MANAGEMENT OF THE BERING STRAIT REGION: ADVOCATING FOR A U.S.-RUSSIAN BILATERAL AGREEMENT

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This thesis examines the positive outcomes of a bilateral agreement between the United States of America and the Russian Federation for the management of the Bering Strait. The Bering Strait is a narrow passage separating the Arctic and Pacific Oceans, bordered on either side by the United States and Russia. As maritime shipping activity in the Arctic rises due to a decrease in previously ice-bound areas for transit and exploration, the Bering Strait will see a corollary increase in ship traffic as well. In order to ensure that this area remains safe and secure for international transit, it is in the best interests of both countries to commit resources and personnel to effectively cooperate on managing this strategic area.

This thesis will identify the specific, tangible areas of cooperation between the United States and Russia, including those such as vessel traffic management, search and rescue operations, scientific collaboration and freedom of navigation. Additionally, the assessment of the criticality of including native peoples, in recognition of their important status in the Bering Strait region, will also be discussed.
Finally, this paper will discuss how, from a global perspective, the proposed bilateral agreement between Russia and the United States will enhance the management of the Bering Strait and ultimately prove to be a bellwether for increased, future cooperation in the Arctic region as a whole.
CONTENTS

ABSTRACT..............................................................................................................ii

INTRODUCTION.................................................................................................1

CHAPTER ONE: DEFINING THE RELATIONSHIP..............................................16

CHAPTER TWO: UNITED STATES AND RUSSIA MUTUAL BENEFITS..............35

CHAPTER THREE: FRAMING THE NEGOTIATIONS...........................................58

CHAPTER FOUR: CONCLUSION........................................................................74

BIBLIOGRAPHY.................................................................................................81
INTRODUCTION

This thesis focuses on the critical importance of the Bering Strait and the responsibilities that both Russia and the United States share in this area, especially in light of increased maritime activity in the Arctic. The Arctic Ocean is increasing in use and viability as new resource areas are discovered and access through previously ice-bound routes for shipping becomes more prevalent. Since both the United States and Russia have borders on either side of the Bering Strait, it is extremely important that a cooperative and mutually supportive relationship be established and maintained between these two countries. To that end, this paper proposes the drafting and signing of a bilateral agreement between Russia and the United States, which calls for cooperation and good conduct on a number of areas between the two countries in and around the Bering Strait Region. This cooperation will cover areas such as vessel traffic management, search and rescue, freedom of navigation and overflight and a system for resolution of disputes in the region. The bilateral agreement will also provide a high-level framework for establishing working and operational relationships between each country’s military, Coast Guard, academic and civilian agencies and institutions for the purpose of ensuring that the Bering Strait remains a well-managed and open international transit area.

That the Bering Strait, an eighty-two kilometer-wide channel separating Asia and North America and connecting the Arctic and Pacific Oceans, has grown in terms
of global importance to shipping and world economies should come as a surprise to few who have followed developments in the Arctic over the past decade. Much has been written during this time period about the melting global icecaps and as a direct result, the increased access to previously ice-bound areas for transit, exploration, minerals and fishing.\footnote{Scott G. Borgerson, “Arctic Meltdown,” \textit{Foreign Affairs} 87, no. 2 (March/April 2008): 63.} While these issues remain complicated and countries argue over territorial rights and press the validity of their claims, we would do well to examine the strategic relationship between the United States and the Russian Federation (“Russia”) in the Bering Strait as a bellwether of sorts for increased cooperation in these Arctic areas. As the United States and Russia represent two competing countries in the Arctic region they can, through the execution of this bilateral agreement, also exemplify the benefits of a strategic partnership in a very uncertain area.

The Bering Strait’s overall strategic importance covers political and military paradigms, but is largely driven by economic factors. As global temperatures rise, the accessibility of northern trade routes, exploration areas, mineral rights and natural resources increases with the retreat of the polar sea ice.\footnote{Ibid.} The Bering Strait serves as a gateway and strategic maritime connection between the Arctic and Pacific Oceans. Further, as we consider the growing importance of maritime trade throughout the
Arctic region and the increasing number of ships transiting the area, the Bering Strait is growing as well as a high-traffic, high-value strategic area, much like the Strait of Gibraltar entering the Mediterranean Sea. This maritime highway to the Arctic will see exponential growth in ship traffic as a result of the increased use of both the Northwest Passage and Northern Sea Route for maritime trade, particularly with the continued ascension of China to economic superpower status and overall economic growth in Asia.\(^3\) Additionally, with the reluctance of the U.S. Senate to ratify the United Nations Convention on Law of the Sea (UNCLOS), the need for a bilateral agreement between the United States and Russia becomes more important as it pertains to each country’s conduct on the high seas and locally in the Bering Strait region.\(^4\)

As previously icebound parts of the Arctic become increasingly accessible and new areas are opened for transit and exploration, both the United States and Russia have taken public stances that would seem to paint each country as a willing partner in the area of the Bering Strait and not solely out for each one’s own interest in the Arctic.\(^5\) This paper posits that the underlying sense of cooperation in the Bering Strait region.

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Strait, buoyed by the spirit of the still unratified Law of the Sea Convention, proves that these two countries can, through a more formal bilateral agreement, work together to ensure safety and security in the Arctic while promoting free trade and commerce that benefits the global community.

Physical & Geographical Characteristics

The Bering Strait is bordered on the eastern side by the United States’ Seward Peninsula, specifically known as Cape Prince of Wales, part of the State of Alaska. On the western side is Russian Cape Dezhneva. The present depth of the Bering Strait is roughly 30 to 40 meters on the eastern side and 40 to 50 meters on the western side. The water flows north through the strait, with the currents on the eastern side being slightly faster due to its shallower depth.6

There is a change in density and salinity in the waters of the Bering Strait at a depth of approximately 10 to 15 meters. Most notably in the eastern part of the strait, the waters in the upper lower density (and slightly warmer) layer are moving at about 1 meter per second and the lower layer (cooler, more dense and more saline) is moving at approximately 0.3 to 0.6 meter per second. Warmer water temperatures usually range from 6 to 10 degrees Celsius and colder waters from 1 to 4 degrees.

Celsius. The summer water volume moving north through the Bering Strait is estimated to be about 1 to 2 million cubic meters per second.\textsuperscript{7}

The opposing capes on both sides of the narrow Bering Strait are steep mountain ranges. Winds moving toward these mountain ranges tend to be deflected by them and the air is funneled through a relatively small aperture over the strait. This in turn causes high winds at times that are directed either north or south through the narrow Bering Strait passage, depending on the prevailing weather. These winds are part of the polar wind belt as the Bering Strait lies just south of the Arctic Circle at 65 degrees, 40 minutes North latitude.\textsuperscript{8}

In the Bering Strait there are several small islands which are erosional remnants of the rock that was washed away by waves and currents as the strait opened and later on as water moved into the strait over time. Therefore, these islands represent knobs of relatively hard rock that have resisted erosion. The most noteworthy of these small islands are the two situated roughly 2 kilometers apart near the center of the strait, Little Diomede Island, part of Alaska, and Big Diomede Island, part of Russia. These islands are the closest point where the United States and Russian territories adjoin and subsequently, the continents of North America and Asia. The International Date Line was drawn between these two islands and as a

\textsuperscript{7} Ibid.

\textsuperscript{8} Ibid.
consequence, their time zones are 21 hours apart.\textsuperscript{9} To the south of the strait itself, but still in the North Bering Sea is St. Lawrence Island. It is approximately 140 kilometers long and because of its long land mass running east to west it can reflect long waves moving northward and affect tidal flows in the region, especially those flowing northward to the Bering Strait.\textsuperscript{10}

Since the late 19\textsuperscript{th} century, it has been known that the plant and animal species of arctic lands were similar in Eurasia and North America. This is a contrast to such species at lower latitudes so it has been assumed that there was a high-latitude connection between the main northern landmasses. When the proximity of the opposing capes adjacent to the Bering Strait became known and the shallow depths noted, the scientific assumption was made that this area was the place of physical connection (i.e. land bridge) between Eurasia and North America at times when the sea froze over or was lower than at present.\textsuperscript{11}

A Comparison to other Straits

As stated previously, the Bering Strait is considered an international waterway which means ships in transit should be able to pass from one part of the open ocean,

\textsuperscript{9} Ibid.

\textsuperscript{10} Ibid.

through the strait and into another part of the ocean without hindrance. In some cases it can also refer to a body of water separating exclusive economic zones from one another.\textsuperscript{12} Straits with physical characteristics similar to the Bering Strait include the Strait of Gibraltar, separating Europe (Spain) from Africa, the Dover Straits, separating the United Kingdom from Europe (France) and the Straits of Malacca, separating Malaysia and Indonesia in the Indian Ocean. These straits are comparable to the Bering Strait and illustrate how important these transits areas are to global commerce and maritime transit.

At the Strait of Gibraltar, only 14.3 kilometers separate Europe from Africa at the narrowest point. Gibraltar has a greater depth than the Bering Strait, being roughly 300 to 900 meters and the flow of water between the Atlantic Ocean and Mediterranean Sea is both eastward and westward at the same time.\textsuperscript{13} Eastward flowing water moves as a less dense, warmer surface layer, roughly 100 meters thick. Westward flowing cooler water is moving below 100 meters in depth. Ships regularly cross the Strait of Gibraltar both east and west while ferries cross generally north and south. The strait was formed some 5.3 million years ago when rising seal levels


caused the narrow strip of land connecting Africa and Europe to collapse.¹⁴ A giant flood of Atlantic sea water, known as the Zanclean Deluge, is thought to have rushed through the strait and filled the Mediterranean Sea basin, which was a giant sub-sea level desert area at the time.¹⁵ While conflicts have been waged throughout human history for control of this important strait, the present political climate supports open and free navigation for international shipping.¹⁶

At the Dover Strait, about 33 kilometers separate England from France at the narrowest point. This strait connects the English Channel with the North Sea and runs at an average depth of 30 meters. Dover is generally referred to as the busiest strait in the world, with several hundred ships a day moving through it.¹⁷ The strait was opened by two major flood events that were caused by dam bursts releasing pent up glacial meltwater. The first of these floods occurred roughly 425,000 years ago while the second took place 225,000 years ago. These flood events carved out an initial passageway that was eroded by the wind waves and currents in to the strait that mariners experience even today. The bedrock in this area is chalk, is relatively soft and was cut back by the sea water, thus forming the White Cliffs of Dover and the

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¹⁴ Ibid., 9851.

¹⁵ Ibid., 9855.

¹⁶ Ibid.

comparable chalk cliffs of the adjacent Cap Blanc Nez, France.\textsuperscript{18} As with Gibraltar, there have been numerous conflicts waged over control of this strait but at present it functions as an open and vibrant waterway.\textsuperscript{19}

The Strait of Malacca, in contrast to the relatively short passages of the Bering Strait, Strait of Gibraltar and Dover Strait, is longer, roughly 880 kilometers. The strait separates the Malay Peninsula from the island of Sumatra, part of Indonesia. At the narrowest point, Phillips Channel, south of Singapore, the strait is only 28 kilometers wide.\textsuperscript{20} The strait is extremely shallow in some places and many hazards to navigation are present, to include rock outcroppings and old shipwrecks. The geological age of the Strait of Malacca is not so well constrained as others but is likely to be much older than the Bering, Dover and Gibraltar straits. It likely has a tectonic origin that is directly tied to the formation of the Indonesian islands. The long, relatively straight path suggests that it is related to series of fault lines.\textsuperscript{21} The present political situation in the region makes this strait a treacherous route for ships, as piracy problems persist. Even though the overall number of piracy incidents has declined in

\textsuperscript{18} Ibid., 20.

