Svalbard Case Study Design

- Introduction
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- Primary actors’ positions
- Other states involved in Svalbard
- International disputes
- Security Concerns

1. Introduction to the Svalbard Archipelago
   a. The Svalbard islands are located in the Arctic 400 miles north of Norway. They are a historic anomaly belonging to the Kingdom of Norway but with formalized shared access to the islands and their resources.
   b. Disputes over hunting and fishing rights led to the Treaty of Paris or Spitsbergen Treaty, in 1920 and enacted in 1925. It is an open treaty with 46 signatory states.
   c. Since 1925, the Svalbard islands are part of the Kingdom of Norway, and signatories maintain equal rights to fishing, hunting and mining. The treaty recognized only four nautical miles (nm) offshore to be controlled by Norway.
   d. In 2003, Norway extended its maritime sovereignty from the historic 4 nm to 12 miles in accordance with the UN Convention on the Law of the Sea (UNCLOS) standards. However, that claim was not approved by all signatory parties to the Svalbard Treaty.
   e. Thus far, Norway has not sought to establish an Exclusive Economic Zone (EEZ), but they did designate a Fisheries Protection Zone (FPZ) in 1977 covering the same distance of 200 nm. The FPZ is contested by Russia and several EU countries.
   f. Due to Svalbard’s unique international status, it has residents representing various signatory states. As of 2018, Svalbard has a population of 1,586 Norwegians, 724 other nationals living in Norwegian settlements, 467 people living in Barentsburg and Pyramiden (mostly Russian and Ukrainian), and 10 living in Hornsund where the Polish research station is operating.
   g. The warming Arctic climate is the source of increased scientific and commercial activity along with an increase in tourism as Svalbard becomes more accessible.

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2 Wither, 30.
4 Wither, 30
5 Wither, 30-31.
7 Wither, 29.
h. Despite abundant permafrost and glacier cover, natural resources on the islands include coal, iron ore, copper, zinc, phosphate, wildlife and fish.  

i. There is likely oil and gas located offshore. In 2017, the Norwegian Petroleum Directorate published an assessment anticipating unprecedented amounts of oil and natural gas. If oil and gas exploitation again becomes profitable, the uncertainties surrounding jurisdiction of offshore resources will need to be resolved.

2. Legal Framework

a. Svalbard’s complex international status makes some legal review necessary to understand the contention that arises between states sharing access. The first and most central governing document is the Svalbard Treaty (also termed the Spitzbergen Treaty or Treaty of Paris). The United Nations Convention on the Law of the Seas (UNCLOS) establishes access rights for coastal, high seas areas and continental shelves relevant to Svalbard. The bilateral agreement between Norway and Russia on the delimitation of the Arctic Ocean and Barents Sea finally made progress in clarifying access between the two states. Lastly, Norway’s national regulations apply to residents of Svalbard and have at times created rifts with European parties concerning fishing.

b. Summary of the Svalbard Treaty 1920

i. Article 1: The High Contracting Parties undertake to recognize, subject to the stipulations of the present Treaty, the full and absolute sovereignty of Norway over the Archipelago of Spitsbergen.

ii. Article 2: Nationals of all the High Contracting Parties shall enjoy equally the rights of fishing and hunting in the territories specified in Article 1 and in their territorial waters. Norway shall be free to maintain, take or decree suitable measures to ensure the preservation and, if necessary, the reconstitution of the fauna and flora of the said regions, and their territorial waters; it being clearly understood that these measures shall always be applicable equally to the nationals of all the High Contracting Parties without any exemption, privilege or favour whatsoever, direct or indirect to the advantage of any one of them.

iii. Article 3: The nationals of all the High Contracting Parties shall have equal liberty of access and entry for any reason or object whatever to the waters, fjords and ports of the territories specified in Article 1; subject to the observance of local laws and regulations, they may carry on there without impediment all maritime, industrial, mining and commercial operations on a footing of absolute equality.

iv. Article 4: Subject to international obligations arising out of a state of war, owners of landed property shall always be at liberty to establish and use for their own purposes wireless telegraphy installations, which shall be free to

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8 Wither, 29.


communicate on private business with fixed or moving wireless stations, including those on board ships and aircraft.

v. Article 5: The High Contracting Parties recognise the utility of establishing an international meteorological station in the territories specified in Article 1, the organisation of which shall form the subject of a subsequent Convention.

