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## **Space and Timing: Why was the Barents Sea Delimitation Dispute Resolved in 2010?**

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**Summary:** An explanation of the timing of the 2010 agreement resolving the marine delimitation dispute between Norway and Russia in the Barents Sea must be sought mainly on the Russian side. Russia's willingness to compromise on the spatial disagreement between the two countries at this specific juncture was not, as sometimes assumed, driven by a thirst for the energy resources in the formerly disputed area, but instead by broader Russian foreign policy considerations. These include: a general effort to reduce the risk of conflicts with neighbouring states by clearing away as many territorial disputes as possible; the intention to improve Russia's image as a rule-abiding player on the international arena; and interest in strengthening the UN Convention on the Law of the Sea as the framework for Arctic governance.

**Keywords:** maritime boundary delimitation, Barents Sea, Russia, petroleum

### **Tidying the Arctic – a breakthrough**

At a joint press conference on 27 April 2010, Russian President Dmitri Medvedev and Norwegian Prime Minister Jens Stoltenberg announced that a settlement had been reached on the disputed area between the two countries. This announcement signalled the end of a maritime delimitation dispute that had existed between Norway and Russia for over 40 years and that involved an area in the Barents Sea and the Arctic Ocean of around 175,000 square kilometres – more than the landmass of Ireland and Portugal combined. The disputed area is not only large, but also both economically valuable and strategically important (Heininen 2005: 92): it is the gateway to Russia's only all-year ice-free port in Murmansk, the entrance to the Northern Sea Route (Brubaker and Ragner 2010: 15), the shipping route for oil and liquefied natural gas from the East Barents and Kara Seas (Ivanova and Sydnes 2010: 139) and is located at the centre of the most valuable fisheries in northern Europe (Eikeland, Ryabova and Ivanova 2005: 225; Hønneland, Ivanova and Nilssen 2003: 225).

The settlement of the dispute came as a surprise to the public and experts alike in both Norway and Russia, as there had been no leaks in advance. Within the Norwegian Ministry of

Foreign Affairs, only a handful of high-level staff directly involved in the negotiations knew that an agreement was at hand. The Russian side had been equally discreet.

The resulting treaty was signed in Murmansk on 15 September 2010, and the ratification documents were exchanged in Oslo on 7 June 2011. The treaty divides the disputed area, formally referred to as the 'area of overlapping claims', into two nearly equal parts. Besides specifying the maritime boundary, the treaty sets out procedures for the development of any oil or gas fields straddling the new boundary (referred to as 'unitization') and stipulates the continuation of the well established joint management of fisheries. It also calls more generally for cooperation between the two countries in the Arctic. For a map, see Figure 1; for an English version of the treaty with appendices, see Kingdom of Norway and Russian Federation (2010); for a discussion of the treaty text and its provisions, see Jensen (2011).

This article first lays out the possible reasons for why the disputed area was divided the way it was, and then turns to the main question: *Why did the agreement come at this specific point in time?* Our concern is thus not so much the legal details of the agreement as the perceptions of national interest and the strategic, political, economic and security considerations that may have served as drivers for finalizing an agreement in 2010, rather than earlier or later.

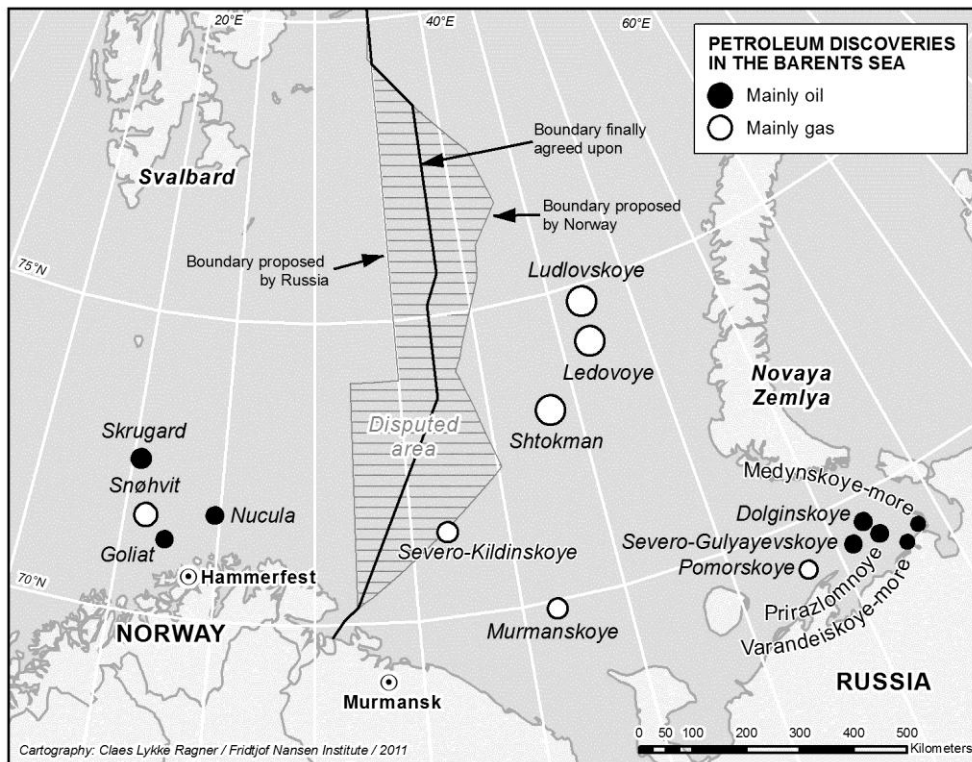
In terms of theory and methodology, this article draws on Graham Allison's (1969) analysis of governmental decision-making. In his multi-model approach, foreign policy decisions must be explained through comparative examination of different possible explanations involving multiple actors, levels and interests. This approach has the advantage of avoiding predetermined and rigid generalized models of how states behave in international relations as in stereotypical versions of neo-realism, liberalism or constructivism.

