

The Kara Sea as an Object of International Legal Policy of Russia¹

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Abstract. Of all the Arctic seas going into the coast of Siberia, the Kara Sea is noticeably separated by islands from the rest of the Arctic Ocean. These islands have always been under the sovereignty of Russia. These features have predetermined the character of the power of the Russian Empire, the Soviet Union, and modern Russia in relation to the Kara Sea. In 2022, seven Western member states of the Arctic Council brought their disagreements with Russia regarding the non-Arctic issue, thus breaking the traditional “immunity” of the Arctic from political and legal conflicts in other regions.

The author researched legal documents of the Russian Empire, the Soviet Union, and the Russian Federation, along with research publications relating to the status of the Kara Sea. General research methods and specific methods of jurisprudence are used as the methodological basis of the study.

During the period of the Russian Empire, the advisor on international law to the Head of the Russian State was adamant that the Kara Sea could only be classified as internal waters of Russia. However, during the Soviet period, Soviet legal scholars unanimously qualified the Kara Sea as part of the state territory of the USSR. However, no relevant legal act was adopted at the official level to confirm this. In 1985, a government decree was adopted dismissing the previous doctrinal position, and most of the Kara Sea was qualified as waters beyond the state’s maritime territory.

In the author’s opinion, the 1985 Decree of the Government of the USSR has consequences in the context of general international law – that is, it is impossible for modern Russia to return to the Soviet legal position as formulated by Soviet legal teachings. However, the 2022 breaking by the seven Western Arctic states of the traditional Arctic “immunity” from non-Arctic conflicts (as noted above) has made the retaliatory measures of the Russian Federation in the Arctic legitimate. In this context, Russia is entitled to respond by strengthening its regulatory measures in the Kara Sea. The relevant research views regarding such measures are put forward in this article.

Keywords: Kara Sea, Arctic, internal waters, base-lines, the 1985 Decree of the USSR Council of Ministers, responsive measures

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Introduction

In his address to participants of the international conference held on September 16, 2015, in Arkhangelsk, Russian President Vladimir Putin emphasized that “Russia, with nearly a third of its territory located in the Far North, bears a special responsibility for the Arctic. For this reason, Russia’s priorities in the Arctic zone focus on maintaining a balance between robust economic development and the preservation of the region’s unique environment, as well as showing respect for the culture and traditional lifestyles of small indigenous peoples”.² The map chart titled “Hydrocarbon Resources Development Projects,” published in the Proceedings of the conference, highlights that unlike other Arctic seas adjacent to Russia, such as the Laptev, East Siberian, and Chukchi Seas – which also remain ice-covered for most of the year – the Kara Sea hosts not just one or two but five oil and gas projects, namely: “Severo-Karsky,” “Heysovsky,” “Vostochno-Prinovozeemskoye” (or “East-Prinovozeemsky”), “Priyamalsky shelf areas,” “Tasiisky,” and “Arctic LNG 3” (Dodin et al. 2011: 68-69).

Driven by increased economic activity in the Kara Sea and the ongoing reduction of Arctic areas covered by year-round ice, there is a growing need to clarify the legal framework governing such operations. Alongside the Kara Sea’s expanding role in the economic and energy development of the Russian Arctic, its significance as a key segment of the Northern Sea Route is also rising, particularly for the transport of oil and gas products, including cross-border shipments.

The special geographical and climatic characteristics of the Kara Sea were described in an encyclopedic dictionary published in St. Petersburg as early as in 1907 (the following is quoted directly from the original text): “The Kara Sea, a part of the Arctic Ocean, is bordered by the Vaygach and Novaya Zemlya islands to the west, the Siberian coast to the south, and the Yamal Peninsula to the east. It measures approximately 575 miles in length and 360 miles in width. To the west, the Kara Sea is connected to the Arctic Ocean by three straits: Matochkin Shar, Kara Gates, and Yugorsky Shar. The shores are uninhabited. Depths in the eastern part range from 30 to 50 fathoms, while in the western part they reach up to 100 fathoms; just south of the Kara Gates, depths increase to as much as 400 fathoms. The Kara Sea probably rarely freezes completely and remains ice-free for about 2 to 3 months (July to September). Russian industrialists once navigated the Kara Sea en route to the mouth of the Yenisei River, but this route was abandoned by the early 18th century.”³ Another early 20th-century Russian encyclopedic dictionary also includes a brief entry on the Kara Sea, describing

² Egorov I. Predstaviteli 11 stran obsudili v Arkhangelske budushchee Arktiki [Delegates from 11 Countries Convene in Arkhangelsk to Discuss the Arctic’s Future]. *Rossiyskaya Gazeta*. 16.09.2015. (In Russian). URL: <https://rg.ru/2015/09/16/arctic-site-anons.html> (accessed: 2.06.2023).