vi. Article 6: Subject to the provisions of the present Article, acquired rights of nationals of the High Contracting Parties shall be recognised.

vii. Article 7: With regard to methods of acquisition, enjoyment and exercise of the right of ownership of property, including mineral rights, in the territories specified in Article 1, Norway undertakes to grant to all nationals of the High Contracting Parties treatment based on complete equality and in conformity with the stipulations of the present Treaty. Expropriation may be resorted to only on grounds of public utility and on payment of proper compensation.

viii. Article 8: Norway undertakes to provide for the territories specified in Article 1 mining regulations which, especially from the point of view of imposts, taxes or charges of any kind, and of general or particular labour conditions, shall exclude all privileges, monopolies or favours for the benefit of the State or of the nationals of any one of the High Contracting Parties, including Norway.

ix. Article 9: Subject to the rights and duties resulting from the admission of Norway to the League of Nations, Norway undertakes not to create nor to allow the establishment of any naval base in the territories specified in Article 1 and not to construct any fortification in the said territories, which may never be used for warlike purposes.

x. Article 10: Claims in the territories specified in Article 1 which they may have to put forward shall be presented under the conditions laid down in the present Treaty (Article 6 and Annex) through the intermediary of the Danish Government, who declare their willingness to lend their good offices for this purpose. The present Treaty, of which the French and English texts are both authentic, shall be ratified.

c. UNCLOS

i. UNCLOS recognizes the rights of islands to internal waters, territorial sea and contiguous zone, an EEZ and a continental shelf. Which for Svalbard, means that Norway has the right to claim an EEZ up to 200 nm, as long as the Treaty of Svalbard principle of equal access is maintained.

ii. Article 77, paragraph 4: The outer continental shelf is under coastal state jurisdiction. This applies to fishing in and around Svalbard and in the Loophole. The Loophole is in international waters, but harvesting sedentary species is currently considered on the continental shelf and thus either Russian

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or Norwegian territory. (relevant to the snow crab fishing debate to be discussed)

d. Review of the Bilateral Agreement on the Maritime Delimitation Zone in the Barents Sea and the Arctic Ocean (between the Russian Federation and the Kingdom of Norway)
   i. On September 15, 2010 the foreign ministers of Norway and Russia signed a treaty on maritime delimitation and cooperation in the Barents Sea and the Arctic Ocean.\(^\text{13}\)
   ii. The Barents Sea is fully enclosed by the 200-nautical-mile (nm) limits of the Norwegian Svalbard Archipelago to the northwest, the Russian Franz Josef Land and Novaya Zemlya to the north and the east, and the adjacent mainland coasts of Norway and Russia to the south.\(^\text{14}\)
   iii. All economically significant fish stocks have been overexploited in the past, but the introduction of fishing bans, the adoption of management measures, and the fight against illegal, unregulated, and unreported fishing have proved effective in helping stocks to recover.
   iv. Additionally, the Barents Sea may hold vast hydrocarbon resources. The U.S. Geological Survey estimated the mean undiscovered, conventional, technically recoverable petroleum resources in the Barents Sea Shelf include eleven billion barrels of crude oil, 380 trillion cubic feet of natural gas, and two billion barrels of natural gas liquids.\(^\text{15}\)
   v. In 1957, Norway and the Soviet Union agreed on their first maritime boundary in the Arctic. It was not until after each State claimed exclusive rights to the continental shelf in 1963 and 1968 that Norway and Russia entered into informal talks about their maritime boundary in the Barents Sea in 1970. Norway favored the 1958 Convention default rule: a boundary line following the median line between the respective coasts. The Soviet Union argued that a number of special circumstances (i.e., geographic, geologic, demographic, strategic, and climatic factors) justified a boundary line coinciding with the meridian of longitude 32°.\(^\text{16}\)
   vi. In 1977, Norway unilaterally established an FPZ and although disputed, both states agreed to draw a single maritime boundary for the continental shelf and the FPZ, but could not agree on the boundary line. They did however agree to a provisional agreement for fishing to preserve stocks. The Grey Zone Agreement was initially limited to one year, but it remains in force, having continuously been renewed on a yearly basis.\(^\text{17}\)


\(^{14}\) Neuman.


\(^{16}\) Neuman.

