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THE SOVIET MARITIME ARCTIC, SUMMER 1991: A WESTERN ACCOUNT

PROF. DR. ERIK FRANCKX*

THE summer of 1991 will certainly be remembered in the history of the Soviet nation as a crucial period leading to the final disintegration of the Soviet empire. The aborted coup of August 19-21 by the conservatives, immediately followed by Gorbachev's resignation of his post as Secretary-General of the Communist Party, significantly accelerated the reforms in progress in the Soviet Union since Gorbachev's accession to power in 1985. Even the most experienced Sovietologists, if requested to take a stand before those summer events of 1991, would never have dared to envisage 1992 without the Soviet Union.

Perestroika and *glasnost* have also left their marks on Soviet policy with respect to the Arctic. During their first phase, these changes were only reflected in theoretical considerations devoted by the Secretary-General himself to this topic. Little by little, however, this practice started to show some signs of innovation in a policy which for decades had been shaped around the basic issue of warding off any foreign interference. A Western observer concluded recently: "Even the most visionary of futurists would have been hard pressed to predict such a radical departure from past Soviet approaches to the Arctic Ocean."¹ It is submitted that in this evolution, the year of 1991 played an important role, especially if one focuses on the regime of surface navigation in the Soviet Arctic.

This Article intends to substantiate the submission just made. First, a closer look will reveal the internal steps taken by the Soviet Union during that year to open up the Northeast Passage, or Northern Sea Route as it is usually called by the Soviets, to foreign shipping. Second, due attention will be paid to the practice involving a foreign element which occurred during the shipping season of 1991, mainly

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1. Lawson W. Brigham, *Plying the Northern Sea Route: Challenges and Opportunities of a New Era in the Soviet Arctic*, 1 ARCTIC CIRCLE pt. 4, at 10, 11 (1991).

related to the summer months of that year. Here, different distinctions will be made. First, the initiatives of Soviet shipping companies in order to attract foreign capital will briefly be discussed. The topic of foreign or joint initiatives in the Soviet Arctic will be especially addressed. As will be seen, a division will have to be made between those initiatives which were successful and those which were not. The latter category will receive equal treatment for the simple reason that it will be illustrative of the presence of certain limitations to which this new tendency is still subjected today.

In order to have a clear understanding of the issues involved, as well as the importance of the changes envisaged, the regime of navigation in the Soviet Arctic prior to 1991 will be briefly discussed.

I. NORTHERN SEA ROUTE: PAST

The purpose of this section is simply to provide the reader a point of reference against the background of which analysis of the present developments may be made.² The official policy concerning the legal status of Soviet Arctic waters historically has been one of relative silence when viewed from a governmental perspective. Indeed, the Soviet government only took an official stand on this topic when pressured to do so by certain events. This left ample room for the Soviet scholars to formulate their own opinion on the matter. Far-reaching theories were developed over the years of which the first and most sweeping consisted of a straightforward sovereignty claim over all water expanses located in a so-called Soviet sector. According to this theory, the Soviet Union could exercise sovereignty over a triangle-shaped area called a sector, having as a base a line connecting the eastern and western-most points of its northern coast, and as an apex the North Pole.³ There appears to be general agreement in the West that such a claim finds no justification under present day international law.⁴ Soviet scholars have also recently started to express some doubts on this subject.⁵

2. For a more exhaustive treatment, see ERIK FRANCKX, *MARITIME CLAIMS IN THE ARCTIC* (forthcoming 1992-1993).

3. Evgenii A. Korovin, *SSSR i poliarnye zemli [The U.S.S.R. and Polar Lands]*, 3 *SOVETSKOE PRAVO* 43-46 (1926). For an analysis of the different claims made by Soviet scholars over the years, see also WILLIAM E. BUTLER, *INTERNATIONAL STRAITS OF THE WORLD: NORTHEAST ARCTIC PASSAGE* 71-91 (Gerard J. Mangone ed., 1978).

4. Philip Kunig, *Arctic*, in 12 *ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW* 24, 25 (R. Bernhardt ed., 1990).

5. As discussed in Erik Franckx, *Nature Protection in the Arctic: Recent Soviet Legislation*, 42 *INT'L & COMP. L.Q.* 366, 368-373 (1992) [hereinafter *Nature Protection*].

As correctly remarked by Butler, there is tension between this tendency aiming at coastal state exclusivity as opposed to attempting to follow, as closely as possible, the general principles of the law of the sea in the Arctic;⁶ however, practice in the Soviet state has been closer to the latter approach.⁷ Nevertheless, as remarked by the present author in previous articles, if one analyzes the relevant Soviet legislation in detail, many ambiguities, omissions, and loopholes exist.⁸ This results in the fact that many difficulties arise if one attempts to translate into practice the exact juridical status of those northern waters and straits. To paraphrase the words used by Lamson and VanderZwaag when discussing the Northwest Passage: "International law . . . might be described as an elastic spool of thread. It provides no tight legal lines with which to weave an airtight jurisdictional fabric."⁹

The question remains whether one really needs to have such a clear-cut legal regime in the first place. The *modus vivendi* arrived at by the United States and Canada during the late 1980s over the transit of U.S. icebreakers through the Canadian archipelago clearly illustrates that this is not necessarily so.¹⁰ Since the prospect of foreign *commercial* transit navigation north of the Eurasian continent without Soviet active participation in the forms of icebreaker support, weather and ice information, looks very unrealistic at the present time, such an attitude may present a workable alternative to the parties in question. It would allow both sides to secure some of their primary objectives: the Soviets could earn the necessary hard currency to make it possible for the Northern Sea Route to run on a cost-accounting basis,¹¹ as required since January 1, 1988,¹² while the foreign partner could then make actual use of this existing Arctic shortcut, which would consid-

6. William E. Butler, *Joint Ventures and the Soviet Arctic*, 14 MARINE POL'Y 169, 170 (1990). See also *Nature Protection*, *supra* note 5.

7. See Butler, *supra* note 6. See also *Nature Protection*, *supra* note 5, at 371-378.

8. *Nature Protection*, *supra* note 5, at 385; see also Erik Franckx, *Non-Soviet Shipping in the Northeast Passage, and the Legal Status of Proliv Vil'kitskogo*, 24 POLAR REC. 269, 272-275 (1988).

9. Cynthia Lamson & David VanderZwaag, *Arctic Waters: Needs and Options for Canadian-American Cooperation*, 18 OCEAN DEV. & INT'L L.J. 49, 79 (1987).

