



Statue of Vladimir Lenin in the Russian settlement of Barentsburg on Svalbard Island (Photo courtesy of shutterstock.com)

Good Fences Make Good Neighbors: Russia and Norway's Svalbard

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Military activity in and around the Barents Sea is heating up, with Russian and NATO forces increasing their maneuvers and exercises. As Russia anticipated the start of NATO exercise Trident Juncture of around 50,000 troops in Norway in late October 2018, it launched an anti-submarine exercise with torpedo launches in the Barents Sea.¹ This was preceded in June by the largest exercise in over a decade of Russia's Northern Fleet in the Barents Sea to thwart an enemy attack.

There is a security dilemma building, in which NATO and Russian forces are enhancing their troop presence, armaments, and exercises to reflect a perceived threat from the other. This comes at a time

when the balance of powers within the Arctic regime is delicate; the eight titular Arctic states in the Arctic Council wish to maintain the standard of cooperation set over the last decade.

Russian authorities have openly expressed disdain at Norway's agreement to host a rotation of American and British armed forces and the stationing of Norwegian forces on their shared 130 kilometer border. They claim this to be in violation of a Cold War policy of the Norwegian government not to host armed forces on its territory unless under attack.²

But the real action may be taking place further to the north in the Svalbard Archipelago. A 1920 treaty

granted Norway sovereignty, but gave the other 45 parties, including Russia, the right to exercise economic enterprises on the islands. Strategically located in the northern edge of the Barents Sea, Svalbard is adjacent to the main passage for Russia's nuclear submarines and surface warships based on its Kola Peninsula to the Atlantic Ocean.³ Russia seeks to maintain its presence on the archipelago, with Spitsbergen as the base.⁴

At the same time, Russian economic objectives in developing their High North requires the cooperation of European neighbors. To date, Russian authorities have been careful to couch their protests over Norway's governance of the Svalbard Archipelago, rights to fisheries, access to hydrocarbons, and NATO's presence, in terms of historic rights, national security, and economic development.

In general, Russia's rhetoric on Norway's governance of Svalbard has been harsher than its actions. Russia may object to laws and regulations, but it rarely violates them. However, Russian actions and rhetoric do signal that it wants to contest the status quo, or at least that it does not trust Norway and her NATO allies to uphold Russia's vision of the status quo. From the other side, ever since Russia's invasion of Ukraine in 2014, NATO increasingly views Russia's actions as a challenge to Norway's sovereignty. Engaged parties on both sides would do well to ensure that boundaries on maps as well as actions are well understood.

What are Russia's Legal Concerns over Svalbard?

Russia, Norway, and the wider region have strong claims and stronger interests on and around Svalbard. A major challenge is a series of treaties

concerning the island and its governance, which create an avenue for misunderstandings and potential manipulation.

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The Status of Spitsbergen (Svalbard) treaty concluded in 1920⁵ determined to keep the archipelago demilitarized and neutral, but a problem arose when Norway joined NATO three decades later and Svalbard was included in NATO's command area. According to the treaty, "demilitarization" prohibits the stationing of troops on the island in peacetime and "neutralization" prohibits any military activity in certain areas, even in wartime.⁶ Norway's interpretation of the treaty is that its military can visit Svalbard, and the Norwegian Coast Guard, a branch of the armed forces, can have a permanent port there. But, the area around Svalbard is a "no drill" area for military exercises and Norway must grant passage to foreign military vessels in its waters.⁷ Since the Cold War, Russia has accused Norway of using satellites, radar stations, and rocket test sites on or around Svalbard as part of NATO missions, rather than any stated civilian purpose.

In 1982 the United Nations Convention on the Law of the Sea (UNCLOS) Article 76 codified a sovereign jurisdiction of 12 nautical miles (nm) of territorial waters from the coastal line and a 200 nm Exclusive Economic Zone (EEZ) from the baseline that may include the territorial sea and the continental shelf. However, it is unclear whether these provisions supercede the more limited territorial waters of Svalbard determined by the 1920 Treaty.⁸ Since 1977, the Norwegian government has maintained

a 200nm fisheries protection zone and allocated fishing quotas. Russia periodically tests this jurisdiction. In 2005, the Russian vessel *Elektron*, boarded by two Norwegian inspectors investigating poaching in the waters off of Svalbard, sailed back to Russia (with its catch and the unwilling Norwegians on board) under escort by the Russian naval vessel *Admiral Levchenko*. Once back in Russia, the captain of the *Elektron* was charged with illegal fishing, but was acquitted of kidnapping the inspectors. Later on, he parlayed his notoriety over the affair to become the mayor of Tirebaka on the Kola Peninsula. The *Elektron* episode prompted Russian Foreign Minister Sergei Lavrov to state that Moscow did not recognize Norway's right to police Arctic waters.⁹