\textsuperscript{19} Ibid., 19.


\textsuperscript{21} Ibid., 110.
recent years, the potential for such acts against ships in the Malacca Straits continues to remain.\textsuperscript{22}

The Straits of Gibraltar, Dover and Malacca all have important characteristics that distinguish themselves from the Bering Strait. Taken together, however, all four together represent major strategic chokepoints for international shipping. The previous examination of their physical and geographic characteristics is important in that it compares favorably to the problems associated with the management of the Bering Strait. As this thesis discusses in latter passages, the Bering Strait’s relatively shallow depth and close proximity to two continents makes it difficult to navigate and one where shipping accidents could have catastrophic effects. The Bering Strait is on its way to becoming a significant vital waterway as long as shipping in the Arctic continues to increase. Many of the same problems that persist in these other straits will confront the Bering Strait as it becomes a more highly trafficked shipping lane and thus increases in overall value to the global economy. Thus, the importance of executing a bilateral agreement between Russia and the United States for the management of the Bering Strait continues to grow in order to ensure the uninterrupted flow of commerce.

\textsuperscript{22} Ibid., 112.
Strategic and Economic Importance

A change in the planet’s climate, described as an overall warming event over the course of the past fifty years, has had a profound effect on the Arctic Region and the Bering Sea.23 When referencing the Arctic and associated temperature changes, the decline of sea ice (i.e. ice coverage) is occurring across the region; especially during the summer months.24 As the sea ice retreats, the accessibility within the Arctic Region for fishing, maritime transit/shipping, exploration and research and mining/resource operations increase exponentially. Previously inaccessible areas are now either opened for the first time or for longer periods of time throughout the year.25

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23 S. I. Mastryukov, “Estimation of Seasonal and Long-Term Viability of Oceanological Conditions in the Bering Strait,” *Russian Meteorology and Hydrology* 37, no. 11 (2012): 762. The Arctic Region is generally considered to be the area of the globe within the Arctic Circle – north of 66 degrees 33 minutes North Latitude. The climate is marked by extremely cold winters, sea ice and snowfalls. The Arctic Region includes parts of eight countries – Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden and the United States. These countries also make up the Arctic Council which is a forum for addressing security, defense, economic and cultural issues within the Arctic Region.

24 Ibid.

25 Louie Marincovich and Andrey Yu. Gladenkov, “Evidence For an Early Opening of the Bering Strait,” *Nature* 397 (January 1999): 149-150. Global sea change is an inevitable result of the transition from glacial to interglacial cycles and interglacial cycles to glacial cycles. These transitions have been going on for approximately the past 2.6 million years. This date coincides with the start of the geological epoch known as the Pleistocene, which commences with the onset of the first glacial episode and ends with the onset of the modern interglacial episode about 11,700 years ago. There were at least 12 glacial/interglacial cycles during the Pleistocene. Each time there was a glacial episode part of the cycle, sea level would fall and potentially make the Bering Strait quite shallow it might even become dry land. Each time there was an interglacial episode, sea level would rise (from glacial melting water) and the strait would deepen. The initial opening of the Bering Strait is thought to have occurred at about 7.3 to 7.4 million years ago. This was well before the onset of Earth’s present glacial/interglacial cycles, so the reason for the initial opening of the Bering Strait was more likely due to glacial erosion or tectonic subsidence of the Earth’s crust in this area. Glacially-induced rise and fall of sea level affected water depths at the Bering Strait (and at times may have stopped the flow at the strait), but the age of the strait suggests that its origin was not necessarily related to sea level changes.
This paper discusses the relationship between the United States and Russia as it relates specifically to the Bering Strait and the Bering Strait region. Because the Bering Strait serves as a maritime gateway between the Pacific Ocean and the Arctic Ocean, any ships attempting to transit the Arctic Ocean as part of their route between the Pacific and Northern Atlantic Ocean must also utilize the Bering Strait.

The two main sea routes connecting the Pacific and Atlantic Oceans by way of the Arctic are the Northwest Passage and the Northern Sea Route. In transiting the Northwest Passage, ships must travel through the Canadian archipelago, of which there are five separate paths that ships could potentially use.26 The most treacherous parts of the Northwest Passage involve dangerous ice conditions and require transit through Canadian territorial waters.

The second route that connects the Pacific and Atlantic Oceans is referred to as the Northern Sea Route. This route generally runs west from the Bering Strait along the coast of Northern Russia, from Murmansk to the Barents Sea.27 Parts of the Northern Sea Route are used continuously by Russian ships to access deep-water ports in the northern part of the country and their icebreaking fleet is constantly out to sea.

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keeping these channels open and free of ice.\textsuperscript{28} As sea ice retreats and these routes become more accessible and more highly trafficked, the management of the Bering Strait becomes much more important as a mandatory transit point for shipping.

The attractiveness, via the Bering Strait, of the Northern Sea Route and Northwest Passage to shippers and governments alike is both strategic and economic. In a strategic sense, the Suez Canal, Panama Canal and Malacca Straits, three of the world’s most heavily trafficked and important chokepoints, could be avoided altogether by transiting one of these Arctic routes.\textsuperscript{29} These three transit points are considered to be so important to the world’s economy that any incident such as piracy, terrorism or a marine accident that affects the flow of ship traffic through these strategic areas would severely impact economies on a global scale.\textsuperscript{30} From an economic perspective, the Arctic transit routes are simply shorter, thereby owing to a cost-savings for shipping companies.

A ship traveling from a major port in Asia such as Yokohama, Japan to a major port in Europe such as Rotterdam, Netherlands via the Suez Canal can expect to travel

\textsuperscript{28} Valentin M. Pashin, “Scientific Promotion of 60 MW General-purpose Nuclear Icebreaker designing,” \textit{Ships and Offshore Structures} 6, no. 3 (January 2011): 186.


\textsuperscript{30} Ibid., 71.
roughly 12,900 miles.31 If that same ship were to travel via the Northern Sea Route, the trip would only cover roughly 8,500 miles – a significant savings in terms of distance and time, not to mention fuel costs.32 Similarly, a trip between Rotterdam, Netherlands and Vancouver, Canada via the Panama Canal currently covers roughly 10,000 miles while such a distance would only be approximately 8,000 miles via the Northern Sea Route.33 Ships traveling between Hamburg, Germany and Yokohama, Japan via the Northwest Passage can save roughly 6,500 miles vice a Panama Canal route.34 As described above, the Northern Sea Route and Northwest Passage represent the two main trans-polar shipping routes that connect the Northern Atlantic and Pacific Oceans. Additionally, inter-polar shipping from current and yet-to-be discovered mining, oil or resource development sites to and from ports in the Pacific Ocean and elsewhere will also result in an increase in the frequency and use of the Bering Strait.35 According to Kystverket, the Norwegian Coastal Administration, the Northern Sea Route itself experienced a steady increase in ship traffic, from 41 ships

31 Ibid., 72.
32 Ibid., 73.
33 Ibid., 70.
34 Ibid., 71.
in 2011 to 46 in 2012 to 71 in 2013. That traffic is expected to continue to increase in 2014 and beyond as the route becomes year-round.36

The criticality of the Bering Strait as a maritime gateway cannot be minimized and will only grow in importance as these routes remain open for longer periods of time throughout the year and their usage increases exponentially.37 As a result, a strategic agreement between the United States and Russia takes on an added significance when the totality of political, social, economic and national security factors is added together. The execution of such an agreement that calls for a joint, cooperative approach to managing the Bering Strait region, where each country takes on a greater responsibility for this area, would be a major boon for the international community. In a greater sense, Russia and the United States would be demonstrating a cooperative approach to managing Arctic territory, something that would ease global concerns over issues such as securing global trade routes and providing a safe and secure environment to continue the exploration of this region.

37 Ibid.
CHAPTER ONE
DEFINING THE RELATIONSHIP

Relationship Building

Following the election of Barack Obama as President of the United States in 2008, one of his stated goals in the foreign relations arena was to pursue a “reset” of sorts with Russia during his first term in office.1 This reset in relations with Russia included the establishment of the Bilateral Presidential Commission by U.S. President Obama and Russian President Dmitri Medvedev, as well as multiple diplomatic, military and political actions designed to establish a cooperative working relationship between the two countries.2 In recognition of the importance of the Bering Strait region to both countries, U.S. President Obama and Russian President Medvedev issued a Joint Presidential Statement that focused on environmental, cultural and economic areas of shared importance and cooperation in the Bering Strait region.3 In their joint statement, a foundation was laid for furthering the ties between the two countries, utilizing the shared maritime border that the Bering Strait represents.4 This recognition was important for both countries as it illustrates the critical importance of

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2 Ibid.
4 Ibid.
the Bering Strait region and provided high-level recognition by both countries’ leaders that they share a global responsibility at this location. The Bering Strait provided not only a political rationale for both countries to extend relations at the highest level, but also the possibility for cooperation across a strategic and physical boundary that if manifested, could provide a great benefit to both countries and the rest of the world as well.

In an attempt to build upon the momentum of U.S. President Obama’s visit to Russia and the issuing of the Presidential Joint Statement, U.S. Secretary of State Hillary Clinton and Russian Foreign Minister Sergey Lavrov met in Vladivostok, Russia at the Asia Pacific Economic Cooperation (APEC) Summit in September of 2012. The purpose of Clinton and Lavrov’s “Joint Statement Pursuing a Transboundary Area of Shared Beringian Heritage” was to link each country’s respective national parks in Russia and the U.S. across the Bering Strait.\(^5\)

This agreement, much like the Presidential Joint Statement, did not quantify the level of cooperation and more importantly did not address any potential military, security or transit points of cooperation.\(^6\) By addressing these points, both Russia and the United State could have provided a substantive framework for increased

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\(^6\) Ibid.
collaboration and more importantly, lent a sense of urgency to these discussions. Nonetheless, these high-level interactions have provided an important foundation for increased cooperation, especially in the Bering Strait Region where both sides have now professed a shared interest and mutual responsibility.

In analyzing these Joint Statements and then Agreements, executed in 2011 and 2012 respectively, the United States and Russia chose to focus on environmental, cultural and the shared heritage that indigenous peoples on both sides of the Bering Strait have in common. Strategically, these Agreements were likely meant to instill a sense of cooperation and to build diplomatic and political momentum towards a more substantive agreement and working relationship. The next logical step for a subsequent agreement in the Bering Strait region would be expected to cover areas such as maritime transit, military cooperation, search and rescue, fishing and marine management and other important issues.

**Military Implications**

The increased use of the Bering Sea for ship transit will significantly increase the probability that maritime security in the Arctic stays at the forefront for each nation doing business there. As we have witnessed in the Straits of Malacca and off the eastern coast of Africa, when maritime shipping and security is threatened (in

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7 Obama, “Joint Statement by President Barack Obama.”
those cases by piracy), nations are quick to dispatch their militaries to ensure their commerce and trade can be carried out unaffected.  

The establishment of new or more frequently transited sea lanes through the Arctic will no doubt result in higher revenues for Nations with Arctic territory. Port fees and tourism revenue will increase for these countries and this is especially true for the Bering Strait. As the Bering Strait becomes more and more important as that gateway to the Arctic, the military and political priorities of Arctic states will shift ever more steadily towards it as a global strategic and now national revenue-driven asset. As shipping and transportation increases throughout the Arctic and Bering Strait, Arctic countries will become dependent on the Bering Strait as that gateway and in turn devote military and strategic assets towards ensuring it remains open and viable. This will in turn result in more military forces directed towards the Bering Strait region and a greater focus on international activities in the area. As outlined in the previous section, when global shipping is threatened in a strategic chokepoint throughout the world, whether it be eastern Africa or the Straits of Malacca, countries are rarely hesitant to commit military power towards solving those problems.

