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The Coldest War:

Svalbard's Risk of Russian Annexation

Savannah Vlasman

A Thesis In the Field of International Relations

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Abstract

Svalbard is a remote Norwegian archipelago in the Arctic Ocean, home to the northernmost permanent human settlement. This paper investigates Russia's imperialistic interest in Svalbard and examines the likelihood of Russia annexing Svalbard in the near future. The examination reveals Svalbard is particularly vulnerable at present due to melting sea ice, rising oil prices, and escalating tension between Russia and the West. Through analyzing the past and present of Svalbard, Russia's interests in the territory, and the details of the Svalbard Treaty, it became evident that a Russian annexation is plausible if not probable. An assessment of Russia's actions in annexing Crimea, as well as their legal justifications, reveals that these same arguments could be used in annexing Svalbard. This paper goes on to examine the circumstances under which Russia may annex Svalbard. Suggestions for maintaining peace include clarifying the terms of the Svalbard Treaty, Norwegian cessation of selling sea blocks for drilling, and a Svalbard promotional campaign.

Dedication

To my husband Brent, who has always walked beside me. You're the reason I did this.

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I would like to thank my Research Advisor, Dr. Doug Bond, who has guided me throughout my time at Harvard, and worked to help me achieve my goals.

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Chapter 1: Annexation

This chapter will define annexation, self-determination, and lawfare and discuss the legality and potential abuses of each. It will also cover factors which could make Svalbard vulnerable to a claim of self- determination as a pretext for annexation.

The focus of this paper is Svalbard's danger of Russian annexation. In order to understand the risk to Svalbard, we need to first discuss what annexation is. Briefly, an annexation is the seizure of a territory over which another state has sovereignty. The territory which is annexed then becomes part of another state. For example, Svalbard is a part of the sovereign territory of Norway. If annexed, it would become part of another state, likely the state which annexed it. Annexation is illegal under international law. An important tenet of international law is that states respect the territorial integrity of other states; essentially, states should not invade or attempt to take territories from each other. Members of the United Nations have agreed to Article 2.4 of the Charter of the United Nations which states – "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

While it is not the focus of this paper to discuss the nuances of annexation, it is necessary to mention that there are cases in which the majority of the international community has deemed an annexation acceptable. For example, NATO's 1999 intervention in Kosovo which resulted in Kosovo seceding from Serbia and coming under the administration of the United Nations.

In 2008, Kosovo became an independent and sovereign state as recognized by 110 other states. While an annexation can be considered generally acceptable, especially when self-determination is its foundation, there are always states and individuals who will strongly object to it. Every state has a unique history with the annexed territory which will effect its stance on the legality of the annexation. For some states, annexation is never acceptable. For example, Spain, Greece, Romania and many other countries do not recognize Kosovo as an independent state. Spain and Cyprus feel strongly that NATO violated international law in annexing Kosovo and set a precedent for further annexations even as the UK says Kosovo was a "unique situation which deserves a unique response" (Vallely, 2008, para. 13).

As in every case in international relations, there are many unique factors which influence an annexation's perceived acceptability. Some relevant factors to the Kosovo annexation are: clearly documented cases of human rights abuse by Serbia, NATO's use of force, UN administration rather than administration by a foreign state, and the dissolution of the Former Republic of Yugoslavia which freed Kosovo from any legal obligations. Annexation is generally considered illegal and contrary to the charter of the United Nations, however these nuances, as with every case in international law, make it difficult to paint them with a broad brush.

This can result in states attempting to justify illegal annexations. A commonly asserted justification for annexation, and the one most relevant for our purposes, is support for the principle of self-determination. In international law, self-determination is the right of a people of a territory to determine their own political status. The principle of self-determination is foundational to modern international politics. Article 73 of the UN

Charter specifically mentions the right of peoples to self-govern. Additionally, General Assembly Resolution 1514 adopted in 1960 states that: "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

The inclusion of self-determination as an important aspect of human rights emerged post World War II in response to boundary disagreements after the fall of the German and Austro-Hungarian empires (Franck & Hoffman, 1976). Many states owe their independence to the notion and operationalization of self-determination. Self-determination can result in a few different outcomes. Ideally, the peoples of the territory in question have a referendum in which they vote for their desired outcome. Generally, their options are to remain a territory of another state, become an independent state, or to unify with a separate state. If a territory chooses to join with a neighboring state, it must do so freely as the result of a plebiscite, not in response to pressure or aggression from others (Franck & Hoffman, 1976).