In preparing the article we scoured all publically available written sources from around the time of the boundary agreement, in particular all statements by Russian government officials. In addition, we carried out a review of all border treaties signed by Russia between 1990 and 2010 and examined the boundary agreement ceremony, in particular the choice of location and official representatives, as well as the public relations strategy of the Russian government. The article is thus based on public Russian and Norwegian sources and also draws heavily on our previous work, experience and data, including decades of interaction with both Russian and Norwegian government and petroleum actors. To supplement the written sources and to try out some of our conclusions, informal, unstructured interviews were carried out with officials and commentators in Moscow in September 2010. The interviewees included officials of the Ministry of Natural Resources and the Ministry of Energy, staff of two separate divisions of Gazprom, a foreign oil company, a specialist in offshore rigs, researchers at two institutes involved in energy and foreign affairs, one researcher involved in geological studies in the Arctic and a group of researchers in a think-tank close to the presidential administration.

## **The dispute**

Norway requested negotiations over this area in 1967; in 1970 Norwegian and Soviet representatives discussed the issue for the first time in informal meetings; formal negotiations started in 1974. In the dispute, Norway based its claim on the 'median line' principle, according to which a boundary is drawn that is equidistant from the nearest points of the coastlines of two countries. The 1958 Convention on the Continental Shelf established the median line as a key principle when drawing continental shelf boundaries. This principle has been applied in many parts of the world, including the delimitation of the boundaries between

Norway and other countries in the North Sea. The median line proposed by Norway is the eastern perimeter of the disputed area in Figure 1.



**Figure 1. Map of the previously disputed area and petroleum discoveries in the Barents Sea.**

On the Russian side, Shtokman, Ludlovskoe and Ledovoe are all giant gas fields in terms of resources. The actual commercial potential in the latter two remains uncertain however, due to limited exploration. Other discovered gas fields, i.e. Severo-Kildinskoye, Murmanskoye are small and complicated and have so far been considered uneconomical to develop. One relatively small oil field in the Pechora Sea, Prirazlomnoye, is expected to start producing in 2012 and other fields in that area may be later connected to its infrastructure. On the Norwegian side the gas field Snøhvit has been producing since 2007 and the development of the oil field Goliat is underway. Nucula and Skrugard are the other promising oil discoveries.

The Soviet Union also referred to the Convention on the Continental Shelf, but emphasized the ‘special circumstances’ that the Convention allows as reasons for deviating from the median line. The special circumstances invoked by the Soviet Union and later Russia included demographic and military considerations. The Soviet Union also pointed to a 1926 decree declaring sovereignty over islands within an Arctic ‘sector’, and argued that the delimitation should therefore follow a meridian that stretches from Russia’s mainland border at the Varanger Fjord outlet to the North Pole. (The border proposed first by the Soviet Union and Russia corresponds to the western perimeter of the disputed area in Figure 1. It is not entirely straight, since it takes account of Norway’s sovereignty over the Svalbard archipelago.)

It is worth noting that the disagreement concerned the delimitation of the exclusive economic zones (mainly governing the exploitation of living resources) and continental shelves (determining rights to exploration of minerals in the seabed) of the two countries, and that exclusive economic zones and continental shelves are not the same as sovereign territories, which are limited to 12 nautical miles from the shore. The Norwegian–Russian

dispute in the Barents Sea should therefore be referred to as a ‘marine delimitation dispute’ or a ‘boundary dispute’ rather than a ‘border dispute’.

Although the negotiations were characterized by lengthy periods of deadlock, progress was also made intermittently, most notably the Varangerfjord Agreement of 2007, only three years before the final agreement (Russian Federation and Kingdom of Norway 2007). The Varangerfjord Agreement settled the maritime delimitation of a coastal area at the mouth of the Varangerfjord, the small part of the total disputed area that was closest to the coast.