³ *Malyy entsiklopedicheskiy slovar’: v 4 tomah. Vypusk II*. [Small Encyclopedic Dictionary: in 4 volumes. Issue II]. 1907. St. Petersburg: Brockhaus and Efron. P. 2027-2028. (In Russian).

its location within the Arctic Ocean as “between Novaya Zemlya, Vaygach Island and Siberia” and noting a distinctive feature: it is “covered with ice almost all year round.”⁴ In contrast, the multi-volume Great Soviet Encyclopedia offers a far more detailed description of the Kara Sea’s geographical and climatic characteristics, accompanied by a map chart. Additionally, this Soviet encyclopedia discusses economic activities in the Kara Sea and along its shores and, importantly from a legal perspective, states: “The Kara Sea is part of the Northern Sea Route. The main port is Dickson.”⁵

Unlike the detailed coverage of the Kara Sea in Russian sources, foreign encyclopedic editions – even some of the most renowned ones⁶ – do not include even brief entries on the Kara Sea.

It is, therefore, unsurprising that both during the Russian Empire and the Soviet era, the issue of legally formalizing the country’s sovereignty over the entire Kara Sea – almost entirely enclosed by the Siberian mainland coast and islands under undisputed Russian jurisdiction – was repeatedly addressed. For example, the Ministry of Foreign Affairs of the Russian Empire, while expressing itself diplomatically, broadly emphasized that “from a general political perspective <...> special importance and value should be given to the potentially frequent and widespread display of the Russian military flag in the northern latitudes, where the Empire’s territories extend extensively.”

The Ministry of Agriculture and State Property, the economic agency of the Russian Empire, articulated a more concrete direction for Russia’s legal policy regarding the Kara Sea. As early as the 19th century, it advocated for an “official declaration of the extension of Russia’s possessions to encompass the entire Kara Sea area,” stipulating that “no foreign industrialists should be permitted entry” there without special documentation “issued by Russian authorities.” In line with this approach, Russian government decrees were issued in 1833 and 1869, demonstrating Russia’s jurisdiction over the Kara Sea.⁷

Counselor to the Russian Emperor and renowned international law expert F.F. Martens⁸ did not endorse the idea that the Kara Sea’s special geographical position and its harsh climatic conditions could serve as a legal basis for formalizing Russia’s sovereignty over the area. However, as a member of the Russian Foreign Ministry Council, Martens observed that the question of “the belonging of the Kara Sea to Russia, it must be assumed, is still of little concern to European states, since the Russian government’s decrees regarding the sea issued in 1833 and 1869 did not provoke any

⁴ *Entsiklopedicheskij slovar’* [Encyclopedic Dictionary]. 1907. St. Petersburg: F.F. Pavlenkov Publishing House. P. 874. (In Russian).

⁵ Prokhorov A.M. ed. 1973. *Bolshaya sovetskaya entsiklopediya. Tom 11*. [Great Soviet Encyclopedia. Vol. 11]. Moscow: Great Soviet Encyclopedia Publishing House. P. 460-461. (In Russian).

⁶ See: *Dictionnaire Encyclopedique Pour Tous* [Encyclopedic Dictionary For Everyone]. 1961. Paris: Larousse. 1790 p. (In French); *Encyclopedia of World History*. Oxford: Oxford University Press. 1998. 784 p.

⁷ Mikhina I.N. 2003. *Mezhdunarodno-pravovoi rezhim morskikh prostranstv Arktiki* [The International Legal Regime of Arctic Maritime Areas]. PhD in Law Dissertation. Moscow. P. 41-42.

⁸ About the significance of Professor F.F. Martens’ work, see: (Voronin 2015; Ivanenko 2009).

protests from other parties.” Building on this, Martens argued that the Kara Sea could be considered internal waters of Russia based on historical title. He stated, “On this basis – and only on this basis – one can assert that the Kara Sea actually belongs to Russia” (Martens, 1996: 256). Nevertheless, neither during the Russian Empire, the Soviet Union, nor after its dissolution has Russia enacted any national legislation formally designating the Kara Sea as its internal waters.

