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Svalbard in the Context of Arctic Security *

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Abstract. The article studies Svalbard's role in the Arctic security agenda, the history of the implementation of the Paris Treaty 1920 with the emphasis on its security provisions, as well as the risks of engaging Svalbard in a military conflict in the region. Despite the demilitarized status of Svalbard, the evaluation of its role in the hard security situation in the Arctic is hampered by several factors. First, Norway sticks to a narrow interpretation of the Treaty 1920 provision that bans any use of the archipelago for warlike purposes. Norway does not consider such actions as the entry of military ships in Svalbard's ports, overfly of military aircraft, and some other, contradicting with the Russian position, a violation of the Treaty. Second, the development of technologies, particularly of "dual" use, has posed the question of whether the application of some objects situated on Svalbard by the militaries — primarily the stations of space monitoring — are legitimate. Third, as the political uncertainty in the Arctic rises, Svalbard has been more often involved in the worst-case scenarios for the region — as a place vitally important for Russia and simultaneously representing potential vulnerability for NATO. At the same time, the author argues that the threat of a military conflict over Svalbard is minimal. The international Svalbard agenda is dominated by economic issues, whereas the stakeholders stay aware of the significant risks in case of a military conflict on Svalbard.

Keywords: Svalbard, Arctic, Russia, Norway, Arctic security, Svalbard Treaty, NATO, armed forces.

Introduction

In recent years, the military-political situation in the Arctic has undergone significant changes. States still consider the conflict potential of the region as low and do not see problems in the Far North that may require a forceful solution [1, Zagorsky A.V., p. 9]. At the same time, the Arctic is increasingly subjected to the influence of the general deterioration of relations between Russia and the West. Against the background of the winding down of the dialogue on the military line, the rhetoric of the official representatives of some Arctic states authorities acquires aggressive. Mutual distrust concerning the military activity of the parties in the region is growing. The voices of those experts who perceive the Arctic as an arena of confrontation between leading world powers and a place for the development of a new arms race, returning the region to the conditions of the Cold War [e.g., 2, Huebert R.], are getting louder. In the framework of such a vision (somewhat distorted and incomplete), the High North is viewed more likely not as a distinct region with its specifics and problems, but primarily as an essential component of the global rivalry of the US, Russia, and China for expanding its global influence.

In these conditions, Svalbard occupies a special place. This year marks the one-hundredth anniversary of the Svalbard Treaty, which consolidated the unique legal status of the archipelago. One of its key provisions is the ban on the use of Svalbard for military purposes. It would seem,

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this provision should extract the archipelago from discussions of regional military security. However, this assumption appears to be an oversimplification of the situation. Over the hundred years of the Treaty 1920, several questions have caused mutual accusation of violating the provisions on the demilitarization of Svalbard between Russia and Norway. As a result, a certain tension between the countries exists. Also, one should not forget that Svalbard, being the sovereign territory of a NATO member state, is located close to the strategic nuclear deterrence forces of Russia based on the Kola Peninsula and the Northern Fleet covering them. Additional uncertainty is caused by the dissatisfaction of some other states (besides Russia) with Norway's narrow interpretation of the Treaty 1920 in terms of economic activity in the waters of the archipelago. Do these factors mean that Svalbard should be involved in assessing the military-political situation in the Arctic on a common basis, or does its special legal status serve a reliable guarantee that the archipelago is immune from any escalation? The author of the article offers his answer to this question.

Svalbard Treaty and its historical background

Svalbard is a group of islands located between mainland Norway and the North Pole. The location of the archipelago, of course, is of strategic military importance. Washed by ice-free waters, the archipelago "lies" near important communications routes used by warships and submarines to navigate between the Atlantic and Arctic oceans, as well as from the location of the Russian nuclear deterrence forces.

Despite this, the history of the Svalbard and the evolution of its legal status was associated not with strategic considerations, but primarily with the economic opportunities of the archipelago. There are hypotheses that Russian Pomors hunted sea animals and furs on Svalbard already in the 10th – 11th centuries. [3, Adrov N.M., p. 107]. In the 17th century, Svalbard, rich in resources, attracted merchants from England, the Netherlands, and other countries and was the subject of conflicts between them. Hunting whales and walrus fell into decline by the end of the 18th century due to the almost complete extermination of their populations. Since the second half of the 19th century, coal companies of various states began to show interest in Svalbard. It led to the permanent settlements on the islands. Coal mining became the main economic activity in the archipelago. Still, it turned into unprofitable in the late 1920s because of the post-war economic recession and falling coal prices [4, Numminen L., pp. 7-8]. Since the 1930s, USSR/Russia and Norway — the only countries that maintain a constant economic presence on Svalbard [5, Kasiyan A.S., p. 20].

