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NASA image of the Bering Strait region. Source: Visible Earth, EOS Project Science Office, NASA Goddard Space Flight Center / MODIS Repid Response Team.

Beyond the Northern Sea Route: Enhancing Russian-United States Cooperation in the Bering Strait Region

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I. RUSSIA, THE UNITED STATES, AND THE BERING STRAIT REGION

Russia and the United States have a common interest in the safe and sustainable use of the Bering Strait region (BStR), and a long history of cooperation there. The region is a shared gateway between the Pacific and Arctic oceans with the Indigenous Chukchi, Yup'ik, and Iñupiat people who have lived there for millennia. Together, Russia and the United States have used multilateral forums like the International Maritime Organization and the Arctic Council to improve marine safety for the BStR. Bilaterally, however, they are unable to address related common regional concerns in little more than a piecemeal fashion.

This paper identifies what has made Russian-US bilateral cooperation successful in the BStR, draws attention to two lesser-known models for continued cooperation, and concludes that the two States can rely even more on expert-to-expert practical problem-solving at the operational level. The guiding principle for any bilateral cooperative platform should be whether it allows the two States and the region's

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residents to respond more effectively together to impacts of increased human activity than they could acting alone. Its legal foundations should recognize the rights, institutions, and interests of the region's Indigenous peoples (USEOP 2021, Huntington et al. 2020) and that Russia and the United States hold "primary responsibility for the safety of navigation, environmental protection and maritime security" as the Bering Strait's two littoral States (Beckman/Sun 2017:399).

Focusing on the BStR as a portal to and from Russia's Northern Sea Route (NSR) highlights issues where Russia and the United States generally agree, but also where they disagree – including the legal status of NSR waters and the impact of Russian requirements for vessels operating there on freedom of navigation (FON). Improving existing bilateral cooperation platforms in the BStR, or creating a new one, could allow Russia and the United States to address common marine safety concerns without resolving their differences over the character of the NSR (Bouffard 2021, Gudev 2015). Improved bilateral cooperation could also complement their reliance on the international law of the sea and related institutions and provide a model for neighboring Arctic States who seek to improve marine safety. Should the time become ripe, Russia and the United States could agree to extend their cooperation northward as appropriate to address common concerns arising in the NSR.

II. THE BERING STRAIT REGION

The Bering Strait is the narrow international gateway and only passage between the Pacific and Arctic Oceans for the region's abundant marine life and for vessel traffic. Each year "millions of birds and hundreds of thousands of marine mammals" transit the Strait (Ocean Conservancy 2021). Vessel

The Arctic port town of Provideniya, Providence Bay, Chukotka, Far East of Russia. Source: Andrei Stepanov / Shutterstock.com.

Map of BtSR. Source: Daniel Feher / https://www.freeworldmaps.net/ocean/bering-strait/map.html.

traffic, whether bound for the NSR, the Northwest Passage, or other parts of the Arctic Ocean, grew from 262 transits in 2009 to approximately 494 in 2019 and is expected to increase as diminishing ice makes longer navigation seasons possible (WWF 2020). The Strait is a mere 47 nautical miles wide (87 km/54 US miles) and, at its narrowest point, separates the Russian Federation (RF) and the United States by about two nautical miles (3.7 km/2.3 US miles) between Big Diomede and Little Diomede islands (Young/Berkman/Vylegzhanin et al. 2020a, Kawerak 2014).

The BStR "has not been formally defined by Tribes or internationally" (Raymond-Yakoubian 2018:291), appearing as a concept only in non-binding instruments (Norkina 2016). One of the more expansive definitions of the larger BStR comprises "the northern Bering Sea and the Chukchi Sea from St. Matthew Island in the south to Wrangel Island in the northwest and Point Barrow in the northeast" Huntington et al. 2019: 1). Other definitions of the BStR used for various purposes may also be instructive (e.g., IMO 2017, Kawerak 2014, Raymond-Yakoubian/Daniel 2018). Four of the Arctic Large Marine Ecosystems (LMEs) defined

by the Arctic Council could also help identify the region's parameters: 9-East Bering Sea (US), 10-Aleutian Islands (US), 11-Western Bering (RF), and 12-Northern Bering-Chukchi Sea (RF-US) (PAME 2017). Whether and how to define the BStR should be an initial decision of any new cooperative platform for the region.

The Bering Strait itself "is not a border, but a unique habitat of the Chukchi, Inuit, and Siberian Yupik, which provides a chance to preserve their cultures, languages, and identity" (Eduard Zdor quoted in Huntington et al. 2020:4). Both sides of the BStR are sparsely populated and home to Indigenous peoples whose cultures have developed over millennia. The Russian BStR, comprising roughly the Eastern third of Chukotka province, had 33,000 residents in 2016 (Knapp/Kryukov 2020:50). In Alaska, approximately 10,000 people live in the 16 villages and hub towns of the Kawerak Region (Raymond-Yakoubian/Daniel 2018) and some 7,500 in the 11 communities of the Northwest Arctic Borough to the north (NWAB 2021), all of which are accessible only by plane, snowmachine, or boat. The cultural and linguistic ties between the Indigenous people of Chukotka and Alaska span generations (Huntington et al. 2020, Raymond-Yakoubian/Zdor 2020).

Infrastructure needs for maritime safety in face of increased vessel traffic include vastly improved and updated charting as well as expanded search and rescue support (Kawerak 2016, Conley/Melino 2017, Pezard 2017). Port services and reception facilities may also be required (Brigham 2020). Of the three largest Russian ports in the BStR – Provideniya, Anadyr and Egvekinot – only Provideniya is open to foreign vessels (PAME 2009). On the US side just three ports exist (Kotzebue, Nome, and the DeLong Mountain Terminal serving Red Dog Mine). Since none are deep-water ports, freight and passengers are transported between ship and shore by lightering (Hartsig et al. 2012). From the outset, any new infrastructure planning, including whether facilities are necessary or desired, must involve impacted coastal communities (Dushkova et al. 2017, Stepanova et al. 2020).

III. THE NORTHERN SEA ROUTE, BERING STRAIT REGION, AND THE INTERNATIONAL LAW OF THE SEA

The NSR traverses Russia's 24,140-kilometer (15,000-mile) Arctic coastline from its border with Norway in the Barents Sea to the Bering Strait in Alaska. Russia's Infrastructure Development Plan for the Northern Sea Route to 2035 (RF 2019) calls for massive expansion along the route, from ports to railroads to airports, as part of President Putin's push for a tripling of cargo volume to 90 million tons by 2030, compared to 2019 levels (Digges 2020, Staalesen 2019). For context, the Panama Canal saw 475.1 million tons of cargo in FY2020 (Labrut 2020).

Multiple studies detail plans for Russian infrastructure development, the growing number of tankers and container ships transiting the ice-diminished route without an icebreaker escort, the shift from transit to destinational shipping, and from individual journeys to long-term logistical support of domestic energy and other resource development in the Russian Federation (e.g., Brigham 2020, Solski/Henriksen/Vylegzhanin 2020; Moe 2020). Experts have also analyzed the development, decline, and subsequent revival of the NSR, its ports, and infrastructure from pre-Cold War days, through the Soviet Union years and post-Cold War era into the 2020s (Fahey 2018, Solski/Henriksen/Vylegzhanin 2020, Sergunin/Hoogensen Gjørv 2020, Sevastyanov/Kravchuk 2020).