While its original intention was to support international human rights, the principle of self-determination has been abused by certain states as a path to increasing their territory. As we will discuss in a later chapter, Russia used self-determination as one justification for annexing Crimea (Burke-White, 2014). However, long before Russia invaded Crimea and claimed to have aided in a plebiscite which "revealed" the will of Crimeans' to become part of Russia, there were multiple cases in which states used a claim of self-determination to assert ownership over territory. As International law relies on precedents to aid in legal evaluations of current events, these cases are relevant to understanding the legal arguments of a state framing its actions under the principle of

self-determination. We have seen a series of cases which have changed the original intention of self-determination and weakened the inviolability of territorial integrity (Franck & Hoffman, 1976). This sets precedent for any imperialistic minded state to abuse these principles for their own gain (Franck & Hoffman, 1976). The most vulnerable are small territories who do not have the resources to protect themselves from bigger aggressor states.

Relevant historical examples of states interfering with the self-determination of territories who were vulnerable during the period of transition from territory to independence are Indonesia in Portuguese Timor, Guatemala in Belize, Ethiopia and Somalia in Djibouti, and Morocco and Mauritania in the Spanish Sahara (Franck and Hoffman, 1976) In all of these cases, there was clear pressure from external states, indeed, sometimes even military invasion, which compromised the integrity of any claim of secession and turned instead into annexation. There are many ways in which a state can undermine a territory's attempt at self-determination. A state may invade the territory and hold a referendum under threat of violence, as Indonesia did in Portuguese Timor (Franck & Hoffman, 1976). A state may influence the composition of the voting pool by bringing in voters sympathetic to them, as Somalia did in Djibouti (Franck and Hoffman, 1976). A state may claim a referendum has been held without actually holding one, or alter the results of a referendum in their favor. All of these are a pretense towards human rights and international law, but are actually illegal attempts at annexation.

Analyses of Russian legal scholars' justifications of Russia's annexation of Crimea has shown that they are not legally robust (Leonaite & Zailima, 2016). These attempts at justification are known as "lawfare," which is "…the use of law through the

exploitation of legally unfounded arguments in order to weaken the positions of the opponent in the international arena, as well as to shape public opinion" (Leonaite & Žailimas, 2016, p. 13). Russia has done this fairly well, both domestically and internationally. While most legal experts agree the claim of self-determination and Crimean referendum was an illegal annexation and a violation of international law, there is understandable confusion among laymen to whom Russia's claim sounds like an upholding of human rights and democracy.

This is concerning because as there is no over-arching international judicial system to determine the legality of interventions or annexations. Importantly, the U.N. Security Council, which might pass judgment on such interventions, cannot do so with regard to Russia since Russia possesses one of the Big Five vetoes. The perceived ethics behind an action thus matter a great deal in determining the consequences a state faces for that action.

Military might and economic interconnectedness effect a state's consequences more than public opinion. However, explaining an annexation as stemming from a concern for human rights, or the just outcome of a democratic vote of the people, mitigate outrage and, thus, consequences. Conditions on Svalbard make it vulnerable to an annexation which uses self-determination as its pretext. Primarily these are: a significant Russian population, accusations of unfair taxation and tax-money distribution, and a lack of representation in government. The use of lawfare and some well-crafted rhetoric easily turns these nuanced issues into a persuasive justification for annexation to those already inclined to by sympathetic to Russia.

As we discuss instances of annexation and use of the right of self-determination as its justification, it becomes clear that nothing is clear. It is generally agreed that states should respect each other's territorial integrity, and yet it is sometimes deemed acceptable for countries to breach that integrity for reasons other than self-defense. The reasons given in such cases vary, as does the international response. It is appropriate to be skeptical of any claim of justified annexation, and to be concerned about the precedent it sets, not just in international law, but in the minds of individuals.