The legal status of Svalbard has not been documented for a long time. Due to the severe local climate, it was difficult for countries claiming sovereignty over the islands (e.g., the British and Danish-Norwegian kingdoms) to support their claims with an "effective occupation" [6, Vleglejanin A.N., Zilanov V.K., p. 15]. By the 19th century, Svalbard acquired the status of *terra nullius* ("nobody's land") [7, Churchill R., Ulfstein G, p. 552]. This provision assumed no state had sovereignty over it. Still, at the same time, any country had the right to access it and carry out economic

activities there. However, the interests of coal industries, established on the archipelago that time, demanded a way out of the existing “legal vacuum”. Under these conditions, Norway, having gained independence from Sweden in 1905, proposed to other interested countries to establish a new legal regime for Svalbard, based on its status of “nobody’s land”¹. Negotiations on this issue after several unsuccessful attempts were held in 1919 at the Paris Peace Conference and culminated in the conclusion of the Paris Treaty of Svalbard [7, Churchill R., Ulfstein G., p. 553].

With no goal to describe all the features of the Paris Treaty, we will note its key provisions². Under the Treaty, the parties recognize the “full and absolute sovereignty” of Norway over the Svalbard archipelago (Art. 1). At the same time, the document lays down several important conditions. The main one is that the parties have *equal access to economic* activities on the islands and in their territorial waters (Art. 2, 3). As regards military security issues, the Treaty contains only one provision related to them. According to article 9, *Norway is obliged not to create or prevent the creation of any naval base or fortifications* in the area under the Treaty; any use of the archipelago for military purposes is prohibited.

Despite the conciseness of the Treaty regarding the military-strategic aspects of the legal status of the archipelago, the participants in the Paris Conference, of course, recognized the importance of preventing any possibility of using Svalbard for non-peaceful purposes. In particular, the representative of Norway, Fritz Jarlsberg, emphasized the need to prevent Germany from creating a naval base on the islands [8, Koivurova T., Holiencin F., p. 133]. However, Svalbard was not a battleground during the First World War. At the negotiations in Paris, France, Great Britain, and the US were also determined to take measures to curb the possible expansion of Germany and other countries on the archipelago [8, Koivurova T., Holiencin F., p. 133].

Article 9 of the Paris Treaty and the demilitarized status of Svalbard (or “almost” demilitarized — see the next section) remained unchallenged. It was not violated until the Second World War and the German occupation of Norway in 1940 [9, Porzel A.K., p. 79]. With the outbreak of war, each of the belligerents tried to use the advantageous strategic location of the archipelago for their purposes. By August 1941, after negotiations between the allies, it was decided to evacuate the Svalbard population by the efforts of the English squadron [9, Porzel A.K., p. 83]. After the evacuation in Barentsburg, an English landing party was stationed. In 1941, the Germans sent their troops to the archipelago, built temporary alternate aerodromes. German submarines took refuge in the Svalbard fjords [9, Porzel A.K., p. 83]. Germany used the archipelago as a support base for blocking important sea lanes and attacking regular Allied convoys heading to Arkhangelsk and Murmansk [9, Porzel A.K., p. 84]. Since 1942, the Allied forces made several attempts to drive the Germans out of Svalbard. In July 1942, the German garrison in Longyearbyen was attacked by the

¹ The claims of Sweden-Norway on sovereignty over Svalbard were officially fixed in the Agreement between Russia and Sweden — Norway of 1872. For more details, see [6, Vylegzhanin A.N., Zilanov V.K].

² Dogovor o Shpitsbergene ot 9 fevralya 1920 g. [Treaty of 9 February 1920 Relating to Spitsbergen]. URL: https://www.mid.ru/foreign_policy/international_contracts/multilateral_contract/-/storage-viewer/multilateral/page-202/51519 (accessed 07 May 2020).

Norwegian landing force. In October 1942, the British installed three naval guns on the archipelago at Barentsburg and Longyearbyen. In 1943, German ships destroyed the villages of Longyearbyen, Barentsburg, and Grumant with the fire of naval artillery. At the end of the war, small military groups of Norway and the USSR were stationed on Svalbard [8, Koivurova T., Holiencin F., p. 136].

The course of the Great Patriotic War demonstrated the military-strategic importance of Svalbard to the USSR leadership. As the People's Commissar for Foreign Affairs V. M. Molotov noted at the end of the war, "for the Soviet Union and its security in the North, the exit to the ocean in the west that goes past Svalbard is of the utmost importance" [9, Porzel A.K., p. 86]. The Soviet authorities attached particular importance to Bear island³ — the southernmost island of the archipelago, according to Article 1 of the Paris Treaty. Since 1944, the USSR intended to negotiate with Norway to provide our country with the opportunity to build a naval base on the island to ensure the safety of navigation of the Northern Fleet [9, Porzel A.K., p. 86]. In the same year, Molotov proposed Norway to establish a joint Soviet-Norwegian condominium over Svalbard and outlined the USSR's claims on Bear Island [6, Vleglejanin A.N., Zilanov V.K., p. 45]. It meant an invitation to revise the Paris Treaty. However, the Soviet Union acceded to it in 1935, and even earlier in 1924, it recognized Norwegian sovereignty over the archipelago [11, Zaretskaya O.V., p. 104]. In response, the Norwegians gently referred to the fact that changing the status of the archipelago requires consultations with all countries participating in the 1920 Treaty of Svalbard [11, Zaretskaya O.V., p. 105].