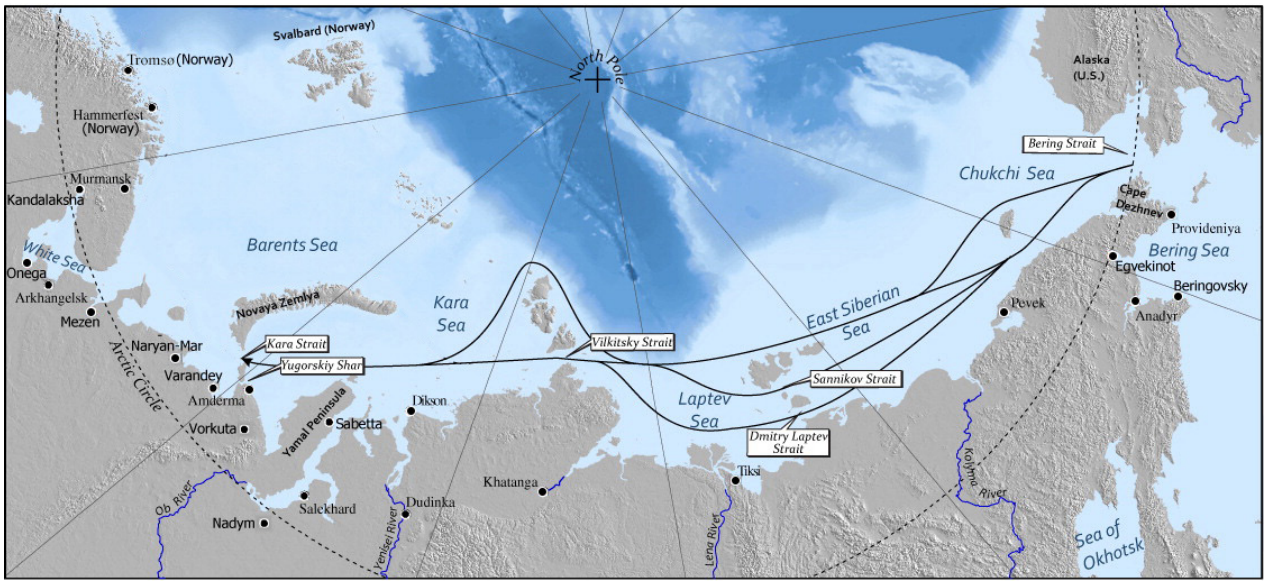
The exact relationship between Bering Strait and

the terminus of the NSR is unclear. The United States has sought "clarification whether the [NSR] extends into and through the Bering Strait" (USDOS 2015). Article 5.1 of the 1999 Merchant Shipping Code of the Russian Federation defines the NSR as "limited in the East by the line delimitating the sea areas with the United States of America and by the parallel of the Dezhnev Cape in the Bering Strait" (Gavrilov 2021, Gunnarson 2021).[1]

Russia and the United States agree the Bering Strait is a strait used for international navigation (Vylegzhanin 2017) but differ on the NSR's status. Russian law describes the NSR as the "historically established national transport communication route" (Gavrilov 2021), while commentators describe Russia as considering the NSR to be internal waters (Gudev 2015). The United States considers the NSR to contain straits used for international navigation and Russia's NSR regulations as infringing "freedom of navigation within the exclusive economic zone [EEZ], the right of innocent passage in the territorial sea, and the right of transit passage through straits used for international navigation" (USDOS 2015, Bouffard 2021, Skydsgaard/Pamuk 2021).

The US Department of State formally objected to aspects of a 2013 Russian regulatory scheme for the NSR that it considered inconsistent with international law: permit requirements to enter and transit the EEZ and territorial sea; "persistent characterization of international straits that form part of the NSR as internal waters; and the lack of any express exemption for sovereign immune vessels" (USDOS 2015). The United States expressed "support for the navigational safety and environmental protection objectives of this [NSR] scheme" and acknowledged that Russia

1. The demarcation line is specified in the 1990 USA-USSR Maritime Boundary treaty discussed in Part 4.



Map of the Northern Sea Route. Adapted with permission from Stephenson et al. 2014.

purports to base it on Article 234 of the Law of the Sea Convention (UNCLOS) but disagreed that the regulatory scheme comports with that article (USDOS 2015).

The divergent official Russian-US approaches to the NSR (e.g. Secretary of State Blinken as quoted in Skydsgaard/Pamuk 2021), and the widely acknowledged interpretational challenges of Article 234, have generated voluminous commentary (recently Fahey 2018, Kraska 2016, Williams 2017, Solski 2021), but neither party has changed its position. The difference is rooted largely "in military security concerns, with Russia seeking maximum control of shipping along its coast, and the United States seeking maximum freedom of navigation for its navy" (Byers 2017:381, Fahey 2018). The persistence of the NSR disagreement suggests that progress in managing these issues will come less from reconciling different interpretations of UNCLOS than from acknowledging those differences, while agreeing to practical arrangements and understandings that do not explicitly refer to Article 234, except perhaps using some kind of 'without prejudice' clause.

The disagreements over the NSR are only one aspect, albeit significant, of the broader and generally cooperative Russian-US relationship in the Arctic. Cooperation in the international forums discussed below demonstrates that the two States can promote shared interests in safe and sustainable Arctic shipping more generally (Gudev 2015, Bouffard 2021) without resolving the NSR disagreements. Such cooperation also contributes to upholding safe and predictable patterns of behavior in the region by both States.

IV. THE LONG PRACTICE OF BILATERAL COOPERATION IN THE BERING STRAIT REGION

Russia and the United States have a mutual interest in maintaining the Arctic as a zone of cooperation (USDOS 2021, RF Ministry of Foreign Affairs 2021, Østhagen 2018, Åtland 2014). Recognizing the complex interdependence of issues in the Arctic (Byers 2017) and their relative insulation from geopolitical differences beyond the Arctic (Balton 2021, Young/Berkman/Vylegzhanin 2020b, Østhagen 2018) bolsters that cooperation. With Russia now chairing the Arctic Council for its two-year rotation

Three ships on the Bering Sea with St. Lawrence Island, Alaska in the background. Source: Ruben M Ramos / Shutterstock.com.

Foreign Minister Sergey Lavrov and Secretary of State Anthony Blinken speak at the 12th Ministerial Meeting of the Arctic Council, 2021. Source: Photo: Icelandic Ministry for Foreign Affairs /Sigurjón Ragnar.

2021-2023 and including Indigenous peoples of the Arctic in its chairmanship priorities (AC 2021c), and the new administration in the United States restoring commitments to frank dialog with Russia (USDOS 2021), and to the BStR in the Northern Bering Sea Climate Resilience Area (NBSCRA) and its Alaska Native tribes (USEOP 2021), the two States have a prime opportunity to build on their long history of cooperation in the BStR (Pincus 2020). By addressing the challenges of ensuring marine safety and sustainable shipping in the BStR, for example, they can work with each other and the region's Indigenous peoples to demonstrate joint leadership in implementing the IMO Polar Code regionally and fostering cross-strait communication and cooperation at the operational level between experts who patrol, hunt, and live in the region.

Recent examples of Russian-US cooperation in multilateral forums contributing to marine safety and sustainability in the BStR include working together at the International Maritime Organization (IMO) on the Polar Code and vessel routing and at the Arctic Council (AC). Beginning in 2011 Russia and the United States co-chaired three separate task forces that led to the only binding international agreements to date negotiated under AC auspices. These address Search and Rescue, Marine Oil Pollution Preparedness and Response, and Arctic Science Cooperation (Balton 2021); both countries were major proponents of the science agreement. The AC's Arctic Shipping Best Practice Information Forum "promote[s] the Polar Code" and its ministers "encourage meaningful efforts, in cooperation with relevant stakeholders, to promote safe and sustainable shipping across the circumpolar Arctic" (Arctic Council 2021a, para. 42). Both States have taken steps individually to implement the Polar Code (Chircop/Czarski 2020) and could find ways to do so together in the BStR, where environmental protection elements in Part II of the Code are particularly relevant to shallow and coastal areas (Brigham 2020). Indigenous representatives from both sides the Strait have also testified on related issues at the IMO (Meek/Lovecraft 2021). The AC's 2021 MOU with the Arctic Coast Guard Forum (ACGF) may offer additional opportunities for Russian-US joint activity (Arctic Council 2021b, Schreiber 2021b). Russia currently chairs the ACGF, parallel to chairing the AC, where Foreign Minister Lavrov expressed Russia's "support [for] further cooperation at the [ACGF] expanding its ties with the Arctic Council in order to strengthen the overall capacity to respond to emergencies" (RF Ministry of Foreign Affairs 2021).

Bilaterally, the forums discussed below are just

U.S. Coast Guard Cutter Polar Star (WAGB 10). Source: Christopher Michel (CC BY 2.0).

a few of the dozen or so Russian-US agreements identified in numerous studies (Berkman/Stavridis 2015:191, Becker 2010, Cohen 2010, Norkina 2016, Staun 2017, Young et al. 2020) that provide solid institutional support for cooperation in the BStR. This section augments that research by identifying what can be learned from select arrangements about best practices, or practices to be avoided, when developing or reinvigorating a forum to enhance bilateral, operational cooperation in the BStR.

Three bilateral initiatives are emblematic of successful Russian-US cooperation in the BStR. The first two, Joint Contingency Planning (JCP) for emergency pollution response, and joint advocacy at the IMO, are emblematic because both rely on existing entities to shape cooperation – the US Coast Guard [USCG] and the Russian Border Guard [RBG] on the one hand and the IMO on the other – and because they allow leeway for their respective operational level experts to engage on topics in which they are well versed.