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Wlodzimierz Aniol in the *Polish Quarterly of International Affairs* 19, no. 4 stated:

The Arctic is becoming an area where various economic, political, military and ecological interests cross with growing force and intensity. This has prompted some observers to compare the region to the Middle East or the Arabian Peninsula, where their sands had held no attraction for anybody until oil production started there. To others, the region brings to mind the American Wild West during the gold rush, or Central Asia in the mid-1800s, when it became the object of a fierce rivalry between England and Russia.\(^\text{10}\)

These observations by Aniol in 2010 should ring true for international relations observers and especially officials in both Russia and the United States – not to mention other Arctic-minded nations who are concerned with a proactive approach to avoiding conflict. International shipping and maritime transit are guaranteed only through the security and cooperation that is complicit with the presence of ocean-going navies and their ability to conduct safety and security operations worldwide under existing international laws.

As Arctic territory becomes more navigable in a maritime sense, the inevitable result is an inherent increase in military and security-related activities. In both Russia and the United States, a beefed up presence in the Arctic means an increase in military sorties, transits and port visits. Worldwide media widely reported on the planting of a state flag in a titanium case at the bottom of the ocean under the North Pole by a

Russian submersible in the summer of 2007.\textsuperscript{11} The prevailing contention was that this display by the Russians was another demonstration of their claim to Arctic territory as an extension of their continental shelf.\textsuperscript{12} What Aniol points out, however, is that this display served a dual purpose. Not only did it serve as a reminder to the world of Russia’s claim to the Arctic territory, but it also acted as a display of “mutual testing” carried out by Russia to measure its competition over access to the Arctic and their subsequent responses to Russian actions.\textsuperscript{13} From a purely militaristic concern, the United States and Russia have long played a cat-and-mouse game at the top of the world with their submarine chases and long-range strategic bomber and reconnaissance flights during the Cold War.\textsuperscript{14}

The frequency of submarine patrols in the Arctic has increased since a somewhat quiet period after the end of the Cold War and other military displays have increased as well – demonstrating an increasing emphasis on the Arctic region.\textsuperscript{15} Russian strategic bombing overflights of the Arctic have increased, much to the


\textsuperscript{12} Aniol, “The Arctic: An Area of.,” 66.

\textsuperscript{13} Ibid.

\textsuperscript{14} Kraska, “From Pariah to Partner.,” 8.

\textsuperscript{15} Ibid.
chagrin of both the United States and Canada. Meanwhile from a United States perspective, the strategic value of Thule Air Base in Greenland, located less than 1,000 miles from the North Pole, takes on an added significance as well. Thule Air Base is the northernmost U.S. and North Atlantic Treaty Organization (NATO) base, operating as a North American Aerospace Defense Command (NORAD) and Air Force Space Command (AFSPC) installation, controlling satellites and operating early warning weapons systems. As a strategic asset, Thule Air Base can also be resupplied via ship when the sea ice melts sufficiently to allow passage, usually in the summer months. Now, as the focus turns to the Arctic, the military presence of each country in the region will be more scrutinized and capabilities evaluated in a different light than before. The Thule Air Base represents a high-latitude, strategic asset for the United States and NATO in the northern Atlantic Ocean and serves as a reminder from the Cold War of the necessity for locating strategic assets at high latitudes for reconnaissance and overflight purposes to protect Arctic interests.

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18 Ibid., 18.


The United States has struggled with its own coherent organization and military posture in the Arctic region. In 2009, U.S. President George W. Bush issued National Security Presidential Directive 66 and Homeland Security Presidential Directive 25 on Arctic Region Policy. These directives outlined U.S. national security interests and subsequent actions in the Arctic region related to military and economic interests.\(^\text{21}\) In 2011 the United States’ military rewrote its Unified Command Plan (UCP) to remove the Arctic region from the U.S. Pacific Command’s Area of Responsibility. The Arctic region is now jointly administered by U.S. European Command (EUCOM) and U.S. Northern Command (NORTHCOM).\(^\text{22}\) However, as an illustration of the continued military disorganization within the United States, PACOM retains overall responsibility for the U.S. Alaskan Command, which is a sub-unified command and maintains all land, sea and air responsibility across the State of Alaska.\(^\text{23}\) NORTHCOM and PACOM have executed a joint Command Authorities Agreement, known as Joint Task Force-Alaska (JTF-AK) in order to more closely coordinate on responsibilities and missions across the Alaskan space. This creates a situation, however, where the military commander in charge of JTF-AK must report to both the PACOM commander and the NORTHCOM commander; thus allowing for a


\(^{22}\) Ibid., 59-61.

\(^{23}\) Ibid.
less than optimal streamlined command authority in the region and the Arctic overall.\textsuperscript{24} Further complicating matters, the United States Coast Guard’s 17\textsuperscript{th} District maintains responsibility for all Coast Guard operations throughout Alaska, the Northern Pacific Ocean and Bering Sea. Since 2003, the United States Coast Guard has been part of the U.S. Department of Homeland Security, not the U.S. Department of Defense.\textsuperscript{25}

Taken together, the United States military’s lack of a coherent chain of command and structure make it difficult to determine, on a strategic level, who is ultimately in charge of operations and maneuvers within the Bering Strait. In a strategic area such as the Bering Strait the question of search and rescue, vessel interdiction and inspection and the enforcement of international laws – all functions usually carried out by a nation’s military – are ill-defined and the overall responsibility at the strategic level remains in question. If a dispute were to arise between Russia and the United States over an occurrence or mishap in the Bering Strait, involving national security or otherwise, the muddled response that could develop would not be optimal in terms of de-escalating any potential situations between the two countries.

According to Russia’s Arctic strategy, published in 2008, the overall importance of the military in securing the country’s Arctic claims is extremely high.

\textsuperscript{24} Ibid.

\textsuperscript{25} U.S. Coast Guard, “United States Coast Guard, District 17 Homepage,” U.S. Coast Guard, \url{http://www.uscg.mil/d17/} (accessed January 4, 2014).
The document outlines plans for the Russian military to establish strategic, cold-weather, northern-based military units that will protect Russia’s national interests in the Arctic. Russia further outlines the specific goals of this new military strategy, and of other supporting government, military and security services organizations in general as being concerned with protecting natural resources, preserving the Arctic as a conflict-free zone and promoting safety and security.

The publication of this document also highlights Russia’s stated, national goal of ensuring the Northern Sea Route is a viable commercial transportation link between Russia and the global economy. Russia emphasizes its role as an Arctic superpower not only in a military sense but in an economic one as well. This Arctic strategy document clearly outlines Russian plans to increase overall revenue from Arctic natural resources and energy production in the coming decades.

Free Transit Guarantees

When discussing the potential shipping routes through the Arctic region that serve as a link between the Pacific and Atlantic Oceans, governments, shipping


27 Ibid.

28 Ibid.

29 Ibid.
companies and other stakeholders routinely cite the two routes that intersect at the Bering Strait: the Northern Sea Route and the Northwest Passage.\textsuperscript{30} Ships transiting both of these routes must pass through the Bering Strait in order to start or finish their journey.\textsuperscript{31} As such, a bilateral agreement between Russia and the United States would address the international access and provisions of “transit passage” and “innocent passage” that have been discussed elsewhere in this paper. Both the United States and Russia have indicated their strong support for these provisions of UNCLOS; Russia through its ratification of the UNCLOS treaty and the United States through its Freedom of Navigation Program and elsewhere.\textsuperscript{32} As it serves the interests of both countries, the bilateral framework would specifically address these as viable sea routes, guaranteeing that ships utilizing either route would be guaranteed safe passage (under the law of transit and international passage) through the Bering Strait. In agreeing to recognize these routes in the bilateral agreement relating to the Bering Strait, both Russia and the United States would be taking an important step in the eyes of the international community that would serve as an example for the previously cited “free passage” declarations that are codified under UNCLOS and for general good governance on the high seas.


\textsuperscript{31} Ibid.

This agreement would most directly challenge the sovereignty claims that Canada has invoked upon the sections of the Northwest Passage that pass through their island chains and through what they claim as their territorial waters.\(^{33}\) As the United States and Russia have asserted, access to both the Northern Sea Route and Northwest Passage would alleviate the concerns of shipping companies as well as European and Asian States of Russian and U.S. support for “innocent passage” on both of these Arctic routes.\(^{34}\) Russian support for recognition of these routes under a Bering bilateral framework would further solidify its support for utilization of the Northern Sea Route by the global shipping community and allay any fears that countries might have in sending ships along this route. This would be a boon to both international transit and most importantly for Russia, their economic growth.\(^{35}\)

**Benefits of UNCLOS**

The United Nations Convention on Law of the Sea (UNCLOS) has been referred to repeatedly throughout this paper. UNCLOS has been ratified by 166 countries as of August 2013, as Niger was the most recent country to pass the treaty. It is the result of decades of negotiations over conduct and stewardship of the maritime


\(^{34}\) Jon D. Carlson, Christopher Hubach, Joseph Long, Kellen Minteer, and Shane Young, “Scramble for the Arctic: Layered Sovereignty, UNCLOS, and Competing Maritime Territorial Claims,” *SAIS Review of International Affairs* 33, no. 2 (Fall 2013): 22, 31, 43.

\(^{35}\) Ibid.
environment. The treaty has a wide scope and preserves the rights of maritime States and their territorial seas within a range of 12 nautical miles, a contiguous zone out to 24 nautical miles and an Exclusive Economic Zone (EEZ) ranging to 200 nautical miles. UNCLOS also guarantees the right of “innocent passage” through a State’s territorial sea as well as “transit passage” through an international strait. The UNCLOS treaty addresses the conservation of marine resources, pollution measures and a list of possibilities for determining maritime-related disputes. UNCLOS codifies the manner in which a State can claim exclusive undersea/seabed mineral and exploitation rights and creates a commission to review and rule on any submitted claim.

While UNCLOS seeks to be the definitive authority on maritime governance, the United States has not yet ratified this treaty. The treaty itself has been signed by the Russian Federation and even endorsed by U.S. government political and military officials. In 2012, the U.S. Senate Committee on Foreign Relations held hearings on the UNCLOS treaty. At a hearing in May of that year, U.S. Secretary of State Hilary Clinton, U.S. Secretary of Defense Leon Panetta and Chairman of the Joint Chiefs of

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37 Ibid.
Staff General Martin Dempsey all testified in support of UNCLOS at the hearing.\textsuperscript{38} Since the United States Senate still has not ratified the treaty, the United States cannot take advantage of any of the protections or agreements provided for under the UNCLOS framework. While many arguments can be made as to the positives of the UNCLOS treaty and persistent reasoning for the United States to ratify the treaty, until it actually happens, the United States must continue to resolve disputes outside the auspices of the treaty, mostly on a bilateral basis, country-to-country.