The need for a clear legal characterization of Russia’s potential international legal policy⁹ regarding the Kara Sea is especially urgent in light of the unfriendly statements and actions by seven Western member states of the Arctic Council in 2022¹⁰, which so far have not been met with proportionate responses from Russia.

The Kara Sea as internal waters of the USSR under the Soviet international law Doctrine

In the first Soviet – and indeed the world’s first¹¹ – book dedicated to the international legal status of the Arctic, Professor V.L. Lakhtin categorizes the northern polar seas into two groups: 1) “seas with predominantly permanent and extensive ice cover”, and 2) “seas free from such ice cover”. Regardless of ice presence, he identifies “internal polar seas” as those “falling under the sovereignty of coastal states”. Lakhtin specifically includes “the White Sea and even the Kara Sea” in this category (Lakhtin 1928: 33-34).

This Soviet doctrinal position remained almost universally accepted until the collapse of the USSR in 1991. For instance, in their respective articles, V.N. Durdenevskii (Durdenevskii 1950) and P.S. Odnopozov (Odnopozov 1973) justified classifying the Kara, Laptev, and East Siberian Seas as internal waters of the USSR. Their arguments were based on the economic and political significance of each of these seas to the USSR as the coastal state, the historical absence of international sea routes passing through them, and the ‘traditional’ status of these seas as part of Soviet territory.

In his book, Professor S.V. Molodtsov, a member of the USSR delegation to the Third UN Conference on the Law of the Sea, also classifies the Kara Sea as internal waters of the country based on historical legal grounds. He states: “The Soviet doctrine of international law classifies the Siberian bay-type seas – the Kara, Laptev, East Siberian, and Chukchi Seas – also as internal waters of the USSR, considering them historical waterways of our country. These seas have been historically developed and maintained in navigable condition through the efforts of Russian and Soviet seafarers, and they hold vital importance for the Soviet Union’s economy, defense, and environmental protection in the region” (Molodtsov 1987: 53).

⁹ The purpose of a state’s international legal policy, as noted, is to “legitimize” its actions in protecting national interests within the framework of international law, even if other states “do not initially accept” those actions. See more: (Vylegzhanin, Magomedova 2022: 112-117).

¹⁰ For more details, see: (Vylegzhanin et al. 2023).

¹¹ About legal research of the Arctic, see: (Arkticheskii region... 2013).

E.N. Nasinovsky, an official in the Treaty and Legal Department of the USSR Ministry of Foreign Affairs, also classifies the Kara Sea as “internal waters of the USSR” in the book *Naval International Legal Handbook* published by the USSR Ministry of Defense. However, his justification differs: he argues that “[s]ince the Northern Sea Route – developed by the Soviet Union as a crucial maritime corridor – is fundamentally different from other routes crossing open seas, it falls entirely under Soviet sovereignty. The seas along this route – the Kara, Laptev, East Siberian, and Chukchi Seas – are essentially large bays with unique ice conditions within USSR borders. Therefore, by analogy with ‘historic bays’ recognized in international law, these seas can be regarded as internal waters of the Soviet Union.”¹²

G.A. Glazunov, in a reference book published in 1985, justifies the Soviet Union’s “special interests” in the Kara Sea by noting that the sea “is located away from the world’s main sea routes and has never been used for international navigation or fishing.” Instead, economic activities in the Kara Sea were carried out “almost exclusively by the population of the coastal state” – first the Russian Empire and later the Soviet Union. Furthermore, Glazunov highlights that the Kara Sea is traversed by “the main national maritime route of the Soviet Union, the Northern Sea Route,” whose infrastructure was built “under harsh conditions through the heroic efforts and substantial material contributions of the Russian and Soviet people,” thereby “predetermining our special interests in this area.”¹³

The Kara Sea is also classified as “historic” (internal)¹⁴ waters in a multi-volume work on the law of the sea by scholars from the Institute of State and Law of the USSR Academy of Sciences: “According to the Soviet doctrine of international law, the waters of the Kara, Laptev, and East Siberian Seas are recognized as historic waters of the Soviet Union. From the Soviet perspective, these historically Russian seas are essentially bays extending from west to east into the Siberian continent, which forms a significant part of the USSR’s territory. These seas constitute the Northern Sea Route, regarded as an inland waterway of the Soviet Union” (Efendiev 1974:186-187). (It should be noted that in current Russian Federal Law, the Northern Sea Route is designated as a “national transport corridor” rather than an “inland waterway.”¹⁵ Indeed, as previously mentioned, the Northern Sea Route’s importance for international maritime transport continues to grow.