### **Possible explanations**

In 2010, after four decades of negotiations, Russia came to terms with a compromise that had been contemplated by the Norwegian side already in the 1970s, but never formally presented to the counterparts in the negotiations (Tamnes 1997: 294–95). The Soviet and later Russian side had long avoided the idea of a boundary compromise altogether, instead launching various proposals for a cooperation zone without a firm boundary. All such proposals were rejected by Norway. Only in 1988 did the Soviets signal that they might be willing to negotiate a firm boundary, but there was still little scope for compromise on its location (Tamnes 1997: 301–303). During the post-Soviet period, the Russian negotiators gradually became more forthcoming – but still, it is clear that the 2010 agreement represented a significant change in the Russian position. Explanations for the timing of the deal must therefore be sought primarily on the Russian and not the Norwegian side.

There are several possible explanations as to why the Russian authorities decided to end the dispute in the Barents Sea in 2010, and not earlier or later: (1) the gradual evolution of international law changed the premises for negotiations; (2) improvements in Norwegian–Russian bilateral relations made a solution possible; (3) the desire to start extracting the oil and gas in the disputed area was a major driver; (4) the cost of being involved in manifold unresolved territorial disputes was rising for Russia, and the agreement with Norway represents part of a general effort to finalize as many territorial negotiations as possible; (5) Russia had entered a phase where it wanted to be seen as a constructive international actor; (6) Russia wanted to bolster the UN Convention on the Law of the Sea (UNCLOS) as the framework for Arctic governance, in order to avert the involvement of non-littoral states in the region. The strength of each of these six hypotheses is examined in the following sub-sections.

#### ***(1) Evolution of international law***

Norwegian government officials emphasize that the agreement is the culmination of a long, gradual process, and that the line now drawn is based on international law. As stated by Norway’s Foreign Minister Jonas Gahr Støre (2010): ‘The line has been computed in relation to the relevant coasts on either side, on the basis of modern principles of international law.’ Taken at face value, that statement might seem to indicate that new developments in international law made it possible to reach an agreement after 40 years of negotiations.

The original Russian position focused on the 1926 Decree of the Presidium of the USSR Central Executive Committee ‘On the Proclamation of Lands and Islands Situated in the Arctic Ocean as Territory of the USSR’ and what is referred to more generally in Russia as ‘sector theory’ (Bunik 2008: 118). This position was initially presented as non-negotiable, but implicitly became more negotiable with Russia’s accession to the UN Convention on the Law of the Sea (UNCLOS) in 1997 (Bunik 2008: 120–121). According to Article 83 of UNCLOS, delimitation of neighbouring continental shelves and exclusive economic zones ‘shall be effected by agreement on the basis of international law’. In practice this is a

reference to the International Court of Justice, which in a series of decisions had crystallized what constitutes relevant circumstances, and had narrowed the application of that article to include permanent, natural characteristics of neighbouring territories, the length of the respective coastlines in particular. None of these decisions is based on a ‘sector principle’. The court’s ruling on maritime delimitation between Romania and Ukraine, which applied the median line principle, set a particularly salient precedent (International Court of Justice 2009). This ruling was made on 3 February 2009, only a year before the final agreement between Norway and Russia.

Following this legal perspective, it can be argued that legal developments had substantially narrowed the ‘special circumstances’, thus making the proposed compromise more acceptable from a Russian perspective. That may in turn have prompted the Russian negotiators to agree to the finalization of the deal. However, we believe this interpretation lends too much weight to the legal aspect of the negotiations. The delimitation of neighbouring continental shelves is, according to UNCLOS, an exclusively bilateral affair where the parties themselves can decide how a line should be drawn. Even if help can be found in past decisions of the International Court, the parties do not have to adhere to such precedents if they do not find them politically acceptable. Moreover, court decisions do not provide exact definitions of how lines should be drawn in other cases; they merely indicate which factors *can* be given weight. It is also striking how the delimitation resulted in a near perfect 50/50 division of the originally disputed area. This seems to underscore that willingness to find a *political* compromise lay behind the resolution. Taking into account these considerations, we conclude that, although developments in international law help explain how the parties arrived at the final line, a legal perspective alone cannot explain why the deal was reached in 2010.

## **(2) *Favourable bilateral relations***

Russia and Norway’s bilateral relations have improved steadily over the past two decades, notwithstanding certain tensions, particularly in the fisheries sector. The autumn of 2005 was an especially low point, with the *de facto* kidnapping of two Norwegian coastguard officers who had boarded the Russian trawler *Elektron* in October, and a Russian ban on salmon imports from Norway in November. The feud between the Norwegian and Russian companies Telenor and Alfa Group over the Russian telecom company Vimpelcom, worth billions of USD, raged on and off during the second half of the 2000s and was another important thorn in the relationship.