In this instance, a bilateral agreement with Russia would allow the U.S. to implement the mutually-beneficial aspects of UNCLOS (many of which the United States already abides by) and ensure that the conduct between the two countries continues in a manner that has been recognized by the other treaty signatories. These bilateral provisions would include the freedom of navigation clauses in UNCLOS such as “innocent passage” and “transit passage.” It would also enhance the environmental and resource protections contained in UNCLOS. The bilateral framework should include a provision regarding the settling of disputes related to the extension of both Russia’s and the United States’ territorial claims on the seabed floor in the Bering Strait region only. This provision would guarantee that neither country submits any such claim in the Bering Strait and in the spirit of mutual cooperation, agrees to table

such a claim or dispute over seabed mining rights and resources until such time that a larger treaty framework has been agreed upon by both States (i.e. UNCLOS). 39

The legal framework constructed under the bilateral agreement would allow the United States and Russia the authority to manage the issues, resources and stewardship in the Bering Strait. The bilateral statutes related to UNCLOS provisions could be superseded by a ratified UNCLOS treaty, if and when the United States decides to take such an action. For now, a bilateral agreement focused on conduct in the Bering Strait will enhance the relationship between the two countries while ensuring that internationally-recognized and previously agreed-upon statutes from UNCLOS are preserved.

**Security as a Whole**

Within the greater Arctic region, Russia has long been seen as an aggressor nation that actively promotes its control of and military might throughout the Arctic territories. Previously-mentioned voyages by Russian submarines under the polar

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39 Marc Benitah, “Russia’s Claim in the Arctic and the Vexing Issue of Ridges in UNCLOS,” American Society of International Law: Insights 11, no. 27 (November 8, 2007), www.asil.org/insights/volume/11/issue/27/russias-claim-arctic-and-vexing-issue-ridges-unclos (accessed January 26, 2014). Russia submitted a claim in 2001 to the Commission on the Limits on the Continental Shelf (CLCS) under UNCLOS Article 76. The Lomonosov Ridge is a roughly 1200-mile mountain chain which extends from the coast of northern Russia to the North Pole. This claim is part of the assertion under UNCLOS that nation states can claim undersea territory which qualifies as a natural extension of its continental shelf. Canada and Denmark have also claimed parts of the Lomonosov Ridge as their territory. The main issue regarding these claims is the great expanses of estimated oil and natural gas reserves that could lie underneath the Lomonosov Ridge. The CLCS recommended Russia submit a revised claim with greater justification for their claims, something Russia is expected to do in the not-so-distant future.
icecaps and strategic bombing overflights of Arctic territory have long been a hallmark of Russian military strategic deterrence and show of force.\footnote{Kari Roberts, “Jets, Flags and a New Cold War? Demystifying Russia’s Arctic Intentions,” \textit{International Journal} 65, no. 4 (2010): 960.}

Russia’s stated national foreign policy on the Arctic outlines plans to pursue Arctic claims for national security purposes as well as economic and strategic aims. The publication of \textit{The Foundations of Russian Federation in the Arctic until 2020 and Beyond} in 2008 by the Russian Security Council outlines a set of broad goals for Arctic cooperation, stability and development throughout the region.\footnote{“Foundations of Russian Federation Policy in the Arctic.”} As discussed previously in this paper, many authors and experts on the Arctic have posited that Russia aims to pursue its strategic goals in the Arctic through a combination of military and economic objectives but also while mostly adhering to international laws. In referring back to the translated work that the Russian Security Council published in 2008, the listing of priorities for the Arctic also clearly names economics as a leading factor in pursuing claims in the Arctic.\footnote{Ibid.}

Attempts to engage the United States as a bulwark against Russian pursuits in the Arctic region have been a natural pursuit for other Arctic nations. Canada, Iceland, Norway and other North Atlantic Treaty Organization (NATO) member countries rely on that alliance to ensure a military and strategic deterrence exists in the

\footnote{\textsuperscript{40} Kari Roberts, “Jets, Flags and a New Cold War? Demystifying Russia’s Arctic Intentions,” \textit{International Journal} 65, no. 4 (2010): 960.}

\footnote{\textsuperscript{41} “Foundations of Russian Federation Policy in the Arctic.”}

\footnote{\textsuperscript{42} Ibid.}

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Arctic to protect their interests against Russian encroachment. While these countries, along with Russia and the United States, routinely call for peaceful and diplomatic resolution of disputes in the region, they are all undoubtedly keeping a watchful eye on military activities in the Arctic.\(^{43}\) NATO’s Article 5, which is the mutual defense agreement amongst NATO member nations, is often used to justify countering any military aggression in the Arctic.\(^{44}\) NATO allies are often quick to form a cohesive strategy amongst themselves for countering threats from Russia and elsewhere and this would no doubt ring true in the in the Arctic and subsequently in the Bering Strait.

It is interesting to note as well the increased level of cooperation with the NATO Alliance by two non-member countries – namely Sweden and Finland. As Kevin McGwin writes in the Arctic Journal on April 23, 2014:

Finland yesterday signed a deal with NATO declaring its willingness to receive assistance from the alliance, should it come under attack from a foreign power….The agreement is similar to a deal Sweden has with the alliance, and coincides with the announcement that [the] country would be increasing its military expenses 12 percent in the next ten years….The increased spending will go towards improving Sweden’s military capability in the Baltic and includes the purchase of new fighters and submarines, as well as the refurbishment of existing vessels.”\(^{45}\)


\(^{44}\) Ibid.

Sweden and Finland, which can be counted on to maintain relatively non-committal positions in international disputes, are considered to have a policy of non-alignment pertaining to both Russia and NATO.\(^\text{46}\) However, as territorial claims increase in the Arctic and issues such as economic growth, free transit and the like come to the forefront of disputes between Russia, the United States and other Arctic countries, both Finland and Sweden have pursued policies which bring them closer to NATO in hopes of protecting their interests in the Arctic as well.\(^\text{47}\)

Another example highlighting international concern for the governance of the Arctic region is the UK-Nordic Baltic Summit that British Prime Minister David Cameron convened in 2011. Leaders from the countries of Denmark, Estonia, Finland, Great Britain, Iceland, Latvia, Lithuania, Norway and Sweden met to affirm their support for mutual objectives across a number of strategic areas.\(^\text{48}\) While the main topics for this event covered economic growth, technology innovation, etc., the impetus for the gathering is about increasing dialogue on a number of issues that face these Nordic countries. Without explicitly stating the obvious, this summit and the attendees present are representative of a multi-lateral approach to dealing with


\(^{47}\) Ibid.

emerging issues related to national security and economic issues. This first summit in 2011 has proven to be a rallying event for increased Northern European cooperation and was subsequently repeated in 2012 and 2013, renamed as the Northern Future Forum. There are plans to hold subsequent, high-level meetings in 2014 and beyond as well, ensuring talks continue amongst these nations.\textsuperscript{49} While not as inclusive as a European Union working groups or as restrictive as two-country bilateral, this Northern Future Forum represents a commitment from these countries to ensure their strategic goals align and that if required, may well represent an important alliance in terms of conduct and strategic presence in the Arctic.\textsuperscript{50}

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CHAPTER TWO

UNITED STATES AND RUSSIA MUTUAL BENEFITS

Despite lingering Cold War issues that exist between the United States and Russia, cooperation in the Bering Strait can produce substantial benefits for both countries. As posited earlier in this paper, Russia has insisted through words and actions that its rights to an Arctic presence are unimpeachable. Even so, it has tempered its calls for an Arctic presence with rhetoric that regularly calls for diplomatic and peaceful solutions to any disputes in the Arctic region. As a result, this would therefore apply to situations in the Bering Strait. In this chapter, this thesis outlines mutually beneficial areas of cooperation between the United States and Russia in the Bering Strait. These areas focus specifically on improving the management of maritime shipping and vessel conduct in the Bering Strait while also broadening the degree of cooperation in terms of scientific collaboration and the rights of indigenous peoples. This Bering Strait bilateral agreement will go beyond rhetoric and words on paper and actually call for each country to commit resources towards accomplishing gains in these specific areas. It establishes a management approach that will make the Bering Strait a true asset to global commerce and shipping while also demonstrating the successful outcomes of a bilateral between the United States and Russia.
Search and Rescue

As a result of the Bering Strait being located at higher latitude, and the previously discussed extreme freezing conditions and resultant sea ice which prevented shipping year-round, there is a discernible lack of permanent maritime assets in and around the area. As the sea ice decreases, it is only natural to be able to correlate an increase in ship traffic with an increase in shipping and maritime-associated mishaps. Examples of shipping accidents abound and are not limited to occurrences such as groundings, collisions, spills and marine animal strikes. As ship traffic continues to use the Bering Strait as a gateway between the Pacific and Arctic oceans, the frequency with which these mishaps occur will also rise. From a pure safety aspect, the close proximity of bulk ore carriers, tankers, fishing trawlers, tourist-filled cruise ships and resupply or fuel vessels means that travel through the Bering Straits will become increasingly constricted. The frequency with which these vessels transit the Strait and lack of maritime infrastructure and navigational aids also pose a serious threat to the safety and security of the entire area. While sea ports exist on both the Russian and United States coasts, the Bering Strait area has no dedicated

1 Jim Efstathiou, “Governments unprepared for Arctic shipping disasters: report: Increase in accidents expected as vessels gain greater access to waters,” The Vancouver Sun (British Columbia), 30 January 2009.


3 Ibid, 36-37.
search and rescue assets. The closest major Russian port is Provideniya while the closest U.S. ports are Nome and Kotzebue, Alaska. Neither of those has a dedicated Coast Guard presence year-round.4

Across the Arctic, great distances, lack of adequate resources and extreme weather all hamper both the Russian Navy’s and U.S. Coast Guard’s ability to respond to incidents in the area. Situations in the Bering Strait are no different, as vessels currently transit the strait without a responsibility to provide anything more than notice of transit through the Automated Mutual Assistance Vessel Rescue System (AMVER).5 The AMVER system is a global ship-reporting system used by governments to respond to search and rescue emergencies across the globe.6 In the Arctic and elsewhere, it is used to allow authorities to divert ships who are best suited to respond to emergency situations, based on their previously reported position, route and crew or cargo.7 This system places the burden of reporting a ship’s likely transit route, location and cargo on the vessel and ship owner, with a reporting requirement made to the system every forty-eight hours.8 Additionally, and most relative to ailing

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6 Ibid.

7 Ibid.

8 Ibid.
in the Arctic, the AMVER system does not make it readily apparent if a ship is an ice-class vessel or not, thus depriving system users and administrators of valuable information on potential Arctic response and/or rescue scenarios.\textsuperscript{9}

This AMVER system is no doubt a useful tool and one that can be used to track ships and deploy them in response to maritime disaster. It is, however, a global system and one that is ill-suited for the management of Arctic traffic and the unique challenges posed there, to say nothing of the challenges posed at a localized level, like in the Bering Strait.\textsuperscript{10} Through the adoption of a bilateral framework, both Russia and the United States can work together to establish a permanent and well-resourced joint base of operations for search and rescue emergencies in the Bering Strait region. As has been discussed previously, with the high frequency of traffic transiting the Bering Strait and the increase in Northwest Passage and Northern Sea route ship traffic, the establishment of a permanent resource point for search and rescue operations would not only prove to be of value to States whose shipping companies transit the Strait, but also to insurance companies and agents who insure this cargo. The ability of the United States and Russia to operate such a search and rescue station is limited only by the lack of a cooperative framework for it to be established under, in this case the Bering Strait bilateral, and dedicated resources to establish such a site.

\textsuperscript{9} Ibid.

\textsuperscript{10} Ibid.
St. Lawrence Island, which is located roughly two-hundred and forty kilometers south of the Bering Strait, may prove to be an ideal site for the establishment of a permanent search and rescue site and staging area, as well as a vessel traffic management site. St. Lawrence Island is part of the U.S. State of Alaska but distance-wise is closer to Russia’s Siberian coast than it is to mainland Alaska.\textsuperscript{11} The island previously housed a United States Air Force Base until the early 1970’s and area-wise could support a joint military Naval and Coast Guard facility populated by U.S. and Russian air and sea assets.\textsuperscript{12} In utilizing the northwest village of Gambell’s existing runway, the existing infrastructure would provide a starting point for a joint military base and foothold in the Bering region under the proposed bilateral agreement between Russia and the United States.\textsuperscript{13} The establishment of such a site on St. Lawrence Island would require dedicated expenditures, in terms of money and personnel by the governments of Russia and the United States.