A subsequent agreement in September 2010 between Norway and Russia, the Treaty Concerning Maritime Delimitation and Cooperation in the Barents Sea and the Arctic Ocean, created a boundary line between them. However, it did not clear up the issue of whether claims in parts of the Barents Sea are part of the Svalbard continental shelf (and therefore under the 1920 treaty principle of consulting all parties), or are part of Norway's continental shelf, and therefore under Norwegian jurisdiction.¹⁰ In 2015, Norway opened new blocks for oil and gas in the northern part of the Barents Sea. Russia claimed that because these blocks were on the continental shelf of Svalbard, Norway must consult with parties to the treaty before opening these blocks. Norway argued that this area was part of the Norwegian continental shelf, and that Norway therefore did not have to consult.¹¹

How is Russia Currently Contesting Norway's Governance of Svalbard?

Russian officials are deploying a variety of tools that resemble its efforts elsewhere in Central and Eastern Europe to contest Norway's governance of Svalbard. These include questioning and testing previously understood parameters of engagement in and around Svalbard on matters of history, security, and economics.

For example, a recurring theme in Russian historical research and in official diplomatic communications is that the Russians were the first to inhabit the archipelago. Norwegians claim that Svalbard was discovered by the Dutch explorer Willem Barents in 1596, but Russians state that prior to this it was regularly inhabited by Russian ancestors from the Kola Peninsula on the White Sea in Russia.¹²

Another historical theme questions the way that Svalbard ultimately came under Norwegian sovereignty. A popular TV news anchor on Russia's "TV Channel 1" claims that the Svalbard archipelago was given to Norway in a "strange way" in the quagmire the first World War.¹³ The news anchor echoes a Russian international legal specialist with the Ministry of Foreign Affairs, who described an early 20th century draft agreement between Russia, Norway and Sweden that stated the archipelago would never be annexed by or dependent on a single state.¹⁴ However, Russia was embroiled in civil war when the 1920 treaty was concluded and, in diplomatic notes from the Russian Soviet Government to Norwegian authorities, they declared that because the new treaty was not in the spirit of the earlier agreement they did not feel bound to it. Ultimately in 1935, the Soviet

Union acceded to the 1920 treaty in exchange for diplomatic recognition.¹⁵

Russia also seeks to uphold the Soviet legacy of grandeur in the "Red Arctic."¹⁶ TV Channel "Russia Today" has produced several short documentaries on Spitsbergen, including one on the pioneer spirit of modern Russians who are sustaining the legacy of coal mining in Barentsburg. The commentator remarks, "Although the Spitsbergen coal reserves are being depleted, to continue mining is a matter of principle. A presence on the archipelago is a political imperative for both Russia and Norway."¹⁷ There is also an uptick in Soviet heritage tours; Sputnik news featured a story of a guide in Barentsburg – "a guardian" – who arrived in 2014 when the Russian coal company Arktikugol Trust opened an Arctic Tourism Center.¹⁸ He stands before a Lenin statue, refurbished and placed in the main square of town, symbolizing the revitalization of a neglected Soviet outpost.¹⁹

Norwegian experts dismissed the notion that a meeting of parliamentarians would violate the treaty, noting that the assembly previously met in Svalbard in 2004 and 2012.

Another tool Russia uses to test Norway's governance is to question Norway's security policies concerning Svalbard that contravene Russian national security interests. The Russian government released a video called "Russia Defense Report: Battle for the Arctic"²⁰ in which they claim the Arctic is an arena for conflict over hydrocarbons. According to the video, Russia has trained, equipped, and

prepositioned forces near Norway, as well as near alleged NATO aspirants Finland and Sweden, capable of pre-empting a NATO landing on Franz Josephland, Novaya Zemlya, or Spitsbergen.

Russia has landed provocative groups of officials on Svalbard unannounced. In April 2015, Deputy Prime Minister Dmitry Rogozin (who is on the EU/Norway sanctions list) accompanied the Governor of the Nenets Autonomous Okrug, Igor Koshin, to Svalbard, ostensibly on the way to the North Pole, where Russia planted a flag in 2007 in a claim of sovereignty. In response, Norway reinforced measures regarding entry to Svalbard, which in turn led to Russian counter-measures such as rejecting visas to Norwegians.²¹

A year later, in April 2016, Chechen Special Forces used Longyearbyen airport on Svalbard to transport personnel and equipment for an airborne drill close to the North Pole.²² They were led by Ramzan Kadyrov's aide on law enforcement issues, Daniil Martynov, who is reportedly the chief of FSB's elite Special Forces unit Alpha group.²³ The Chechen paratroopers were part of a special program developed jointly with the Russian Geographical Society, an organization whose leadership has championed Russian sovereignty over the North Pole.