Joint Contingency Planning

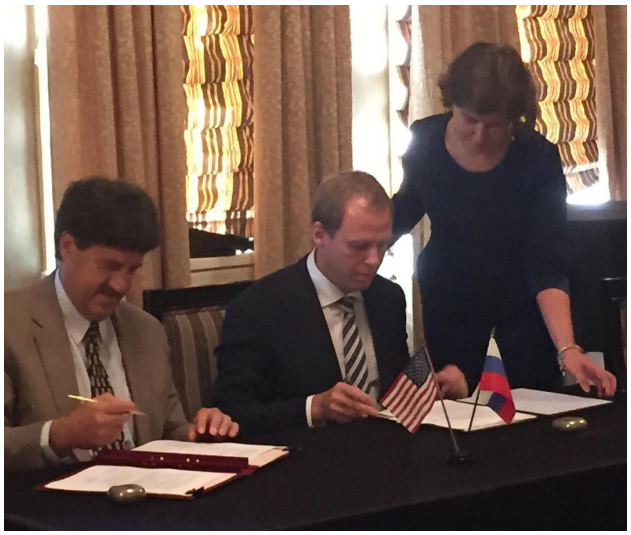
In mid-January 2021, the USCGC Polar Star "patrolled the boundary line in the Bering Sea with Russian aircraft in a joint communications exercise" between the USCG and the RBG (Schreiber 2021a). On February 1, the Russian Federation's Marine Rescue Service and USCG formally updated the most recent JCP created under a bilateral 1989 treaty on emergency Cooperation in Combating Pollution in the Bering and Chukchi Seas (USA-USSR 1989c, WWF 2021, Schreiber 2021a). Among the 2021 JCP updates are notification if pollution spreads into international waters, mechanisms for

requesting response assistance, and – new in 2021 – embedding an international coordination officer in any response activities. The USCG and the Russian Marine Rescue Service met in Alaska in late Summer 2021 to prepare for a bilateral tabletop exercise under the JCP. Such exercises are to take place every two years under the 1989 agreement but were suspended between 2014 and 2018 – an instance where Arctic cooperation could not be completely insulated from geopolitical developments elsewhere (Kontar 2018).

US-Russian cooperation in the region has often involved the USCG and RBG implementing practical solutions to shared challenges (Janelle 2003). Their January 2021 joint patrol supported not only communications exercises but "mutual agreements ... consist[ing] of combined operations including search and rescue missions, contingency operations, ... and operations to counter illegal, unreported, and unregulated fishing" (USGC 2021). Working across nationalities on shared operational issues allows Arctic coast and border guard personnel to continue "upholding territorial integrity and protecting sovereign rights, while also maintaining civil relations and engaging in cooperative local and regional schemes" (Østhagen 2019, 58).

Vessel Routing and Precautionary Areas

In 2018 the IMO approved two measures presented jointly by Russia and the United States: a voluntary traffic separation scheme for all domestic and international ships and agreed Precautionary Areas in the BStR (Jones/Hartsig/Gisclair 2020). The routing system "consists of six (6) recommendatory two-way routes and six (6) precautionary areas in the Bering Sea and Bering Strait," half in each State's respective



United States and Russian Federation representatives sign Agreement to prevent illegal fishing. Source: NOAA.

territorial waters (IMO 2017). To varying degrees, both States considered input from residents of the BStR, maritime and environmental groups, and others, including US Tribes and Tribal entities (IMO 2017). Designed to help mariners avoid natural hazards and reduce the potential for marine casualties and environmental disasters, the routes do not limit commercial fishing or subsistence activities (Midgett 2018). The law of the sea, including Article 42 UNCLOS, constrains either State from imposing binding regulations on their own or jointly in an international strait but, as the two Bering Strait coastal states, they can "recommend non-binding safety and protective measures [that] foreign-flagged vessels may elect to comply with ... voluntarily" (Hartsig et al. 2012:61).

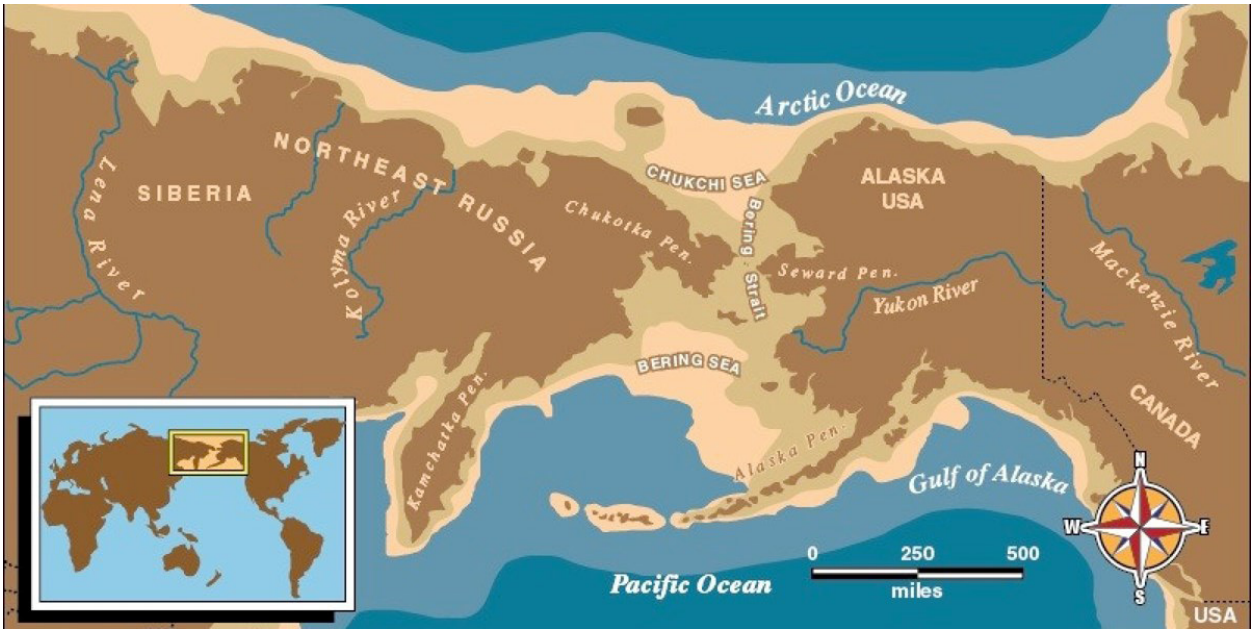
The IMO distinguishes between precautionary areas "where ships must navigate with particular caution" and ATBAs "for reasons of exceptional danger or especially sensitive ecological and environmental factors" (IMO 2019). Russian and US officials have discussed a possible jointly proposed transboundary ATBA around Big

Diomede and Little Diomede islands (Jones et al. 2020). However, two potentially competing interests – protecting the area for subsistence species and ecosystem health, and concerns that an ATBA located centrally in an international strait could constrain navigation – have not yet been reconciled, though dynamic ATBAs and/or speed limit recommendations might be considered.

Complementary to the joint Russian-US routing effort at the IMO, the USCG announced a new domestic Port Access Route Study (PARS) in 2018 for Arctic Alaska, to the north of the Bering Strait in portions of the Chukchi and Beaufort Sea (USCG 2018). A PARS for the Bering Strait Region was concluded in 2017 (USCG 2017). A new cooperative bilateral platform could serve to bring operational level experts together to propose resolutions to the multiple interests at play in the interaction between the IMO, PARS, and similar initiatives on the Russian side of the BStR.

Maritime Boundary

A third agreement, on the Russian-US Maritime Boundary, is further emblematic of cross-strait relations by demonstrating the continuity of cooperation and State practice across political regimes and changes in administration. On June 1, 1990, the United States and the Soviet Union signed a treaty establishing their maritime boundary and exchanged separate diplomatic notes agreeing to apply it provisionally (US Senate 1990, Konyshev/Sergunin 2014). The United States ratified the treaty in 1991 and Russia (first the USSR, then the Russian Federation) continues to apply it provisionally absent approval by the Duma. Russia's April 2021 revision of its submission to the Commission on the Limits of the Continental Shelf (CLCS) is just the latest example of 30 years of accumulated Russian state practice in applying and upholding the Maritime Boundary agreement.



Map of eastern Russian and Alaska with a light brown border depicting Beringia. Source: National Park Service.

Fisheries, Heritage, Economy and Travel, Environment

Space constraints allow only brief acknowledgement that four broad and overlapping categories of additional bilateral governmental arrangements promote cross-strait cooperation in the BStR. Some mechanisms are legally binding, others are not.