\(^{17}\) Neuman.
vii. In 2007, Norway and Russia revised the 1957 Agreement, extending the maritime boundary in the Varangerfjord area northwards to the intersection of Norway’s preferred median line and Russia’s sector line in the Barents Sea. It was not until April 2010 that Norwegian Prime Minister Jens Stoltenberg publicly announced that negotiations had been completed, with the exception of some technical control work. The 2010 Agreement was signed in Murmansk, Russia on September 15th, 2010.\textsuperscript{18}

viii. The 2010 Agreement defines the maritime delimitation line by eight points and splits the disputed area nearly in half. The underlying calculation accounts for the longer Russian coastline, but factors Russia invoked earlier do not seem to have influenced the boundary line. The 2010 Agreement entitles Russia to exercise certain rights and jurisdiction derived from Norway’s FPZ jurisdiction within 200 nm of the Norwegian mainland and beyond 200 nm off the Russian coast.

ix. The 2010 Agreement will not affect the application of agreements on fisheries cooperation between the States Parties. However, the 2010 Agreement would terminate the Grey Zone Agreement of 1978 as well as the 1980s moratorium on the exploration and exploitation of hydrocarbon resources. Additionally, there are provisions for the coordinated exploitation of transboundary hydrocarbon resources.\textsuperscript{19}

e. The Kingdom of Norway’s White Paper on Svalbard

i. Norway publishes a White Paper on Svalbard policy every ten years, with the most recent version published in 2016. The principles outlined are the following:\textsuperscript{20}

1. Consistent and firm enforcement of sovereignty
2. Proper observance to the Svalbard Treaty and control to ensure compliance with the Treaty
3. Maintenance of peace and stability in the area
4. Preservation of the area’s distinctive natural wilderness
5. Maintenance of Norwegian communities in the archipelago

ii. One of the objectives of the Svalbard policy is maintaining Norwegian communities in the archipelago.\textsuperscript{21} The policy paper has a heavy focus on supporting the Norwegian community in Longyearbyen.

iii. Under Norwegian law, Svalbard has internal waters, territorial sea and Fishery Protection Zone.\textsuperscript{22}

iv. In Chapter 3 of the White Paper, Norway has sovereignty over 12 nms to include the airspace above. It also specifies that all private legal persons in

\textsuperscript{18} Neuman.

\textsuperscript{19} Neuman.


\textsuperscript{22} Sobrido, “Treaty of Paris,” 78.
Svalbard must adhere to Norwegian rules and administration in the same manner as on the mainland.  

v. The Paper also states that in accordance with the international Treaty, only the parties (the states) may demand equal treatment by Norway on behalf of their national citizens and companies.

vi. According to the White Paper, non-discrimination does not apply to all types of activity in Svalbard, but only those specified in Articles 2 and 3 of the Treaty, hunting and fishing and maritime, industrial, mining and commercial operations. What the requirement for equal treatment covers from case to case must be determined on the basis of an interpretation of the Treaty— which Norway reserves as its right.

vii. The prohibition against using Svalbard for warlike purposes is generally applicable and applies to all parties to the Treaty. By virtue of its sovereignty, Norway has a particular duty to ensure that no one violates this prohibition. However, it also interprets Article 9 of the Svalbard Treaty as not forbidding military activity, only acts to wage war or build fortifications.

viii. Chapter 3 asserts that the archipelago is covered by provisions of the North Atlantic Treaty, including possibly invoking Article 5 so that Norway may individually and collectively implement defensive measures in wartime or under the threat of war.

ix. It also precludes that the prohibition against fortification pertains to specific reinforced structures usually equipped with artillery positions, that does not affect all installations or structures of a military nature or significance. It further allows for Norwegian Armed forces aircraft and military personnel on Svalbard yet prohibits all foreign military activity.

x. Research activities were not included in the Svalbard Treaty, so Norway does not consider the right nor equal right extended to nationals of the parties to the Treaty for research. Yet Norway independently asserts its willingness to encourage international research cooperation.

xi. Free trade agreements between Norway and the European Economic Community and the Convention establishing the European Free Trade Association continue to apply to Svalbard. However, as a consequence of the provision in Article 3 of the Svalbard Treaty governing access, Svalbard is not covered by the Schengen agreement.