None of these events however led to serious bilateral political conflict. Long-term bilateral relations developed on the background of constructive cooperation – especially in the management of Barents Sea fish stocks and the selection of the Norwegian state-controlled oil company Statoil to participate in the Shtokman Gas Field development with the Russian state-controlled gas company Gazprom.<sup>1</sup> Such positive overtones can help us understand why it had become politically *feasible* to reach a compromise. However, although the good bilateral relationship can be seen as a precondition for the delimitation agreement, it was a necessary but not a sufficient condition on its own for this outcome. The direction of any causal relationship between this factor and the timing of the agreement is also not self-evident: it is possible that the relatively good atmosphere between the two countries was the result of a deliberate effort by the authorities on both sides to clear the way for an agreement, rather than

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<sup>1</sup> For a long-term perspective on the Norwegian–Russian fisheries management regime, see Hønneland, Ivanova and Nilssen (2003: 227). On Norwegian and Russian petroleum activities in the Barents Sea, see Moe (2010).

vice versa. The deal cannot be understood solely in terms of Norwegian–Russian bilateral relations. Also broader developments and policy goals need to be considered, including national interests in the petroleum resources of the Barents Sea, which is the next hypothesis we examine here.

**(3) The attractiveness of the disputed area’s assumed petroleum resources**

The previously disputed area is believed to hold large oil and gas resources, and this may have made it particularly difficult to reach an agreement. On the other hand, considerable uncertainty is attached to this resource potential. Both Norway and the USSR/Russia have carried out some seismic surveying, Russia more so than Norway. Norway discontinued seismic surveys in 1976, whereas the USSR continued well into the 1980s. Thereafter a moratorium on all forms of exploration in the disputed area was respected by both sides.

The sides also agreed informally to refrain from publishing estimates of the resources in the area. The Norwegian Petroleum Directorate adhered to this practice, but on various occasions the Russian Ministry of Natural Resources and its subsidiary structures have published estimates of resources in the disputed area. According to the All-Russian Petroleum Exploration Research Institute (2005), the disputed area is expected to be gas-prone – with 5.8 trillion m<sup>3</sup> in recoverable gas reserves, as well as an additional 2.7 billion barrels of recoverable oil. Similar figures were suggested in 2005 by the head of Russia’s Subsoil Resource Management Agency, Rosnedra, as well. His estimates for recoverable oil were higher, at 3.9 billion barrels (Ledovskikh 2005). It is not known whether these estimates are based on seismic exploration activity or satellite data. In any case, there is a significant methodological gap between how petroleum resources are considered ‘extractable’ in the Russian system and in the approach of the international (Western) petroleum industry, so these estimates should be used with caution.

**Table 1. Russian resource estimates for the disputed area**

	Initial total resources MMt o.e.	Oil MMt	Ass. gas BCM	Free gas BCM	Condensate MMt
<b>In place</b>	7 481	1 200	170		248
<b>Recoverable</b>	6 446	360	51	5 863	172

Source: All-Russian Petroleum Exploration Research Institute (2005).

After the delimitation deal was signed, Natural Resources Minister Trutnev stressed the uncertainty of the estimates, but also announced that there were up to ten structures that *might* hold resources in the category ‘very large’ (more than 1 trillion cubic meters of natural gas or 1 bill. tons of oil) or ‘unique’ (more than 5 trillion m<sup>3</sup> natural gas or 5 bill. tons of oil) (RIA Novosti 2010).

So what role can interest in these energy resources have played in the resolution of the dispute? Certainly energy was mentioned in Medvedev’s official comments – both in Oslo in April 2010, when the agreement was announced (Medvedev and Stoltenberg 2010), and in Murmansk on 15 September 2010, when it was signed (Presidential Press Service 2010). These statements, and also the official comments from the Russian Ministry of Foreign Affairs, were of a fairly general nature, acknowledging that the area might contain significant resources and expressing the wish to cooperate. And certainly, resolution of the dispute would be a prerequisite for exploiting the resources. As the comments by Medvedev and Trutnev indicate, the area’s petroleum potential is a central point of interest in connection with the delimitation. However, the Russian comments did not indicate any concrete Russian

programme for exploration and development of the area. This raises some initial doubts as to whether energy resources were in fact a significant driver for reaching a solution in 2010.

In our view, lobbying from energy companies to open and develop the area was not an important factor. There is no heavy Russian industrial actor with a strong interest in venturing into the previously disputed area. The Barents Sea has been reserved for development under the auspices of state-controlled Gazprom and Rosneft, but these companies were already stretched by existing commitments. Gazprom is heavily committed to the Yamal and Sakhalin projects. Considering the company's meagre results with the Prirazlomnoye Field (see Figure 1), it can hardly be expected to have spare capacity or appetite for another Barents Sea project beyond Shtokman. Since an appraisal of the Dolginskoye Field in 2009, Gazprom has not drilled offshore in the western part of the Russian Arctic.

Rosneft has had its hands full with onshore projects such as Vankor and can be expected to maintain its focus on Siberian projects to fill the ESPO pipeline to China. Offshore, the company's main activities are related to Black Sea licenses; although it does carry out some exploration, this is limited to seismic surveying rather than test drilling for the time being. It is not clear what the aborted agreement between BP and Rosneft to explore three licence blocks in the Kara Sea between Yamal and Novaya Zemlya would result in if revived, with BP or another international partner, and in any case it puts these projects in the queue ahead of any future projects in the formerly disputed area.