In May 2017, the Russian government protested a NATO Parliamentary Assembly meeting held in Svalbard. The Russian Foreign Ministry issued a statement: "In the context of NATO's current policy of 'containing' Russia, accompanied by unprecedented military preparations near the borders of our country, the attempts to bring Spitsbergen under the wing of this military-political bloc, and to hold its meetings there are at odds with



the spirit of the 1920 Treaty. We consider this to be a provocative policy.”²⁴ Norwegian experts dismissed the notion that a meeting of parliamentarians would violate the treaty, noting that the assembly previously met in Svalbard in 2004 and 2012.²⁵

Yet another tool Russia uses to test Norway’s governance are claims of economic disenfranchisement of its citizens on Svalbard. The Russian government has established a commission to coordinate efforts by the ministries of economics, finance, science and tourism to develop and fund projects to enhance Russia’s presence in Spitsbergen.²⁶ A 2011 Russian government strategy document called for building a fish processing factory, a Polar Institute of Marine Fishing, and a satellite communication center on the island. However, the focus has mostly been on

keeping the coal mine open, and Russian officials argue that Norwegian environmental regulations²⁷ hamper the economic viability of the Russian coal mines, including Russia’s effort to reopen Coals Bay.²⁸ Russian Foreign Minister Lavrov even used a regional diplomatic forum to publically criticize his Norwegian counterpart for restricting Russian research and tourism endeavors.²⁹

Why is Russia Testing Norway’s Governance of Svalbard?

Good fences make good neighbors. While fences (in the form of treaties) have historically governed international activity on and around the Svalbard Archipelago, they are increasingly being tested by Russian officials. Russians are not only questioning how Norway governs Svalbard, but whether it has

the right to. In sum, Russia is testing Norway's claim of sovereignty over the archipelago.

Fishing rights has traditionally been the most contentious issue, with four separate incidents of Norwegian attempts to arrest Russian fishing vessels between 1998 and 2011. However, a subsequent agreement on quotas and regular contact between fisheries experts has appeared to temper relations on this issue.³⁰

Many thought the hydrocarbons issue was resolved by the 2010 bilateral treaty, but the recent enhanced estimates of reserves in the Barents have re-introduced the question of to whom they belong. Both Norway and Russia have reaffirmed their goal to drill along their maritime border, and it remains to be seen, given Norway's participation in Russian sanctions, whether they will operate jointly.^{31, 32}

The security debate is the most contentious at the moment. A 2016 assessment of Russian national security in maritime activity names Svalbard as a potential area for conflict with Norway, owing in large part to a perceived increase in Norway's efforts to enforce a national jurisdiction over the archipelago and the adjacent 200 nm maritime boundary.³³ Subsequent Russian official responses to the securitization of mainland Norway amplify this assessment.

What are the implications for Russia's failure or success in testing Norway's governance of the Svalbard Archipelago? After all, Russia cannot sustain the development and use of its Arctic zone without other Arctic states as partners. Russia requires investment, technology, know-how, and

(at the very least) markets from Europe to develop its High North ports, seaways, and trade. Russian military and civil maritime cooperation with other Arctic states enhance search and rescue, oil spill response capabilities, navigation safety codes, and protection of the environment.

However, Russia's increasingly aggressive posture towards Norway could dampen international interest in the Barents Sea, from fisheries to hydrocarbons, and the development of trade from its increasingly navigable Northern Sea Route through the Barents and into the Atlantic Ocean. It could have implications for another of Russia's perceived choke points – the Bering Strait between the U.S. and Russia.

More alarmingly, Russian assertiveness risks a coordinated Western response where Russia wants one least – at the front door of its Arctic holdings. As time goes on, Russia's actions appear less about signaling and more about countering a perceived threat from NATO to its national security. Russia's past military actions in Georgia/Ukraine/Syria demonstrate that Russia can and will establish a presence in order to alter facts on the ground. Such a response would be disastrous for all sides. Engaged Western parties should take care that Moscow does not come to view preemption as its best option.

The opinions expressed in this article are those solely of the author.





Endnotes

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