3. Primary Actors’ Positions’

a. Norway
   i. Norway adamantly defends its interpretation of the Svalbard Treaty as
      inclusive of waters as well as land in the territorial box defining the Svalbard
      archipelago.\textsuperscript{30}
   ii. Norway reiterates its commitment to international cooperation, while also
       mentioning the right to invoke Article 5 of the North Atlantic Treaty in
       Svalbard if it deems necessary.
   iii. Norway follows the Svalbard Treaty based on its interpretation but does not
       considered its military presence in Svalbard limited by the Treaty.
   iv. Norway has not backed down over enforcing its national regulations when
       opposed by the EU or other actors operating in Svalbard.

b. Russia
   i. Russia shows continued compliance and cooperation with Norway and other
      Svalbard parties in the region.
      1. The signing of the bilateral agreement between Norway and Russia for
         Svalbard was considered an example of continued Arctic cooperation.
   ii. However, Russia is not compliant with NATO presence in and around
       Svalbard.\textsuperscript{31}
      1. Exceptions to Russia’s perceived peaceful cooperation are the
         unannounced military operations conducted close to Norway’s
         territory.\textsuperscript{32}
      2. For example, Norway was not informed about a Northern Fleet
         exercise in May 2018.\textsuperscript{33}
   iii. The installation of Svalbard Radar (1996) and the Svalbard Satellite Station
       (1997), have upset Russia with arguments that they could be used to monitor
       ballistic missile flight paths.\textsuperscript{34}
   iv. The sustained Russian presence in Barentsburg and Pyramiden are considered
       a political decision to keep a foothold in Svalbard.
       1. The coal mine in Barentsburg operates at a loss and is even labelled a
          social project to employ eastern Ukrainians seeking employment.\textsuperscript{35}

c. The European Union (EU)
   i. The EU itself is not a party to the Svalbard Treaty, yet 20 of the EU’s 28
      member states are,\textsuperscript{36} so the EU does have an interest on the part of its
      interested members.

\textsuperscript{31} Wither, 31.
\textsuperscript{32} Tore Nyhama, “Three Future Scenarios for Nordic Military
\textsuperscript{33} Wither, 33.
\textsuperscript{34} Koivurova and Holiencin, “Demilitarisation and Neutralisation of Svalbard”, 136.
\textsuperscript{35} Andrew Higgins, “Ukrainians Find Jobs and a Slice of Russia in Arctic Norway,” \textit{The New York Times}, 10 June
   2014, published online at https://www.nytimes.com/2014/06/11/world/europe/ukrainians-find-jobs-and-a-slice-of-
   russia-in-arctic-norway.html.
\textsuperscript{36} Sobrido, “Treaty of Paris,” 81
ii. The EU is often against Norway’s interpretation of the Svalbard Treaty, and has denounced Norway’s seizure of certain EU member state fishing vessels.\(^37\)

iii. Although, the EU has taken a clearly stated position, the European Commission admits that its actions at the time (2004 response to Norway’s capture of a Spanish vessel) were precipitate and that is not competent to rule on this issue alone.\(^38\)

iv. More recently, the European Commission protested against Norway’s introduction of legislation regulating haddock fishing.\(^39\)

v. Through its national regulations, Norway can unilaterally and quickly decide on fishing by-catch percentage limits, this type of regulation receives strong criticism from Europêche.\(^40\) (more to be discussed in the international disputes section)

d. EU Arctic states

i. EU states that are members of the Arctic Council include Denmark by way of Greenland, and Finland, while Norway and Iceland are part of the European Economic Area.

e. European non-Arctic states

i. EU member states that are not geographically in the Arctic region yet have a continued active presence in Svalbard, include Spain, Portugal, Latvia, Lithuania and Germany. They are parties to Svalbard Treaty and access the waters surrounding Svalbard.

ii. Iceland accuses Norway of not respecting the Svalbard Treaty’s principle of equal access. Since the 1990s, there have been several incidents involving arrests of Icelandic vessels.

1. 1994, Norway seized Icelandic fishing vessel Hanangur II.\(^41\)

2. In 1996 the Supreme Court of Norway allocated fishing quotas based off historic precedent which excluded Iceland causing contention.\(^42\)

4. Other states involved in Svalbard

a. China

i. China is party to the Svalbard Treaty and present on Svalbard for scientific research since 2004 with the Yellow River research station.\(^43\)

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\(^{37}\) Hansen, 162.

\(^{38}\) Sobrido, “Treaty of Paris,” 84.


\(^{40}\) Sobrido, “Treaty of Paris,” 86.