However, with the end of the war and the subsequent change in the military-political situation, the discussion of the change in the status of the archipelago proposed by the USSR "stalled". Norway's decision to join NATO in April 1949 put an end to this issue. In 1951, Svalbard was included in NATO's command area, to which the USSR responded with a diplomatic note of protest about the violation of Article 9 of the Paris Treaty [8, Koivurova T., Holiencin F., p. 137]. In response, Norway assured Moscow that it did not intend to build military bases on Svalbard or use it for military purposes. It would not allow similar actions from other countries [8, Koivurova T., Holiencin F., p. 137]. It was the first of a series of subsequent cases that became the reason for various interpretations of the provisions of the Paris Treaty on the demilitarized status of Svalbard.

Applying the Svalbard Treaty to modern military-political realities

It can be argued with certain reservations that the sovereignty of Norway over the archipelago today is widely recognized and not disputed by anyone [12, Pedersen T., p. 149]. At the same time, it is evident, over the hundred years since the signing of the Svalbard Treaty, the situation in the world has undergone significant changes. Most of all, the case of Svalbard was affected by shifts in the global economy and the provisions of international law serving it. For objective reasons, the Treaty 1920 could not resolve some critical issues of economic activity of states in the

³ The special strategic importance of Medvezhiy Island for Russia was emphasized by the pre-revolutionary leadership of the country. See [10, Dekanozov R.V., p. 183].

coastal waters of Svalbard that arose in a later period. It led to the fact that since the 1970s, there had been significant contradictions between Norway and other interested countries on the legal nature of the maritime areas outside the territorial waters washing the archipelago, and how the economic system implemented there should be regulated. Norway asserts that the Treaty shall not be applied to the areas beyond territorial waters of Svalbard. The country considers it legal to exercise its sovereign rights and jurisdiction in the maritime areas of the archipelago based on contemporary international maritime law without regard to the restrictions stipulated by the Paris Treaty.

In contrast to the Norwegian position, other states have developed a complex mosaic of different, somewhat mutually exclusive interpretations. Some states recognize the applicability of the legal institutions that were developed after 1920 to marine areas off Svalbard (primarily provisions on the exclusive economic zone and the continental shelf). The others do not (or partially do not). At the same time, some countries believe that the Treaty 1920, with its provisions on non-discriminatory access of all states and their right to carry out economic activities, applies to marine areas outside the territorial waters, while others do not⁴. As a result of the presence of contradictions, in the waters of Svalbard, the Norwegian Coast Guard often arrested fishing vessels from Russia, Iceland, and Spain [6, Vylegzhanin A.N., Zilanov V.K., p. 55].

Also, in recent years, relations between the European Union and Norway have intensified over the issuance of quotas for catching snow crab in the Svalbard area [for more see 13, Østhaugen A., Raspotnik A.]. The status and regime of the marine areas of Svalbard have not yet been resolved.

Although to a lesser extent than the economic ones, the military-strategic provisions of the Svalbard Treaty are also subject to the test of time. Since the 1920s, significant transformations occurred in the military-strategic situation, military technologies, methods, and tactics of warfare developed, the operational environment that the armed forces encounter in the process of their functioning changed as a whole. The provisions of the Paris Treaty can no longer fully reflect modern military-political realities. It is the reason for different opinions among states regarding the application of Art. 9 of the Svalbard Treaty to some difficult current situations. The problem is aggravated by the absence of any legal mechanisms to verify the activities of states as non-violating the peaceful nature of the use of the archipelago in the Treaty.

First, it should be noted that there are different points of view on the issue of the demilitarization of Svalbard. In particular, the Norwegians consider it incorrect to interpret Article 9 of the Paris Treaty as the complete demilitarization of Svalbard. It is so since this provision only prohibits the implementation of specific actions: the deployment of naval bases or fortifications, the use of the archipelago for military purposes. Therefore, anything that is not covered by these actions

⁴ See: Todorov A. Dogovor o Shpitsbergene: yarkaya mozaika interpretatsiy. RSMD [The Treaty of Svalbard: a bright mosaic of interpretations. RIAC]. <https://russiancouncil.ru/analytics-and-comments/analytics/dogovor-o-shpitsbergene-yarkaya-mozaika-interpretatsiy/> (accessed 07 May 2020).

must be allowed [14, Ulfstein, G.]⁵. E.g., as noted above, the inclusion of Svalbard in the competence of NATO is not considered by Norway as a violation of the Treaty. Norway reserves the right to conduct defensive operations within the NATO framework, incl. the implementation of Art. 5 of the North Atlantic Collective Defense Treaty in the event of an armed attack on the archipelago⁶. Besides, the Norwegians do not consider violating the Paris Agreement the entry of ships of the Navy and the Coast Guard of Norway into the ports of Svalbard, as well as visits of Norwegian military personnel to the archipelago⁷.