- Fisheries agreements include the Agreement on Mutual Fisheries Relations (USA-USSR 1998), which created and the US-Russian Intergovernmental Consultative Committee on Fisheries or ICC), and the Agreement on IUU Fisheries (USA-RF 2015). The ICC, a working forum (Molenaar 2012, Pollock Catchers Association 2012) last met in person pre-pandemic in 2019 (ICC 2019, Gornova 2016).
- Two Joint Statements on Cooperation in the Bering Strait Region address cultural and natural heritage. Presidents Obama and Medvedev called for "protection of the shared natural and longstanding cultural heritage of Alaska and Chukotka" (White House 2011) and recognized the successes of the Shared Beringian Heritage Program, operated by the US National Park Service in support of US-Russian research collaboration (Vylegzhanin 2017). Secretary Clinton and Minister Lavrov agreed to "to pursue a Transboundary Area of Beringian specially protected natural territory, in consultation with local and tribal governments, linking" parks and preserves on both sides of the Strait (USDOS 2012). A related memorandum was drafted in 2013 but never concluded (Hiar 2017).
- Two related agreements address cross-strait travel and economic growth; one Concerning Mutual Visits by Inhabitants of the Bering Straits Region and the other establishing the Bering Straits Regional Commission to assist with issues arising in travel and other cross-strait interactions (USA-USSR 1989a, USA-USSR 1989b). Two presidential commissions had broader remits: The 1993 U.S.-Russian Joint Commission on Economic and Technological Cooperation, aka The Gore-Chernomyrdin Commission (Cerniello 1997, Rojansky 2010), and the U.S.-Russia Bilateral Presidential Commission (USDOS 2009).
- Environmental science and wildlife management agreements include the "Environment Bilateral" (USA-USSR 1972/USA-RF 1994) which continues to build fruitfully on forty years of substantive research cooperation (Robinson/Waxmonsky 1988). Under the Polar Bear Agreement (USA-RF 2000) the Union of Marine Mammal Hunters and Alaska Nannut Co-management Council lead management of the Alaska-Chukotka polar bear population (Aho/Meek 2020, Raymond-Yakoubian/Zdor 2020).

Successful cooperation in any of these areas depends upon the existence of a trusted institutional foundation, shared objectives, continuously open communication channels, and practical problem solving at the operational level, with appropriate discretion available to experts on the ground. For example, under the 1988 Mutual Fisheries Agreement, regular communication between the US and Russian authorities at the Intergovernmental Consultative Committee it established, and strong bilateral working relationships at the local level for enforcement and other fisheries-focused matters, are mutually reinforcing (ICC 2019). By contrast, the Bilateral Presidential Commission established by Presidents Obama and Medvedev in 2008, while a possible model for future reinvigoration or emulation, was wide ranging (16 working groups), had no geographic limits, and fairly high-level leadership (Rojansky 2010, USDOS 2009). Although US funding for the commission was redirected in 2014 to provide aid to Ukraine after Russian annexation of the Crimea, it may be possible to

reinstate targeted cooperative projects under the BPC to oversee a BStR specific agenda.

Individual mechanisms addressing any topic are more likely to remain viable tools for cross-strait cooperation if they can do three things: "build a lasting foundation for working-level U.S.-Russia cooperation independent of the personalities at the top" (Rojansky 2010:16, 21); be geared to give local subject matter experts the authority to identify and study problems (Robinson/Waxmonsky 1988, USFWS/RMNRE 2013, Aho/Meek 2020); and be guided by genuine, locally driven demand for cross-strait cooperation on the matter at hand (Krasnopolski 2019).

V. CONSIDERATIONS FOR A BSTR BILATERAL EXPERTS GROUP (BBEG): TWO LESSER-KNOWN MODELS

As vessel traffic and climate change continue to impact the Arctic, one low-cost step to enhance Russian-US cooperation in the BStR is to create or build upon an existing bilateral, operational platform for engaging topical experts, including Indigenous residents, in addressing marine safety and related issues. This approach is in keeping with best practices for Arctic shipping management, which include "sharing of information across jurisdictions and with industry; collaboration among Arctic states, especially between those who share maritime boundaries" and considering diverse factors "such as vessel safety, environmental protection and impacts on coastal communities" when developing ship management measures (PAME 2021a:21).

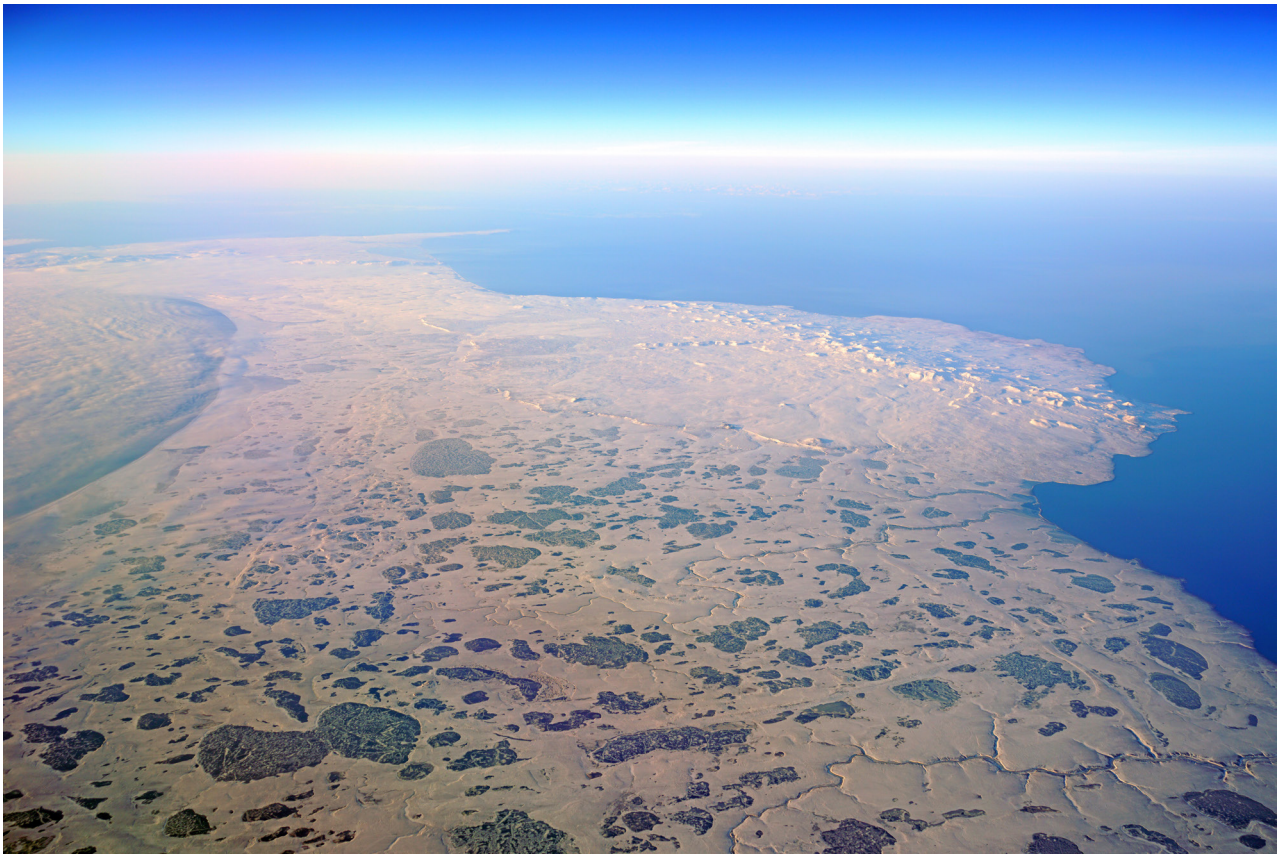
The platform's fundamental goal should be practical and straightforward: better communication, increased awareness, and relationship-building between technical experts, rightsholders and other stakeholders to allow them to act on shared marine safety concerns. Recent interview-based studies show that one of the biggest challenges for cross-strait cooperation in the BStR is finding the right person to contact for a given situation (McKenzie et al. 2016, Krasnopolski 2019). The platform should also help reduce the burden borne by Russia and the United States as the two coastal States of maintaining safe and sustainable shipping in the BStR by drawing on subject matter experts and allowing user States and others to contribute expertise and in-kind assistance.

Some existing forums, especially those created by presidential agreement, have tended to higher level communications with less effectiveness on the ground (Rojansky 2010). Oran Young and colleagues have proposed the "initial step" of building on the existing Bering Straits Regional Commission (see Section 4), in a process that could eventually lead to a "Bering Strait Authority" (Young et al. 2020:113). But that commission and other existing forums, such as the Joint Contingency Plan, are already well-focused on specific tasks. Adding responsibilities might detract from their effectiveness. This paper proposes the alternative of creating a basic platform to connect experts by subject matter, including those from existing mechanisms (thus allowing them continued focus on their primary purpose). The platform would not be limited to any one lead set of experts but could rotate to accommodate a range of issues and topic areas. It would also operate independently of existing bi- and multilateral forums such as the Fisheries ICC or the IMO, and from domestic forums but could connect to any of them when appropriate and mutually desirable.

