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## Spitsbergen: Legal Regime of Adjacent Marine Areas

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### Annex 17: Note of Ministry of Foreign Affairs of USSR (14 June 1988)

The Ministry of Foreign Affairs of the Union of Soviet Socialist Republics conveys its respect to the Embassy of Norway and has the honor to communicate the following.

The planned practical steps of the Norwegian authorities to extend their exclusive jurisdiction to the continental shelf of the Spitsbergen Archipelago can not fail to disquiet the Soviet Union as a party to the 1920 Treaty on Spitsbergen and as a State having natural historical, economic, and political interests on the Archipelago determined by its geographical proximity to the boundaries of the USSR.

According to published information, the Norwegian authorities unilaterally and on the basis of national legislation effectuated a preliminary division of the shelf of the Archipelago into concession areas and parcels, having in view their subsequent distribution among interested oil companies. In the course of the next concession rounds it is planned to commence the allocating of blocks for parcels 7319–7323 and 7419–7423 which lie within the boundaries of the operation of the 1920 Treaty on Spitsbergen. Drilling work already is being carried out in block 7321/8 which is in direct proximity to the boundaries of the zone of the Archipelago. Authorizations to conduct geophysical research on the shelf of Spitsbergen also are being issued by the Norwegian authorities on the basis of national regulations.

The aforementioned facts clearly testify to the intentions of Norway in circumvention of the 1920 Treaty on Spitsbergen to regulate oil and gas prospecting and extractive activities on the shelf of the Archipelago in accordance with the procedure operating for analogous work on the continental shelf of Norway and to thereby create the prerequisites for resolving the question of the international legal status of the shelf of Spitsbergen to its advantage.

In this connection the Soviet side expresses regret on the occasion of the said actions of the Norwegian authorities and refers to its position of principle with respect to the legal status of the shelf of Spitsbergen set out in the aide memoire of the Embassy of the USSR in Norway of 27 August 1970. In so doing the Soviet side considers it necessary on the basis of the legal

argumentation well-known to the Norwegian side to additionally set out the following basic provisions of the position of the USSR:

1. The legal regime established by the 1920 Treaty on Spitsbergen wholly extends to the shelf of the Archipelago.
2. The external boundaries of the shelf of Spitsbergen coincide with the limits of operation of the 1920 Treaty as established in Article 1 of the said Treaty.
3. In the absence of the procedure for access and conducting of economic activity on the shelf of the Archipelago worked out in accordance with the 1920 Treaty on Spitsbergen, such activity must be effectuated on the principles of the said Treaty and be regulated by the Mining Regulations for Spitsbergen.

Together with this the Soviet side would be ready in the event of corresponding interest of the Norwegian side to conduct a bilateral exchange of the opinions of experts for the purposes of working out a common understanding concerning the forms of regulating economic activity on the shelf of the Archipelago on the principles of the 1920 Treaty on Spitsbergen.

Simultaneously, the Soviet side expresses the hope that in the absence of an international legal status of the shelf of the Archipelago recognized by all States-parties to the 1920 Treaty on Spitsbergen, the Norwegian side will refrain from unilateral practical actions in the direction of extending its exclusive powers to this area. Such steps would make justified the taking by the Soviet side of adequate practical measures in confirmation of its position of principle, responsibility for the further development of events lying with the Norwegian side. The Ministry takes advantage of the occasion to renew to the Embassy assurance of its high regard.

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