Chapter 2: An Overview of Svalbard

Figure 1: Geography of Svalbard



Svalbard is an archipelago located in the Arctic Ocean, first discovered in 1596. There is disagreement between Russia, Norway, the Netherlands, and others over who first reached Svalbard and discovered it. It is home to no native human population, and for some time was terra nullis. Russia claims that their hunters reached Svalbard prior to

the Dutchman Williem Barents, who is listed as the official discoverer (Grydehøj, 2014). As the Arctic is not regulated by an overarching convention like the Antarctic Treaty System, it became necessary to establish the jurisdiction of this newly discovered land (Grydehøj, 2014). Sweden, Norway, and Russia each attempted to claim ownership over Svalbard. Meetings in Oslo in 1910, 1912, and 1914 had the three countries considering a condominium arrangement or an "international management regime" to jointly manage Svalbard (Arntzen, 2015).

However, these negotiations ended upon the commencement of WWI. Although Norway was neutral during WWI, their merchant fleet aided the Allies and sustained heavy damage (Arntzen, 2015). After WWI, the Allies decided that Svalbard needed management to protect its environment, as well as prevent it from becoming militarized (Arntzen, 2015). As a token for aiding the Allies and due to its proximity to Svalbard, Norway was selected to own the archipelago and manage it. Ultimately, fourteen states signed the Svalbard Treaty recognizing the "full and absolute" sovereignty of Norway over the archipelago of Svalbard. While Russia had been a part of the Svalbard discussions pre-WWI, they were now excluded from all discussion. Russia never wanted to give up its claims to Svalbard, hoping instead for a condominium arrangement where both it and Norway oversaw the archipelago. However, Russia (then the USSR) agreed to sign the treaty granting Svalbard to Norway in exchange for recognition of the USSR (Rossi, 2016). Russia bitterly regrets signing the Svalbard Treaty, arguing it was not signed freely but under duress, as it needed recognition of the USSR (Rossi, 2016).

The original fourteen signatories were the USA, UK, India, Denmark, France, Italy, Japan, Norway, the Netherlands, Sweden, Canada, Australia, New Zealand, and

South Africa. Russia, as the USSR, signed in 1924 and ratified in 1935 (Rossi, 2016). The Svalbard Treaty will be discussed in detail in the next chapter.

Svalbard is located well above the Arctic Circle, surrounded by the Arctic Ocean. It is beside the Barents Sea to the east, the Norwegian Sea to the south, and the Greenland Sea to the west. The closest states to Svalbard are Norway and Russia. Franz Josefs Land, a Russian Arctic archipelago, is the closest landmass to Svalbard, located only 240 km away. However, Norway's mainland, at a distance of 730 km, is almost twice as close as Russia's which is 1300 km away.

On the whole, Svalbard is a very inhospitable place. Residents are requested to carry guns with them if they leave the boundaries of established settlements like Longyearbyen or Barentsberg, as risk of polar bear attack is high. Sixty percent of Svalbard is permanently covered by ice and is virtually impassable in the winter. Cloaked in darkness for more than five months of the year, Svalbard's average winter temperature is around zero degrees Fahrenheit. The summer brings the midnight sun, which does not set for months, and yet the temperature only reaches around 40 degrees Fahrenheit. However, people have found a way to make life work. Although it was initially mostly populated by coal miners and fisherman, Svalbard is now primarily inhabited by scientists and people employed in the tourism industry. It's location in the high north makes it ideal for satellite monitoring and scientific pursuits, and its spectacular nature makes it an attractive place for adventurous tourists.

Svalbard is a unique place, a part of Norway, and yet distinct from it. It is not connected to the Norwegian mainland. No visa is required to visit. Those living in Svalbard are not granted Norwegian citizenship, nor can they vote in Norwegian

elections. Svalbard is not represented in the Norwegian government. Norway administers Svalbard by way of a Sysselmannen, or governor, who essentially singlehandedly governs Svalbard. The Sysselmannen is appointed to her position and reports to the Norwegian Ministry of Justice. She is responsible for enforcing Norway's sovereignty, policing, environmental protection, tourism, transport, mediation, marriage and divorce, and interactions with the Russian settlement of Barentsburg. Her staff consists of some law enforcement officers, Russian interpreters and advisors, and an administrative staff.