The platform should combine local technical and expert leadership, locally driven demand for cross-strait communication and coastal State cooperation, drawing upon the two examples detailed below. Who will establish and design

the platform should be determined by experts and authorities in the BStR, with a preference for non-governmental leadership. A concise MOU between the appropriate national authorities could express support for the platform. Involving Indigenous communities and leaders from the outset in determining the need for and design of the platform is essential, as are clear mechanisms for co-determining issues to be addressed. Leadership could be provided by local or regional governments, or by the appropriate pairing of a Russian and a US non-governmental organization (NGO). NGO leadership has the advantage of greater flexibility and could be paired with regular reporting to the appropriate government authorities.

Two lesser-known international mechanisms provide possible models for the platform's goals and characteristics. A pertinent example of local cross-strait cooperation in the region is the Bering Strait Messenger Network (BSMN), which operated from 2014 to 2017 between Chukotka and Alaska. The network "acted as an ad hoc working group for the region" and hosted monthly teleconferences to provide updates on key issues relevant to communities on both sides of the Strait such as marine safety, oil spill response, sustainable development, and food security (Institute of the



Aerial view of St. Lawrence Island, Alaska, USA in the Bering Sea. Source: EQRoy / Shutterstock.com.

North 2021). Funded by the US National Park Service Shared Beringian Heritage Program and developed by Alaska's Institute of the North, the BSMN was successful in strengthening effective cross-border communication (Hum 2017) and valuing Indigenous knowledge, but funding was discontinued after three years, in part due to costs of translation. Given the rights, interests, and deep familiarity with the BStR of the region's Indigenous peoples, the BSMN offers one blueprint for launching an informal platform that could also include – as did the BSMN – key policy makers, maritime safety, and other experts to discuss issue-specific solutions before problems emerge.

The most pertinent example of coastal State cooperation in other international straits is the Tripartite Technical Experts Group (TTEG) on the Safety of Navigation in the Straits of Malacca and Singapore (SOMS), established in 1975. Two features make the TTEG a model for an expert-to-expert communication platform in the BStR: it allows coastal States that do not always see eye to eye to work together to improve safety in a heavily used international strait; and it achieved many of its milestones long before a more formal "Cooperative Mechanism" (CM) for the SOMS was established in 2007 pursuant to Article 43 UNCLOS.[2] Scholars suggest the SOMS CM as a possible model for the Arctic (Beckman/Sun 2017, Gudev 2015, Chircop 2017). At this geopolitical juncture, however, exploring a lower-level experts' group for the BStR is more advisable than pursuing a full-fledged CM, which is a potentially less flexible platform. A key to the TTEG's success is allowing subject matter experts to work out solutions without involving foreign ministry or other higher-level governmental representatives unnecessarily (Beckman et al. 2017).

Indonesia, Malaysia, and Singapore established the TTEG to implement an agreement between their foreign ministers to manage the two straits as a single unit. They also agreed to make joint submissions to the IMO for its adoption of measures to enhance safety of navigation. It is not clear, however that a similarly formal management agreement between Russia and the United States needs to exist for the Bering Strait.[3] The two countries have already worked together at the IMO, e.g., to submit vessel routing measures for its approval, as discussed above. Like the TTEG States, they also recognize the IMO's primary authority to adopt measures relevant to maritime safety in a strait used for international navigation. The general parameters of the TTEG can, however, serve as a starting point for discussions between Russian and US officials about a BStR Bilateral Experts Group (BBEG). Its work, while supported by those officials, would be left largely to the technical and local experts on the BBEG.

Important foundations for a BBEG are already in place if the initial focus is vessel traffic and marine safety. Russian-US accomplishments and plans in recent years compare favorably to significant TTEG milestones (Ho 2009) that took decades to achieve:

- **Vessel Routing.** The TTEG helped implement an IMO-adopted Routing System in the SOMS in 1998, 23 years after the TTEG was founded. Russia and the United States are already implementing the 2018 voluntary Vessel Routing System in the BStR.
- **Vessel Reporting.** The TTEG implemented the

2. Article 43: "User States and States bordering a strait [[used for international navigation]] should by agreement cooperate: (a) in the establishment and maintenance in a strait of necessary navigational and safety aids or other improvements in aid of international navigation; and (b) for the prevention, reduction and control of pollution from ships." The SOMS CM remains the only CM established pursuant to Art. 43 (Chircop 2017, Beckman/Sun 2017).

3. The Bering Strait can be viewed as three adjoining straits, one each between the Russian and US mainland to the nearest island, and the third between the two islands.

IMO-adopted mandatory ship reporting system, STRAITREP, in 1998. While neither Russia nor the United States are actively planning a joint ship reporting system, both have services in place to help identify vessels and their transit routes. The US platform is privately operated by the Alaska Marine Exchange but much of its Automatic Identification System (AIS)-based information on vessel locations and routes is publicly available (Page 2017), including to Russian authorities. To the extent the NSR continues into the BStR (a matter that, as noted above, has not been clarified), Russia requires vessels to register before transiting the NSR. Additionally, AIS data is already in use under SOLAS to track vessel location and movement (Young et al. 2020).

- **Navigational hazards.** The TTEG organized a Four Nation Joint Re-Survey of Critical Areas in the SOMS from 1996-1998. US and Russian authorities are addressing surveying needs in their respective portions of the BStR (USEOP 2019, Vasiliev 2021). A BBEG could allow better cross strait coordination of charting efforts.
- **Indigenous Experts.** While not a feature of the TTEG, partnering from the outset with Indigenous experts is essential. Mechanisms exist for identifying Indigenous experts in both countries, e.g., the Bering Intergovernmental Tribal Advisory Council mandated by the NBSCRA in the United States (USEOP 2021), and Russia's priority focus on Indigenous Peoples of the Arctic during its Arctic Council

View of Anadyr, Chukotka, Russian Federation in the Beringia region. Source: Bayurov Alexander / Shutterstock.com.

chairmanship (AC 2021c).

- **User States.** Japan has consistently assisted in conducting hydrographic surveys of the SOMS and providing aids to navigation. Such participation by user States is a model the BBEG may be able to cultivate at the appropriate time although in the SOMS, it is the CM that expedites third-state participation.

The SOMS arrangements are considered "[t]he most successful model of harmonizing positions of the interested parties concerning the navigation regime in the Bering Strait" (Gudev 2015:5). Features that make the SOMS CM successful are also relevant to the BBEG, even without creating a CM. These include recognizing the sovereignty and jurisdiction of the littoral States and their "primary responsibility for navigational safety and the marine environment" (Beckman et al. 2017:436, IMO 2005), and their ability to "give effect to" international regulations established by the IMO (e.g., UNCLOS Art. 42). Further, the cooperation should be without prejudice to:

> the position of any State on the legal status of Arctic waters … the issue of whether passage through Arctic waters is subject to the regime of transit passage through straits used for international navigation … the positions of the interested States on the geographical and substantive scope of the powers of the coastal States under Art. 234 of UNCLOS … [and] the position of any interested State on any disputes concerning sovereignty clams, maritime boundaries, baselines, or submissions to the [CLCS] (Beckman et al. 2017:435).

Another success factor is for cooperation to be consistent with UNCLOS and "not infringe on the primary role of IMO in establishing global rules and standards governing international shipping" (Idem.).

Finally, the platform should recognize participants' shared interests, and provide a forum for regular meetings and building working relationships between experts.

Other models for an operational expert-to-expert communication platform for[4] include Norwegian-Russian cooperation on the NSR Information Office, a collaboration of the Centre for High North Logistics and Rosatomflot, that provides data and technology for safer operation of the NSR (Byers 2017). Separately, a workshop by the University of the Arctic Thematic Network on Arctic Transport and Logistics involved Indigenous, Asian, Norwegian, and Russian colleagues, with the goal of exchanging charts, ship data, and science, and promoting scientific cooperation and partnerships on each other's vessels (U Arctic 2021). Multilaterally, the three agreements negotiated under Arctic Council auspices, on Search and Rescue, Marine Oil Pollution, and Science Cooperation may provide opportunities for Russian-US cooperation to implement their requirements in the BStR using an expert-to-expert platform. Similarly, the Arctic Council Arctic Shipping Best Practice Information Forum (PAME 2021b) which supports implementation of the IMO Polar Code, may present openings to highlight bilateral expert-to-expert implementation projects.