As noted, there was an effective lid on negotiations on the Norwegian–Russian maritime boundary, with no leaks to the public. This made it possible to carry on the negotiations without nationalist, populist, oppositional or other distractions. This effectively blocked input from outside a small circle within the Russian Foreign Ministry and the Presidential Administration. Admittedly, there are strong links between key Russian political actors and the country's petroleum companies. For example, Dmitry Medvedev was Chairman of the Board of Gazprom before he became President of Russia; and Deputy Prime Minister Igor Sechin was at the time of the boundary agreement Chairman of the Board of Rosneft. However, these government-controlled companies have not expressed any interest in the disputed area, and in fact they have been criticized by the authorities for their passive stance on offshore petroleum activity. Other government agencies do not seem to have been involved in the final settlement, but for example the Ministry of Natural Resources provided data along the way and was also part of the negotiation team dealing with the technicalities of the delimitation. But that is different from taking the decision to sign a treaty – at a specific point in time.

Also, after the preliminary agreement on a resolution of the delimitation dispute was announced and much of the secrecy lifted, there were no signs of expansive Russian plans for the area. Neither has there been any indication that Rosneft or Gazprom were somehow well-prepared for the agreement. Therefore we believe there have been no secret plans for rapid development of the area. That does not mean that an assessment of the area's hydrocarbon potential did not play any role in the decision to accept a compromise, as is therefore touched upon in the official comments. These comments, however, treat energy development more as an opportunity that would arise sometime after resolution had been found. In sum, there are few signs that specific energy-industrial considerations in Russia were a *driver* for the deal.

#### ***(4) Increasing cost of manifold unresolved territorial disputes***

The Norwegian–Russian agreement on delimitation in the Barents Sea is fully in line with the goals stated in Russia's 2008 Arctic Strategy:

*...to realize active cooperation between the Russian Federation and the Arctic states with the goal of delimiting ocean areas on the basis of norms of international law, reciprocal agreements taking into account national interests of the Russian Federation, and also for the resolution of questions related to the international legal substantiation of the outer boundary of Arctic Zone of the Russian Federation (Security Council of Russia 2008) (our translation).*

Such declarations need not carry much weight if they are isolated statements – but, in this case, the goal of clarifying borders and solving territorial disputes has also been followed up in practice, and not only in the Arctic. Russia has actively and systematically gone about solving the various disputes along its borders (see Table 2). Even if border issues have been settled earlier as well, it is remarkable how many border treaties have been concluded over the last decade. The Barents Sea deal therefore reflects a clear trend in Russian foreign policy to negotiate an end to the various disputes along the country’s long borders.

**Table 2. Border treaties negotiated by Russia 1990–2010.**

3 Sept. 1990	Protocol between <b>North Korea</b> and the USSR on delimitation of the border between the two countries
16 May 1991	Border agreement between <b>China</b> and the USSR
27 Jan. 1994	Treaty on intersection of borders of <b>China, Mongolia</b> and Russia
3 Sept. 1994	Border agreement between <b>China</b> and Russia (western part of the border)
Sept. 1997	Treaty between Lithuania and Russia on the border between <b>Lithuania</b> and Kaliningrad
3 Nov. 1998	Border treaty between <b>China, North Korea</b> and Russia on the intersection of their borders at the Tumen River
5 May 1999	Agreement between <b>China, Kazakhstan</b> and Russia on the intersection of the borders between the three countries
28 Jan. 2003	Border treaty between Russia and <b>Ukraine</b>
9 Feb. 2004	Protocol between North Korea and Russia amending 1985 protocol between <b>North Korea</b> and the USSR
14 Oct. 2004	Additional agreement between <b>China</b> and Russia on the western part of the border, finalizing the entire border between the two countries
18 Jan. 2005	Border treaty between <b>Kazakhstan</b> and Russia
18 May 2005	Border treaty between <b>Estonia</b> and Russia (later frozen by Russia in connection with spat between the two countries)
20 June 2006	Treaty on the intersection of the borders between <b>Lithuania, Poland</b> and Russia
27 March 2007	Border treaty between <b>Latvia</b> and Russia
17 May 2010	Treaty on procedure for demarcation of borders between Russia and <b>Ukraine</b>
15 Sept. 2010	Treaty on maritime boundary delimitation between Russia and <b>Norway</b>

Sources for table: Rosgranitsa 2011; Alexseev and Vagin 1999; Baev 1998; Hirsch 2000; Lo 2005; Makarychev 2005; Menon 1995; Okuyama 2003; Selliaas 2002; Virkkunen 2001; Uibopuu 1995; Szajkowski 1993; Lukin 1998; Kimura 2005; Posol’stvo Rossii v Kitae 2010; Muradyan 2008; Lapenko 2008; Mikheev, 1998; Presidential Press Service 2007; Sabyrov n.d.

So why is it so important for Russia to tidy its borders? At least two explanations are plausible. Earlier it was commonly assumed, especially in small neighbouring countries such as Azerbaijan, Estonia or Norway, that unresolved disputes bear small costs for a large power like Russia, and that it could even be seen as advantageous for Russia to keep disputes open in order to use them as leverage in bilateral relationships.