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\textsuperscript{12} Ibid.
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\textsuperscript{13} Ibid.
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Vessel Traffic Management

As stated earlier in this paper, the Bering Strait is roughly 80 kilometers wide and connects the Chukchi Sea in the north (southern Arctic Ocean) with the Bering Sea in the South and Pacific Ocean. At its narrowest point, between the Chukchi Peninsula on the Russian side and the Seward Peninsula on the U.S. Alaskan side, the strait is also bisected by the Diomede Islands. Vessels transiting into or from the Pacific Ocean, as a result of traveling either via the Northern Sea Route or the Northwest Passage must pass through the Bering Strait on one or the other side of these islands. As ship traffic through the Bering Strait continues to rise, Russia and the United States must continue to demonstrate their ability to monitor ship traffic through this zone in a safe and responsible manner.

Russia and the United States have equally distinct investments in intra-polar and inter-polar shipping that passes through the Bering Strait. Local ship traffic in and around Alaska on the eastern side of the Strait and on the western side around Russia’s

14 Hartsig, “Arctic Bottleneck,” 38.

15 Ibid.

16 Ibid., 35-87. As of 2012, “the U.S. Coast Guard maintains only three navigational aids in the Bering Strait along the north side of the Seward Peninsula, and there are no navigational aids north of Kotzebue Sound. No vessel traffic service or other traffic management system is in place and only limited shipboard automated identification system capabilities exist. The Bering Strait region lacks a shore-based VHF-FM communication service, and HF coverage in the region is poor. While the region has Global Positioning System-Standard Positioning Service, its accuracy may be impaired because the system is not optimized for high latitudes. Currently, there is no Differential GPS coverage of the area.”
Chukotka peninsula are comprised of short-haul fishing vessels, supply ships and tugs servicing the various industries that reside in this region. Longer-haul vessels carrying oil and mineral cargoes, as well as traffic transiting to and from the Pacific Ocean all use the Bering Strait.

This increase in unregulated or unmonitored ship traffic through the Bering Strait is cause for concern, but also provides an opportunity, as part of the continued bilateral cooperation between Russia and the United States, to establish an effective and dually-administered Vessel Traffic Management System in the strait. Olin Strader of the Arctic Institute’s Center for Circumpolar Security Studies, describes the Bering Strait as a “critical water space” where “it is essential the United States and Russia begin considering how to manage traffic through this strategic choke point.”  

Strader writes that Vardø, one of Norway’s easternmost locations in the Atlantic, could serve as a model for the Bering Strait in terms of the employment of a manned Vessel Traffic Service (VTS) site. As a key to confirming the true intentions of each country’s bilateral relationship, part of the agreement between the United States and Russia would be the construction and placement of a Vessel Traffic System to monitor maritime traffic moving through the Bering Strait.

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18 Ibid.
The VTS, regardless of being physically located on either the Russian or United States territory (as proposed previously, a site that utilizes St. Lawrence Island is in fact United States territory), would be jointly manned, with a clear division of responsibilities and management duties divided and outlined as part of an agreement between the Russian Navy and U.S. Navy and Coast Guard. Each of these parties would jointly operate the VTS under an agreement that is separate from the bilateral framework which establishes such a system but nonetheless remains true to the spirit of the bilateral relationship between Russia and the United States. The bilateral would provide the overarching framework for the operation of the VTS and the construction and personnel on St. Lawrence Island. Additional agreements can be executed as Memorandums of Agreement/Understand (MOA/MOU) for the purposes of individual expenditures on St. Lawrence Island such as projects related to housing, runway improvements, communications infrastructure and other logistical and infrastructure requirements.

**Freedom of Navigation and Overflight**

In concert with the development and establishment of a Bering Strait Vessel Traffic System, the United States and Russia would also be providing, under the auspices of the bilateral agreement, assurances of each country’s intent to provide for Freedom of Navigation (FON) and Overflight principles in the Bering Strait region. The United Nations Convention on Law of the Sea (UNCLOS) provides that ships
which sail under a flag of any recognized sovereign state shall not be interfered with by other states. As has been discussed previously in this paper, while the United States has not yet ratified UNCLOS, it continues to invoke the spirit of the treaty and abide by its rules and regulations particularly when asserting claims to innocent passage of vessels and freedom of navigation through international channels, straits or island chains. The United States, under its Freedom of Navigation Program, has in the past challenged territorial claims which it deems to be “excessive,” thereby ensuring transit through areas such as the Straits of Gibraltar and Malacca, the Arctic Ocean and elsewhere in the world. Further, the United States FON Program provides for diplomatic and operational actions which ensure that these international straits and waterways remain open to vessel traffic.

During the UNCLOS negotiations in the late 1970’s and early 1980’s, the United States and the Soviet Union found themselves on the same side of the argument regarding territorial sea claims and passage through key straits around the world. Both superpowers insisted during the negotiations that the 12-nautical mile

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19 United Nations Convention on Law of the Sea...

20 Ibid.


22 Ibid.

territorial sea claim being proposed for states carry with it a guarantee of free passage through international straits.24 This “transit passage” clause became part of UNCLOS article 38, thus ensuring the rights of overflight and passage for military war ships and aircraft, which had been a separate issue than that related to merchant shipping (i.e. innocent passage).25

The Bering Strait falls under the UNCLOS classification of an international strait, thus any marine traffic which transits the area is guaranteed a form of safe passage.26 In February of 2013, the United States’ National Oceanic and Atmospheric Administration (NOAA) Office of Coast Survey published an update to its Arctic Nautical Charting Plan. This report drew attention to the lack of adequate and detailed nautical charts in and around the Bering Strait region.27 NOAA’s planned chart updates highlight the increased ship traffic in the Arctic and specifically in the Bering Strait, noting that “thirteen of the top 30 ports for fishery landings, by value, are in

24 Ibid.


The report goes on to note that Arctic ship traffic in and around Alaska is multi-use and varied:

The waterways are vitally important to Alaskan communities for transportation, recreation and the resources they contain. Ships are the primary transportation mode for importing the goods necessary to keep society functioning and to export crude oil, timber, fish, and other raw materials. Tourism is a major factor in the Alaskan economy; approximately one million tourists visit the state each year via cruise ships. People and organizations involved in sea commerce include deep draft commercial ships such as container ships, tank vessels, and bulk carriers; tug and barges, ferries, cruise ships, tour boats, military vessels, Coast Guard cutters, excursion boats and fishing vessels. Recreational vessels round out the list of users of Alaskan waters. Many of the commercial vessels require the services of a pilot to make safe passage into and out of a port. They depend on NOAA to provide charts and publications that are current with the latest depth information, aids to navigation, accurate shoreline, and the other features necessary for safe navigation.

The recognition of the variation in industries utilizing ship transit routes in and around the Bering Strait stresses the need for updated nautical charts in the area. This is another subject that should be addressed in the bilateral agreement between the United States and Russia. As part of the Arctic Nautical Charting Plan, NOAA has proposed several chart updates and enhancements in and around the Bering Strait. Currently, the largest scale nautical chart available of the area is #16005, which covers the entire Bering Sea area on a 1:700,000 scale. NOAA also states that “much of the

28 Ibid.
29 Ibid.
30 Ibid.
Alaskan vessel traffic clings close to the shore rounding Cape Prince of Wales….31

NOAA’s proposed new nautical charts for the Bering Strait region are the following:

1. Bering Strait: 16210 (scale 1:100,000)
2. Bering Strait North: 16190 (scale 1:100,000)
3. Little Diomede Island Inset: 16190 (scale 1:40,000)32

These larger scale charts of the Bering Strait region would utilize hydrographic and survey data from U.S. vessels and data points only. This illustrates the point of view of an American government agency, without mentioning the Russian vessel traffic entering or exiting the Bering Strait that is headed west, either to Asia (Japan, China, etc.) or via the Northern Sea Route to Europe. The Russian Department of Navigation and Oceanography of Ministry of Defense of the Russian Federation is the agency responsible for publishing nautical chart updates and data in Russia.33

Cooperation between Russian and United States via the bilateral framework on collecting this type of data for use in these and future nautical charts would be yet another example of good stewardship of the Bering Strait Region as a whole. This cooperation would lead to more accurate data points and surveillance information and increased use of the same nautical charts by more international mariners, thereby decreasing the likelihood of marine accidents.

31 Ibid.
32 Ibid.
In the case of the Bering Strait, the governments of the United States and Russian governments can demonstrate their commitment to free access to international waters (the Arctic Ocean) and passage through a strategically important international strait. The Bering Strait bilateral is another instance whereby Russia and the United States can validate their commitment to working together in the region and providing for the safe and secure passage of global shipping by ensuring their two governments are working together to update navigational charts and share hydrographic data in the Bering Strait region. By focusing on the Bering Strait through this bilateral framework, both countries can assure each other of their focus on this specific area, without having to worry about other, more convoluted claims in the northern Arctic region.

**Scientific Collaboration**

Under the auspices of a Bering Strait bilateral agreement between Russia and the United States, following much like the Joint Statements issued by U.S. President Obama and Russian President Medvedev, a commitment can be made to furthering scientific studies and related pursuits in the region. While the Presidential Joint Statement outlined intent for both countries to cooperate on protected national territories, furthering the dialogue with native peoples and the like, it offered few specifics for implementation and follow through.\(^{34}\) It is in these areas where a

\(^{34}\) Obama, “Joint Statement by President Barack Obama.”
bilateral agreement can provide concrete details and ensure cooperation in these subject areas which will be mutually beneficial for both countries.

A Bering Strait bilateral agreement would be an ideal place for continuing the commitment of both Russia and the United States to furthering the scientific study of native plant and animal species in the Bering and greater Arctic region. These pursuits and studies take on an added significance and urgency with the changing environmental conditions currently being experienced in the Arctic. Global temperature changes, which result in less sea and pack ice, and subsequent adjustments in the lifestyle and migratory patterns of marine and land animals and birds, have increased in importance over the past decade. A bilateral agreement could contain provisions for setting up the sharing of scientific data relating to marine and land animal studies, as well as exchange programs for scientists to collaborate on projects related to the Bering Strait region and subsequent environmental impacts on its increased usage and transit.

An example of additional scientific collaboration that also took place as researchers from Canada, China, Russia and the United States embarked on the U.S.

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Coast Guard icebreaker Healy to complete Arctic studies in the Canadian Basin.\textsuperscript{36} This bilateral agreement would go a step further and rather than outline topics for collaboration, would propose a relationship between groups of U.S. and Russian institutes or academic centers for the study of the Bering Strait and additional Arctic research. This international partnership would be endowed with national research grant funding to be used in such a manner that the research projects and data are of value to and carried out by scientists in both countries. Additionally, these projects could be administered at various types of research institutions in both Russia and the United States, giving the academic community a chance to benefit from this bilateral relationship. This research could be conducted in a joint-manner, with scientists from each country involved in every step of the research process – from concept to field work and finalization / publication and implementation.

As a point of comparison for historical joint-scientific pursuits, in May of 1972, the United States and Russia (as the former Soviet Union) signed the Cooperation in Environmental Protection agreement. This agreement committed both countries to a series of actions in the name of environmental protection.\textsuperscript{37} Article 2 addressed the “arctic and subarctic ecological systems” as a focus point for this


agreement. The agreement went on to outline ways in which this cooperation would move forward, mentioning specifically the “exchange of scientists, experts and research scholars” the “exchange of scientific and technical information and documentation” and the “organization of bilateral conferences, symposia and meetings of experts…” 38

In June of 1994, the United States and Russia executed an agreement similar to the one previously negotiated in 1972. This agreement, titled Cooperation in the Field of Protection of the Environment and Natural Resources followed much like the language in the 1974 agreement. Many parts of it were duplicated, to add emphasis to these topics of collaboration and reaffirm each country’s commitments to those areas. Both Russia and the United States agreed to “work together to develop mutually agreed-upon policies in the field of protection of the environment and natural resources on a bilateral, regional and global basis.” 39 Specifically referring to bilateral relations and working arrangements, both countries exhibited an understanding and shared responsibility for making progress on these specific issues in a concrete manner.

38 Ibid.

This 1994 agreement again referred specifically to the “arctic and subarctic areas and resources” as a point of collaboration much like the one in 1974. Again, as outlined in 1974, this builds upon an area of focus, namely the Arctic, which leaders from both countries recognize as having strategic, long-term value and one which should be a shared responsibility between these countries.

These agreements between Russia and the United States set a great precedent for the execution of the bilateral agreement in the Bering Strait to focus on science and technical exchanges. The bilateral agreement would focus these exchange efforts of the scientific and environmental community on a specific geographic area (the Bering Strait) and provide the impetus to not only build upon previous, historical agreements but to also further their impact. By focusing specifically on the Bering Strait region, each country will be able to use resources more efficiently and produce a greater impact on the region and the problems it faces.

Some of that focused scientific cooperation is already underway – and a bilateral agreement focusing on these efforts in the Bering Strait would keep the momentum moving forward. The Russian Ministry of Natural Resources and United States’ Environmental Protection Agency have executed several partnerships under the auspices of the United States-Russia Bilateral Presidential Commission Environment
Working Group.\textsuperscript{40} Two notable projects that have received high level attention from both countries’ governments is the Bilateral Cooperation on Black Carbon Emission in the Russian Arctic and the Arctic Contaminants Action Program (ACAP). Public and private organizations from the United States and Russia are working together to identify possible sources of black carbon in the Arctic and on ways to mitigate its impact on public health and the environment.\textsuperscript{41} The Arctic Contaminants Action Program (ACAP), which is sponsored in part by the Arctic Council, examines black carbon resulting from diesel emissions in the Russian Arctic and ways to reduce or remove them completely from the ecosystem.\textsuperscript{42}

The point of these initiatives, whether executed under the auspices of the Arctic Council, the Presidential Bilateral Commission or through other historical agreements is that partnerships work. Bilateral engagements are best executed when concrete steps are taken to address specific problems, such as the environmental ones

\textsuperscript{40} U.S. Environmental Protection Agency, “EPA Collaboration with Russia,” \url{http://www2.epa.gov/international-cooperation/epa-collaboration-russia} (accessed February 8, 2014).

\textsuperscript{41} U.S. Environmental Protection Agency, “Black Carbon Diesel Initiative in Russian Arctic,” \url{http://www2.epa.gov/international-cooperation/black-carbon-diesel-initiative-russian-arctic} (accessed February 8, 2014). Black carbon is soot that is a byproduct resulting from the combustion of organic matter (i.e. fossil fuels). Black carbon is “the component of particulate matter which most strongly absorbs light, causing warming of the atmosphere.” In the Arctic region, black carbon is especially harmful as once it is emitted and falls on snow or ice it “reduces the amount of sunlight that would ordinarily be reflect, causing further warming and increasing the rate of melting.” According to the U.S. Environmental Protection Agency, black carbon emissions are only present in the atmosphere for a short period of time and concerted efforts to reduce these emissions, whether through improved engine/fuel quality or the use of emissions controls, will have a positive effect on both the environmental and public health areas where black carbon is particularly harmful.

outlined above. By focusing additional efforts in the Bering Strait region, both Russia and the United States will be able to work hand-in-hand to protect and secure the environment as ship traffic increases. The bilateral framework for managing the Bering Strait region will serve to enhance scientific cooperation and the study of plant and animal life specific to the region, while also taking a proactive approach to mitigating environmental problems. An increase in ship traffic throughout the Bering Strait region will likely increase the propensity for marine accidents, resulting in greater environmental impacts in the form of oil spills, contaminations, and others. The impact on marine life can never truly be predicted ahead of time but the act of executing a bilateral framework with these proactive planning provisions encapsulated within will help both countries better study the area and be able to protect it as much as possible from human impact. Equally important will also be the ability of both countries to respond rapidly and adequately if such an environmental impact does occur.

**Immigration and Native peoples**

The native peoples in the Bering Strait region have much in common with their ancestors, as their communities and livelihood are closely related to the marine environment, much like the culture that has been passed down by their ancestors. Any increase in ship traffic in these areas is likely to cause conflict, whether purposeful or accidental. These indigenous peoples often travel great distances in order to hunt and
fish for marine life using traditional methods. The risk of environmental contamination of marine life from an oil spill or other marine accident could pose a serious threat to a community that survives the long Arctic winters based on hunting food directly from the ocean. An increase in ship traffic may directly result in an increase in marine strikes with animals, noise pollution and an adjustment in the migratory patterns and natural habitats of these animals. Any one of these potential scenarios has the ability disrupt the delicate balance that native peoples in the Bering Strait has with their environment.

The Arctic Environmental Protection Strategy (AEPS) is an agreement between Arctic States that was adopted in 1991 by the United States, the Soviet Union, Canada, Norway, Sweden, Denmark, Finland and Iceland. Initial, working-level meetings began in 1989 at the urging of the Finnish Government and was noteworthy not only for the substance of the agreement amongst these nations but also because of the participation of Arctic indigenous peoples’ organizations. The groups that participated were the Saami Council, the Inuit Circumpolar Conference and the


44 Ibid.

Association of Indigenous Minorities of North, Siberia and the Far East of the Russian Federations.\textsuperscript{46}

These groups considered it a milestone event that they were included in the meetings and were given Permanent Participant (PP) Status. As a result, they were given voting and consultative rights under AEPS and the Indigenous Peoples Secretariat (IPS) was eventually established in 1994. As AEPS eventually evolved into the Arctic Council, these indigenous groups retained their PP and IPS status and continue to work with member nations on a variety of Arctic issues.\textsuperscript{47} Eventually, three more indigenous groups would be added as PP members – the Arctic Athabaskan Council (AAC), the Aleut International Association (AIA) and the Gwich’in Council International (GCI).\textsuperscript{48} The recognition of these groups and status within the Arctic Council represents a significant advancement in the area of human rights in that these groups are involved in the decision-making process and policy development of their native lands.

The PPs and IPS are examples that can directly translate to the framework of the bilateral agreement between the United States and Russia. As part of the bilateral,

\textsuperscript{46} Ibid.


\textsuperscript{48} Ibid.
both countries would pledge to recognize the importance of the indigenous and native peoples in the Bering Strait region, including the Upik Eskimo, Inupiat, Unangan and Aleut peoples.\(^49\) These native groups within the Bering Region would also be granted special status for immigration and visa purposes, thereby allowing them to move more freely between United States and Russian sovereign territory.\(^50\) Additionally, within areas that would be developed for search and rescue, vessel traffic management and other cooperative sites, these native peoples would have special access to medical facilities and supply depots in order to protect their way of life and yet offer a connection to the modern world.

As ship traffic in and around the Bering Strait increases, native peoples and their way of life will no doubt be impacted. As more ships transit the area, there is certainly a potential for increased conflict with traditional hunters and gatherers across the Bering region. Hunting grounds, traditional fishing areas and other cultural sites


\(^{50}\) Yale Law School, Lillian Goldman Law Library, “British-American Diplomacy The Jay Treaty; November 19, 1794,” Lillian Goldman Law Library, [http://www.avalon.law.yale.edu/18th_century/jay.asp](http://www.avalon.law.yale.edu/18th_century/jay.asp) (accessed November 21, 2014). As a form of precedent for the treatment of native peoples whose territory crosses international boundaries, we must examine the Jay Treaty, between the United States and Great Britain was agreed to in 1794. Article III of the treaty addressed free border crossing privileges for citizens of Great Britain, the United States and native “Indians.” After the War of 1812 between Great Britain and the United States, the Treaty of Ghent was signed in 1815 and contained language that re-asserted the rights of native peoples for cross-border travel and protection within the United States and Canada (as Canada was a British territory). While formal legislation and pending court issues continue to cloud the cross-border rights of native peoples traveling between Canada and the United States, there are some certainties. At the present time, the United States allows Canadian-born peoples with at least 50% native heritage to enter, work and live in the United States without any immigration restrictions.
may be impacted as activity in the Bering Strait increases. By including these native groups in the negotiations between Russia and the United States on the Bering Strait bilateral, both countries will be bringing a unique perspective to these talks and the situation in the Arctic. As mentioned previously, the Bering Strait bilateral will prove to be precedent-setting with regards to global attitudes and conduct in the Arctic. By not only recognizing the status of these native peoples but also including their priorities and concerns as part of the bilateral, the United States and Russia will ensure their way of life continues to be protected in and around the Bering Strait.

51 Kathrin Kiel, “A Potential Arctic Conflict.”
CHAPTER THREE
FRAMING THE NEGOTIATIONS

Global Responsibility

In pursuing this bilateral agreement, Russia and the United States would be casting a positive light on cooperation in the Arctic, particularly at a time when territorial sea and underwater seabed claims are common lightning rods in government and media circles.\(^1\) In essence, each country would be required to expend capital and commit resources to the administration of the Bering Strait. In an era of proposed fiscal responsibility and with both countries facing economic concerns and foreign commitments elsewhere in the world, a bilateral commitment to share the cost of managing the Bering Strait would be a testament to their cooperation.\(^2\)

Further, as the use of both the Northern Sea Route and Northwest Passage increases, and as a result, overall traffic in the Arctic increases, the United States and Russia could provide a worldwide “sigh of relief” by agreeing upon cooperation and shared management of the Bering Strait. For instance, no longer would shipping companies, regardless of their country of origin, have to worry about securing safe passage through the Bering Strait from the United States or Russia. This shared

\(^1\) Marc Benitah, “Russia’s Claim in the Arctic.”

agreement would ensure the spirit and international intent of transit passage and innocent passage, both of which were discussed earlier in this paper.

The timing of this agreement is important as well, especially for the United States as it has not ratified the UNCLOS treaty. Even with agreement at senior levels of government, military and industry on the merits of UNCLOS and the reasoning behind the support for the United States’ signature on the treaty, there are still no plans and up-or-down vote on ratification in the United States Senate. As the global community adheres to UNCLOS as official signatories on the treaty, the United States largely adheres to its policies through tacit acknowledgement of the spirit of the treaty and international law.

**Russian Emphasis on Region**

Russia, dating back to its actions and statements as part of the Soviet Union, has always thought of itself as an Arctic power – even an Arctic superpower. The Arctic and Russian presence in the area has been a great source of pride for the country and its leaders. As briefly discussed in Chapter One of this thesis, the Russian Security Council’s publication: “Foundations of Russian Federation in the Arctic Until 2020 and Beyond” not only outlined Russia’s ties and focus on the Arctic, but also laid out a direct reasoning for military, strategic and economic ties to the

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3 Senate Committee on Foreign Relations.

area.⁵ These areas of focus for Russia, specifically from a strategic sense, tie directly into a solid reasoning for executing an effective management plan with the United States for the Bering Strait.