Potential topics for a BBEG, many of which overlap, all relate in some way to vessel traffic and marine safety. These include: Food security; Improved charting and navigational aids; Cumulative threats and pressures from vessel traffic and other sources; Updates on relevant laws and regulations; Local input on IMO vessel traffic measures and improved community capacity to participate in related venues; Two-way communication between large transiting

4 Other bilateral forums relevant to the BStR but not marine-focused include the Russian American Pacific Partnership, a public-private bilateral forum connected to the Council of U.S.-Russia Relations (RAPP 2021).

Inuit whaler in Chukotka, Russia holds a harpoon on a traditional whale hunt. Source: Andrei Stepanov / Shutterstock.com.

vessels and coastal communities; Reducing vessel noise and ship strikes for protection of subsistence marine mammals; Co-management; Lack of effective response capabilities in the region; and Coordination of ecosystem-based management in the BStR, possibly building on the Arctic Council LMEs. This partial list draws on concerns expressed by residents on both sides of the BStR, Alaska Tribes and city governments, other authorities such as coast/border guards, and by conservation interests (e.g., Fahey 2018, Hartsig et al. 2012, Jones et al. 2020, Raymond-Yakoubian 2018, Aho/Meek 2020, Raymond-Yakoubian/Zdor 2020; Young/Berkman/Vylegzhanin 2020). To co-develop topics for expert attention (Huntington et al. 2020) or for other purposes, any BBEG platform created must ensure respect for existing initiatives and connect with them as needed without detracting from their efforts (Kee 2019).

This paper has focused exclusively on bilateral cooperation in the BStR. Accordingly, numerous domestic initiatives addressing similar issues on the Alaskan side of the BStR and, to a lesser extent, in Russia are not covered here. Indigenous residents of the BStR have invested significant time and resources, through workshops, studies, and other efforts, to identify and convey their marine safety and other priorities for the region (Kawerak 2014 & 2016, USEOP 2021, Gladun/Ivanova 2017). Any steps taken toward creating a BBEG must involve regional Indigenous leaders at the outset, e.g., the

Bering Intergovernmental Tribal Advisory Council mandated by the NBSCRA in the United States. This approach is in keeping with the goals of the NBSCRA, which include supporting and engaging Alaska Native Tribes and incorporating traditional knowledge into decision-making and "achieving those goals in partnership with indigenous communities" (USEOP 2021).

VI. CONCLUSION

Three words – demand, foundation, and flexibility – sum up lessons from Russian-US cooperation in the BStR for a well-functioning cooperative platform. Lasting bilateral cooperation at the operational level will develop only if there is a demand for it. The time is ripe for Russia and the United States to gauge that demand by working with communities and experts on both sides of the BStR. The foundations of past and current bilateral agreements demonstrate that the strongest cooperation is independent of individual personalities and authorities and flexible enough to delegate problem-solving to operational experts. Ultimately, successful cross-strait cooperation in the BStR depends upon trusted institutional foundations supported by the two coastal States and its Indigenous peoples, shared objectives, and continuously open communication channels. It also depends on engaging domestic initiatives in both States, such as those mentioned in the preceding paragraph. By cultivating these foundations, Russia, the United States, and the people of the region will be able to respond better together to the challenges of increased vessel traffic and climate change impacts than they could acting alone.

SOURCES

Aho, Kelsey & Chanda L. Meek 2020. Transboundary Marine Mammal Management in the Northern Bering-Chukchi Sea Large Marine Area, Polar Geography 43(4): 1-20.

Arctic Council

2021a. Reykjavik Declaration On the occasion of the Twelfth Ministerial meeting of the Arctic Council.

2021b. Arctic Council – Arctic Coast Guard Forum Statement of Cooperation.

2021c. Russian Chairmanship 2021-2023, at https://arctic-council.org/en/about/russian-chairmanship-2/.

Åtland, K. 2014. Interstate Relations in the Arctic: An Emerging Security Dilemma, Comparative Strategy 33(2):145-166.

Balton, David A., 2021. United States-Russian Relations in the Arctic Ocean: Cooperation or Conflict? In: Corell, R.W. et al. (Eds), Will Great-Power Politics Threaten Arctic Sustainability? North Pacific Arctic Conference Proceedings 2020, in press.

Becker, Michael A. 2010. Russia and the Arctic: Opportunities for Engagement within the Existing Legal Framework, American University International Law Review 25(2):225–250.

Beckman, Robert & Sun, Z. 2017. The Cooperative Mechanism for the Straits of Malacca and Singapore. In Beckman, R. et al. (Eds), Governance of Arctic Shipping, Balancing Rights and Interests of Arctic States and User States, Brill/Nijhoff, 379-412.

Beckman, Robert et al. 2017. Conclusions on Challenges and Prospects for Enhanced Cooperation on the Governance of Arctic Shipping. In: Beckman, R. et al. (Eds), Governance of Arctic Shipping, Balancing Rights and Interests of Arctic States and User States, Brill/Nijhoff, 432-437.

Berkman, Paul Arthur & James Stavridis 2015. Special - A Mechanism for Arctic-Crisis Response. US Naval Institute, Proceedings Vol. 141/12/1,354.

Bouffard, Troy 2021. A Developing Maritime Operational Environment: Forward Presence and Freedom of Navigation in the Arctic. Strategic Perspectives, NAAD (North American and Arctic Defence and Security Network), January 12, 2021.

Brigham, Lawson 2020. Arctic Policy Developments and Marine Transportation. In: Coates, K.S. & C. Holroyd (Eds), The Palgrave Handbook of Arctic Policy and Politics, Palgrave MacMillan, 393-208.

Byers, Michael 2017. Crises and International Cooperation: An Arctic case study, International Relations 31(4):375-402.

Cerniello, Craig 1997. Gore-Chernomyrdin Commission Expands Cooperative Measures Arms Control Today, March 1997. Arms Control Association.

Chircop, Aldo 2017. The IMO, Its Role under UNCLOS and Its Polar Shipping Regulation. In: Beckman, R. et al. (Eds), Governance of Arctic Shipping, Balancing Rights and Interests of Arctic States and User States, Brill/Nijhoff, 107-143.

Chircop, Aldo & Miriam Czarski 2020. Polar Code Implementation in the Arctic Five:

Has Harmonisation of National Legislation Recommended by AMSA Been Achieved? The Polar Journal, 10(2):303-321.

Cohen, Ariel 2010. From Russian Competition to Natural Resources Access: Recasting US Arctic Policy, Backgrounder 2421(June 15):1–13.

Conley, Heather A. & Matthew Melino, with Andreas Østhagen 2017. Maritime Futures: The Arctic and the Bering Strait Region, Center for Strategic and International Studies/CSIS.

Digges, Charles 2020. Russia Releases Official Plans for the Northern Sea Route, Maritime Executive, January 2020.

Dushkova, Diana, Tatyana Krasvoskaya & Alexander Evseev 2017. Environmental & Human Impact of the Northern Sea Route & Industrial Development in Russia's Arctic Zone, Arctic Yearbook 2017:276-289.

Fahey, Sean 2018. Access Control: Freedom of the Seas in the Arctic and the Russian Northern Sea Route Regime, Harvard National Security Journal 9(2):154-200.

Gavrilov, Viatcheslav 2020. Russian Legislation on the Northern Sea Route Navigation: Scope and Trends, The Polar Journal 10(2):273-284.

Gladun, Elena & Kseniya Ivanova 2016. Preservation of Territories and Traditional Activities of the Northern Indigenous Peoples in the Period of the Arctic Industrial Development. In: Latola, K. & H. Savela (Eds), The Inter-Connected Arctic, UArctic Congress – 2016, Springer Open, 135-147.

Gornova, Anna 2016. Review of Fishing in Arctic Waters, November 2016, Arctic and North 25(4): 196-210.

Gudev, Pavel 2015. Conflicting Interests in Regulating Navigation in the Bering Strait. Russian International Affairs Council, October 8, 2015.

Gunnarsson, Björn 2021. Recent Ship Traffic and Developing Shipping Trends on the Northern Sea Route—Policy Implications for Future Arctic Shipping, Marine Policy 124:2104369.

Hartsig, Andrew, Ivy Frederickson, Carmen Yeung & Stan Senner 2012. Arctic Bottleneck: Protecting the Bering Strait Region from Increased Vessel Traffic, 18 Ocean & Coastal L.J. 35-87.

Hiar, Corbin 2017. Trump's Russian Connections May Kill 'Peace Park', E&E News, March 14, 2017.