Svalbard currently has a population of 2,214. The main settlement is Longyearbyen which used to be a company town populated by employees of Store Norsk, the Norwegian mining operation (Pedersen, 2017). It has more recently become a hub of activity, restaurants, and hotels populated by many non-Norwegians. As immigration law is not enforced on Svalbard, residents need not even be a national of a signatory state to live there (Grydehøj, 2014). Most residents work in science and tourism. Barentsburg, the second largest settlement on the island, is home to Trust Arktikugol, a Russian mining company. It is Russian speaking and has a population of 439 (Statistics Norway). It is home to a brewery, a school, dormitories for the miners and is ornamented with giant monuments to Lenin and murals depicting Russian images. Russia and Norway are the only two countries running mining operations on the archipelago, both of which are unprofitable (Grydehøj, 2014). They only exist as a way for both countries to maintain a presence on Svalbard. In fact, the CEO of Store Norsk, the Norwegian mining operation, expounded on the importance of having a Norwegian company on Svalbard, saying, "To keep control of Svalbard we have to have a community here. If we left the Russians would immediately claim it. I am under no illusions." (Grydehøj, 2014, p.47).

The number of Norwegians on Svalbard is decreasing fairly rapidly. While Svalbard was previously inhabited almost exclusively by Norwegian and Russian miners, there are now far more scientists and tour-guiding operations, the primary language of whom is English, not Norwegian (Pedersen, 2011). The University Center in Svalbard teaches in English, and this attracts more non-Norwegians to Svalbard (Pedersen, 2011). In fact, Svalbard went from a negligible foreign population in 1990 to 26% foreign in 2016, with inhabitants representing 40 different countries (Pedersen, 2017).

Local democracy was introduced in 2002, in the form of the "Longyearbyen Community Council". It is a 15-member council which regulates the Longyearbyen schools, utilities, and community issues. Members are elected via votes every four years. Foreign citizens are allowed to vote as long as they are over eighteen years old and have lived in Longyearbyen or a Norwegian municipality three years before the day of the election (Lokalstyre). Norwegian residents need to have lived in Longyearbyen at least four weeks to vote.

There is a hospital in Longyearbyen which treats residents. However it is unequipped to deal with pregnancy or serious illness. It is often said Longyearbyen is a community, but not a "cradle to grave" community, meaning that people are not meant to give birth or die there. If one becomes pregnant or very sick while living in Longyearbyen, the Sysselmannen will arrange for him or her to be flown off the archipelago.

Svalbard is a strange place on top of the world. It is charming yet inhospitable, regulated yet wild, Norwegian yet international. It is one of the last frontiers on the planet, and it has achieved a precarious peace between civilization and nature.

Unfortunately, it is seeming less likely that peace will reign on the archipelago, as things are beginning to heat up in the Arctic. Before we discuss the risks to Svalbard, we need to turn our attention to the international agreement which is foundational to Svalbard as we know it: The Svalbard Treaty. This will help clarify the legal framework under which it operates, and illustrate some more unique and seemingly contradictory things about this little territory.

Chapter 3: The Svalbard Treaty

This chapter will discuss a bit of the history of the treaty, its articles and signatories, and Russia's attempts at post-treaty negotiations over Svalbard.

As mentioned previously, multi-lateral discussion about the management of Svalbard began in earnest after WW1. These discussions excluded the USSR. The two main proposals during the 1920 treaty negotiations were either for Norway to manage and administer Svalbard for the international community, or for Norway to have sovereignty over Svalbard (Ulfstein, 1995). It was decided that Norway should have sovereignty, but with certain rules and limitations. If this sounds contradictory, it is because it is. Those states party to the treaty wanted the legal weight which comes with sovereignty, while still reserving plenty of rights on Svalbard for themselves. The results of these negotiations is the Svalbard Treaty, a declaration of Norway's sovereignty over Svalbard, followed by a lot of rules and exceptions. The Svalbard Treaty consists of ten Articles, of which six are relevant to this paper.