While this might have been true for the Soviet Union, Russia’s situation is different, and the cost of unresolved borders may have come to outweigh any benefits. Russia is more dependent on other countries now than during the Soviet period. Unresolved border conflicts put bi- and multilateral relations under strain, as well as tying up valuable political and high-level administrative capacity. Both factors may become particularly acute when the conflicts are numerous.



There is therefore a growing realization that Russia must concentrate its expertise and resources on more important issues. Furthermore, insofar as Russia seeks to be perceived as a predictable rule-based player, the potential value of an unresolved dispute as leverage in other issue areas decreases, even if Russia may still resort to such tactics occasionally. We expand on this point in the next section.

##### ***(5) Russia as a constructive international actor***

The Norwegian–Russian agreement may also be seen as reflecting a broader cooperative trend in Russian foreign policy under President Medvedev that goes beyond border management. Part of this trend is to support global governance through international law and the UN, and to take a constructive stance on many issues in international affairs. The re-set of relations with the United States (March 2009), the renewed START Treaty (April 2010) and cooperation on Iran (June 2010) sanctions are further indications of such a trend. Medvedev’s proposal for a new Euro-Atlantic security architecture stretching from Vancouver to Vladivostok was first launched in June 2008, and concretised and reiterated on several occasions in 2008 and 2009.

According to the official Russian Foreign Policy Concept adopted in 2008, the main foreign policy effort should focus on achieving the following objectives:

*... to influence global processes in order to ensure a just and democratic world order, based on a collective approach to finding solutions to international problems and on the supremacy of international law, in particular provisions of the UN Charter, as well as relations of equal partnership among states with a central and coordinating role in the UN, the key organization governing international relations and possessing a unique legitimacy (Medvedev 2008, official translation).*

In 2010, the multilateralist emphasis became even stronger in the always politically correct words of President Medvedev:

*The time when our country’s foreign policy interests were implemented primarily through a network of bilateral ties is in the past. Today we need to learn how to use the resources of multilateral organizations and to operate such resources with skill, precision and assertiveness (Medvedev 2010, our translation).*

Words are of course cheap, but such statements fit well with a sober assessment of Russia’s diverse interests, limited capabilities and lack of unwavering bilateral allies. The overt support for the UN also contrasts conveniently for the Russians with the often negative stance of the United States towards that organization, allowing them to have a more progressive image in this area.

On the other hand, incidents such as the 2008 military campaign in South Ossetia, the subsequent recognition of Abkhaz and South Ossetian independence and the 2009 gas conflict with Ukraine might be seen as contradicting these positive signals in Russian foreign policy.

There are at least four possible explanations of this seeming incoherence. The first is that, in the view of the Russian foreign policy establishment (as well as some Western observers), in both conflicts Russia was the victim (its UN-mandated peacekeepers were attacked by Georgia; its gas was siphoned off by Ukraine). Thus its actions in those conflicts were meant to be defensive rather than aggressive and did not contradict the cooperative foreign policy line.

The second is that conflicts with Georgia and Ukraine were perceived as unique bilateral issues, and the negative implications for Russia's reputation were not fully appreciated by Russian policy-makers, at least not at first.

The third is that today's multilateral rhetoric and image-building got its impetus shortly after the war in South Ossetia. Although it is now difficult for the Russians to backtrack out of the cul-de-sac of Abkhaz and South Ossetian sovereignty, lessons may have been quietly learned, and there may be a desire to move on and away from that confrontation.

The fourth possible explanation emphasizes the disunity of Russian foreign policy actors: hardliners may have succeeded in getting recognition of Abkhaz and South Ossetian sovereignty, but, since then, more pragmatic and Western-oriented actors have got the upper hand. Or, they may have the upper hand in different areas. This explanation would fit with Dmitry Medvedev's slow, but gradual consolidation of his foreign policy power as president.

It is striking how the emphasis on legality in connection with the Barents Sea deal fits not only with Medvedev's broader political discourse, but also with his background in jurisprudence and with his entourage of young progressive lawyers. An emphasis on rule-bound, cooperative international behaviour is compatible with another policy orientation of this part of the Russian elite, namely a desire to reinvigorate Russia's soft power (Orttung 2010: 7; Wilson and Popescu 2009: 319; Tsygankov 2009: 355; Hill 2006: 341). Thus a cooperative Russian foreign policy, with the Barents Sea deal as one of its expressions, is highly compatible with the worldview of Medvedev and the so-called young lawyers.