Ho, Joshua H. 2009. Enhancing Safety, Security, and Environmental Protection of the Straits of Malacca and Singapore: The Cooperative Mechanism, Ocean Development & International Law 40(2):233-247.

Hum, Richard E. 2017. Networks of Change: Extending Alaska-based Communication Networks to Meet the Challenges of the Anthropocene. University of Alaska Fairbanks PhD Dissertation.

Huntington, Henry P. et al. 2019. The Role of Areas to be Avoided in the Governance of Shipping in the Greater Bering Strait Region, Marine Policy 110:103564.

Huntington, Henry P. et al. 2020. Crossroads of Continents and Modern Boundaries: An Introduction to Inuit and Chukchi Experiences in the Bering Strait, Beaufort Sea, and Baffin Bay. Water 2020(12):1808.

ICC 2019. Protocol of the 30th Session of the U.S.-Russian Intergovernmental Consultative Committee (ICC) on Fisheries, Attachment B1 to October 2019

Report of the Executive Director of the North Pacific Fishery Management Council, https://meetings.npfmc.org/Meeting/Details/1565.

Institute of the North 2021. Bering Strait Messenger Network project description, https://institutenorth.org/project/bering-strait-messenger-network/.

IMO 2005. The Batam Statement of the 4th Tripartite Ministerial Meeting on the Straits of Malacca and Singapore, Batam, Indonesia, 1-2-August 2005, IMO Doc IMO/SGP 1/INF.3, Annex 3.

IMO 2017. NCSR 5/3/7, 17 November 2017, Sub-committee on Navigation, Communications and Search and Rescue 5th session Agenda item 3, Routeing Measures and Mandatory Ship Reporting Systems, Establishment of two-way routes and precautionary areas in the Bering Sea and Bering Strait Submitted by the Russian Federation and the United States.

IMO 2019. Our Work – Safety – Ships Routeing, https://www.imo.org/en/OurWork/Safety/Pages/ShipsRouteing.aspx.

Janelle, Rick 2003. Protection of the Marine Environment in the Bering and Chukchi Seas, The Coast Guard Journal of Safety at Sea, Proceedings of the Marine Safety Council 60(1):24-27.

Jones, Janis Searles, Hartsig, A. & Gisclair, B. 2020. Advancing Network of Safety Measures in the Bering Strait Region: Now Is the Time. Ocean and Coastal Law Journal, 25(1):64-129. See also: A Guide to Safer Shipping in the Bering Strait Region, Ocean Conservancy, https://oceanconservancy.org/ls/shipping-bering-strait-region/.

Kawerak 2014. Bering Strait Voices on Arctic Shipping, Workshop Report, September 16-1, 2014, Kawerak Inc. Marine Program.

Kawerak 2016. Bering Strait Voices on Arctic Shipping, Workshop Report, January 25-26, 2016, Kawerak, Inc., Marine Program.

Kee, R.C. 2019. Key Issues to Arctic Security. In: Menezes, D.R, and Nicol, H.N. (Eds), The North American Arctic: Themes in Regional Security. University College London Press, 93-115.

Knapp, Gunnar & Valeriy Kryukov 2020. Economies of the Bering Strait Region. In: Young, O., P.A. Berkman & A.N. Vylegzhanin (Eds), Governing Arctic Seas: Regional Lessons from the Bering Strait and the Bering Sea, Vol. 1, Springer, 47-74.

Kontar, Yekaterina, Perspectives from an Early Career Scientist 2018. In: Corell, R.W. et al. (Eds), The Arctic in World Affairs, 2018 North Pacific Arctic Conference Proceedings, Korea Maritime Institute, 162-172.

Konyshev, Valery & Alexander Sergunin 2014. Russia's Policies on the Territorial Disputes in the Arctic, Journal of International Relations and Foreign Policy 2(1) 55-83, 2333-5874.

Kraska, James 2016. Russian Maritime Security Law along the Northern, Sea Route: Giving Shape to Article 234 in the Law of the Sea Convention. In Nordquist, M., J.N. Moore & R. Long (Eds), Challenges of the Changing Arctic: Continental Shelf, Navigation, and Fisheries, Brill Nijhoff, 593-612.

Krasnopolski, Boris 2019. Report of the Russian Coordinator of the Initiative Working Group of RAPP on the project feasibility study ... of the Bering/Pacific-Arctic Council (BPAC), on file with author.

Labrut, Michele, 2020. Panama Canal sees 1% rise in tonnage in FY2020, SeaTrade Maritime News, October 6, 2020.

Meek, Chanda L. & Amy Lauren Lovecraft, 2021. Indigenous diplomats at the IMO: a case study in successful cross-scale governance for international shipping traffic in the Bering Strait. In: Landriault, M., J-F. Payette & S. Roussel (Eds), Mapping Arctic Paradiplomacy. Limits and Opportunities for Sub-National Actors in Arctic Governance, Routledge, 156-172.

McKenzie, Jeremy, Samuel Klarich, Catherine Ardrey & Kristopher Lagor 2016. The Bering Strait: Reducing Risk Through International Cooperation and Capability Improvements, Brown University Press.

Midgett, Amy 2018. IMO approves U.S.-Russian Federation Proposal for Bering Strait Routing Measures, Coast Guard Maritime Commons, May 25, 2018.

Moe, Arild 2020. A New Russian Policy for the Northern Sea Route? State Interests, Key Stakeholders and Economic Opportunities in Changing Times, The Polar Journal, 10(2):209-227.

Molenaar, E. J. 2012. Arctic Fisheries and International Law: Gaps and Options to Address Them. Carbon & Climate Law Review, 2012(1), 63-77.

Norkina, E.V. 2016. Dolovorno-pravoviye osnovy sotrudnichestva Rossii i SSchA v regione Beringova proliva, [Legal framework of Cooperation of Russia and the United States in the Bering Strait Region] in Russian, with English Summary, Moscow J. Int. Law 3:127–135.

NWAB – Northwest Arctic Borough 2021. Borough Website, About Us, https://www.nwabor.org/about/

Østhagen, Andreas 2016. High North, Low Politics—Maritime Cooperation with Russia in the Arctic. Arctic Review 7(1).

Østhagen, Andreas 2018. Geopolitics and Security in the Arctic. In: Nuttal, M., T.R. Christensen, & M.J. Siegert (Eds), Routledge Handbook of the Polar Regions Arctic, Routledge, 348-356.

Page, Edward 2017. Maximizing maritime safety and environmental protection with AIS: (Automatic identification system), OCEANS 2017 - Anchorage, 2017, 1-4.

PAME (Protection of the Arctic Marine Environment Working Group of the Arctic Council)

2009. Arctic Marine Shipping Assessment.

2017. Status of Implementation of the Ecosystem Approach to Management in the Arctic. Report from the Joint Ecosystem Approach Expert Group, As delivered through PAME to Senior Arctic Officials.

2021a. Overview of Low Impact Shipping Corridors & Other Shipping Management Schemes.

2021b. Arctic Shipping Best Practices Information Forum, https://pame.is/arcticshippingforum.

Pezard, Stephanie, Abbie Tingstad, Kristin Van Abel & Scott Stephenson S. 2017. Maintaining Arctic Cooperation with Russia. Planning for Regional Change in the Far North. RAND.

Pincus, Rebecca 2020, The History of Russia-USA Relations in the Bering Strait. In: Coates, K.S. & C. Holroyd (Eds), The Palgrave Handbook of Arctic Policy Politics, 333-349.

Pollock Catchers Association 2012. Russia and the US discussed the Bering Sea Pollock Stock Status, http://pollock.ru/en/news-events/news/russia-and-the-us-discussed-the-bering-sea-pollock-stock-status.html.

RAPP 2021, Russian American Pacific Partnership, https://www.usrussia.org/about.

Raymond-Yakoubian, Julie 2018. Arctic Vessel Traffic and Indigenous Communities in the Bering Strait Region of Alaska. In: Hildebrand, L.P., L.W. Brigham & T.M. Johansson (Eds), Sustainable Shipping in a Changing Arctic, Springer Link, 275-295.

Raymond-Yakoubian, Julie & Raychelle Daniel 2018. An Indigenous Approach to Ocean Planning and Policy in the Bering Strait Region of Alaska, Marine Policy, 97(2018):101-108.

Raymond-Yakoubian, Julie & Eduard Zdor 2020. Sociocultural Features of the Bering Strait Region. In: Young, O. et al. (Eds), Governing Arctic Seas: Regional Lessons from the Bering Strait and the Bering Sea, Vol. 1, Springer, 75-94.