On the contrary, Russia, like the USSR, considers Svalbard to be completely demilitarized [10, Dekanozov R.V.]. In 1958–1959, the USSR protested Norway's plans to build military airfields on the archipelago under the guise of "civilian" [10, Dekanozov R.V., p. 187]. In 1965, the USSR was seriously concerned about Norway's intention to establish a telemetry station for observing space objects, which, according to the Soviet Union, could be used for military purposes [10, Dekanozov R.V., p. 187]. After this, the USSR and other countries could inspect the station until its closure in 1974 [8, Koivurova T., Holiencin F., p. 137].

Due to its location, Svalbard is convenient for space research and launching commercial satellite projects. Under these conditions, the question of the possibility of the double use of the radars and space observation stations located on Svalbard arose more than once. So, in the late 1990s and early 2000s, discussions broke out regarding the purpose and use of the EISCAT Svalbard Radar (an object located near Longyearbyen and designed to study the upper atmosphere and the interaction of the Sun with the Earth), a SvalRak range for meteorological rockets (Ny-Ålesund), et al. [8, Koivurova T., Holiencin F., p. 137]. Some Russian media claimed that these objects could be used for military purposes, e.g., to measure the flight path of intercontinental ballistic missiles launched from warships of the Northern Fleet, track the movements of Russian satellites, etc.⁸. The same concerns were expressed in 2000 in an article by Vice Admiral M.V. Motsak, who, at the time of publication of the article, was the chief of staff of the Northern Fleet [15, Motsak M.V.]. There has also been discussion in the Western media about what should be considered military use of the SvalSat satellite station on Svalbard. E.g., in 2010, the press expressed suspicions that the sandstorm images in Iraq taken with SvalSat were used by the US Army to plan a military operation in the country [4, Numminen L., p. 16]. The Norwegian Foreign Ministry de-

⁵ See: Ulfstein G. *The Svalbard Treaty: from terra nullius to Norwegian Sovereignty*. Oslo, Scandinavian University Press, 1995.

⁶ Norwegian Ministry of Justice and Public Security, 'Svalbard', Report to the Storting (White Paper), Meld. St. 32 (2015–2016), May 2016, pp. 21. URL: <https://www.regjeringen.no/en/dokumenter/meld.-st.-32-20152016/id2499962/sec1> (accessed 07 May 2020).

⁷ Norwegian Ministry of Justice and Public Security, 'Svalbard', Report to the Storting (White Paper), Meld. St. 32 (2015–2016), May 2016, pp. 21–22. URL: <https://www.regjeringen.no/en/dokumenter/meld.-st.-32-20152016/id2499962/sec1> (accessed 07 May 2020).

⁸ Rivetov P. Shpitsbergen — forpost NATO pod nosom Rossii. Kuda smotrit Putin? Pravda.ru ot 19.04.2003 [Svalbard — NATO Outpost Under the Nose of Russia. Where is Putin Looking? Pravda.ru April 19, 2003]. URL: https://www.pravda.ru/politics/838627-shpicbergen_forpost_nato_pod_nosom_rossii_kuda_smotrit_putin/ (accessed 07 May 2020).

nied violating the Treaty 1920, arguing that the use of weather data, even if the military headquarters uses it, does not contradict the provisions of the Treaty [4, Numminen L., p. 16].

In general, it seems that complex issues regarding the double use potential of certain types of activities on Svalbard will also arise in the future — technologies and military thinking will continue to move further away from the realities of the Paris Treaty era. Perhaps mitigation of such problems would be facilitated by the establishment of a multilateral mechanism for inspecting the activities of states in the archipelago and dialogue with a view to its compliance with the provisions of the Treaty on the demilitarized status of Svalbard (e.g., the creation of a special commission of representatives of the countries participating in the Treaty 1920).

It remains to add that Svalbard, unfortunately, could not avoid the consequences of the Ukrainian crisis of 2014. The scandal surrounded the visit of the Russian Deputy Prime Minister Dmitry Rogozin to Barentsburg in 2015 during his voyage to Svalbard when going to the “Severniy Polus-2015” drifting polar station. Since D. Rogozin was on the sanctions lists of Norway and his arrival took place against the backdrop of a sharp deterioration in relations between the West and Russia, the Norwegian authorities reacted rather painfully. Norwegian Foreign Ministry considered Rogozin’s visit a provocation and called the Russian ambassador to Norway for an explanation⁹. Shortly afterward, in August 2015, Norway tightened its national rules regarding the procedure for deporting citizens from Svalbard. The Governor of Svalbard must deport persons with respect to whom international measures restricting movement have been taken, and which Norway has supported (Russia called this innovation discriminatory)¹⁰. Two years later, in 2017, Russia responded with a protest to Norway’s plans to host the NATO event Parliamentary Assembly on the Svalbard archipelago¹¹, although the Kingdom has held similar events (similar session took place, e.g., in 2004¹²), without causing claims from Russia.