10. Agreement on Arctic Cooperation, Jan. 11, 1988, U.S.-Canada, 28 I.L.M. 142-143 (1989).

11. The remarks made by the former president of the Murmansk Shipping Company are indicative of the huge investments required year after year to keep this Northern Sea Route in good operating condition. See 3 V. BELETSKII, *ARCTIC OPERATIONS IN THE WESTERN PART OF THE SOVIET ARCTIC* 1515, 1521-1522 (K.B.E. Axelsson & L.A. Fransson eds., 1989). He calculated the total cost involved in the pilotage of a *Norilsk*-type vessel (cargo of about 10 thousand tons) across the Northern Sea Route by an *Arktika*-type icebreaker to vary between 1-1.5-million rubles in the summer and 2.5-3.5 million rubles in the winter, not including the scientific-operative support and air reconnaissance.

12. Terence Armstrong, *The Northern Sea Route, 1987*, 24 POLAR REC. 129, 131 (1988).

erably shorten the time otherwise required to sail via the Suez canal.

The idea of earning hard currency by inviting foreign shippers to use the available Soviet services along the Northern Sea Route had already been tested once in practice by the Soviet government in the pre-Gorbachev period. Indeed, at the end of the 1966 shipping season, a brochure was distributed to that extent listing charges according to the size of the ship, its ice-worthiness, and its proposed date of passage.¹³ This initiative was officially sponsored by the Minister of Merchant Marine of the U.S.S.R. in early 1967.¹⁴ Moreover, a trip was organized during that same year by the Soviets to demonstrate the feasibility of such a scheme. The Soviet ship *Novovoronezh*, after having loaded at different North Sea ports, sailed to Yokohama via the Northern Sea Route.¹⁵ In spite of all this government promotion, foreign shippers never took up the offer. Western sources have suggested in this respect that the offer was tacitly withdrawn soon afterwards.¹⁶

As mentioned previously, Gorbachev's accession to power clearly influenced the issue. Pressed by the economic viability of this route, Gorbachev first urged the necessity of speeding up measures to increase the benefit of Soviet through-traffic using this route.¹⁷ For the real impetus relating to the possible foreign element involved in such shipping, one had to wait until October 1, 1987, when Gorbachev declared in his Murmansk speech relating to the Arctic:

Through the Arctic runs the shortest sea route from Europe to the Far East, the Pacific Ocean. I believe, depending on the evolution of the normalization of international relations, that we could open the Northern Sea Route for foreign shipping subject to the use of our icebreaker pilotage.¹⁸

In early November of that same year, Radio Moscow made an announcement which very much resembled the 1967 initiative: the Soviet Union was willing to offer its services in the area to foreign ships.¹⁹

13. T.E. Armstrong, *The Northern Sea Route in 1966*, 10 INTER-NORD 200, 202-203 (1968).

14. Raymond H. Anderson, *Soviet to Open Its Arctic Route*, N.Y. TIMES, March 29, 1967, at 1.

15. Terence E. Armstrong, *The Northern Sea Route in 1967*, 11 INTER-NORD 123 (1970).

16. The year 1967 was also the year the Suez Canal was obstructed as a result of the Middle East War. The opening up of the Northern Sea Route during that particular year might well have looked very awkward to the Arab friends of the Soviet Union. See Terence E. Armstrong, *The Northern Sea Route, 1968-70*, 12 INTER-NORD 118, 119 (1972).

17. See Terence Armstrong, *The Northern Sea Route, 1986*, 23 POLAR REC. 585, 589 (1987).

18. Mikhail Gorbachev, *Rech' tovarishcha Gorbacheva M.S.* [Speech of Comrade M.S. Gorbachev], IZVESTIYA, Oct. 2, 1987, at 1, 3.

19. Armstrong, *supra* note 12, at 131.

This was confirmed by the president of the Murmansk Shipping Company who stated at the time in the English variant of *Morskoi Flot, Soviet Shipping*, that they were ready to transport such foreign cargo.²⁰ However, one had to wait until the 1989 trip of the Soviet vessel *Tiksi*, which sailed from Hamburg to Osaka using this route, to realize the first practical step taken to implement this particular policy option.²¹ The significance of this trip was that it was chartered by foreign owners of the goods to be transported, and, as remarked in the newspaper *Izvestiia*, "for the first time in its history, the Northern Sea Route provided the country with foreign currency"²²

An article which appeared in the November, 1990, issue of *Morskoi Flot* clearly drew attention to this through-route potentiality, including tabular information on length of voyage and average speed.²³ Although many questions simply remained unanswered with respect to the use of *foreign* vessels along the Northern Sea Route, this article concluded that, at the time of writing, it appeared much simpler for foreign cargo owners to use Soviet ships instead.²⁴ A note appended by the editorial staff of the journal, however, indicated that while the article went to press, regulations for navigation of foreign commercial ships along the Northern Sea Route had been adopted.²⁵ Besides this low-key indication, again one had to show the necessary patience in order to receive confirmation of this statement initially, to say nothing about the possible content of these rules. Moreover, in June of 1990, a preparatory meeting was held in Oslo concerning the opening up of the Northern Sea Route involving the Administration of the Northern Sea Route, the Nansen Institute (Norway), the Scott Polar Research Institute (United Kingdom), and the Woods Hole Oceanographic Institute (United States). Different working groups were established, each consisting of Soviet and Western members, whose task was to

20. Anon, *The Murmansk Programme*, 8 SOVIET SHIPPING pt. 2, at 4-5 (1988).

21. For more details, see Erik Franckx, *New Developments in the North-east Passage*, 6 INT'L J. ESTUARINE & COASTAL L. 33-40 (1991). Apparently, about ten Soviet ships have been chartered by the Detlef Van Appen Company since this overture. See P. Forestal, *La "Route Maritime du Nord" et les trafics Europe/Extrême-Orient* [The "Northern Sea Route" and the Traffic Between Europe and the Far East], LE LLOYD, Aug. 1, 1991, at 1, 3, and Michel Neumeister, *La route du Nord-Est s'entr'ouvre* [The North East Route Set Ajar], JOURNAL DE LA MARINE MARCHANDE, Aug. 2, 1991. In 1990, six such voyages were made between European and Far Eastern ports. See Lawson W. Brigham, *Soviet Arctic Marine Transportation 1990*, 117 U.S. NAVAL INST. PROC. 109 (1991).

22. G. Ovchinnikov, *Za valuitu-cherez Severnyi Ledovityi* [Through the Arctic Ocean Against Hard Currency], IZVESTIIA, Sept. 9, 1989, at 1.