Article One states the signatories' recognition of Norway's sovereignty over Svalbard. The following articles set conditions on that sovereignty.

Article Two of the treaty states ships and nationals of all signatories have an equal right to hunt and fish in Svalbard and its territorial waters. It also states that those who own land on Svalbard may hunt on it.

Article Three states that signatories' nationals have equal liberty of access and entry *for any reason or object whatsoever* to ports, fjords, and waters of the territories of Svalbard (emphasis mine). Furthermore, they can operate any commercial, mining, maritime, or

industrial operations without discrimination. They are also permitted to use Norwegian ports for coming or going for any purpose including passenger on and off-boarding and commercial use.

Article Seven states there should be equality in acquiring and enjoying property for all treaty signatories. Furthermore, Norway will treat everyone equally with regard to ownership of property in Svalbard. Acquired land rights of all nationals must be recognized.

Article Eight states taxes collected from Svalbard go exclusively to maintaining Svalbard, not to Norway.

Article Nine states Norway shall not have a naval base on Svalbard or use it for any "war-like" purposes.

These are the conditions of Norwegian sovereignty over Svalbard. International law limits the sovereignty of states in certain cases. Two familiar examples are diplomatic immunity and the obligation of a state to protect foreigners in its territory (Garner, 1925). However, Svalbard is a unique case, as the restrictions on Norway's sovereignty go far beyond conventional limitations and are certainly not what one thinks of as "full and complete" sovereignty, which is what the treaty purports to guarantee. One could be excused for wondering if such restricted sovereignty constitutes sovereignty at all versus administration or management. Indeed, the conditions of the treaty muddy the usually clear issue of territorial sovereignty, and have turned out to be a bit of a headache for the signatories.

Currently, 46 countries have signed the Svalbard Treaty with the latest, North Korea, signing in 2016. It is rational to accede to the treaty, as it requires nothing from

signatories, yet allows them to gain a foothold in the arctic (Grydehøj, 2014). According to the terms of the treaty, signatories may enjoy entry to Svalbard as well as have the opportunity for commercial exploits on its territory. This is particularly appealing for states which are located far from, and do not own, any Arctic territory.

When the Svalbard Treaty came into effect in 1925, Norway, in accordance with the treaty, allowed current settlers to keep their land. The Norwegian state took possession of all other available land, and very rarely has parted with any of it. A few research stations and educational institutions own land which houses their employees. It is very difficult to buy land in Svalbard. It needs to either be for sale by an owner who was grandfathered in by the treaty, or the Norwegian government. Although no work or tourist visas are required to visit Svalbard, the Sysselmannen requires that residents have housing and a way to support themselves. This is in accordance with the treaty, as the same rules apply to Norwegians and non-Norwegians alike. Russia has owned land on Svalbard since at least 1913 and it maintained its land rights when the treaty was signed. The original Russian mining town in Pyramiden has since shut down, but the Russian mining company Arktikugol has an entire community on Svalbard which it bought from a Dutch company in 1931 (Nuwer, 2014).

Russia felt that it had little choice but to sign the treaty because of its post WWI position, and it has lingering resentment over signing from a "condition of weakness" (Rossi, 2016, p. 96). This is said to "weigh heavily on the Russian collective legal and political memory" (Rossi, 2017, p. 163). As I'll explore in later chapters, Svalbard is emerging as a place of increased importance in geopolitics, and Russian politicians are vocally expressing regret over signing the treaty at all (Rossi, 2017). Since the treaty

signing, there have been periods of history where Russia (or the USSR) was more interested in Svalbard than others. When Germany attacked the USSR in 1941, the Soviet Union wanted to share joint control of Svalbard with Norway (Grydehøj, 2014). Norway objected to this as a violation of Article 9 of The Svalbard Treaty, and it did not happen. Later in the war, Svalbard was evacuated of its residents and Germany occupied it (Koivurova, 2017). In 1944, the USSR asked Norway for a condominium arrangement over Svalbard. Norway objected as it felt all signatory parties to the treaty should be part of any discussion about the jurisdiction of Svalbard, but the USSR pressed strongly for a bi-lateral agreement between the two countries (Koivurova, 2017). Eventually, