana M. Balitskaya Methodological and methodical aspects of studying the social well-being of the population of the Arctic zone of the Russian Federation in the context of its value orientation

Аннотация. В статье рассматриваются проблемы методологии изучения социального самочувствия населения в связи с его иерархиями ценностей и аттитюдами. Социальное самочувствие интерпретируется как интегральный показатель, имеющий два аспекта. Во-первых, социальное самочувствие отражает объективные параметры качества жизни, связанные с состоянием социально-экономической системы общества, уровня развития инфраструктуры, социальной защищённости и объёма политических прав. Во-вторых, оценку субъективного благополучия, включая общую удовлетворённость жизнью и социальный оптимизм. В статье дана общая характеристика основных международных и российских методик измерения качества жизни. Показана необходимость модификации имеющихся методик, чтобы наряду с сохранением универсальных инструментов измерения социального самочувствия ввести индикаторы, отражающие специфику условий жизнедеятельности в условиях Арктики.

interests of Russia. The article considers the results of its practical impact on fishing activity in the North-Western sector of the Arctic, especially in the Russian home fisheries. The author discussed steps necessary for the protection of national interests after the Treaty of 2010 and its influence on fishing in the North-Western sector of the Arctic. It is proposed to hold additional Russian-Norwegian negotiations to reach an understanding between parties about the home fisheries based on traditional character near the Spitsbergen Archipelago, as well as to adopt unified measures to control fishing and harmonize penalties for violation of the agreed fishing rules for all the fishing activities at the Barents Sea.

Keywords: the Barents Sea, the Arctic Ocean, delimitation, collaboration, Russia, Norway, the Treaty on delimitation of marine living resources, continental shelf, 200-mile zone, fisheries policy, the UN Convention on the Law of the Sea, international treaties and agreements

Abstract. The article considers the methodology problems of studying the population social well-being in relation to its hierarchies of values and attitudes. Social well-being is interpreted as an integral indicator with two aspects. First, social well-being represents the objective parameters of the quality of life related to the state of the socio-economic system of a society, the level of infrastructure development, social security and the quantity of political rights. Secondly, an evaluation of subjective well-being, including the overall satisfaction with life and social optimism. The article gives a general description of the main international and Russian methods for measuring the quality of life. The necessity of modification of existing methods is shown. It's proposed to be implemented by incorporating indicators that represent the specific of living conditions in the Arctic, along with the preservation of universal tools for measuring social well-being. The characteristic of the international measurement methods of quality of life in the Arctic is given as an example of

Дана характеристика методик международных исследований качества жизни в Арктике как пример такой модификации. В статье выражается идея, согласно которой изучение социального самочувствия следует осуществлять в контексте исследования ценностных ориентаций населения, поскольку последние выступают важной частью механизма интерпретации индивидами своего социально-экономического и политико-правового положения. Предлагается в качестве таких дополнительных переменных, влияющих на состояние социального самочувствия, рассматривать как личные мотивационно-ценностные характеристики (доминирующие терминальные и инструментальные ценности), так и культурно детерминированные ценностно-поведенческие императивы, общепринятые в данном сообществе.

Ключевые слова: социальное самочувствие, ценностные ориентации, качество жизни, субъективное благополучие, Арктическая зона РФ

Тодоров А.А. Правовой спор между Россией и США о Северном морском пути и похожий вопрос о Северо-западном морском пути

Andrey A. Todorov The Russia-USA legal dispute over the straits of the Northern Sea Route and similar case of the Northwest Passage

Аннотация. В статье проводится анализ правового статуса Северного морского пути (СМП), в отношении которого между СССР / Россией и США существуют разногласия уже более пятидесяти лет. Основной юридический вопрос заключается в том, являются ли проливы Северного морского пути международными, возможно ли там свободное судоходство, или же они считаются внутренними водами России, судоходство в которых подлежит регулированию национальным законодательством. В статье рассматриваются исторические аспекты конфликта, а также действующие положения международного морского права по данному вопросу. Проводится сравнительный анализ схожего правового спора между США и Канадой о правовом статусе Северо-Западного прохода (СЗП). Автор делает вывод о том, что США находятся в невыгодной позиции в споре в связи со сложной доказуемостью соответствия СМП необходимым критериям, выработанным правовой практикой для международных проливов. В настоящее время спор носит теоретический характер и не имеет каких-либо практических последствий. В то же время ситуация может измениться на фоне таяния льдов и планов России по использованию СМП в более крупных международных масштабах.

such modification. The article offers the idea that the study of social well-being should be done out in the context of the value orientation studies, because the latter is an important part of the individuals' interpretation of socio-economic, political and legal situation. It's proposed to use the additional variables, affecting the state of social well-being, such as personal motivational and value characteristics (dominant terminal and instrumental values) and culturally determinates value-behavioral imperatives common in a society.