23. A. Arikainen & B. Levit, *Severnyi morskoi put': mezhdunarodnoe ispol'zovanie?* [The Northern Sea Route: International Use?], 11 MORSKOI FLOT 4-5 (1990).

24. *Id.* at 5.

25. *Id.*

provide a detailed analysis of the physical environment of the area, the economic factors involved, and the legal and political implications of the Northern Sea Route being opened for commercial use.²⁶

It will be clear from this short overview that the foreign element in the Soviet Arctic has, for a long period of time, been kept to a *minima minimorum*. Only during the late 1980s did policy changes introduce the possibility of leaving this restrictive approach behind in a search for new alternatives. This may be illustrated fairly well by the granting of consent during 1988 to a U.S. scientific expedition intending to conduct research in Soviet Arctic waters, totally contrary to the previous practice of the Soviet Union.²⁷ In addition, the willingness to allow the Norwegians to locate a sonar device measuring ice thickness in Soviet Arctic waters is illustrative of this policy.²⁸ At the same time, however, it will be noted that the practical implementation of this new policy was not spectacular. What the events of 1991 added to this evolution will be elucidated next.

II. NORTHERN SEA ROUTE: PRESENT

The year 1991 has been noteworthy with respect to foreign participation in the Arctic shipping north of the Eurasian continent in more than one way. First, certain legal measures were taken internally by the Soviet Union to regulate the broad framework within which possible foreign involvement would have to operate. Second, practice also added to the final picture. An analysis of the different initiatives displayed during that year, both Soviet and foreign, will subsequently indicate where the issue stands at present.

A. *Internal Rules and Regulations*

For foreign shippers, 1991 will certainly be remembered as the year in which the Soviet authorities, for the first time after the 1987 Murmansk speech by Gorbachev, lifted part of the veil surrounding the possible use by foreigners of the Northern Sea Route by enacting enabling legislation.

26. See Terence Armstrong, *The Northern Sea Route Project*, 27 POLAR REC. 57, 133 (1991), and discussion with researcher at the Scott Polar Research Institute, University of Cambridge, U.K. (Feb. 12, 1991).

27. In general, one can say that until 1987, most demands by United States ships to conduct research in zones under Soviet jurisdiction had been denied. A similar negative approach must be noted with respect to the demands which related more specifically to the Arctic. For a detailed analysis, see Erik Franckx, *Marine Scientific Research and the Soviet Arctic*, 27 POLAR REC. 325, 332-333 (1991).

28. Steven Dickman, *Soviets Break the Ice*, 346 NATURE 690 (1990). The Norwegian request here is framed in a broader West German-Norwegian-European Communities project.

A *Pravda* article in early 1991²⁹ first confirmed the adoption of "Regulations for Navigation on the Seaways of the Northern Sea Route" as alluded to earlier in *Morskoi Flot*.³⁰ Under the subtitle "For the First Time the Northern Sea Route Opened for Foreign Shipping," this article also added that the rules would become operative as of June 1, 1991, but no details about the content were disclosed at that time.³¹

A copy of the text involved was obtained during a visit to Moscow in October of 1991.³² This Russian-English text, published during 1991 by the Head Department of Navigation and Oceanography of the U.S.S.R. Ministry of Defense, also discloses that the regulations themselves were approved by the U.S.S.R. Minister of Merchant Marine on September 14, 1990.³³ The Minister had been instructed to elaborate such a set of navigation rules by means of a Decree of the Council of Ministers of June 1, 1990.³⁴ Even though Article 2 of the 1990 Decree gave a three month period to the Ministry of Merchant Marine to work out the rules, it is clear that between approval and publication a rather long period elapsed.

Essentially, the basic aim of these regulations is to allow navigation on a non-discriminatory basis to vessels of all states, while giving careful consideration to environmental concerns.³⁵ It provides the basic framework within which these operations must take place: as established in 1971,³⁶ requests are to be addressed to the Administration of the Northern Sea Route.³⁷ Special requirements will have to be met by the vessel and the master of the ship.³⁸ If the latter does not have the required experience, a state pilot will be assigned.³⁹ Civil liability of the owner for environmental damage must be secured before entering

29. V. Chertkov, *Flagi v goriachikh l'dakh* [Flags in Hot Ice], PRAVDA, Jan. 21, 1991, at 6.

30. See Arikainen & Levit, *supra* note 23, at 5 [hereinafter 1991 Regulations]. See also *supra* note 25 and accompanying text.

31. *Id.*

32. *Regulations for Navigation on the Seaways of the Northern Sea Route*, U.S.S.R. Ministry of Defence (1991) [hereinafter *Regulations*]. The author wishes to express sincere thanks to A. Kolodkin and M. Volosov in this respect. Apparently, this text has already been published in the Soviet Notices to Mariners.

33. *Id.*

34. For an English translation of the decree and a short comment, see Erik Franckx, *Nature Protection in the Arctic: A New Soviet Legislative Initiative*, 6 INT'L J. ESTUARINE & COASTAL L. 377-383 (1991) [hereinafter 1990 Decree].

35. *Regulations, supra* note 32, at art. 2.

36. For an English translation of the decree, see Butler, *supra* note 3, at 177-179; 11 I.L.M. 645-646 (1972); 16 POLAR REC. 418-421 (1972) [hereinafter 1971 Statute].

37. *Regulations, supra* note 32, at art. 3.

38. *Id.* at art. 4.

39. *Id.*

the area.⁴⁰ In addition, the vessel may be inspected under certain circumstances while en route.⁴¹

Once allowed to use the Northern Sea Route, the vessel must follow the route assigned to it, unless otherwise instructed. Furthermore, appropriate radio contact must be maintained, and the vessel will be guided by various types of pilotage: shore-based, aircraft, conventional, icebreaker leading, and icebreaker assisted pilotage are all viable options.⁴² General control of the operations is assigned to the Administration of the Northern Sea Route (Moscow), with two regional headquarters located in the ports of Dikson and Pevek.⁴³ Navigation may be temporarily suspended,⁴⁴ and vessels not complying with the above mentioned requirements may be ordered to leave the Northern Sea Route along a specified route.⁴⁵ Finally, the principle adhered to is that the Administration of the Northern Sea Route and its Marine Operations Headquarters shall not be liable for damage inflicted on a vessel or property located on board a vessel unless the party can prove guilt on behalf of the appropriate organization.⁴⁶