\(^{43}\) P. Whitney Lackenbauer, Adam Lajeunesse, James Manicom, and Frédéric Lasserre, *China’s Arctic Ambitions and What They Mean for Canada*, University of Calgary Press: Calgary, 2018, 60.
ii. China is a partner at the EISCAT (European Incoherent Scatter Scientific Association), and the Norwegian Polar Institute, both of which are located on Svalbard.44

iii. The Chinese intended to build a radar station on Svalbard. Norwegian Politian urged Norway to purchase the rest of the private land.45

b. Japan

i. SvalRak is a launch station for research rockets at Ny-Ålesund. Along with Norwegian researchers, the users of the facility are primarily Japanese and American.46

ii. Japan also participates in EISCAT and the Norwegian Polar Institute.47

c. South Korea

i. In 2002, South Korea established Dasan Arctic Science Station (Ny-Alesund) and joined the Svalbard Treaty in 2012.48

ii. South Korea is expanding its role in the region, becoming an observer in the Arctic Council in 2013.49

iii. South Korea also partners with the Norwegian Polar Institute for scientific research in Svalbard.50

d. India

i. India was an original signatory in 1920 and has a scientific research station at Ny-Alesund.51

ii. India is a partner with the Norwegian Polar Institute.52

5. International disputes

a. Maritime territorial disputes

i. Norway’s Svalbard policy is contested over the area outside territorial waters. While the Norwegian government maintains that it has exclusive rights over the ocean around the archipelago, signatory parties’ officials argue that the principle of non-discrimination from the Treaty also applies here, and that Svalbard has its own continental shelf.53

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46 Norwegian Ministry of Justice and Public Security, Svalbard, 93.


49 Sakhuja, Vijay, and Kapil Narula, 44.


51 Sakhuja, Vijay, and Kapil Narula, 44.


ii. The Norwegian government interprets the Svalbard Treaty literally and thus argues that because the area outside the territorial waters is not mentioned, the Treaty does not apply there.\(^{54}\)

iii. Norway asserts that the Svalbard continental shelf is joined with Norway’s mainland’s continental shelf, declaring the Treaty of Svalbard is not applicable for the continental shelf - a disputed claim.\(^{55}\)

iv. In 2015, Norway opened new blocks for oil and gas in the northern part of the Barents Sea, which met with protests from Russia claiming that some of these blocks are on the continental shelf of Svalbard, and that Norway violates the Treaty by opening these blocks without consulting the contracting parties.\(^{56}\)

v. The Loophole: The Loophole is considered international waters. However, as the Barents Sea is a continental shelf sea, the sea floor is claimed by Norway and Russia as a sovereign resource.\(^{57}\) The map below shows where the Loophole is located in the Barents Sea and which states lay claim.

\(^{54}\) Groenning.

\(^{55}\) Marta Sobrido, “The position of the European Union on the Svalbard waters,” 75.

\(^{56}\) Groenning.

\(^{57}\) Hansen, 167.
1. The Barents Sea Loophole covers an area of 62,400 square kilometers.
   
   vi. The Snow Crab Issue
   1. The Loophole dispute is linked to the Barents snow crab. The crab is the first major continental shelf resource to be exploited on the continental shelf surrounding Svalbard. Snow crab fishing started in 2013 in the Loophole with vessels from Norway and Spain. Since then, vessels from Latvia, Lithuania and Russia joined in the Barents Sea.  
   2. In 2015, Norway, Russia and the EU agreed to terming the crab a ‘sedentary species’ which implies that coastal states have the exclusive right to harvest snow crab on their shelves.  
   3. In 2016, vessels from Norway, Spain, Lithuania, Latvia and Russia caught 11,469 tons of snow crab in Norway, most from the Loophole with at least 3,085 tons registered from Norwegian vessels were from the Svalbard continental shelf. That same year, Norway started arresting EU vessels shipping in the Loophole.  
   4. In January 2017, Norway arrested a Latvian vessel in the Svalbard FPZ for fishing within the Svalbard continental shelf.  
   5. Pending establishment of a management regime, Russia closed its part of the continental shelf to all snow crab fishing. Norway has placed a ban on snow crab fishing in the area except for several Norwegian vessels which EU vessels contest. Since major resources have been harvested on Svalbard’s shelf previously, it has never been tried in court.  