Keywords: social well-being, value orientations, the quality of life, subjective well-being, Russian Arctic

Abstract. This article examines the legal status of the Northern Sea Route (NSR), which has been a subject of dispute between the Soviet Union\Russia and the United States for over fifty years. The main legal issue of the analysis is the question whether straits of the Northern Sea Route are international, where the freedom of navigation applies, or whether the straits are internal waters of Russia and they are subjected to national rules of navigation. The case of the Northern Sea Route straits is considered from a historical perspective and with references to relevant provisions of the contemporary international law of the sea. A similar dispute between Canada and the USA over the Northwest Passage is assessed as well. The author concludes that the USA has a disadvantageous position in the disputes due to difficulties in proving that both routes can meet necessary criteria for international straits developed by the international law. So far, the debate on legal status of the NSR waters is more of theoretical nature and has no practical implications. However, the situation might change with the Arctic sea ice melting and Russia planning to use the NSR on a much larger international scale.

Ключевые слова: Арктика, Северный морской путь, Россия, США, международные проливы, свобода судоходства, морское право, внутренние воды, суверенитет, Канада, Северо-Западный проход

Фаузер В.В., Лыткина Т.С., Фаузер Г.Н. Государственные преференции для населения отдалённых и северных территорий России

Viktor V. Fauzer, Tatyana S. Lytkina, Galina N. Fauzer State preferences for people in remote and northern territories of Russia

Аннотация. Раскрывается необходимость введения особых льгот и гарантий для отдалённых территорий, а затем выделенных в особую группу районов Крайнего Севера и приравненных к ним местностей с целью привлечения населения и обеспечения потребностей народного хозяйства природными ресурсами. Приводится авторская периодизация развития законодательства касательно северных льгот и гарантий. Основанием для выделения этапов стали годы районирования отдалённых / северных территорий и комплекс государственных преференций, предоставляемых населению в тот или иной исторический период времени. Выделено пять этапов: первый — досоветский, царский период, когда для отдалённых местностей были установлены льготы и гарантии; второй этап — 1923–1932 гг., были заложены основы льготирования по территориям и отраслям; третий — 1942–1945 гг., охватывает военные годы, когда были свёрнуты либо отменены практически все льготы; четвёртый этап — 1946–1967 гг., идёт восстановление ранее установленных льгот, введение новых; пятый этап — 1990–2014 гг., произошло упорядочение льгот и гарантий с учетом новых экономических реалий, часть льгот отходит в компетенцию трудового права, определяемую Трудовым кодексом Российской Федерации. Делается вывод, что освоение северных территорий было главной задачей государства, а следовательно, приоритетным было нормативное регулирование гарантий и льгот, предоставляемых работникам Крайнего Севера и местностей, приравненных к нему. На протяжении XX в. и в начале XXI в. льготы для работающих в районах Крайнего Севера и в местностях, приравненных к ним, менялись неоднократно. Их то расширяли, то ограничивали в зависимости от необходимости и возможностей государства.

Ключевые слова: Крайний Север; районы, приравненные к Крайнему Северу; отдалённые местности, льготы и гарантии, компенсации, проживающее население, этапы введения

Keywords: the Arctic, the Northern Sea Route, Russia, the USA, international straits, freedom of navigation, law of the sea, internal waters, sovereignty, Canada, the Northwest Passage

Abstract. The necessity of special benefits and guarantees for distant territories, and areas of the Far North and equivalent territories, allocated in a special group, aimed at involvement of people and providing the needs of national economy with natural resources are described in the article. The author's periodization of the legal development of northern benefits and guarantees was presented. The grounds for separating the periods were the years of regionalization of these territories and a set of state preferences granted to the population in different periods. Five stages are highlighted: first — pre-Soviet, tsarist period, when the benefits and guarantees were introduced for distant localities; second stage — 1923–1932, the foundations of the benefit system by territories and branches were laid; third — 1942–1945, the WWII years, when all benefits were collapsed or cancelled, fourth stage — 1946–1967, recovery of earlier established benefits, introduction the new benefits; fifth stage — 1990–2014, was ordering of benefits and guarantees due to the new economic realities; a part of benefits became a competence of labor law, defined by the Labor Code of the Russian Federation. The authors conclude that the development activities in the northern territories were the main goal of the government, and, therefore, the legal regulation of guarantees and benefits for the employees of the Far North and equivalent for them territories were also a priority. During the 20th century and in the beginning of the 21st century, the benefits for the employees of the Far North and equivalent territories had been repeatedly changed. They were expanded or limited depending on the necessity and opportunities of the state.