A.K. Zhudro, Deputy Director of Scientific Institute of the USSR Ministry of Maritime Transport ‘Soyuzmorniiproekt’ and a member of the USSR delegation to the Third UN Conference on the Law of the Sea, along with his co-author, describes the

¹² Bakhov A.S. 1956. *Voenno-morskoy mezhdunarodno-pravovoy spravochnik* [Naval International Legal Handbook]. Moscow: Military Publishing House of the Ministry of Defence of the USSR. P. 189.

¹³ Gorshkov G.S. 1985. *Mezhdunarodnoe morskoe pravo. Spravochnik* [International Maritime Law. Reference Book]. Moscow, Military Publishing House. P. 229.

¹⁴ About the status of historic waters in general, see: (*Mezhdunarodno-pravovaya kvalifikatsiya...* 2012).

¹⁵ Federal Law No. 155-FZ of July 31, 1998 “On Internal Sea Waters, Territorial Sea and Contiguous Zone of the Russian Federation”.

Kara Sea – as well as the East Siberian and Laptev Seas – as seas of “bay type” based on their “physical and geographical characteristics.” He explains that these seas are separated from the rest of the Arctic Ocean by “vast archipelagos and individual islands that are geological extensions of the mainland.” Zhudro emphasizes the significance of the “actual recognition” by other states of the special legal regime established by Russia and the Soviet Union over the Kara Sea, as well as the “general tolerance” shown by other states toward the coastal state’s exercise of authority there. As an example, the authors note that “the Russian government has unilaterally and officially established the regime of the Kara Sea for three centuries, a claim that has gone uncontested by other states” (Zhudro, Dzhabad 1974: 153).

While Soviet international legal scholars almost unanimously classified the Kara Sea as internal waters of the USSR based on historical legal grounds, unlike the White Sea, this classification was never formalized through a state-level legal act. Moreover, until the period of Gorbachev’s perestroika, the Soviet Union had not established baselines along its Arctic Ocean coast, though these baselines are essential as the starting points from which the breadth of the territorial sea and internal waters are measured.¹⁶ This legal inconsistency – widespread doctrinal recognition of the Kara Sea as internal waters on historical grounds, coupled with the absence of legislative endorsement – persisted until 1984.

The USSR’s international legal policy under Gorbachev: designating most of the Kara Sea as high seas

In 1985, the USSR Government, for the first time in Soviet practice, adopted lists of geographic coordinates defining baselines – including straight lines – along the country’s Arctic coast. Following the publication of these coordinates in a special 1986 issue of the *Notice to Mariners*, it became clear to the international community that since 1985, the USSR Government no longer supported the doctrinal classification of the entire Kara Sea as internal waters. Researchers note that the application of the “very modest straight baselines” introduced by the USSR’s perestroika-era government resulted in only small portions of the Kara Sea being “classified as internal waters of the USSR”. In this context, the authors further note that it is “unsurprising that Western international legal doctrine has observed” that the USSR Council of Ministers’ decrees of 1984–1985 “contradict earlier doctrinal claims that the USSR had a historical legal basis for jurisdiction over all Arctic seas adjacent to its coastline” (Vylegzhanin, Dudykina 2018: 67).

The 1985 decree designated most of the Kara Sea as high seas. However, this move prompted a protest from the United States, which argued that drawing straight baselines across the Arctic straits between Soviet islands in the Arctic Ocean and

¹⁶ For more details on baselines, see: [Nikolaev 1969: 3–9; Vylegzhanin, Dudykina 2018].

the Siberian mainland – including the Kara Gates Strait (linking the Barents and Kara Seas from west to east), as well as the Vilkitsky and Shokalsky Straits (connecting the Kara and Laptev Seas in the same direction) – was inconsistent with international law. This criticism was echoed, albeit more cautiously, by international legal scholars, who suggest that these areas could be considered as international straits (Scovazzi 2001: 82).

