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Finland's response to the Russian Federation's provocations regarding the change of maritime borders in the Baltic Sea

On 22 May 2024, the Russian Federation presented a draft that could lead to the revision of the internal waters boundary in the Baltic Sea. Despite its removal from the agenda of the legislative work of the Russian Duma, the proposal has nevertheless caused considerable concern among neighbouring states due to the potential revision of bilateral and multilateral agreements regulating the division of maritime areas in the Baltic Sea. It is important to consider the actions of the Russian Federation in the context of the numerous provocations in the Baltic Sea region that have been undertaken by the country following the launch of the full-scale invasion of Ukraine. The responses of the Finnish authorities to date have been carefully calibrated.

The background. On 22 May 2024, a document containing a proposal to correct the area of Russia's internal marine waters was made available on the federal portal for legislative drafts of the Russian Federation. According to the document, Russia intends to update the coordinates of the points marking the state border in the eastern part of the Gulf of Finland, in the vicinity of the Russian islands of Gogland (Suursaari), Sommers (Someri), Rodsher (Ruusker), Malyi Tjuters (Säyvö), and Vigrund. Additionally, near the cape of the northern entrance to the Narva River as well as the southern Baltic, in the vicinity of the cities of Baltiysk and Zielenogradsk in the Kaliningrad region. The draft put forward by the Russian Defence Ministry contained imprecise wording, which has led to uncertainty as to whether the authors intended to clarify the maritime boundaries or to revise them. The draft was soon removed from the portal because, as Yevgeny Fyodorov, a State Duma deputy, explained, it needed fine-tuning. This was because it did not include the text of the document and an annexe with a new list of coordinates of points marking the state border.

Nonetheless, in the media space of the countries bordering Russia, the document was presented as a project to expand the area of internal marine waters at the expense of Finland and Lithuania. The ambiguities of interpretation are also compounded by the fact that, although the authors of the project indicated the need to align the border with the current coastline, the document itself was made public almost simultaneously with the announcement of the launch of tactical nuclear weapons exercises. These, in turn, are purportedly aimed at preparing personnel for the use of non-strategic nuclear weapons and responding to what the Russian Defence Ministry has termed "provocative statements and threats by individual Western officials."

International law and the Baltic Sea boundary change project. The division of the boundaries of the waters under the jurisdiction of the Baltic Sea states is mainly regulated by the 1982 UN Convention on the Law of the Sea (UNCLOS) and bilateral international agreements. The Baltic Sea, due to its small size, is a specific body of water. The coastal states' zones (territorial sea and exclusive economic zone) overlap, necessitating additional negotiations, cooperation in resolving disputes, and the regulation of maritime boundaries through international agreements. In the context of the relations between the states of the region and Russia, some of the agreements on the division of maritime zones were signed while the Soviet Union was still in existence. Examples of such agreements include the one between the People's Republic of Poland and the USSR on the delimitation of the territorial sea (territorial waters), the economic zone, the marine fisheries zone, and the continental shelf in the Baltic Sea, which was drawn up on 17 July 1985 in Moscow. The territorial sea (also known as territorial waters), the economic zone, the marine fisheries zone, and the continental shelf in the Baltic Sea were delineated on 17 July 1985 in Moscow, and the Finnish-Russian Agreement of 20 May 1965. However, the maritime borders between Lithuania and Estonia and the Russian Federation were only established after the two countries

regained their independence. This occurred in 1997 and 2005, respectively. It is noteworthy that the Estonian-Russian agreement has not yet been ratified by Russia (see [IEŚ Commentaries, no. 84](#)). Given the current state of relations between the two countries, it is unlikely that ratification will occur in the near future.

The UN Convention on the Law of the Sea (UNCLOS) grants states certain rights and imposes obligations on them. Its main intention is to divide the maritime space of states with access to the sea into three categories of areas. The first category is internal waters¹, for which the state has full sovereignty and to which the right of third countries to innocent passage does not apply. The baseline is used to delineate the territorial sea, which extends up to 12 nautical miles in width. This is the second category of maritime areas. The third category, the exclusive economic zones (EEZs), extends up to 200 miles in width, beyond which is the open sea.

