Oslo is in gross breach of the 1920 Spitsbergen Treaty, which awards to Russia equal rights with Norway to develop the islands.

The Spitsbergen Treaty, which defines the archipelago's status in international law, is 100 years old on 9 February 2020. It is a unique multilateral document that retains its relevance a century after being signed and was about 50 years in the making. While the "high contracting parties" were working on it the Russian Empire became the Union of Soviet Socialist Republics, Norway gained its independence, and the First World War redrew the map of the world. Spitsbergen's status in international law as "a territory of shared use, removed from the sphere of extension of state sovereignty," in force since 1872, was replaced by a different and new legal model. This was reflected in the 1920 Treaty, which spoke of the sovereignty of one state, Norway, extending to the archipelago but with observation of a number of provisions designed to protect and guarantee the rights and lawful interests of citizens and legal entities of the other state signatories to this international agreement. Among those rights were "equal liberty of access" to the archipelago and also the ability to carry out commercial operations "on a footing of absolute equality." But in recent years, when the Norwegian authorities have mentioned the 1920 Treaty they have declared their "total and absolute sovereignty" over Spitsbergen. And they ignore the following clauses in the document, the content of which was a condition for the other states to agree to sign.

Remembering the protracted gestation, note that before the document was signed Norway had not long been the leading power on the archipelago and its rights to the territory were not at all obvious. There are numerous theories about who was first to discover these lands and who founded the first settlement there. Russia had convincing grounds to lay claim to Spitsbergen, primarily because the Pomors had been exploring the archipelago since time immemorial and had permanent settlements there. The theory that Russian seafarers began commercial exploitation of the island during the second half of the 16th century, that is, even before Barents discovered the archipelago, has authoritative supporters, among them for example Russian historian V.F. Starkov. However, Russia waived its claim and opted instead for a multilateral regime. The Government of Tsarist Russia denied that anybody had sovereignty over Spitsbergen and consistently upheld its legal opinion at the international conferences in Christiana (as Oslo was previously called) in 1910, 1912, and 1914. This approach had every chance of being enshrined on paper but the First World War, October Revolution, and Russia's consequent economic and military enfeeblement led to a decision not to pursue it. The Spitsbergen Treaty entered force on 14 August 1925 in its current form and the USSR signed up on 7 May 1935. Note that Britain, Sweden, the US and other countries also put much effort into studying and exploring the archipelago.

To better understand Spitsbergen's significance, we need to say a few words about its place on the modern map of the world. The archipelago and the seas adjoining it are de facto the gateway to the Arctic. Important shipping routes and trans-Polar flight corridors pass through the area. The waters adjoining Spitsbergen are actively exploited for their marine resources. On the archipelago itself and its continental shelf promising deposits of various minerals have already been prospected and there could be more. The principal natural resource extracted on the archipelago remains coal, which has been mined industrially since the early 20th century. Attempts were also made, not without success, to find
oil and gas, and deposits of gold, ferrous metals, barytes, gypsum, marble, and others have been prospected.

Spitsbergen's location provides unique conditions for scientific and practical research at high latitudes in oceanography, atmospherics, geophysics, geology, archaeology, glaciology, hydrology, paleography, and biology. It is a highly promising site for one of the present-day scientific research bases in the Arctic, among other things for monitoring the environment and the transborder movement of pollutants in real time including for forecasts of hazardous and extreme phenomena in Arctic Ocean waters, for satellites to receive data from ground and marine measuring systems, for creating comprehensive geophysical and cryospheric testing grounds, and for ongoing monitoring of bioresources.

And it was these factors that led the high contracting parties to draw up a convention on scientific investigations on Spitsbergen, in Article 5 of the 1920 treaty. But because Norway was not ready, this provision has still not been implemented.

Because of its unique nature and as travel to it becomes more accessible, the archipelago has also become an international tourist destination. Forty-six states are now signatories to the treaty but only Norway and Russia conduct commercial operations on Spitsbergen. Russia's sole commercial entity there is the Arktikugol [Arctic Coal] State Trust federal state unitary enterprise.

After Spitsbergen's incorporation into the kingdom, Norway launched a policy of increasing its influence over the archipelago and gradually restricting the rights of the 1920 treaty's other signatories. In practical terms the Norwegian authorities' main instrument for this was the application to Spitsbergen of national continental legislation. To date they have published about 50 regulations covering virtually every aspect of activity on the archipelago, and especially environmental regulations. A law on protecting the environment on the Spitsbergen archipelago enacted in 2001 established what was in effect a permit system for any kind of economic activity and in actually prohibited it for much of the territory. A gradual process is under way of creating new environmental protection zones. These moves to tighten environmental legislation could in future also affect the areas where Arktikugol operates.