The U.S. response extended beyond diplomatic protests, consistently opposing the Soviet Union's classification of these Arctic straits – including those connecting the Kara Sea to neighboring Barents and Laptev Seas – as internal waters. Canadian lawyer M. Byers recounts several Soviet-American 'incidents' occurring at the entrances and exits of the Kara Sea. For example, in the summer of 1965, the U.S. warship *Northwind* approached the Vilkitsky Strait from the northern, open part of the Kara Sea with the intent to transit this area – considered by the USSR as its internal waters – without seeking permission from Soviet authorities. This led to a stern warning from the Soviets about the consequences of entering their internal waters without authorization. As Byers explains, the U.S. government ordered the commander of the *Northwind* to turn around under these circumstances. The Canadian maritime law expert further notes that the U.S. State Department's official account of the incident was limited to a single, inaccurate sentence claiming the ship was merely following its course (Byers 2013: 145). Such a direct accusation of the U.S. by a Western international lawyer regarding misrepresentation is notably rare in legal scholarship.

The same Canadian study also describes another incident arising from the differing legal views of the USSR and the USA regarding the status of the waters in the straits connecting the Kara Sea with the Laptev Sea. The incident occurred in the summer of 1967, when two U.S. Coast Guard icebreakers (*Edisto* and *Eastwind*) were navigating the Kara Sea north of Novaya Zemlya Island. Due to ice conditions, the icebreakers, which had initially planned to sail north of the Soviet archipelago Severnaya Zemlya, had to alter their course southward into the southern Kara Sea, heading toward the Vilkitsky Strait. The U.S. State Department sent a carefully worded note to the USSR Foreign Ministry that was deliberately phrased so as not to be interpreted as a request for permission to transit the Vilkitsky Strait. According to the Canadian lawyer, the U.S. note stated that the icebreakers would make a peaceful passage through the Vilkitsky Strait, keeping to the main fairway, as far as possible, without deviating from their course and without delay. On the same day, the USSR Foreign Ministry officially declared the Vilkitsky Strait to be "internal waters of the USSR," requiring foreign vessels, under Soviet law, to "request permission" to pass through at least "thirty days in advance" – a request the U.S. did not make (Byers 2013: 145). The Soviet government would certainly have blocked any unauthorized passage of U.S. Coast Guard ships through its internal waters, as such actions would violate Soviet law. The U.S. State Department accurately assessed that the Soviet Union's hypothetical sinking of American vessels near its own coastline – far from U.S. shores – would not be widely regarded under international law as legitimate grounds for threatening or declaring war against

the USSR. Consequently, the U.S. President opted for a prudent course of action by avoiding military escalation and refraining from sending the U.S. warships through the Vilkitsky Strait.

This means that, by 1985, when the USSR Council of Ministers issued its decree on direct baselines, the United States understood that the USSR considered the western (Kara Gates Strait) and eastern (Vilkitsky Strait) entrances to the Kara Sea as its internal waters, and that any passage through these straits without prior permission would violate Soviet law and be prevented. An article published in a 2020 Bulletin of the Russian Academy of Sciences presents a strong case supporting the classification of the Arctic straits – especially the Kara Sea’s western and eastern entrances – as Russia’s internal waters. It cites historical documents, including Empress Elizabeth Petrovna’s 1753 decree establishing “Russia’s exclusive rights in Arctic waters along its shores” and banning “commercial shipping from Europe” without Russian authorization. The authors note that no state challenged this decree at the time (Vylegzhanin, Nazarov, Bunik 2020: 108–1109). However, the United States could not have challenged then, as it did not exist as an independent state in 1753.

The Kara Sea in the Context of Contemporary Russia’s International Legal Policy

During the eras of the Russian Empire and the Soviet Union, as previously noted, the level of domestic control over the Kara Sea experienced fluctuations. However, following the collapse of the USSR and under President Boris Yeltsin’s leadership, Russia’s international legal policy in the Arctic underwent a profound shift. This transformation has been examined in legal scholarship from both supportive (Shinkaretskaya 2013: 76–81) and critical perspectives (Gureev, Bunik 2005: 162–164; Zhudro 2018: 85–108). Central to this change was the adoption of the 1982 United Nations Convention on the Law of the Sea (the 1982 Convention) “as the foundational legal framework governing Arctic waters” (Shinkaretskaya 2013: 81). As a consequence, Russia effectively “voluntarily limited” its claims to the Arctic continental shelf, giving up its historical rights to the adjacent Arctic seas (Zhudro 2018: 85), including the Kara Sea.