Previous sections of this paper noted Russia’s military build-up as it relates to an increased Arctic presence. The construction of additional icebreakers, nuclear submarines and commissioning of additional cold-weather, Arctic-focused army units might give the impression that Russia is building towards a military solution in the Arctic. However, multiple scholars have noted several issues with Russia’s build-up and additional contradictions between some military actions and other rhetoric that calls for peaceful solutions in the Arctic.⁶ Russia continues to deal with a modernization problem in its armed forces, as well as an aging infrastructure related to the military-industrial complex. As a result, the construction of submarines, icebreakers and long-range bombers – all of which could be used in patrolling and securing Russian Arctic territory, takes longer than necessary.⁷ Russian government leaders constantly find themselves alternating between displays of military might and rhetoric calling for the Arctic to remain a conflict-free area. These alternating actions and rhetoric illustrate Russia’s desire for an Arctic posture that involves few military assets but also deters other country’s military build-ups as well. The less military

⁵ “Foundations of Russian Federation Policy.”
⁶ Ibid.
⁷ Marlene Laruelle, “Russia’s Arctic Strategies.”
resources Russia has to commit to the Arctic, the more resources it can spend on
economic development and industry expansion there. This balancing act will play out
in the coming years and thus provide a rationalization for Russia’s motivation to
secure a mutually-beneficial agreement covering the Bering Strait without requiring a
large military build-up as well.8

The Russian approach to the Arctic differs from its actions towards other
geopolitical issues that it also perceives threaten is security and viability. In 2008,
Russia invaded the country of Georgia over the separatist territory of South Ossetia
and has manipulated prices and even cut off natural gas supplies to European countries
over similar issues, notably Ukraine in 2009. These large displays of military force
showcase an aggressive Russian policy towards Europe in the West.9 In the Arctic
and to the East, however, Russia has stated time and again its support for a peaceful,
cooperative approach to dealing with issues. The strategic value of the region to
Russia is great, as it bases its Northern fleet in Severomorsk, and the greater Kola Bay
along the Northern Sea Route. The fleet will have greater maneuverability along the
Northern Sea Route as it becomes more navigable, thus also reflecting the impetus for

8 Ibid.

9 Mamuka Tsereteli, “The Impact of the Russia-Georgia War on the South Caucasus
Transportation Corridor,” The Jamestown Foundation, March 3, 2009,
Russia to keep the Arctic threat-free and conflict-free. Russia does, however, also see the Arctic as an important economic resource, the likes of which its leaders hope will fuel the country’s growth over the next several decades.

Russian leaders understand that military forces alone will not solve problems in the Arctic, nor will a build-up lead to Russian dominance there. They rightly recognize that the area of the Arctic is too great and that it would be unwise to have open conflict on yet another border. Current disputes and issues with NATO and other former Soviet-bloc countries on its eastern border have occupied much of Russia’s energy and military focus. The Arctic represents a chance for Russia to not only partner with other countries like Canada and the United States, but also to show leadership on the world stage. Russian leadership in the Arctic could start with the management of the Bering Strait and an agreement with the United States. As an Arctic power, Russia understands that by virtue of its geography, naval fleet of submarines and icebreakers, and economy it will be taken seriously at the top of the world. It’s ultimate goal, however, is to ensure regional domination of its share of Arctic resources and commerce, thus perpetuating new revenues streams for the country’s future growth and expansion. The Bering Strait, as a gateway to the

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11 Ibid.

Northern Sea Route, is ensured of being a vital piece of Russia’s plan for leadership in the Arctic.

In January of 2011, Nikolai Patrushev, Secretary of the Russian Security Council spoke to the Russian media about the stance the Russian government had adopted regarding natural resources on Russia’s Arctic shelf. He spoke of the need for Russia to assert its long-term intentions by way of a strategic plan to mine resources, specifically natural gas and oil, from the shelf. In recent years, Russia has also proceeded to expand its territorial claims in the Arctic.13

In 2001 the Russian Government submitted a claim to the United Nations in support of its assertion that its continental shelf extends all the way to the North Pole.14 As is the case with other Arctic countries, Russia is counting on the U.N. to render a favorable decision on these territorial claims, one which the international community will be forced to recognize and adhere to. The reasoning behind Russia’s claim submission bears further proof of their desire to protect their Arctic interests through peaceful, non-conflict means and utilize and international body to do so. By asserting their claim through the U.N., Russia hopes that it might be spared the expense and effort associated with back-and-forth military displays of assertion and strategic deterrence in the Arctic. Although their claim was initially denied due to

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13 RIA Novosti, “Russia to Draft Program for Arctic Shelf Exploration,” 

14 Marc Benitah, “Russia’s Claim in the Arctic.”
underwhelming scientific corroboration and justification, Russia has not abandoned its seabed and continental shelf claims at the North Pole and in the near-term is expected to resubmit additional justifications to support it.\textsuperscript{15}

The previously discussed flag-planting exercise in 2007 was part of a greater scientific expedition designed to complete mapping activities of the Lomonsov Ridge in support of these efforts to outline the placement of possible natural resources there. This expedition, consisting of an icebreaker and a polar-research vessel, was launched to bolster Russia’s claims to parts of the Arctic seabed, which Russia contends are an extension of its continental shelf.\textsuperscript{16}

With regards to the Northern Sea Route, previously analyzed in this thesis as an alternate route between Europe and Asia, Russia has broadened its claim to the route as one of exclusive, national control. The international community generally considers the Northern Sea Route to be an international route but Russia has made several pronouncements regarding its intent to clarify the route’s exact path and to regulate it through a yet-to-be-established government ministry under the Ministry of Transport.\textsuperscript{17}

\textsuperscript{15} Ibid.

\textsuperscript{16} Ekaterina Piskunova, “Russia in the Arctic.”

\textsuperscript{17} Margaret Blunden, “Geopolitics.”
The Russian government is also aware of the constraints imposed by the lack of year-round access to the Northern Sea Route and other Arctic routes. Russian maritime movements are restricted by polar ice flow along its northern coasts, confining the bulk of the Northern Fleet, its largest contingent of naval ships, to movements in the Barents Sea and southward.\(^{18}\) As temperatures rise and access to the Northern Sea Route becomes less reliant on icebreaker vessels and more open to year-round shipping, Russia will then be confronted with a strategic problem, one that carries both economic and military concerns. Less ice and greater access to northern routes mean greater access for shipping – all different types of shipping. If the Northern Sea Route is indeed quantified as an international route, any multitude of merchant vessels could take advantage of this development and sail there. As a result, northern ports in Russia should expect increased visits, which mean greater port fees but also a greater resource expenditure in the name of customs officials, coast guard forces and other infrastructure investments.\(^{19}\) Additionally, Russia must now concern itself with the Northern Sea Route as a strategic waterway open to international traffic and most distressing to Russia – international naval traffic. Imagine a scenario where naval ships from across the globe are able to transit this northern route along Russia’s immense northern coastline. Russia would now have to essentially patrol the entire

\(^{18}\) Marlene Laruelle, “Russia’s Arctic Strategies.”

\(^{19}\) Ibid.
Northern Sea Route with its Navy and Coast Guard, thereby straining more military assets.\textsuperscript{20}

These potential scenarios continue to drive Russia towards an increased strategic posture in and around the Bering Strait. Thus, the impetus on Russia to effectively co-manage the strait with the United States and avoid questions of territorial claims, vessel traffic management, and other issues that have been outlined in this thesis continues to grow. By entering into a partnership with the United States, Russia will provide itself with greater strategic “peace of mind” in the Bering Strait, ensuring that this vitally important chokepoint remains open and secure.

Finally, as Russia continues to pursue its Arctic goals, the realization that it must treat the Arctic differently than other territorial disputes was demonstrated by a 2010 agreement with Norway. Both countries signed on to a deal which ended their roughly five-decade dispute over territory in the Barents Sea and Arctic Ocean. They agreed to split the contested maritime area into two equal parts, further evidence that Russia’s preferred method of resolving disputes in the Arctic would be through diplomacy and negotiation vice military action.\textsuperscript{21} Disputes of this nature in the Bering Sea would be negated through the execution of a proactive agreement with the United States. By entering into such an agreement now, before both countries become

\textsuperscript{20} Ibid.

entrenched in their respective positions or before other geopolitical events occur, would provide diplomatic and security advantages that would proactively forestall future disagreements or other disputes in the Bering Sea.

**Process for agreement**

The agreements discussed earlier in this paper, such as the two bilaterals in 1972 and 1994 between the United States and Russia, provide historical confirmation of both country’s willingness to engage on shared mutual interests. These agreements were high level ones which focused more so on the agreement itself, rather than specific areas of cooperation that were tied to specific goals or outcomes. An example of a specific, localized agreement between the United States and Russia is the 1988 bilateral agreement on “Mutual Fisheries Relations.” This agreement centered on maintaining and sharing the responsibility to ensure international fisheries resources are protected from over-exploitation. Following that agreement but still aiming to protect fisheries, in April 2013 the Federal Agency for Fisheries of the Russian Federation and the U.S. National Oceanic and Atmospheric Institute signed a Joint Statement on Enhanced Fisheries Cooperation. According to NOAA’s website, this agreement stated:

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…reaffirms the May 1998 Agreement while also identifying three major areas of future cooperation: 1) combating global illegal Unreported and Unregulated (IUU) fishing; 2) collaborating on science and management of Arctic Ocean living marine resources; and 3) advancing conservation efforts in the Ross Sea region of Antarctica.23

These agreements on international fisheries management between the United States and Russia could serve as precursors to any sort of Bering Strait bilateral. This agreement in 1998 and subsequent reaffirmation in 2013 demonstrates that bilateral agreements can work (and be negotiated) in the mutual interest of both countries while still adhering to international rules and regulations. Additionally, Russia and the United States have other existing bilateral agreements that span such topics as aviation security, adoption and trade24.

The actual Bering Strait bilateral agreement should be ironed out and the specifics negotiated under the auspices of the U.S.-Russia Presidential Bilateral Commission (PBC), established in 2009 under U.S. President Barack Obama and Russian President Dmitri Medvedev.25 It would be proposed that this Bilateral Agreement utilize the existing working groups in place to negotiate specific areas of cooperation and shared responsibility, even though as a subject, a case could be made that it should transcends the primary scope of any one current Working Group.

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23 Ibid.


25 Ibid.
The Defense Relations Working Group, chaired by the U.S. Secretary of Defense and the Russian Minister of Defense would utilize its high profile and sub-working groups to ensure broad acceptance of the bilateral framework for the Bering Strait. It would also ensure that each country’s military and Coast Guard assets are dedicated to the Bering Strait region and the proposed joint military basing and staging areas are agreed upon and finalized. The Maritime Cooperation sub-working group would be the ideal forum for sponsoring the negotiations and working the specific areas of agreement for the Bering Strait Bilateral Framework.26 As stated previously in this thesis, areas of agreement in the defense/maritime section would include search-and-rescue operations, vessel traffic management services, elements of safe passage and the agreement to more formally codify UNCLOS elements between Russia and the United States.

The Environment Working Group, which has already identified Arctic Black Carbon and Wildlife Protection as areas for cooperation between Russia and the United States, would also be a conduit for increasing cooperation in the Bering Strait.27 By ensuring that environmental issues and concerns are identified upfront and making them an integral part of the basic bilateral agreement, both countries would be demonstrating a commitment to conservation and preservation in the region. This

26 Ibid.

27 Ibid.
commitment would reinforce the previous conservation efforts and shared responsibilities between the two countries under the Environment Working Group, as exhibited by the International Tiger Forum in 2010, the Park Management Experts Exchange program visit in 2011, the celebration of the Cross-Strait Beringia Days in Alaska in 2011 and multiple workshops and exchange study tours in 2012. ²⁸

Environmental concerns to be addressed as part of the bilateral agreement would be the continued preservation of national parks, protection for endangered species and standards for responding to any potential environmental disasters.

Finally, the bilateral agreement would be signed at the highest possible level – both by the President of the United States and the President of Russia. To ensure mutual acceptance of this bilateral agreement, once the framework has passed out of the working group stage and is ready for final coordination, it is recommended that it be presented as an agenda item for discussion and finalization at a Russia-United States 2+2 meeting. These meetings will include the Russian Foreign and Defense Ministers as well as the U.S. Secretaries of State and Defense. ²⁹ This high-profile

²⁸ Ibid. The Environment Working Group, under the auspices of the U.S.-Russia Presidential Bilateral Commission includes representatives from the U.S. Department of State, Environmental Protection Agency and Department of Commerce, as well as the Russian Ministry of Natural resources and Environment and Ministry of Economic Development. In June of 2013, both countries celebrated the Beringia Days Conference, which lauded the 1994 U.S.-Russian Environmental Agreement. “Beringia” is the term referring to the federal park in Chukotka, which is an international protected area, recognized by both the United States and Russia.

²⁹ Ploughshares Blog, “Canceled U.S.-Russia Talks Place Increased Emphasis on Diplomats,” August 8, 2013, http://www.ploughshares.org/blog/2013-08-08/canceled-us-russia-talks-place (accessed December 8, 2013). The 2+2 meeting format is one that has been used throughout the world. It is a meeting between two countries and includes the Minister of Foreign Affairs and Minister of Defense (or
forum will ensure that the negotiated bilateral agreement from the PBC receives proper buy-in and attention from the highest levels of each country’s government.

Following the final negotiations and presentation at the 2+2 meeting, the bilateral agreement would be finalized by the Russian Foreign Defense Minister and U.S. Secretary of State, as well as the Russian Defense Minister and U.S. Secretary of Defense. It would then be then signed into force by the President of Russia. The bilateral agreement would not be classified as a treaty under United States law but rather would be an agreement finalized with the signature of the President of the United States.30

Any bilateral agreement between the United States and Russia would not and should not be considered an attempt to divide control of the Arctic and supersede existing maritime or international law (or UNCLOS). Rather, the purpose of this bilateral agreement would be to deepen a spirit of confirmation and shared responsibility in the Bering Sea and ensure mutual collaboration in the administration

and stewardship of the critically important Bering Strait. A statement made by both leaders that this bilateral is not intended to replace UNCLOS and that each side fully supports international laws, treaties and the like should be included with any remarks or statements on this bilateral agreement.

The bilateral framework would also not run counter to, nor would it replace any previously agreed upon law or regulation. As an example, in May of 2008, the five coastal Arctic states of Russia, the United States, Canada, Denmark (represented by Greenland) and Norway issued a joint statement on actions and responsibilities in the Arctic. Known as the Ilulissat Declaration, this agreement rejected any “new comprehensive legal regime to govern the Arctic Ocean” and affirmed the responsibilities of each signatory in the Arctic and with respect to UNCLOS and other existing maritime and international law conventions. This Bering Strait Bilateral Agreement would outline distinct responsibilities and resources to manage the Bering Strait only, while still respecting the Ilulissat Declaration, its signatories and original intent.

In addition to the Ilulissat Declaration, it is important that both the United States and Russia continue to recognize the important role of the Arctic Council. The Arctic Council is:


32 Ibid.
[a] high-level intergovernmental forum to provide a means for promoting cooperation, coordination and interaction among the Arctic States, with the involvement of the Arctic Indigenous communities and other Arctic inhabitants on common Arctic issues, in particular issues of sustainable development and environmental protection in the Arctic.  

While member states include Canada, Denmark, Finland, Iceland, Norway, Russian Federation, Sweden and the United States, the Arctic Council also includes the Permanent Participants (PP) previously referenced in this work, as well as observer nations and intergovernmental and inter-parliamentary organizations. The Arctic Council’s focus is consistently on non-national security issues such as climate change, shipping, transportation and scientific research. This bilateral agreement between Russia and the United States would not usurp nor weaken the role of the Arctic Council, but rather support the spirit of cooperation that it seeks to foster amongst its member states.


34 Ibid.
Beyond the Bilateral

This bilateral agreement, building upon the high-level interactions and joint statements by the leaders of both Russia and the United States, will set an important example for the rest of the world, especially those countries with Arctic territory and Arctic interests. Countries such as Canada, Denmark, Norway and others are pursuing aggressive Arctic policies and claims, based on territorial, sovereign and resource issues. Others, such as Japan and China have economies that stand to benefit from an increase in shipping and transit through the Arctic. The Bering Strait, as the maritime gateway entering and exiting Arctic waters, will see a resulting increase in focus and attention from the entire world.

As this focus intensifies on the Bering Strait, any specific and tangible actions that both Russia and the United States can take to forestall any disputes or discrepancies will showcase the priority each country places on conduct in and around the Arctic. As written about previously in this thesis, the United States and Russia have an opportunity to capitalize on this increased attention on the Bering Strait by showcasing their ability to rise above politics and territorial disputes and agree to cooperatively manage the region.
The management of the Bering Strait is not solely a national security issue for the United States and Russia in terms of sea territory, maritime control or forward presence. Rather, the Bering Strait is also critical to each country’s Arctic presence for economic reasons. Because of the disputes of deep-sea mining and seabed claims, the United States and Russia have vested economic interests, particularly in the oil and gas industry, in and around their respective Arctic territorial claims. As more resources are discovered, they must be moved via ship to markets all over the world, whether it be their home countries, Asia, Europe or beyond.

**Positive Effects for Future International Cooperation**

In the case of this bilateral agreement, other countries with strategic claims in the Arctic, or even those with an eye towards global shipping and the continued, uninterrupted flow of commerce, will endeavor to question why Russia and the United States get to set policy and dictate terms that may have far-reaching effects on conduct in and around the Bering Strait region. Detractors who claim that a bilateral agreement leaves out a large number of stakeholders in the Arctic will no doubt reference the Ilussiat Declaration, the work of the Arctic Council and UNCLOS as other, positive and more inclusive methods for increasing cooperation between these two countries. However, the bilateral agreement is meant to outline specific areas of responsibility in areas that can form the basis for a continued and strategic partnership
between Russia and the United States, with tangible results and resource commitments to manage the area.

The benefits to both countries of a Bering Strait bilateral would cover important areas of maritime cooperation, immigration and culture, science, safety and security. Indigenous peoples would be able to move more freely between the two countries while the safety and security of global maritime trade would be greatly increased. Specific environmental and scientific protections, standards and exchanges would increase between the two countries, providing a common area upon which further cooperation could also be improved. Because of the importance of the Arctic Region as a whole, the emphasis on securing and improving the conduct in the Bering Strait, the so-called gateway to the Arctic is of paramount importance to Russia, the United States and even the rest of the world.

Template for Increased U.S.-Russian Cooperation Elsewhere

The overall purpose of this thesis is to outline a distinct rationale and way forward for enhanced cooperation and management of the Bering Sea Region by the United States and Russia. A thorough examination of areas of cooperation, as well as the obligations that each country incurs to finance and execute its “fair share” of this bilateral agreement will demonstrate to the global community the strategic importance of the region.
For the United States, cooperation in the Bering Strait with Russia continues to demonstrate global leadership while also managing the delicate relationship with its former Cold War rival. This Bilateral Agreement will not only enhance cooperation around a distinct number of maritime areas in the Bering Strait region but also provide concrete points of “co-responsibility” for both countries. For instance, having military personnel working side-by-side in an operations center atmosphere monitoring oil spills and search and rescue scenarios will lead to a stronger working relationship for each country’s armed forces, hopefully reducing further tensions and ultimately furthering cooperation.

From the Russian side, the co-management of the Bering Strait under the auspices of a bilateral with the United States will also demonstrate that it can “play nice with its neighbors.” Dr. James Kraska notes in 2010 on Russia’s attitude towards negotiating from a position of power in the Arctic:

Moscow’s preponderance of Arctic power-geographic, demographic, military and economics-makes it more comfortable in negotiating about the Arctic than it is about most other issues. That same power also makes it imperative for all seven other Arctic and Arctic-associated nations to work more closely with Moscow to avoid conflict and ensure prosperity in the High north. As a superpower and ally or friend of all of the remaining Arctic states, the United States could play a more constructive role in integrating Russia into a stable new political order in the Arctic Ocean.¹

This new political order that Kraska writes about does not begin, nor does it end with a simple Bilateral Agreement. It does, however, allow Russia to exert its

¹ James Kraska, “From Pariah to Partner.”
influence in a more positive and constructive manner. As in the case of the United States, these issues and cooperative areas for Russia can have a real impact on the internal politics and economic well-being of the country.

The joint response to an environmental disaster or the execution of a combined search and rescue operation in the Bering Strait will most likely not be heralded as a new era of global relations between the United States and Russia. Nor will cooperation and shared responsibility in the region repair or de-escalate all of the historical and philosophical tensions that have existed between these two countries. This bilateral agreement will, however, draw a line in the sand for cooperation and demonstrate that the responsible path forward has been chosen by both countries. Even if the greatest impact is felt in the Bering Strait region itself in the form of safer mariners, less catastrophic environmental disasters and more cultural awareness, the community and people that lives in and transits this area will be more secure and a strategically important maritime gateway will be properly managed.

The motivation for both the United States and Russia to pursue a strategic yet also mutually beneficial agreement in the Bering Strait region starts at home. As this thesis discusses, the intertwining of economic and national security interests, coupled with a growing global focus on Arctic issues ensures that the Bering Strait will remain important in domestic politics for both countries. The Russian National Strategic Framework on the Arctic and United States National Arctic Policy (NSPD 65/HSPD
25) are examples of the priority these issues receive at the highest levels of
government in each country. As written in previous sections of this document, prior
agreements executed in and around Arctic policy also have measurable impacts for the
working relationship between both Russia and the United States

As conditions in the Arctic continue to change and countries continue to adapt
to these changes, it is important that the second and third order effects of these
changes are not ignored. Increased shipping in the Arctic will have measurable effects
on increased activity in the Bering Strait. The second and third order effects of this
increased activity will mean a new focus on military and coast guard assets in the
region, with search and rescue operations and icebreaker-capable ships rising in
prominence for future national spending budgets. More activity in the Bering Strait
will result in a greater probability of environmental impacts to the region, on animal
and plant life and on the native peoples who live there. As these priorities in the
Arctic become clearer for both Russia and the United States, both governments will no
doubt examine how best they can offset the cost of doing business in the Bering Strait
region. An anticipated line of reasoning would be to ensure that scientific exploration,
tourism and other economically-positive endeavors such as oil drilling and mining
operations would be maximized to their full economic advantage.

Finally, despite current, challenging geo-political and philosophical differences
between Russia and the United States and Europe, there are definitive commonalities
that exist with regards to the Arctic. The current situation in 2014 in the Ukraine and resultant international discord should not totally cloud the benefits of a bilateral relationship in the Bering Strait region. The positives outlined in this thesis for managing the Bering Strait and providing for safe, secure passage and conduct in this area are clearly beneficial to both the United States and Russia. Moving forward, this model for cooperation will become more apparent to the governments of both countries and it is only a matter of time before cooler heads prevail and the benefits of this management framework in the Bering Strait outweigh other political differences.
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