As with any other coastal state, Russia is obliged to demarcate the baseline. In accordance with international custom, this should be done in consultation with its neighbours, particularly in the case of overlapping areas that may give rise to conflicts of interest. The delimitation of the EEZ should be carried out on the basis of peaceful dispute resolution methods and the course of the boundary should coincide with the median line (drawn on the basis of equal distances from points on the coasts of the disputing countries). Over time, the maritime boundaries thus delineated may require adjustment due to objective geographical factors such as a change in the coastline. In accordance with UNCLOS, signatories, including Russia, are required to publish maps or coordinates of the boundaries of internal territorial waters and deposit them with the UN Secretary-General. Given the peculiarities of the operation of the Russian Federation, namely regular conduct contrary to international law, the legal nature of Russia's current actions raises legitimate questions. Consequently, the analysis of these actions should not be based solely on questions of substance and compliance with international law.

Finland's calm reaction. The Finnish government and president demonstrated a measured response to media reports concerning potential Russian plans to alter maritime borders in the Baltic Sea. Finnish President Alexander Stubb emphasised that Russian Federation authorities had not contacted Finnish representatives regarding the matter. In contrast, the chairs of the parliamentary committees on foreign affairs (Kimmo Kiljunen) and defence (Jukka Kopra) highlighted a number of ambiguities. These included whether Russia's announced plans were limited to internal maritime waters or would affect maritime areas under Finnish jurisdiction.

In turn, Foreign Minister Elina Valtonen linked the Russian side's actions to hybrid operations, which are designed to divert attention, probe reactions, and attempt to create tension within Finland. At the same time, she noted that it is difficult to speak of provocation at this stage, as the course of the maritime borders is being checked in accordance with the 1965 agreement (supplemented by additional agreements in 1967, 1980, and 1985) as well as the possible adjustment of the course of the border. Furthermore, it announced a review of the points delimiting the external boundary of Finland's internal waters between 1995 and 2024, as defined in Foreign Ministerial Decree No. 993 of 31 July 1995.

Conclusions

- The Russian draft project to alter the border may be purely technical in nature. The current coordinates of the points marking the baseline were agreed upon based on nautical navigation charts created in the mid-20th century. Nevertheless, the manner in which this project has been handled (lack of information provided to neighbouring countries) and the subsequent actions indicate that there are other intentions behind it.

¹ The delineation of internal waters is typically based on the lowest water level along the coast. However, there are exceptions to this rule, including the waters of ports, bays with an entrance no wider than 24 nautical miles, river deltas, and so-called historic bays. In these and other cases, internal waters are delineated by drawing a straight baseline, the length of which does not exceed 12 nautical miles for countries with access to the sea.

- The present actions of the Russian Federation may be regarded as part of its 'lawfare', defined as a type of warfare that employs the instrumentality of law as a means of attaining military objectives. Consequently, it may be considered a component of Russian hybrid warfare, which employs both military and non-military instruments (see, e.g., [IEŚ Commentaries](#), no. 1043). In this context, the primary function of the Russian Federation's legal actions in the Baltic Sea basin is to provide a legal basis and justification for its efforts to defend Russia's interests in Northern Europe. This is also a continuation of Russia's previous actions, which also include undermining the recognition of the independence of the Baltic States. These actions are aimed at condemning the Baltic States for their active anti-Russian foreign policy, discrediting them internationally, and increasing the fears and anxieties of their inhabitants (see [IEŚ Commentaries, no. 633](#)).
- Should Russia's actions result in a change to the state border, this would have implications for the external borders of the EU and NATO. This would lead to further internationalisation of the dispute and the necessity for other member states to react and oppose the unilateral changes. In line with international maritime diplomacy practice, this opposition could take the form of verbal protests accompanied by a demonstration of force, as demonstrated by the implementation of Freedom of Navigation Operations (FONOP).