This discussion has provided only a broad general framework. Details, and especially rates of the fees to be paid by foreign ships for services rendered, are not available.⁴⁷ Moreover, the definition of the Northern Sea Route provided by these 1991 Regulations further obfuscates the issue of the exact field of application of the different enactments referred to above.⁴⁸ Indeed, the addition of the words "seaways suitable for leading ships in ice" to the definition that the Northern Sea Route is "situated within its inland seas, territorial sea (territorial waters), or exclusive economic zone adjacent to the U.S.S.R. Northern Coast" again raises the problem whether these rules will apply beyond the 200-mile zone. According to contemporary international law, the coastal state's competence in the matter under

40. *Id.* at art. 5. It should be noted that this requirement for the first time appeared in the 1990 Decree. Neither the 1971 Statute, nor the precursor of the 1990 Decree, touched upon this topic. For an English translation of the Soviet edict regarding environmental damage, see William E. Butler, 1 *THE U.S.S.R., E. EUROPE & DEV. L. SEA* § J.4, at 1-10 (1986) [hereinafter 1984 Edict].

41. *Regulations, supra* note 32, at art. 6.

42. *Id.* at art. 7. The vessel, for instance, must immediately inform the Administration of any detected or effected discharge of polluting substances according to Article 12.

43. *Id.* at art. 8.

44. *Id.* at art. 9.

45. *Id.* at art. 10.

46. *Id.* at art. 11.

47. According to Article 8.4, they will be duly adopted. *Regulations, supra* note 32, at art. 8.

48. See *Nature Protection, supra* note 5, at 378-383, regarding the ambiguities surrounding the relevant provisions of the 1971 Statute, the 1984 Edict, and the 1990 Decree in this respect.

consideration here has clearly been delimited to 200 nautical miles.⁴⁹ It is interesting to see, therefore, how these rules will be implemented in practice.

B. Practice Involving Foreign Elements

During the summer of 1991 many initiatives materialized which involved foreign participation. These initiatives took either a passive or an active form. This section will try to highlight some salient developments of both categories.

1. Soviet Initiatives

The most prominent example of the conversion of the Soviet infrastructure in the North, in order to attract foreign currency, is certainly the organization by the Murmansk Shipping Company of two tourist voyages on board the newest Soviet nuclear icebreaker during the summer of 1991. One voyage travelled across the North Pole from Murmansk to Provideniia and a second one back via the Northern Sea Route.⁵⁰ With more than 165 persons representing sixteen different nationalities participating in the voyages, this sold out venture can certainly be labeled as a success, especially when taking the high subscription costs into account.

However, it must be stressed that this voyage was not the first of its kind. During the summer of 1990, such a trip was first organized. That year the icebreaker *Rossia* reached the North Pole on August 8, with forty to fifty Western passengers on board.⁵¹ Nevertheless, the increase in size of the initiative, as well as the fact that the latest asset of the nuclear icebreaking fleet, the *Sovetskii Soiuz*,⁵² was assigned to the task in 1991, are indicative of the growing importance attached by the Murmansk Shipping Company to this type of activity.

49. See *The Law of the Sea: United Nations Convention on the Law of the Sea*, Art. 234 at 224, U.N. Sales No. E.83.V.5 (1983), where it is stated that this competence is clearly to be exercised "within the limits of the exclusive economic zone."

50. Telephone Interview with Bob Headland, Archivist, Scott Polar Research Institute (Oct. 21, 1991). The North Pole was reached on August 4, 1991.

51. For Western accounts, see Terence Armstrong, *The Northern Sea Route, 1990*, 27 POLAR REC. 136, 137-138 (1991); Brigham, *supra* note 1; Brigham, *supra* note 21. The former source mentioned the charge of DM 35,000 per person. For an announcement in the Soviet literature, see M. Kichigin, "A Breakthrough to the Pole" and other Services, 10 SOVIET SHIPPING pt. 2, at 25 (1990).

52. The ship had only been in operation since early 1990. See K. Sergeev, *Pervye mili atomkhoda [The First Miles of the Atomic-Powered Vessel]*, IZVESTIYA, Jan. 9, 1990, at 2.

2. Foreign or Joint Initiatives

This section will analyze a number of different foreign and joint initiatives which were realized during the summer of 1991. Not all of them, however, met with success if the latter is to be measured by the realization of the initial objectives of the initiative. The first section will take a closer look at those projects which succeeded in their primary objectives. The second section will be attributed to those projects whose primary objectives were not met due to the present limits of *perestroika* and *glasnost* in the Arctic.

a. Successful ventures

On the same footing with the enactment of internal legislation regulating foreign shipping through the Northeast Passage,⁵³ the summer of 1991 will also be remembered in the West as the first time since the early 1920s that a Western vessel was allowed to circumnavigate the Eurasian continent. If one discounts the trip of the German *Komet* in 1940, which took place under very special circumstances,⁵⁴ the recent trip of the French vessel *Astrolabe* must certainly be qualified as a major milestone in the history of Northern Soviet maritime policy.⁵⁵

The success of this initiative is mainly due to the stubbornness of two French individuals: Pierre Sauvadet, a navigator and head of an ecological association called Mers Magnétiques, whose primary objective is the promotion of navigation as well as the valorization of the ecological ethics and scientific research in the Arctic, and Louis Geli, a specialist of Arctic geology.⁵⁶ Both contacted the French Compagnie Nationale de Navigation, which owns 100% of the FISH group, which in turn, as part of its activities, operates three Antarctic polar vessels, including the *Cariboo*.⁵⁷ In early July, 1991, French newspapers

53. See Chertkov, *supra* note 29.

54. For an account of this trip, see Terence Armstrong, *The Voyage of the 'Komet' Along the Northern Sea Route, 1940*, 5 POLAR REC. 291-295 (1949).

55. The information on this trip is based on Western newspaper clippings. The author wishes to thank Mrs. C. Bleuze of Feronia International Shipping [hereinafter FISH] for the valuable help in this respect. Apparently, the German ship *Dagmar* also sailed the Northern Sea Route during the summer of 1991. This was not a through route; the vessel only went as far as Igarka on the Enisei river, where it spent the winter. Letter from Marlen Volosov, Vice-President, Soviet Maritime Law Association, to Erik Franckx, Professor, Vrije Universiteit Brussel (Oct. 16, 1991).