   b. Fisheries
   i. UNCLOS signed in 1982 gives sovereign rights of islands to internal waters, territorial sea and contiguous zone, an EEZ and a continental shelf. By Norwegian law, Svalbard has internal waters, a territorial sea and an FPZ as stated above. Not all Treaty signatory states agree to Norway’s national territorial claims, nor fishing regulations.  
   ii. Furthermore in 1976, Norway established the Zone Act, stipulating that unless otherwise stated the right to fish in the area is reserved for Norwegians.  
   iii. In 2006, Norway submitted to the Commission on the Limits of the Continental Shelf (CLCS) applications for 3 enclaves in international waters

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58 Hansen, 163-164.  
59 Hansen, 164.  
60 Hansen, 162.  
61 Hansen, 164.  
62 Hansen, 164.  
63 Hansen, 173.  
bordering the waters of Svalbard. CLCS issued its recommendations in 2009.66

6. Security Concerns
   a. Increased activity
      i. No other high Arctic locations in the world have as many visitors as Svalbard, likely due to easy flight and sea access for much of the year. Since the terrain in Svalbard is fragile, organizing travel to avoid damaging the environment is a real challenge.67
      ii. The Russian mining company has shown interest in resuming its activities in Grumantbyen and Colesbukta, and has applied for permission to construct a road from Barentsburg to Colesbukta.68
      iii. Recent years have seen a growing interest in Svalbard as a tourist destination. One reason is the Norwegian government's decision to develop tourism in response to the decline in coal mining.69
      iv. Since 2008 the total population living in the settlements of Svalbard increased from 2,301 to 2,738 by 2018, with an overall decrease in Norwegians from the mainland and an increase in other nationals settling in Svalbard.70
   b. Search and Rescue
      i. Increased activity and traffic in the Arctic region call for a strengthening of rescue service cooperation between countries with search and rescue responsibilities.
      ii. In 2011, Norway concluded a treaty with Canada, Denmark, Finland, Iceland, Russia, Sweden and the United States to cooperate on search and rescue coverage in connection with air and sea traffic in the Arctic. The agreement was more binding and enhanced regional organization of search and rescue operations. The agreement was signed at the Arctic Council’s ministerial meeting in Nuuk, Greenland, and is being followed up by the Emergency Prevention, Preparedness and Response Working Group (EPPR).71
      iii. Civil protection and emergency preparedness in Svalbard have been intensified, including both the prevention and response aspects.72 By area, Svalbard is Norway’s largest police district, and the Governor has the same authority as a chief of police on the mainland.73

68 Norwegian Polar Institute, “Svalbard.”
69 Norwegian Polar Institute, “Svalbard.”
71 Norwegian Ministry of Justice and Public Security, Svalbard, 104.
73 Norwegian Ministry of Justice and Public Security, Svalbard, 103.
iv. The Governor of Svalbard acts in the capacities of both chief of police and county governor, and is the principal authority with regard to both planning and crisis management in the area of civil protection and emergency preparedness.\textsuperscript{74} As chief of police, the Governor of Svalbard also heads the rescue management team in the local rescue center in Svalbard.\textsuperscript{75}

v. A dedicated emergency preparedness council consists of representatives from large research institutions and companies in Svalbard, the Longyearbyen Red Cross, Svalbard Church, and Longyearbyen Hospital. The council discusses relevant civil protection and emergency preparedness issues. The council contributes to a joint risk and vulnerability assessment and a common platform for planning civil protection and emergency preparedness in Svalbard.\textsuperscript{76}

vi. Norway cooperates with Russia on border security, search and rescue and incidents at sea. Coast guard cooperation was exempted from the restrictions put in place in 2014. There is also a hotline between the Joint Operational Headquarters at Bodø and the Northern Fleet.\textsuperscript{77}

vii. The Norwegian Meteorological Institute has stations at Hopen and Bjørnøya. In addition, meteorological measurements are conducted for other Norwegian scientific institutions in both locations. The stations are an important preparedness resource for search and rescue operations, and make logistics available to public institutions.\textsuperscript{78}

viii. When an incident occurs, managing it depends on the efforts of volunteers and the provision of resources from the mainland. The local rescue coordination centre in Svalbard coordinates an annual average of 71 rescue missions over the past five years.\textsuperscript{79}

ix. The state pilotage service was launched in 2012. The first season with compulsory pilotage in the archipelago was launched in 2015. Extensive work has been done on charting the waters surrounding Svalbard. The international Polar Code also covers the waters surrounding Svalbard since 2017.\textsuperscript{80}

x. Svalbard’s rescue resources include: two large rescue helicopters, air ambulance service, service vessel Polarsyssel, and Coast Guard vessel KV Svalbard.\textsuperscript{81}

\textsuperscript{74} Norwegian Ministry of Justice and Public Security, \textit{Svalbard}, 102.