The role of Svalbard in the development of the military-political situation in the Arctic

Today, we can confidently state that the Ukrainian crisis of 2014 and the subsequent deterioration of relations between Russia and the West, unfortunately, had a particularly negative impact on the security situation in the Arctic. One of the clear evidence of this was that after the events of 2014, the process of forming an inclusive regional architecture for cooperation on secu-

⁹ Trellevik A. Russia has Always Challenged Norway on Svalbard. This Time, Parts of Its Criticism is Different. High-northnews, 10 February 2020. URL: <https://www.highnorthnews.com/en/russia-has-always-challenged-norway-svalbard-time-parts-its-criticism-different> (accessed 07 May 2020).

¹⁰ Interv'y u s General'nym konsulom Rossii na Shpitsbergene V.G. Nikolaevym [Interview with the Consul General of Russia on Spitsbergen V.G. Nikolaev]. Russkiy vestnik Shpitsbergena [Russian Bulletin of Spitsbergen], 2016, no. 2 (22), p. 8. URL: https://www.arcticugol.ru/files/rvsh/2016/rvsh_N2_22_2016.pdf (accessed 07 May 2020).

¹¹ Kommentariy Departamenta informatsii i pechati MID Rossii v svyazi s planiruemyim provedeniem na Shpits-bergene meropriyatiya po linii Parlamentskoy assamblei NATO? 19 aprelya 2017 g. [Comment by the Information and Press Department of the Russian Ministry of Foreign Affairs in Connection with the Planned Spitz-Bergen Event of the NATO Parliamentary Assembly? April 19, 2017]. URL: https://www.mid.ru/ru/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/2732562?p_p_id=101_INSTANCE_cKNonkJE02Bw&_101_INSTANCE_cKNonkJE02Bw_languageId=ru_RU (accessed 07 May 2020).

¹² Informatsiya na sayte PIR-Tsentra ot 10 avgusta 2004 g. [Information on the PIR Center Website. August 10, 2004]. URL: <http://пир-центр.рф/index.php?id=1248&news=752> (accessed 07 May 2020).

urity in the region was interrupted [1, Zagorsky A.V., p. 11]. So, Russia's participation in the meetings of the chiefs of the general staffs of the Arctic countries, the Arctic Security Roundtable issues at the level of senior officers of the Navy and the Coast Guard of the Arctic states was suspended. NATO also suspended military contacts with Russia [16, Zagorsky A.V., p. 99]. Of all the security platforms in the Arctic, only the Arctic Coast Guard Forum continues to function in its entirety. However, it does not deal with "hard" security issues [17, Todorov A.].

Even though the likelihood of military conflict in the Arctic is still assessed by the states of the region as low, and the military-political situation is stable [1, Zagorsky A.V., p. 113], the suspension of the military dialogue led to an increase in aggressive rhetoric between representatives of states and subjective evaluations of experts related to the escalation of conflict potential in the region. The situation in the Arctic and the modernization of the military infrastructure of Russia are increasingly being considered primarily in context of our country's ability to project military force from the region onto neighboring countries and its ability to take retaliatory measures. Despite the defensive nature of the ongoing military program declared by Russia, the West concerned with the offensive potential of some military facilities and calculates the worst scenarios for the development of the military-political situation in the Arctic¹³.

A significant contribution to this vision of the Arctic was made by the US Presidential Administration. With the coming of Donald Trump to power, Washington changed emphasis in its vision of the military-political situation in the region. This is reflected in the recently adopted Arctic strategies of the Ministry of Defense¹⁴ and the US Coast Guard¹⁵, in which the main threats to the country in the Arctic are those arising from US rivalry with Russia and China. Secretary of State M. Pompeo openly spoke about this at the ministerial meeting of the Arctic Council member states in Rovaniemi in May 2019¹⁶. It must be admitted that the Russian leadership was not indebted and in the updated foundations of state policy in the Arctic recorded "the buildup by for-

¹³ See, e.g., Melino M., Conley H.A. The Ice Curtain: Russia's Arctic Military Presence. Center for Strategic and International Studies. URL: <https://www.csis.org/features/ice-curtain-russias-arctic-military-presence>; Episkopos M. "How Russia Is Getting Ready for War in the Arctic; Or, At the Very Least, Increasing Its Military Capabilities," *National Interest*, December 1, 2018. URL: <https://nationalinterest.org/blog/buzz/how-russia-getting-ready-war-arctic-37667>; O'Connor T. "Russia Gets New Missiles Designed for War in Arctic as U.S. Military Looks North". *Newsweek*, 2018, November 26. URL: <https://www.newsweek.com/russia-new-missiles-war-arctic-us-looks-north-1231985> (accessed 07 May 2020).

¹⁴ Report to Congress. Department of Defense Arctic Strategy. Washington, Department of Defense, 2019. P. 2. URL: <https://media.defense.gov/2019/Jun/06/2002141657/-1/-1/1/2019-DOD-ARCTIC-STRATEGY.PDF> (accessed 07 May 2020).

¹⁵ United States Coast Guard Arctic Strategic Outlook. Washington, United States Coast Guard, 2019. 45 p. 4. URL: https://safety4sea.com/wp-content/uploads/2019/04/USCG-Arctic-Strategic-Outlook-2019_04.pdf (accessed 07 May 2020).