56. Françoise Harris-Monin, *La voie du Nord [The Northern Route]*, L'EXPRESS, Sept. 12, 1991, at 110, 112.

57. These three ships are the *Cariboo*, *Erebus* and *Astrolabe*. For an organizational structure of the Compagnie Nationale de Navigation, see Pierre-Georges Canu, *Compagnie Nationale de Navigation*, LE HAVRE LIBRE, July 25, 1991. According to the figures presented there, the company is financially well-situated.

started to indicate that the *Cariboo* would sail to Hakodate by means of the Northeast Passage.⁵⁸ On July 22, *Le Figaro* confirmed this intention but indicated that it was the *Astrolabe* which would have the honor of being the first non-Soviet ship to make use of this Northern passage in many years.⁵⁹ The article furthermore stated that the main objectives of this initiative were first to prove the economic viability of this sea route, and second to conduct scientific research.⁶⁰ Two days later, however, Pierre Sauvadet was quoted as saying that the trip would constitute a mere tourist venture and not a scientific one; according to Sauvadet, this was a basic condition laid down by the Soviets.⁶¹ This development caused the outside world to question the viability of the project; the FISH company, which sponsored forty percent of the total budget, had invested an estimated \$603,000 in the project.⁶² A long-term economic profit was apparently the company's aim.⁶³ In this sense, it may be important to note that the remaining funds were secured by a Japanese company, Asahi Shimbun. This company, which also owns the Asahi National Broadcasting Company, received exclusive rights to film on board the ship while making the crossing.⁶⁴ It was hoped this joint French-Japanese venture would lay the foundations for a possible future cooperation between the navigational know-how of the French and the economic interests of the Japanese.

Another requirement which the Soviets attached to their fiat was that the helicopter on board, which normally accompanied the *Astrolabe* during the voyages to the Antarctic, had to be replaced by a So-

58. See Dominique Legiu, *Cahier Eurêka* [Memo *Eurêka*], LIBERATION, July 3, 1991.

59. Jérôme Strazzulla, *Redécouverte de la voie maritime du nord: De l'Europe au Japon en court-circuit* [Renewed Discovery of the Northern Sea Route: From Europe to Japan by Means of a Shortcut], LE FIGARO, July 22, 1991. Apparently, the *Cariboo* was not available because of cable operations in the North Sea and the Channel. See Gaëlle Plouzenec, *Après 70 ans de blocus: La ligne Trans-arctique s'ouvre à l'"Astrolabe"* [After 70 Years of Blockade: The Trans-Arctic Route Opens for the "Astrolabe"], LE MARIN, July 26, 1991.

60. *Id.*

61. Laura Dejardin, *L'"Astrolabe" appareille pour Mourmansk: Les Soviétiques ouvrent l'Arctique* [The "Astrolabe" Leaves for Murmansk: The Soviets Open Up the Arctic], OUEST FRANCE, July 24, 1991. No scientific, hydrographic or oceanographic works were allowed; the *Astrolabe* carried only those instruments necessary for navigation. See Pierre-Georges Canu, *Gorby "libère" le pôle nord (2. "Astrolabe" sur la face cachée de l'Océan Glacial Arctique)* [Gorby "Liberates" the North Pole (2. "Astrolabe" on the Hidden Part of the Arctic Ice Ocean)], LE HAVRE LIBRE, July 25, 1991.

62. This figure was derived using then-current exchange rates; the cited amount was FF 3.6 million.

63. Catherine Magueur, *Une première depuis 70 ans: Les Soviétiques ouvrent l'océan Arctique à un bateau français* [A First in 70 Years: The Soviets Open Up the Arctic Ocean to a French Vessel], LE TELEGRAMME, July 24, 1991.

64. However, this was not an unrestricted right. For example, it was understood that the trip would be canceled if protected military areas were to be filmed. See Canu, *supra* note 61.

viet Mi 2⁶⁵ with its three man Soviet crew.⁶⁶ Apparently, the Soviet Union did not want a Western helicopter freely overflying the area.

The *Astrolabe* had thirty-six persons on board: thirteen crew members, one doctor, one engineer, the Soviet crew of the Mi 2, two Soviet ice-pilots, two Russian translators, one representative of the Administration of the Northern Sea Route, representatives of Mers Magnétiques, and several journalists of French, Norwegian and Japanese nationality.⁶⁷ As was stressed, no scientist was on board for this voyage.⁶⁸

Even though the idea seems to have germinated with the 1987 Murmansk speech by Gorbachev, the expedition itself was set up in only four months.⁶⁹ Difficult negotiations started with the Administration of the Northern Sea Route.⁷⁰ The crucial date of this whole enterprise was July 1, when the official authorization of the Soviets was finally received.⁷¹ After receiving authorization, preparations proceeded rapidly; the ship was hired; the captain was contacted while on leave in Chile on July 10; the crew and the foreign journalists were contacted; and, on July 27, the ship was ready to leave Le Havre for the unknown. After a stop in Tromsø, Norway, the ship reached Murmansk on August 2, where the last authorizations had to be secured from the Ministry of Defense.⁷²

On August 7, the *Astrolabe* left Murmansk to embark on her historic voyage as the first non-Soviet ship in decades to use the North-

65. Pierre-Georges Canu, *Gorby "libère" le pôle nord (1. "Astrolabe", premier navire occidental dans les eaux arctiques soviétiques)* [Gorby "Liberates" the North Pole (1. "Astrolabe", First Western Vessel Plying Soviet Arctic Waters)], LE HAVRE LIBRE, July 25, 1991.

66. See Canu, *supra* note 61. The Soviet crew of the Mi 2 consisted of one pilot, one mechanic, and one cameraman.

67. Five of the crew members were Indian, and the rest were French. Regarding the composition of the crew, see Dejardin, *supra* note 61 (mentioning a crew of only 35); Canu, *supra* note 61; Magueur, *supra* note 63; Plouzenec, *supra* note 59. See also Gaëlle Plouzenec, *L'"Astrolabe" prend la route du grand nord: Sur les traces d'Admünsen* [The "Astrolabe" Takes the Route of the High North: In the Footsteps of Admünsen], LE MARIN, Aug. 2, 1991. When the ship left Le Havre, twenty-five persons were on board. See *L'Astrolabe au Japon* [The Astrolabe in Japan], PARIS-NORMANDIE, Sept. 3, 1991; *Arrivée au Japon de l'"Astrolabe"* [The Arrival of the "Astrolabe" in Japan], LE LLOYD, Sept. 4, 1991.

68. See Neumeister, *supra* note 21.

69. Laura Dejardin, *A la conquête du passage du Nord-Est: "L'Astrolabe" fait route au Grand Nord* [Trying to Conquer the Northeast Passage: The "Astrolabe" heads for the High North], OUEST FRANCE, July 29, 1991.