\textsuperscript{75} Norwegian Ministry of Justice and Public Security, \textit{Svalbard}, 103.

\textsuperscript{76} Norwegian Ministry of Justice and Public Security, \textit{Svalbard}, 103.

\textsuperscript{77} Tone Skogen, ‘Norwegian Security Policy – Including Participation in the CSDP’\textsuperscript{,} speech given to the EU Parliamentary Subcommittee on Security and Defence, 27 February 2018.

\textsuperscript{78} Norwegian Ministry of Justice and Public Security, \textit{Svalbard}, 71.

\textsuperscript{79} Norwegian Ministry of Justice and Public Security, \textit{Svalbard}, 103.

\textsuperscript{80} Norwegian Ministry of Justice and Public Security, \textit{Svalbard}, 112.

\textsuperscript{81} Norwegian Ministry of Justice and Public Security, \textit{Svalbard}, 106.
xi. The following map shows zones of international search and rescue responsibilities in the Arctic.


c. Perceived Militarization

i. The Norwegian interpretation of Article 9 of the Svalbard Treaty prohibits all foreign military activity. Yet it does not prevent access by the Norwegian armed forces to exercise sovereignty and protect the environment.\(^\text{82}\)

ii. Since 2004, most military cooperation was suspended and Russia and NATO currently exchange less information about exercises and deployments than during the latter part of the Cold War.\(^\text{83}\)

iii. Russia’s longstanding complaints include the integration of the islands into NATO’s command structure and visits by Norwegian warships and military cargo aircraft. Russia claims NATO’s presence on Svalbard undermines what it regards as the archipelago’s demilitarized status.\(^\text{84}\)

iv. A disagreement between Russia and Norway occurred in 2015 when Russian Deputy Prime Minister Dmitry Rogozin made an unannounced visit to Svalbard despite being sanctioned by Norway for his part in the Ukraine conflict.\(^\text{85}\)

v. In 2016, Russian commercial helicopter operations and the transit of Russian military personnel through Svalbard during an exercise have concerned

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\(^{82}\) Wither, 30.

\(^{83}\) Wither, 33.

\(^{84}\) Wither, 31.

\(^{85}\) *BBC News*, “Norway in Arctic Dispute with Russia over Rogozin Visit”, 20 April 2015.
Norway because Norway requires any foreign military and civilian government vessels wishing to enter the territorial waters around Svalbard to apply in advance for diplomatic clearance.\(^{86}\)

vi. In October 2017, a Russian maritime threat assessment cited Norway’s ‘absolute national jurisdiction’ over the archipelago as a potential cause of war.\(^{87}\)

vii. Russia has been building up its military capabilities in the region, to include the Northern Fleet, two new Arctic infantry brigades, new and rebuilt military infrastructure and more frequent exercises.\(^{88}\)

viii. During the last two years, when Norwegian forces conducted an exercise the Russian military increased its military activity in the region provoking Norway to respond militarily as well. During and particularly after exercises, there was a sharp increase in incidents of the Norwegian Air Force intercepting Russian planes flying towards Norwegian Airspace.\(^{89}\)

ix. The Russian 61st Naval Infantry Brigade frequently stages a landing exercise close to the Norwegian border. The exercise is never announced and usually starts out heading for Norwegian territory, and then breaking off to the Russian side of the border at the last minute.\(^{90}\)

x. Most troubling, no institution currently exists to arbitrate on disagreements over alleged illegal military activities on or around the archipelago.\(^{91}\)

xi. However, despite the threats and fears, Russia observes international agreements on maritime safety and is an active participant in the Arctic Council and other non-military cooperative bodies on the Arctic.

xii. Additionally, the public discourse and Russian national documents on the Arctic highlight a desire to preserve peace and international cooperation in the Arctic.\(^{92}\)

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\(^{86}\) Wither, 31.

\(^{87}\) Wither, 32.

\(^{88}\) Wither, 34.


\(^{90}\) Nyhama, 17.

\(^{91}\) Wither, 33.