¹⁶ Trellevik A. USA Launches Head-On Verbal Attack on Russia and China. High North News, 2019, May 7. URL: <https://www.highnorthnews.com/en/usa-launches-head-verbal-attack-russia-and-china> (accessed 07 May 2020).

eign states of a military presence in the Arctic and an increase in the conflict potential in the region” as one of the threats to national security¹⁷.

Despite the special legal status of Svalbard as demilitarized (albeit with different interpretations of this status), it is not immune from the negative trends described above. In the West, the expert community has been increasingly discussing the worst-case scenarios of the development of the military-political situation in the Arctic with the involvement of the archipelago are increasingly being discussed. One of these scenarios suggests that Russia may want to take advantage of the fact that Svalbard is on the periphery of NATO's attention and that many members of the Alliance do not want to be drawn into a major conflict over the archipelago. In this case, Russia can seize the islands to ensure greater freedom to maneuver for the Northern Fleet and block its access to the region by NATO forces [18, Wither J.K., p. 28]. According to another scenario, the occupation of the archipelago by Russian troops occurs as one of the possible consequences of the conflict in the Baltic region. The study that described this story¹⁸ identified Norway's potential difficulties in responding to such development of events and suggested that the Kingdom's only chance to prevent it would be to significantly increase the capabilities of the submarine fleet and air defense arming submarines and combat aircraft with long-range cruise missiles. According to the author, thereby Norway will increase the risks for Moscow when planning for its possible attack on Svalbard.

As other Western researchers have noted, more realistic scenarios are those that involve covert or hybrid operations on Svalbard¹⁹. Such options include the theoretical power invasion of Russia on the archipelago under the pretext of the need to protect its fishing fleet or the legitimate interests of Russian entities working on the islands [18, Wither J.K., p. 35]. Such an invasion could have occurred under the guise of sending a large consignment of “scientists” and “civilian” goods hiding military equipment and technology²⁰. By the way, in the fall of 2019, some media outlets reported events resembling such a scenario: according to these allegations, Russian special forces in civilian clothes landed on Svalbard as part of the Northern Fleet exercises²¹. However,

¹⁷ Ukaz Prezidenta RF ot 5 marta 2020 g. № 164 «Ob Osnovakh gosudarstvennoy politiki Rossiyskoy Federatsii v Arktike na period do 2035 goda» [Decree of the President of the Russian Federation No. 164 of March 5, 2020 “On the Basic Principles of State Policy of the Russian Federation in the Arctic to 2035”].

¹⁸ Keyser-Amundsen C. Kampen om Svalbard, 2030: Norsk eller russik dominans? [Battle for Svalbard, 2030: Norwegian or Russian Dominance?]. *Militære Studier* [Military Studies], 2016, no. 1. URL: <https://fhs.brage.unit.no/fhs-xmlui/handle/11250/2380941> (accessed 07 May 2020).

¹⁹ See, e.g., Baev P. The Arctic Superpower: Factors Shaping Russia's Arctic Policy', Remarks on Conference Panel 1 at Center for Strategic and International Studies (CSIS), 9 May 2018. URL: <https://www.csis.org/analysis/arctic-future-strategic-pursuit-or-great-power-miscalculation-panel-i> (accessed 07 May 2020).

²⁰ Keyser-Amundsen C. Kampen om Svalbard, 2030: Norsk eller russik dominans? [Battle for Svalbard, 2030: Norwegian or Russian Dominance?], *Militære Studier* [Military Studies], 2016, No. 1. p. 69, URL: https://mcr.libguides.com/ld.php?content_id=32739145 (accessed 07 May 2020).

²¹ Britskaya T. «Po rabote ezdili» [“We Went to Work”]. *Novaya Gazeta*, October 2, 2019. URL: <https://novayagazeta.ru/articles/2019/10/02/82194-po-rabote-ezdili> (accessed 07 May 2020).

information was not officially confirmed. The Russian Embassy in Oslo called this message “fake and brute provocation”²².

Another scenario is the attempt of Russia to revive the idea of the Great Patriotic War about the creation of a “military condominium” on Svalbard. An element common to all such scenarios is the possible intention of Russia to provoke a political crisis among NATO members, to sow seeds of discord between them regarding the need for a collective response to such actions under Art. 5 of the North Atlantic Treaty and thereby strengthen its geopolitical position [18, Wither J.K., p. 35].

However, if we discard the subjective sentiments regarding Svalbard, which have become noticeably pessimistic in recent years, how likely is a military conflict on the archipelago? At the same time, we make a reservation that this is not about a large-scale confrontation between Russia and Western countries, in which the Arctic and Svalbard will be, will be only one of many theaters of war, though a very important one, but only one of many theaters of war. As history shows, in such cases, no international treaty is safe from gross violations, and Svalbard can very likely be used by the parties to the conflict for their own purposes to the same extent as it was used during the Second World War. *However, if we talk about conflicts directly provoked by the contradictions between the states over Svalbard and that could result in larger clashes, the probability of this, in our opinion, is extremely low.* The following arguments can be supportive of this thesis.