RF – Russian Federation

RF 2012. The Federal Law of Shipping on the Water Area of the Northern Sea Route Unofficial translation, The Federal Law of July 28, 2012, N 132-FZ, "On Amendments to Certain Legislative Acts of the Russian Federation Concerning State Regulation of Merchant Shipping on the Water Area of the Northern Sea Route".

RF 2019. Infrastructure Development Plan for the Northern Sea Route to 2035, Order of December 21, 2019, No. 3120-r, http://government.ru/docs/38714/.

RF (Ministry of Foreign Affairs) 2016. Foreign Policy Concept of The Russian Federation, Approved by President of the Russian Federation Vladimir Putin on November 30, 2016.

RF (Ministry of Foreign Affairs) 2021. Foreign Minister Sergey Lavrov's statement at the 12th Arctic Council Ministerial Meeting, Reykjavik, May 20, 2021.

Robinson, Nicholas A. & Gary R. Waxmonsky 1988. The U.S.-U.S.S.R. Agreement to Protect the Environment: 15 Years of Cooperation, Environmental Law 18:403-447.

Rojansky, Matthew, 2010. Indispensable Institutions: The Obama-Medvedev Commission and Five Decades of U.S.-Russia Dialogue. Report. Carnegie Moscow Center, 15-22

Schreiber, Melody 2021a, U.S. and Russia Sign New Maritime Pollution Agreement, Conduct Joint Bering Sea Patrol, Arctic Today, February 10, 2021.

Schreiber, Melody 2021b. Arctic Disaster Responders Train Together in a First-of-its-kind Joint Exercise, Arctic Today, April 15, 2021.

Sergunin, Alexander & Gunhild Hoogensen Gjørv 2020). The Politics of Russian Arctic Shipping: Evolving Security and Geopolitical Factors, The Polar Journal, 10(2):251-272.

Sevastyanov, Sergey & Aleksey Kravchuk 2020. Russia's Policy to Develop Trans-Arctic Shipping Along the Northern Sea Route, The Polar Journal 10:2, 228-250.

Skydsgaard, Nikolaj & Humeyra Pamuk 2021. Blinken says Russia has advanced unlawful maritime

claims in the Arctic, Reuters, May 18, 2021.

Solski, Jan Jakub 2021. The Genesis of Article 234 of the UNCLOS, Ocean Development & International Law, 52(1):1-19.

Solski, Jan Jakub, Tore Henriksen & Alexander Vylegzhanin 2020. Introduction: Regulating Shipping in Russian Arctic Waters: Between International Law, National Interests and Geopolitics, The Polar Journal, 10(2):203-208.

Staalesen, Atle 2019. Moscow adopts 15-year grand plan for Northern Sea Route. Barents Observer, December 31, 2019.

Staun, J. 2017. Russia's Strategy in the Arctic: Cooperation, Not Confrontation. Polar Record, 53(3):314-332.

Stepanova, Nadezhda, Daria Gritsenko, Tuyara Gavrilyeva & Anna Belokur 2020. Sustainable Development in Sparsely Populated Territories: Case of the Russian Arctic and Far East, Sustainability 12(6):236.

Stephenson, Scott R., Lawson W. Brigham & Laurence C. Smith 2014. Marine Accessibility Along Russia's Northern Sea Route. Polar Geography, 37(2):111-133.

U Arctic 2021, Thematic Network on Arctic Transport and Logistics, Workshop Program 11 February 2021, https://expoday.online/v/uarctic/program.

USA – Russian Federation (RF)

1994. Agreement Between the Government of the United States of America and the Government of the Russian Federation on Cooperation in the Field of Protection of the Environment and Natural Resources. T.I.A.S. 12550

2000. Agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population. U.S. Senate Treaty Document 107-10

2015. Agreement between the Government of the United States of America and the Government of the Russian Federation on Cooperation for the Purposes of Preventing, Deterring and Eliminating Illegal, Unreported, and Unregulated Fishing, T.I.A.S. 15-1204.

USA – USSR

1972. Agreement on Cooperation in the Field of Environmental Protection between the United States of America and the Union of Soviet Socialist Republics, 23 U.S.T. 845.

1988. Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Mutual Fisheries Relations, 2191 U.N.T.S. 4.

1989a. Agreement between the United States and the Union of Soviet Socialist Republics Concerning Mutual Visits by Inhabitants of the Bering Straits Region, 28 I.L.M. 1424.

1989b. Agreement between the United States and the Union of Soviet Socialist Republics Concerning the Bering Straits Regional Commission, 28 I.L.M. 1424.

1989c. Agreement between the United States and the U.S.S.R. concerning Cooperation in

Combatting Pollution in the Bering and Chukchi Seas in Emergency Situations, 2190 U.N.T.S. 179.

USCG – U.S. Coast Guard

USCG 2017. Port Access Route Study: In the Chukchi Sea, Bering Strait and Bering Sea, 82 Federal Register 11935 (February 27, 2017).

USCG 2018. Port Access Route Study for the Alaskan Arctic Coast, 83 Federal Register 65701 (December 21, 2018); Comment period extended to September 30, 2021, by 85 Federal Register 40155 (July 6, 2020).

USDOS – U.S. Department of State

USDOS (Undersecretary for Political Affairs) 2009. US-Russia Bilateral Presidential Commission, https://2009-2017.state.gov/p/eur/ci/rs/usrussiabilat/index.htm (archived).

USDOS (Press Releases) 2012. Joint Statement U.S. Secretary of State Hillary Clinton and Russian Minister of Foreign Affairs Sergey Lavrov on Cooperation in the Bering State Region, 8 September 2012, https://2009-2017.state.gov/r/pa/prs/ps/2012/09/197522.htm.

USDOS (Legal Adviser) 2015. Russia-Northern Sea Route, Digest of United States Practice in International Law 2015, Ch. 12: 526-528, https://2009-2017.state.gov/s/l/2015/ch12/index.htm.

USDOS (Office of the Spokesperson) 2021. Secretary Antony J. Blinken and Russian Foreign Minister Sergey Lavrov Before Their Meeting, Remarks to the Press, Reykjavik, Iceland, May 19, 2021, https://www.state.gov/secretary-antony-j-blinken-and-russian-foreign-minister-sergey-lavrov-before-their-meeting/.

USEOP – U.S. Executive Office of the President

USEOP 2019. Presidential Memorandum on Ocean Mapping of the United States Exclusive Economic Zone and the Shoreline and Nearshore of Alaska , 84 FR 64699 (November 22, 2019).

USEOP 2021. Executive Order 13990 Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis (January 25, 2021), 86 Federal Register 7037, reinstating Executive Order 13754 of December 9, 2016, Northern Bering Sea Climate Resilience, 81 Federal Register 90669 (December 14, 2016).

USFWS/RMNRE – U.S. Fish and Wildlife Service in partnership with the Russian Ministry of Natural Resources and Environment) 2013. U.S.-Russia Cooperation in Conservation of Wildlife and Wildlife Habitat Activities for 2013-2014 (Work Plan), https://fws.gov/international/pdf/activities-report-russia-2013-2014.pdf.

US Senate 1990. Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, with Annex, U.S. Senate, 101st Cong., 2d Sess., Treaty Doc. 101-22. I.L.M. (July 1990), 942-945.

Vasiliev, Anton 2021. The Northern Sea Route: From Strategies to Realities. Arctic Circle Journal, January 29, 2021, http://www.arcticcircle.org/journal.

Vylegzhanin, A. A. 2017. Legal Status of the Bering Strait: Historical and Legal Context. Jus Gentium: Journal of International Legal History, 2(2):505-522.

White House 2011. Joint Statement of the President of the Russian Federation and the President of the United States of America on Cooperation in the Bering Strait Region May 26, 2011.

Williams, Laura C. 2017. An Ocean Between Us: The Implications of Inconsistencies Between the Navigational Laws of Coastal Arctic Council Nations and the United Nations Convention on the Law of the Sea for Arctic Navigation, Vanderbilt Law Review 70(1):379-410.

WWF 2020. WWF Safety at the Helm: A Plan for Smart Shipping through the Bering Strait, April 27, 2020.

WWF 2021: WWF Statement on US and Russia Joint Contingency Plan, February 3, 2021.

Young, Oran R., Paul Arthur Berkman, Alexander N. Vylegzhanin, 2020. In: Young, O.R., Berkman P.A., Vylegzhanin, A.N. (Eds), Governing the Arctic Seas: Regional Lessons from the Bering Strait and Barents Sea, Volume 1, Springer, two chapters:

2020a. Governing Arctic Seas: Sustainability in the Bering Strait and Barents Sea Regions, 3-21.

2020b. Governing the Bering Strait Region, 95-116.

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