70. See Harrois-Monin, *supra* note 56.

71. *Id.* See also Pierre-Georges Canu, *La route du Japon par le pôle nord* [The Route to Japan by way of the North Pole], COLS BLEUS, Aug. 24-31, 1991, at 14.

72. See Harrois-Monin, *supra* note 56.

ern Sea Route all the way through. The first part of the route, during which very little ice was encountered, brought the ship to Igarka on the Enisei, where the *Astrolabe* arrived on August 12.⁷³ After leaving the Enisei, the ice conditions rapidly started to deteriorate, reaching a climax at the Vil'kitskii Strait, the most northerly point of the route. Starting from 88° east longitude, the *Astrolabe* was first escorted by the icebreaker *Capitan Dranitsin*, later by *Rossia*, and finally along Cape Cheliuskin by *Arktika*. Beyond this point, ice-infested waters gradually disappeared until the ship reached Aion Island (170° east longitude) where again the assistance of Soviet icebreakers was provided.⁷⁴ The ship passed the Bering Strait on August 24, and entered the port of Provideniia one day later. The ship continued its route to its final destination, the port of Hakodate, Japan, where it arrived on September 2.

The FISH company, as well as the captain of the ship, immediately labeled the trip a complete success.⁷⁵ The trip confirmed that no official tariffs had yet been established for the use of this route.⁷⁶ According to a spokesman of the FISH company, the price to be paid was not "unreasonable" when compared with the use of the Suez Canal.⁷⁷ Unfortunately, a symposium to be held at Hakodate on September 4, in order to discuss and evaluate the results of the voyage,⁷⁸ was canceled because the ship had to be back in Le Havre to continue its Antarctic operations.⁷⁹

Due to its crucial importance in the evolution of the Soviet Arctic maritime policy, the trip of the *Astrolabe* has been analyzed in some detail. Moreover, it should be noted that what appeared to be a milestone in the Soviet Arctic policy temporally corresponded with what has been labeled the crucial period in the history of the Soviet state.⁸⁰ Indeed, the *coup d'état* occurred when the *Astrolabe* was entering the

73. Igarka was the only stop planned north of Bering Strait. See Canu, *supra* note 71.

74. See *La voie maritime du Nord ouverte: L'"Astrolabe" attendu au Japon* [The Northern Sea Route Opened: The "Astrolabe" is Expected in Japan], OUEST FRANCE, Sept. 2, 1991; "L'*Astrolabe*" a réussi le "passage du nord-est" [The "Astrolabe" Successfully Crossed the "Northeast Passage"], LE MONDE, Sept. 5, 1991; *L'Astrolabe à Hokkaïdo* [The *Astrolabe* at Hokkaido], COLS BLEUS, Oct. 19, 1991. See also Harrois-Monin, *supra* note 56; *L'Astrolabe au Japon*, *supra* note 67.

75. See *L'Astrolabe au Japon*, *supra* note 67; *Arrivée au Japon de l'"Astrolabe"*, *supra* note 67; *La voie maritime du Nord ouverte: L'"Astrolabe" attendu au Japon*, *supra* note 74.

76. Telephone Interview with C. Bleuze, Assistant de Direction, Feronia International Shipping (Sept. 2, 1991). See also *supra* note 47 and accompanying text.

77. *Id.*

78. Gaëlle Plouzennec, "L'*Astrolabe*": mission remplie [The "Astrolabe": Mission Accomplished], LE MARIN, Sept. 6, 1991.

79. See *supra* note 76.

80. See *supra* note 1 and accompanying text.

Laptev Sea,⁸¹ about half way through the journey and with the most difficult part of the route just completed. With eight Soviet members on board, the *Astrolabe* must have followed the events very closely. It has been stated that none of them supported the *putschists* and that all were very much relieved when information about the popular insurrection reached the ship.⁸² When the *Astrolabe* encountered the Soviet nuclear icebreaker *Sovetskii Soiuz*, which was heading the other direction at about 180° east longitude, it even informed the latter that the *putsch* was over.⁸³ Not that the two events were directly related, but viewed from a long term perspective the success of the *putschists* would probably have undermined the very essence of the *Astrolabe*-initiative itself.

Besides this first-ever for the French, which received considerable publicity in the press, other initiatives can be mentioned under the same heading. Even though they did not make headline news, these initiatives are indicative of the new possibilities which are open to foreign researchers. Indeed, because of *perestroika* and *glasnost*, and because of the precarious financial situation in which many Soviet scientists and their institutes find themselves today, foreign cooperation for the launching of new joint scientific initiatives in the Arctic is now becoming more and more a reality.

Again, the summer of 1991 must be mentioned as the first time ever that foreign scientists participated in a joint expedition, on board a Soviet research vessel, to conduct marine scientific research in the Soviet Arctic east of Novaia Zemlia.⁸⁴ The expedition, set up with the participation of the Murmansk Marine Biological Institute, took place on the hydrometeorological service ship *Dal'nie Zelentsy* and consisted of two legs. First, the vessel left Murmansk on July 16, with one Belgian scientist on board. Above the coast of Norway the ship met with the German ship *Polarstern* and the Polish ship *Oceania*, at which time one more Belgian and two German researchers joined the *Dal'nie Zelentsy*. The ship then sailed to the west coast of Novaia Zemlia, Bear Island and Spitzbergen, working at sixty-seven different stations. The ship returned to Murmansk on August 2, from where it left again for the second leg on August 16. Scientists from Belgium, Germany, Poland, and the United States were on board. This leg, which more resembled a public relations trip, went to Novaia Zemlia

81. See Harrois-Monin, *supra* note 56.

82. *Id.*

83. See *L'Astrolabe à Hokka do*, *supra* note 74.

84. Interview with L. Holsbeek, Researcher, Vrije Universiteit Brussel (Dec. 16, 1991). This information is based on the accounts of the interviewee, a Belgian who participated in the first leg of the project.

and Franz Josef Land where the joint Soviet-Norwegian summer station was visited.⁸⁵

These low-key projects, which are characterized by direct cooperation between institutes and institutions and thus no longer governed by the earlier method of centralized steering of foreign cooperation, add a valuable new element to the present day practice in the area.⁸⁶ Furthermore, the projects stimulate cooperative research to be conducted on a scientist-to-scientist basis with less emphasis on the exact legal rules governing the subject than when viewed from a governmental perspective. For example, bottom cores⁸⁷ were not taken during either leg. Nevertheless, samples of species living on the Soviet Arctic continental shelf were brought on board and taken home by the researchers for further study.