It is not easy to weight these four possible explanations in relation to each other. We however believe that the four explanations combined are sufficiently strong to make our interpretation plausible. The delimitation treaty with Norway may thus indicate that Russia is on a cooperative, multilateralist path despite various confrontational incidents over the past few years. Even if this interpretation is correct, there is no guarantee that Russia will be on this path forever. Instead, it could be argued that if the conflicts with Georgia and Ukraine are important drivers of a current charm offensive, the charm may not last longer than the memory of those conflicts. The interpretation that Russia is on a cooperative path may, however, still be important for understanding current developments such as the resolution of the Barents Sea delimitation dispute with Norway. This line of thinking would also be in keeping with previous interpretations of Russian multilateralism as central to Russian foreign policy, but 'more about co-ordinated action than fostering and adhering to common norms' (Rowe and Torjesen 2009: 13). Finally, the Arctic has political characteristics that make a cooperative, multilateral approach especially valuable to Russia there, as we discuss in the next section.

#### ***(6) Bolstering UNCLOS***

Russia has explicitly linked the delimitation agreement to what is clearly the most important issue in Russian Arctic policy – its claim to an extended continental shelf in the Arctic Ocean. In fact, this was a major justification for the agreement cited by the Russian Ministry of Foreign Affairs after the deal was first announced, and also in unofficial remarks by the staff of the presidential administration (see Nesterenko 2010; MID 2010; Presidential Administration 2010). According to the Foreign Ministry's spokesperson, 'The delimitation is essential also from the point of view of progress for our claim in the Commission on the Limits of the Continental Shelf' (Newsru 2010). He was referring to the recommendation that the commission had given to Russia in 2002 on the need to arrive at an agreement with

Norway before establishing the outer limits of the Russian continental shelf.<sup>2</sup> However, Norway received its final recommendations on its continental shelf in 2009, so the pending boundary delimitation did not block Norway's submission from being dealt with. Thus it may be questioned what impact an unresolved boundary could have had on the Russian claim. Nonetheless, if the Russian side made this connection, it could be because its continental shelf application is substantially larger and more complex than that of Norway, and even the slightest risk of disturbing the process in the commission could be an argument for reaching an agreement in the Barents Sea (a revised Russian continental shelf submission is expected in 2013).

The Norwegian–Russian deal can also be seen as supporting UNCLOS in the Arctic on a more general level. It is UNCLOS that provides the coastal states with exclusive resource rights. Russia, like Norway, would have much to lose if the authority of UNCLOS should become weakened. With the rapidly changing Arctic ice situation (Parkinson 2008: 3, 11) as well as the reordering of international politics – including the rise of new powers like China and increasing interest in the Arctic on the part of the EU and the USA – cementing UNCLOS in the Arctic has become more urgent for Russia.

In the years immediately prior to 2010 there was international discussion about the need for a new governance framework for the Arctic, possibly in the form of a new international Arctic Treaty (see e.g. Schram Stokke 2007). In response, Russia in close cooperation with the other Arctic littoral states, Norway, Canada, Denmark and the United States made an effort to push this issue back off the agenda and to promote UNCLOS as the main legal framework for the Arctic. A high point came with the 27–28 May 2008 Arctic Sea Conference in Ilulissat, Greenland, which was attended by various ministers of the Arctic Sea littoral states. The littoral states did *not* invite the non-littoral Arctic states Finland, Iceland and Sweden or the EU to the event, and produced a declaration on UNCLOS and Arctic governance which included the following formulation:

*We remain committed to this legal framework and to the orderly settlement of any possible overlapping claims. This framework provides a solid foundation for responsible management by the five coastal States and other users of this Ocean through national implementation and application of relevant provisions. We therefore see no need to develop a new comprehensive international legal regime to govern the Arctic Ocean... The five coastal states currently cooperate closely in the Arctic Ocean with each other and with other interested parties... We will work to strengthen this cooperation, which is based on mutual trust and transparency (Gahr Støre et al. 2008).*

Many of the UNCLOS principles have yet to be applied and tried in practice in the Arctic. Hence, it is in the interest of the Arctic littoral states to avoid any statements or actions that could weaken or overshadow UNCLOS in this part of the world. Resolving the delimitation issue in ostentatious compliance with international law could be a strategic move in this perspective, both for Russia and Norway. We therefore believe that the desire to bolster UNCLOS was an important factor in explaining Russia's will to compromise in the Barents Sea in 2010. However, whereas the Russian legal experts may have been acutely aware of the

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<sup>2</sup> 'In the case of the Barents and Bering seas, the commission recommended to the Russian Federation, upon entry into force of the maritime boundary delimitation agreements with Norway in the Barents Sea, and with the United States of America in the Bering Sea, to transmit to the commission the charts and coordinates of the delimitation lines as they would represent the outer limits of the continental shelf of the Russian Federation extending beyond 200 nautical miles in the Barents Sea and the Bering Sea respectively' (UN General Assembly 2002).

importance of UNCLOS, in the broader foreign policy elite and the rest of the population such awareness may have needed more time to ripen. It may therefore have been easier for the Russian officials involved in the deal to link the delimitation agreement directly to the claim to an extended continental shelf rather than the complex legal aspects of UNCLOS in some of their statements.