Keywords: The Far North, territories equivalent to the Far North, distant localities, benefits and guarantees, compensation, residents, the steps for introducing benefits and guarantees, labor law

льгот и гарантий, трудовое законодательство

Эльгсаас И.М. Противодействие терроризму в российской Арктике: законодательство и ключевые субъекты

Ingvill M. Elgsaas Counterterrorism in the Russian Arctic: legal framework and central actors

Аннотация. Стратегические интересы России в Арктике в сочетании с комплексной и неопределенной террористической угрозой стали причиной появления феномена антитеррористической деятельности в Арктике. Противодействие терроризму в Арктике — новая и недостаточно изученная тема, которая до сих пор не получила должного внимания. В настоящей статье рассматриваются правовые аспекты, а также основные участники противодействия терроризму в российской Арктике. Автор считает, что правовые рамки для борьбы с терроризмом обширны, однако они сконцентрированы в ряде базовых документов. Аналогичным образом противодействие терроризму включает в себя множество разнообразных субъектов, объединённых в относительно простую и хорошо налаженную общегосударственную систему борьбы с терроризмом. Существующее правовое регулирование и организация обеспечивают прочную основу для эффективного управления антитеррористической деятельностью, в том числе и в Арктике. Важным моментом является концентрация координационных полномочий в руках одного субъекта — ФСБ. Кроме того, система симметрична и соответствует федеральной организации России. Соответствующие координирующие органы присутствуют во всех регионах, в том числе в Арктике. Обновлённое законодательство в сфере борьбы с терроризмом имеет тенденцию к ужесточению наказаний, а также свидетельствует о более широкой трактовке понятия «терроризм». Потенциально слабым звеном можно считать неопределённую роль вновь созданной Росгвардии в системе противодействия терроризму. Такая неопределённость может оспорить позицию ФСБ и негативно сказаться на координации всей системы противодействия терроризму в будущем.

Ключевые слова: терроризм, противодействие терроризму, российская Арктика, законодательство, субъекты

Abstract. Russia's strategic interests in the Arctic coupled with a complex and diffuse terrorist threat has produced a niche topic: Arctic counterterrorism. Arctic counterterrorism is a new and underdeveloped topic that has received only limited attention. This article contributes a discussion of the legal framework and the main actors involved in counterterrorism in the Russian Arctic. The author finds that the legal framework for counterterrorism is extensive yet centered in core documents. Similarly, counterterrorism involves many and varied actors united in a relatively simple and streamlined national system for counterterrorism. Current legal regulation and organisation provide a solid base that may support efficient management of counterterrorism, also in the Arctic. A notable strength is the concentration of coordination responsibilities in the hands of one central actor, the FSB. Another important characteristic is that the system is symmetrical and follows Russia's federal organisation with coordinating bodies for all regions including those in the Arctic. Counterterrorism legislation is kept up to date and the trend is towards tougher punishments and a wide understanding of terrorist offenses. A potential weak spot is the unclear role of the newly formed National Guard. The uncertainty surrounding the role of the National Guard in the fight against terrorism may challenge the FSB and weaken coordination of the system for counterterrorism in the future.

Keywords: terrorism, counterterrorism, Russian Arctic, legislation, actors

REVIEWS AND REPORTS

Обоимов А.П. На берегу студёного моря, средь скал, лесов...

Alexander P. Oboimov On the shore of the icy sea, among the rocks, and forests...

Аннотация. Статья посвящена авторскому путешествию в село Гридино (Северная Карелия, Рос-

Abstract. The article is devoted to the author's trip to the village of Gridino (Northern Karelia, Russia).

сия). А.П. Обоимов повествует о быте работников местной метеостанции, занятиях и особенностях жизненного уклада аборигенов поморского села, а также о красотах северной природы. Статья сопровождается серией пейзажных и портретных фотографий.

Ключевые слова: Северная Карелия, поморы, Гридино, метеостанция МГ-2 Гридино

Oboimov A.P. tells about the life of the employees of the local weather stations, peculiarities of life-style of Pomor villages and the beauty of the Northern nature. The article is accompanied by a series of land-scape and portrait photos.

Keywords: Northern Karelia, Pomors, Gridino, meteorostation MG-2 Gridino

Шубин С.И., Рогачев И.В. «Соседи на крыше Европы» укрепляют побратимские связи

Sergey I. Shubin, Ivan V. Rogachev "The neighbors on the roof of Europe" strengthen friendly relations

Аннотация. Статья посвящена анализу российско-норвежской конференции «Потенциал побратимства — для эффективного развития северных территорий», прошедшей в Архангельске 22 сентября 2017 г. В обзорной статье рассматриваются результаты обсуждения участниками и гостями форума состояния и перспектив развития приграничного сотрудничества северных регионов России и Норвегии. Особое внимание уделено формированию инновационных межрегиональных проектов с участием бизнеса, научных кругов и муниципалитетов двух стран, а также изучению опыта взаимодействия сторон в социально-экономической и культурно-духовной сферах.

Ключевые слова: Россия, Норвегия, регионы, муниципалитеты, деловой форум, приграничное сотрудничество, бизнес, инновации, проекты

Abstract. The article is devoted to analysis of Russian-Norwegian conference "Potential of town twinning for the effective development of the Northern territories" held in Arkhangelsk on the 22nd of September 2017. The review article examines the results of discussion about conditions and prospects of cross-border cooperation in the Northern areas of Russia and Norway. Special attention is paid to the innovative inter-regional projects with the participation of business, academia and municipalities of two countries, and studying the experience of the parties in the social, economic and cultural spheres.

Keywords: Russia, Norway, regions, municipalities, business forum, cross-border cooperation, business, innovation, projects

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