The Soviet Union has not always been a champion in allowing such research to be conducted, neither in theory⁸⁸ or in practice.⁸⁹ During the second leg, moreover, the scientists landed not only on Franz Josef Land in order to visit the joint Soviet-Norwegian station,⁹⁰ but also on Novaia Zemlia where they were forced to shelter because of bad weather on the Barents Sea.

Finally, it might be added that this form of cooperation seems to be gaining momentum. If this assumption proves true, cooperation between the Soviet government and foreign scientists will certainly expand during the years to come.⁹¹

85. This joint research station on Franz Josef Land was the result of a recent agreement with the Norwegian Polar Research Institute. Letter from Odd Rogne, Executive Secretary of the International Arctic Science Committee, Oslo, Norway, to Erik Franckx, Professor, Vrije Universiteit Brussel (Sept. 6, 1991). Mr. Rogne was the former Director of the Norwegian Polar Institute.

86. During May of 1991, for instance, a map was published jointly by the Murmansk Marine Biological Institute, the Institute of Oceanology of the Polish Academy of Sciences and the Norwegian Polar Research Institute, entitled "Barents Sea: Biological Resources and Human Impact." On this map, the nuclear and seismic explosions are indicated as well as the civilian and military dumping sites around Novaia Zemlia. This is information that was not so readily available in the past.

87. A method in which samples of the sea floor are obtained.

88. Regarding their restrictive interpretation of the ambiguous provisions of the 1958 Convention on the Continental Shelf, see Erik Franckx, *Marine Scientific Research and the New U.S.S.R. Legislation on the Economic Zone*, 1 INT'L J. ESTUARINE & COASTAL L. 367, 368-371 (1986). Regarding the interrelationship between the Soviet enactments relating to the continental shelf and legislation concerning the exclusive economic zone in this respect, see *id.* at 381-383.

89. See *infra* text accompanying notes 92-104.

90. See *supra* note 85 and accompanying text.

91. The Free University of Brussels, for instance, will host a Soviet delegation of the Murmansk Marine Biological Institute in February of 1992. At that time, it is hoped, a formal agreement will be signed by both institutes to guide their future cooperation. Three expeditions are in the pipeline in this respect: one to the White Sea, another to the Barents Sea and finally one to Novaia Zemlia and possibly also to Franz Josef Land.

b. Unsuccessful ventures

Another world premier which took place during the summer of 1991 was that for the first time an international scientific expedition attempted to reach the North Pole by a non-Soviet ship.⁹² Even though the expedition has to be labeled as a success since the Swedish ship *Oden* and the German ship *Polarstern* did reach the North Pole on September 7, it is categorized as an "unsuccessful venture" for the purpose of this study because one of its basic aims did not materialize: the intention to conduct research in the exclusive economic zone of the Soviet Arctic.⁹³ Due attention will be paid to this Western initiative, for it will indicate that the different openings sought in the Soviet Arctic during the summer of 1991 also had their limits.

The International Arctic Oceanographic Expedition (IAOE) was a coordinated scientific research program involving three Western icebreakers: the Swedish ship *Oden*, the German *Polarstern*, and the U.S. *Polar Star*.⁹⁴ Inspired by their previous Ymer-80 expedition,⁹⁵ Swedish scientists were already filling in the details in early 1990 for a new high Arctic marine effort planned for 1991, the Oden-91 Expedition.⁹⁶ However, around the same time period the Germans also

92. Anon, *Arctic Expedition Heads North, Seeks to Reach Pole by Ship*, SEA TECHNOLOGY 90-91 (Sept. 1991). Only the Soviets had so far been able to reach the North Pole with their nuclear icebreakers. At the eve of the summer of 1991 shipping season, this had already occurred three times: first in 1977 (for an article commemorating the tenth anniversary of this trip, see M. Kurnosov, *To the North Pole: On the 10th Anniversary of the a/s Arktika Voyage to the Pole*, 7 SOVIET SHIPPING pt. 3, 20-21 (1987)); a second time ten years later (for a first-hand Soviet account in a Western publication, see Ivan Frolov, *The 1987 Expedition of the Icebreaker Sibir' to the North Pole*, THE SOVIET MARITIME ARCTIC 33-44 (Lawson W. Brigham ed., 1991)); and a third time when the Murmansk Shipping Company for the first time organized a tourist trip to the North Pole in 1990 (see Armstrong, *supra* note 51 and accompanying text). This list does not take the 1991 cruise of the *Sovetskii Soiuz* into account. See *supra* note 50 and accompanying text.

93. It should be noted, moreover, that the attempt to reach the North Pole was not a primary objective of this international expedition. See map provided in Anon, *FS "Polarstern" Expeditionsprogramm Nr. 22, Arctic 91, Arktis-VIII/3, 1991*, BREMERHAVEN, ALFRED-WEGENER-INSTITUT FÜR POLAR-UND MEERESFORSCHUNG 27 (July 1991). However, because the expedition was visiting the planned areas, it went around the Pole at a distance of about 120 km. It was decided to cut across the North Pole when coming back. Only *Polar Star* was absent at the rendezvous. The American ship had already ended its participation in the joint expedition on August 28, because of damage to one of its propellers.

94. Information on this joint expedition kindly obtained from R. Arnaudo, United States Department of State, Bureau of Oceans and International Environmental and Scientific Affairs, Office of Ocean and Polar Affairs (Washington, D.C.); E. Aukstein, Alfred-Wegener-Institute for Polar and Marine Research (Bremerhaven) and A. S. Rickby, Swedish Polar Research Secretariat (Stockholm).

95. For an account, see V. Schytt, *Ymer-80: A Swedish Expedition to the Arctic Ocean*, 149 GEOGRAPHIC J. 22-28 (1982).

96. Gunnar Hoppe, *Information from the Swedish Polar Research Secretariat*, SWEDISH POLAR NEWS pt. 2, at 1 (Feb. 1990).

started to plan a new Arctic voyage for the *Polarstern*. Both parties agreed that their efforts should be merged. Then, American scientists joined the discussion.⁹⁷ The original cruise track as proposed by the Oden-91 Expedition, whose international character was stressed from the very beginning, transected Soviet waters and vast areas in the Barents, Kara, and Laptev Seas, and were indicated as areas of interest for the study of shelf processes. Bottom coring by means of a giant piston⁹⁸ also formed part of the original Swedish project.⁹⁹ Much of this Swedish proposal was retained, for the initial IAOE cruise track very much resembled it.