Although Norway received Svalbard through an international treaty, the archipelago is a sovereign territory of the Kingdom. It means the country's foreign policy applies to the archipelago as well. Despite the difficult times in relations between the West and Russia, Norway continues to be a key partner of our state in the High North. In its policy, the Kingdom seeks to balance between the need to ensure national security through its participation in NATO and the desire to develop stable and mutually beneficial relations with Russia in the critical Barents Sea region on issues such as fisheries, mining of mineral resources, border emergency response and control, incl. the Svalbard area²³. Norway's official position — Russia is not perceived as a threat today²⁴. It is not surprising, therefore, that Norway remains the only NATO country that has maintained a hotline with Russia on military issues between its Joint Headquarters in Bodø and the command of the Northern Fleet of Russia [18, Wither J.K., p. 33].

²² Ekspert prokomentiroval feyk o rossiyskom spetsnazе v Norvegii [The Expert Commented on a Fake about Russian Special Forces in Norway]. RIA Novosti. September 30, 2019. URL: <https://ria.ru/20190930/1559271978.html> (accessed 07 May 2020).

²³ “Local Cooperation with Russia is Underestimated, says Ine Eriksen Søreide”. Highnorthnews, March 1, 2019. URL: <https://www.highnorthnews.com/en/local-cooperation-russia-underestimated-says-ine-eriksen-soreide> (accessed 07 May 2020).

²⁴ Eriksen Søreide I. NATO and the North Atlantic. PRISM, vol. 6, no. 2. URL: <https://cco.ndu.edu/PRISM/PRISM-Volume-6-no-2/Article/835074/nato-and-the-north-atlantic-revitalizing-collective-defense-and-the-maritime-do/> (accessed 07 May 2020).

Svalbard is not mentioned in Norway's official documents when describing threats to military security in the Arctic²⁵. There is also no official evidence that the possibility of a Russian invasion, traditional or hybrid, on Svalbard or its military use, is seriously considered in NATO [18, Wither J.K., p. 36]. One apparent reason for this is a sober assessment by Norway and its NATO partners of the risks and consequences for Russia of an attack on the territory of a NATO member country.

Like Norway and NATO, Russia does not consider Svalbard a cause for concern in the context of assessing the military-political risks in the region. As emphasized in the new Basic Principles of Russia's policy in the Arctic, ensuring a Russian presence on the archipelago based on equal and mutually beneficial cooperation with Norway and other states is one of the leading foreign policy tasks in the Arctic²⁶. True, one cannot ignore the fact that in the report of the Ministry of Defense "On a comprehensive assessment of the national security of the Russian Federation in the field of maritime activities in 2016", Norway's desire to establish "absolute national jurisdiction over the Svalbard archipelago and the adjacent 200-mile water area was cited as a threat to national interests"²⁷. However, in this case, we are talking more about the economic and legal aspects of Russia's activities in the archipelago, which traditionally dominate the Svalbard agenda, and not about military security issues.

The prevalence of economic issues over military security issues in the bilateral relations between Norway and Russia regarding Svalbard is also clearly visible in the diplomatic message of the Russian Foreign Ministry addressed to Oslo on the 100th anniversary of the Paris Treaty²⁸. The brief review of Russia's disagreements with Norway in the document refers exclusively to Norwegian measures affecting the economic activities of Russian entities in the archipelago. These include the introduction by Norway of restrictions on the use of the *Arktikugol* helicopter (Norwegian law does not allow the use of helicopters on the archipelago for tourism purposes²⁹), discrim-

²⁵ See, e.g., the latest Norwegian intelligence agency report FOCUS-2019. URL: https://forsvaret.no/fakta_/Forsvaret/Documents/focus2019_english_web.pdf (accessed 07.05.2020); also Norway's Arctic Strategy — between geopolitics and social development. Oslo, Norwegian Ministries, 2017. URL: <https://www.regjeringen.no/contentassets/fad46f0404e14b2a9b551ca7359c1000/arctic-strategy.pdf> (accessed 07 May 2020); Norwegian Armed Forces in transition. Strategic defence review by the Norwegian Chief of Defence. Abridged version. Norwegian Armed Forces, 2015. P. 5. URL: http://isbirligi.ssm.gov.tr/Lists/Duyurular/Attachments/103/Norway%20Strategic_Defence_Review_2015_abridged.pdf (accessed 07 May 2020).

²⁶ Osnovy gosudarstvennoy politiki Rossiyskoy Federatsii v Arktike na period do 2035 goda, utv. Ukazom Prezidenta RF ot 5 marta 2020 g. № 164 [Basic Principles of Russian Federation State Policy in the Arctic to 2035, approved by Decree of the President of the Russian Federation of March 5, 2020 No. 164].

²⁷ Dzhordzhevich A., Safronov I., Kozlov D. Geopolitika v pomoshch' snabzheniyu [Geopolitics to Help Supply Service]. Kommersant. September 3, 2017. URL: <https://www.kommersant.ru/doc/3428044> (accessed 07 May 2020).