### **Is the deal a firm one?**

Given the centralization of power in Russia and the largely subservient parliament, the deal stood firm, and support for ratification by the State Duma was relatively unproblematic. This contrasts with the 1990s when President Yeltsin could have expected serious problems with ratification, had he signed an agreement. In light of this, the carefully steered information process surrounding the finalization of the negotiations, as well as the signing ceremony, seems striking. Both the preliminary announcement and the signing ceremony were subject to a virtual media blackout in Russia. There was no prior announcement in the Russian press on the upcoming ceremony (even though it had been widely mentioned with an accurate date in the Norwegian press eight days in advance: see NTB 2010a; NTB 2010b). Seemingly the Russian authorities did not want to take any risks in presenting a still unfinished process, something which could have unleashed critical voices. Information was disseminated actively to the public only after the deal was a *fait accompli*, signalling that any objections would be too late anyway and that Duma ratification was merely a matter of procedure.

It may be that the Russian decision to move the ceremony from Moscow to Murmansk should be seen in this light as well. That way, the agreement got less media attention, especially television coverage, than it would have in Moscow. Furthermore, the ceremony took place in a small conference room with a minimal audience – at the very same time as a meeting of the ‘Maritime Collegium’ with high-profile government and public figures was underway in the same city. Under normal circumstances, one might have expected the two events to be integrated, but they were kept entirely separate. Whereas Norway sent a whopping five ministers to the signing ceremony, Russia’s Minister of Natural Resources Yuri Trutnev, who was in town attending the Maritime Collegium, did not attend.

The decision to downplay the agreement in the Russian public sphere contrasts with the strong official support for the deal, as reflected in President Medvedev’s presence at the ceremony and his remarks afterwards. In fact, the treaty was signed by the foreign ministers of the two countries, so Medvedev could have chosen not to attend. His presence achieved two things simultaneously. Firstly, it signalled to the government apparatus and the pro-government bloc in the Duma that this was a done deal, fully backed by the president, and that objections were not welcome. Secondly, by limiting the publicity, the risk of nationalistic actors latching on to the issue and using it against the government was minimized. This interpretation is supported by the sensitivity that the Russian authorities have shown to even relatively small public manifestations of opposition beyond the print media and the internet (for more on this, see for example Overland and Kutschera 2011: 319).

Nevertheless, the agreement did meet some resistance from representatives of the fisheries sector in Murmansk. They sent letters to Moscow demanding meetings with State Duma deputies and calling for the treaty to be rejected until it was amended or improved in a way that would better protect their interests. Foreign Minister Lavrov responded by publicly

defending the agreement on this point (Lavrov 2011). Clearly the dissatisfaction in Murmansk was seen as an unwanted disturbance in the run-up to ratification.<sup>3</sup>

Speculations that Prime Minister Putin might distance himself from the deal in the assumed rivalry with Medvedev make little sense, especially after his public endorsement of the agreement:

*I have no doubt at all that the existing issues in the Arctic, including those related to the continental shelf, can be resolved in a spirit of partnership through negotiations and on the basis of existing international law. As an example I want to mention the recently signed Russian–Norwegian treaty on the delimitation of maritime area and cooperation in the Barents Sea and the Arctic Ocean. The negotiations were exhausting. They went on for decades and sometimes reached deadlocks. However, we finally found a way out, the treaty was concluded; I believe that it is a good example of the possibility of finding a compromise acceptable for all parties. In the given case both parties really wanted to produce a result and were taking steps to meet each other halfway (Putin 2010, official translation).*

This is also, and we believe not incidentally, the very same kind of language used by the five Arctic coastal states in the Ilulissat Declaration quoted above (Gahr Støre et al. 2010).

## **Conclusions**

We began this article by arguing that Norway had long been ready for a compromise on the Barents Sea boundary dispute with Russia, and that an explanation of the resolution of the dispute in 2010 must therefore primarily be sought on the Russian side. We then asked which factors could explain the timing of the agreement and examined six hypotheses. The potential for large-scale petroleum development underlined the stakes and the importance of the outcome, but cannot explain why an agreement was reached at this specific juncture. Likewise, a positive trend in Norwegian-Russian relations and new precedents in international law may be part of the picture, but have limited explanatory power in this context. Instead, we believe that maturing negotiations, Russia's general effort to tidy up its spatial fringes by finalising borders and boundaries and Russia's desire to be seen as a constructive and rule-abiding international actor all to some degree help to explain why an agreement was reached precisely in 2010.

Since no factor alone can explain the timing of the deal, these points must be seen in combination. There are, however, several indications that a desire to reaffirm UNCLOS as the pre-eminent framework for Arctic governance may have been a particularly important motivation for the Russian government. In light of the 2008 Ilulissat Declaration, this motivation should not be seen as unique to the Russian Federation, but to some extent part of a concerted effort of the Arctic littoral states to dispel the myth of a 'geopolitical scramble' for the Arctic.

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<sup>3</sup> While there was little doubt about the final result, only the representatives from United Russia supported the Treaty in the Duma. Other parties listened to the vocal opposition of fisheries organisations in Murmansk, who claimed that the treaty would jeopardize their interests, also after the government had rejected these arguments.

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