Such a program, it was clear, would need very close cooperation from the Soviets. This type of participation in joint scientific expeditions in Soviet Arctic waters, however, did not appear likely. It will suffice to make reference once more to the 1980 Ymer expedition, set up as a commemoration of the approaching centenary of Nordenskiöld's first successful transit of the Northeast Passage in 1878-79. This expedition was originally planned as a circumnavigation of the Arctic basin, first following the route of Nordenskiöld's *Vega* and later sailing through the Canadian archipelago. A scientific program had been elaborated around it and cooperation by the Soviet Union was sought. However, no formal reply was ever received and the expedition had to be completely re-routed.¹⁰⁰

A similar fate befell the IAOE in 1991. Even though Sweden and Germany tried to get the Soviets involved,¹⁰¹ including offering Soviet scientists the possibility of participating, the attempt failed. Apparently, Soviet scientists and even the Ministry of Foreign Affairs were willing to cooperate, but the military refused.¹⁰² Therefore, at the last minute,¹⁰³ target areas had to be changed because "the U.S.S.R. re-

97. See Anon, *supra* note 93, at 26.

98. Cores of more than 20 meters long could be obtained. See Hoppe, *supra* note 96, at 2.

99. *Id.*

100. See Schytt, *supra* note 95, at 23.

101. Telephone Interview with Odd Rogne, Executive Secretary of the International Arctic Science Committee, Oslo, Norway (Aug. 29, 1991).

102. Telephone Interview with E. Aukstein, Professor at the Alfred-Wegener-Institute for Polar and Marine Research, Bremerhaven, Germany (Sept. 2, 1991).

103. Cf. M. Zubko, *Mezhdunarodnaia ekspeditsiia na ledokole "Oden": Est' li v Arktike radioaktivnye sledy* [An International Expedition on Board the Icebreaker "Oden": Are There Radioactive Traces in the Arctic?], *IZVESTIYA*, Aug. 10, 1991, at 5 (comments regarding the international expedition on board the icebreaker *Oden*). Even though the *Oden* and *Polarstern* left Tromsø on August 1, and the *Polar Star* on August 11, this newspaper article still stated that Swedish journalists on board the icebreaker *Oden* affirmed that the Barents and the Laptev Sea would be visited. The latter clearly was dropped from the final route followed by the Western icebreakers.

fused to give permission to do scientific research in their Exclusive Economic Zone covering the Eurasian Shelf."¹⁰⁴

III. CONCLUSION

Many important landmarks with respect to the Arctic marine policy of the Soviet Union were set during 1991. The most salient features to be remembered are certainly the official publication of the municipal rules governing navigation along the Northern Sea Route for vessels of all states, as well as the experimental voyage of the French ship *Astrolabe*, the first Western ship since 1922 to have circumnavigated the Eurasian continent by way of the Arctic. Apparently, the multilateral pilot study concerning the possible opening up of the Northern Sea Route,¹⁰⁵ as mentioned above, is progressing in the correct direction.¹⁰⁶

However, the newly created joint research projects, established directly between Soviet scientists and institutes and their foreign partners, also added a dimension to the Soviet Arctic which was simply non-existent for many decades: Western scientists were able not only to be physically present, but also to conduct research in areas which had previously been declared off limits to them. This latter aspect especially appears to be very promising for the future and rapid growth can be expected.

Besides these positive developments, some restrictions must nevertheless be taken into account. Based on the analysis above concerning the summer of 1991¹⁰⁷ as well as on previous similar requests made to the Soviets,¹⁰⁸ it appears correct to conclude that large-scale scientific projects set up by foreign researchers and intended to take place in the Soviet maritime Arctic have had a difficult time in receiving the necessary Soviet consent,¹⁰⁹ even when Soviet scientists were invited to par-

104. See Anon, *supra* note 93, at 26.

105. See Armstrong, *supra* note 26 and accompanying text.

106. Interview with A. Kolodkin, President, and M. Volosov, Vice-President, of the Soviet Maritime Law Association, in Moscow, U.S.S.R (Oct. 2, 1991). A joint statement of June 5, 1991, made by Gorbachev and the Norwegian Prime Minister Brundtland, explicitly mentioned cooperation with respect to the opening of the Northern Sea Route as one of the fields in which both countries should try to take concrete measures. See Mikhail Gorbachev and G. Brundtland, *Sovmestnoe sovetko-norvezhskoe zaiavlenie [Joint Soviet-Norwegian Statement]*, IZVESTIA, June 7, 1991, at 5.

107. See *supra* text accompanying notes 92-104.

108. See Franckx, *supra* note 27, at 325-337.

109. For a positive sign in this respect, see *id.* and accompanying text.

ticipate. The conduct of marine scientific research and its refusal by the Soviet authorities is a *leitmotif* which can be found in most of the Arctic initiatives which involve a foreign element. The *Astrolabe* was explicitly prohibited from conducting research during its voyage.¹¹⁰ A similar restriction applied to the trips organized by the Murmansk Shipping Company to the North Pole, even though foreign scientists were on board, and this both in 1990¹¹¹ as in 1991.¹¹² This was also the final reason why the Ymer-80¹¹³ and IAOE expeditions had to be re-routed at the last minute. Similar to the question whether Soviet or foreign ships should be used to transport cargo along the Northern Sea Route,¹¹⁴ it might be advisable at present for foreign researchers desiring to know more about the Soviet Arctic to embark on Soviet research vessels as part of low-level scientific exchanges, instead of trying to set up a large-scale project in which Soviet scientists would be invited to participate.

With the formal disappearance of the Soviet Union in 1992, it will be interesting to note how the transfer of the Northern Sea Route from the former all-Union level to the Commonwealth of Independent States will affect further developments in this particular area.

110. See Dejardin, *supra* note 61 and accompanying text.

111. Kichigin, *supra* note 51, at 25. Even though framed in a positive way, the statement by this author boils down to a refusal to allow marine scientific research in the Soviet exclusive economic zone: "As to research work, the foreign specialists will be satisfied to the full. They will be able to conduct various researches (naturally, outside the limits of the 200-mile economic zone of the U.S.S.R.)."

112. Telephone Interview with B. Headland, Archivist at the Scott Polar Research Institute, University of Cambridge, U.K. (Oct. 21, 1991).

113. See Schytt, *supra* note 95, at 23 and accompanying text.

114. See Arikainen & Levit, *supra* note 23 and accompanying text.