²⁸ O poslanii Ministra inostrannykh del Rossii S.V. Lavrova Ministru inostrannykh del Norveгии I.M. Eriksen Sereyde po sluchayu 100-letiya podpisaniya Dogovora o Shpitsbergene. MID Rossii [On the Message of the Minister of Foreign Affairs of Russia Sergey V. Lavrov to Minister of Foreign Affairs of Norway I.M. Eriksen Søråide on the 100th Anniversary of the Signing of the Svalbard Treaty. Russian Foreign Ministry]. February 4, 2020. URL: https://www.mid.ru/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/4019093 (accessed 07 May 2020).

²⁹ Interv'yū s General'nym konsulom Rossii na Shpitsbergene S.S. Gushinim [Interview with the Consul General of Russia in Spitsbergen V.G. Nikolaev]. Russkiy vestnik Shpitsbergena [Russian Bulletin of Spitsbergen], 2019, no. 1 (39). p. 7. URL: https://www.arcticugol.ru/files/rvsh/2019/rvsh_N1_39_2019.pdf (accessed 07 May 2020).

inatory, in Russia's opinion, procedure for deporting citizens from Svalbard, the "artificial" expansion of reserves and protected areas, as well as the "illegality of the establishment of the so-called "Fisheries Protection Zone" by Norway and other problems.

As regards the possible contradictions between the countries regarding the interpretation of the Paris Treaty in relation to economic activity in the waters of Svalbard, the likelihood of such scenario is minimal³⁰. For Norway and Russia, as well as other countries, the development of cooperation in managing transboundary fish stocks, exploration and mining, preventing threats to non-military security (search and rescue, responding to oil spills, and suppressing illegal activities) seems too much value to sacrifice for the sake of obtaining dubious advantages in the event of open military conflict.

Illustrative examples of the parties' desire to manage disagreements in the diplomatic dimension are the incidents of the second half of the 1990s and early 2000s, i.e., the detention of Russian vessels by the Norwegian Coast Guard (Chernihiv, Novokuybyshevsk, etc.) [6, Vylegzhanin A.N., Zilanov V.K., p. 79], incl. the resonance case of *Electron*, which "escaped" into Russian waters with a Norwegian inspector on board [21, Pedersen T., p. 252]. The degree of tension at that time was so high that at some point, Russia resorted to the help of warships of the Northern Fleet to protect the interests of its fishermen [6, Vlegleghanin A.N., Zilanov V.K., p. 79]. However, countries were able to prevent the escalation of the conflict. Without giving up his position regarding the 200-mile Fisheries Protection Zone around Svalbard, Oslo nevertheless met Russia's desire for bilateral regulation of fishing in the waters of the archipelago, in particular within the framework of the Joint Russian-Norwegian Commission [6, Vlegleghanin A.N., Zilanov V.K., p. 87]. And although Russian fishermen still have claims against Norway [22, Zilanov V.K., p. 41], countries manage to keep the dialogue constructively. An essential role in this is played by the constant contact between the coast guards and the fishing departments of states [See 23, Østhagen A.].

Conclusion

Apart from the inevitable involvement of Svalbard in the most significant world war in history, it can be stated that the Svalbard Treaty has stood the test of time. Its demilitarized status remained unchallenged during the difficult times of the Cold War and the confrontation of world powers that unfolded in those years.

At the same time, now, several puzzling questions have accumulated regarding the application of the provisions of the Treaty prohibiting the use of Svalbard for military purposes. Unlike Russia, Norway believes that the entry of warships into the ports of the archipelago and the overfly of military aircraft over the territory does not violate the Treaty. Besides, there are discussions among states and experts about how the use of modern "dual" space technologies deployed on Svalbard fits into the legal framework established in 1920. It seems, given the likely increase in the number of such controversial issues in the future, the elimination or at least mitigation of contra-

³⁰ Western experts agree with this statement. See [19, Bailes A., p. 35; 20, Jensen, Ø., Rottem S.V., p. 80].

dictions between the parties could be facilitated by the creation of a multilateral mechanism for verifying the activities of states on the archipelago with a view to its compliance with the provisions of the Svalbard Treaty on the demilitarized status and establishing a regular dialogue between interested countries.

Even though after 2014, the military-political situation in the Arctic became subject to the negative impact of the general deterioration of relations between Russia and the West, we estimate the likelihood of a military conflict over Svalbard as minimal. The main reason for this statement is a sober assessment by the NATO countries and Russia, of the significant risks of a military conflict on Svalbard, as well as the clearly expressed prevalence of economic issues over military security problems in relations between states over the archipelago. For many years, Russia and Norway have been, and remain interested in the mutually beneficial joint use of the natural resources of Svalbard and its waters, as well as other advantages provided by the archipelago. However, there are contradictions between the states regarding the interpretation of the Paris Treaty when it comes to economic activity in the waters of Svalbard. So far, the disputes have been managed and settled by diplomatic means. It seems that such desire will dominate in the future.

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