And the latest such move by the Norwegian authorities directed at unilaterally and therefore unjustifiably and illegitimately expanding their rights in the area covered by the 1920 treaty was the establishment in 1977, unilaterally, of a 200-mile fisheries protection zone around Spitsbergen. This is in flagrant breach of the principle of "liberty of access" for the treaty signatories to engage in commercial operations in the area of the archipelago. Despite the fact that the Russian Federation does not recognise the "fisheries protection zone," the Norwegian Coast Guard uses it as grounds to detain Russian fishing boats and impose burdensome fines on them.

A particular bone of contention is the procedure for gaining access to and engaging in commercial operations on the archipelago's continental shelf. Oslo insists that the Spitsbergen shelf should be treated as a continuation of Norway's. Following this logic the Norwegian authorities, once again on the basis of their own national legislation, embarked on a distribution among interested oil companies of concessions on areas located within the so-called "Spitsbergen quadrant." Russia has grounds to protest. Moscow's position is that the legal regime established by the 1920 treaty fully covers the Spitsbergen shelf, therefore Norway may not exercise any exclusive rights and interests regarding the archipelago's shelf without the consent of all the treaty's signatories.
One of the most acute issues of the Russian presence on Spitsbergen is that of helicopters. Norway's aviation authorities limit the use of the Arktikugol trust's helicopter solely to supporting its coal mining operations. In effect, Norway has artificially created a monopoly in transport to the archipelago, which is also a flagrant breach of the 1920 treaty and the rights of other commercial operators. Moreover, as tourist traffic increases to Russia's settlements and the scientific effort grows, more extensive use of the Russian helicopter is becoming vital.

Discriminatory rules for deportation from the archipelago adopted by Norway in September 2016 remain a serious irritant in Russian-Norwegian relations. They apply to persons against whom have been taken "international restrictive measures to which Norway has signed up." This means the EU's anti-Russian sanctions. But the EU's unilateral sanctions, which have not been endorsed by the UN Security Council, cannot in any way be used to justify such actions against citizens of the 1920 Spitsbergen Treaty's signatory states.

Complaints have also arisen apropos the opaque use of taxes and fees that are levied on Spitsbergen, which under the 1920 treaty should go exclusively towards the needs of the archipelago itself. There is a glaring disproportion between the payments made to the Norwegian treasury by Russia's Arktikugol trust, and Norway's spending on the needs of Russia's settlements. It would be far more justified for Norway to allocate sufficient financing for the upkeep of the Russian settlements and the social needs of the people living in Barentsburg, which by population is the archipelago's second town.

There is one more important aspect. The treaty stipulates that the archipelago may not be used for the purposes of war. And this stipulation is a point of principle that could obstruct increased military activity by Norway and NATO in the area. But Russia regularly records visits by Coast Guard ships to the waters and ports of Spitsbergen and various events in Longyearbyen with representatives of the alliance in attendance. Attempts by the Norwegian authorities to drag NATO into the Arctic and to Spitsbergen in particular cannot fail to cause concern.

And it is worth noting that Russia is not alone in its complaints to Norway about noncompliance with its undertakings in the 1920 treaty. Oslo has disagreements with Iceland, Latvia, and a number of other European states including the EU itself. As demand grows for various types of resources, one can confidently predict growing dissatisfaction and resistance to Norway's discriminatory regulation of its "fisheries protection zone" and of access to the hydrocarbons on Spitsbergen's shelf. Given that course of events, calls cannot be ruled out for a conference to be convened in order to revise the outcomes of the Paris Conference of 1920.

Russia has a rich and productive experience of developing remote and challenging territories, and Moscow has no intention of winding up its presence on Spitsbergen. On the contrary, it is determined to strengthen that presence, and diversify and modernise it. Its long-term plans, apart from coal mining, are to develop other forms of commercial activity including tourism and to establish new enterprises, for example fish processors. There is great potential in growing the science component of Russia's presence there. To impart a systemic nature to this work on the archipelago is the reason for the establishment of the Russian Scientific Centre on Spitsbergen, which has led to an expanded range of scientific and research works there, many of them quite unique.

So that it can consistently implement its various projects, the Russian Federation wishes to maintain on the archipelago an atmosphere of constructive collaboration with Norway on the important issues of
our commercial and scientific operations. A joint declaration by the Russian President and Premier of the Kingdom of Norway on 27 April 2010 states that "the Norwegian side welcomes the continuation of Russian economic activity on Spitsbergen as a natural and important part of the overall activity on the archipelago and also new types of such activity." However, in practice the Norwegian authorities place various obstacles in the way.

The unique legal regime of the Spitsbergen Treaty provides every opportunity for long-term, respectful, and mutually beneficial collaboration by all its interested signatories. But for that to happen, each of the signatories including Norway should be answerable for scrupulous compliance with it. For that is the basis on which the archipelago will develop and thrive.