Russia’s evolving international legal policy demonstrates that the status of the Kara Sea has developed through multiple stages. Initially, Professor F.F. Martens recognized the possibility of classifying the Kara Sea as internal waters of Russia. Subsequently, during the Soviet era and prior to the 1985 decree, Soviet legal doctrine unanimously regarded the Kara Sea as internal waters of the USSR. The 1985 decree then marked a shift by recognizing only parts of the Kara Sea as the USSR’s internal waters. Later, under President Boris Yeltsin’s international legal policy concerning the Arctic, the 1982 Convention was declared applicable to the Kara Sea, effectively sidelining previously established customary international law norms regarding Russia’s historical rights to the Kara Sea and other Arctic waters adjacent to the country’s northern coast. This shift played a role in establishing a portion of the International Seabed Area within Russia’s Arctic sector (Zhudro 2018: 96–98).

The changes in Russia's Arctic policy has resulted in a diminished legal capacity to unambiguously classify the entire seabed of the Kara Sea as falling exclusively under Russian sovereignty. While Russia retains sovereign rights over natural resources across most of the Kara Sea's seabed (beyond its internal waters and territorial sea), it can no longer assert the entire seabed as part of its internal waters under general international law. Instead, much of this area is now classified under the weaker legal title of the continental shelf. From the perspective of Russian subsurface legislation, there is minimal distinction between the legal status of subsoil resources within state territory and those on the continental shelf. However, a critical difference remains. First, foreign states retain certain rights over the continental shelf that do not apply to the seabed of internal waters or the territorial sea. Second, the continental shelf is always overlain by open sea waters, which differ fundamentally from a state's internal waters in legal status. By redefining most of the Kara Sea's seabed status from uncertain (whether it was part of Russia's internal waters) to a definite classification solely as Russia's continental shelf, the government at that time overlooked the potential to reaffirm the sea's status as historic waters under Russian sovereignty within general international law.

Despite this, under the special provisions of international law on retaliatory measures, there remains a basis for Russia to strengthen its authority in the Kara Sea. Specifically, this pertains to Russia's right to respond to sanctions imposed by Western states in the Arctic following the events in Ukraine – namely, the 2014 coup in Kiev, which occurred with U.S. involvement, and the subsequent developments. As noted in scholarly literature, Arctic states have traditionally kept their regional cooperation separate from disputes in other parts of the world. For example, in 1999, despite Russia condemning NATO's bombing of Belgrade as a serious international crime, Arctic cooperation continued unaffected; similarly, in 2003, the U.S. invasion of Iraq and the execution of its president did not disrupt Arctic relations. Despite Russia's clear condemnation of these violations of international law committed by the United States, it has not pursued, in the Arctic Council, any sanctions against the U.S. or other Council members implicated in these actions. Instead, Russia maintained its longstanding international legal policy of insulating the Arctic region from political disputes occurring outside the Arctic, even when those disputes involved fundamentally opposing positions. Contrary to this approach, in March and June 2022, the United States and six other Western Arctic Council members chose to suspend cooperation with Russia in the Arctic in response to Russia's special military operation in Ukraine. This move nearly led to the effective termination of the Arctic Council's activities altogether (Vylegzhanin et al. 2023).

It appears that the breach by Western countries of the established tradition of keeping the Arctic free from disputes arising in other regions provides Russia with grounds to clarify, in response, its international legal stance regarding those Arctic seas that Soviet science once recognized as historic waters of the Soviet Union. This primarily concerns the Kara Sea, which, as noted earlier, was regarded – even during the Russian Empire period by Professor F.F. Martens – as potentially falling under the country's sovereignty based on historical legal principles.

Conclusions and academic suggestions

It is proposed that Russia formalize retaliatory measures against Western states that supported the ousting of Ukraine's constitutional president in Kiev in 2014, resulting in an illegitimate regime controlled from Washington (Voronin, Kulebyakin, Nikolaev 2015), as well as against those states that aligned with the U.S. sanctions policy. A key measure could be a temporary prohibition on vessels flying the flags of these states from entering any part of the Kara Sea without authorization from the relevant Russian authorities. The duration of this restriction could be linked to the date on which the government of the concerned state notifies the Russian Foreign Ministry that it considers U.S. involvement in the unconstitutional forced removal of Ukraine's elected president and the subsequent shelling of Donbass territories by the illegitimate regime – which was not elected by the Donbass population – as violations of international law. It is proposed that the notification from that Western state also specify the date on which it will cease all military assistance to the illegitimate regime in Kiev. Given the high likelihood that no such notification will be received, the aforementioned Russian retaliatory measures in the Kara Sea are expected to remain in place for years.

Russia will thus take a significant step, as envisioned by Professor F.F. Martens, toward reaffirming its jurisdiction over the Kara Sea through retaliatory measures.

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Conflict of interest:

The author declares the absence of conflicts of interest.

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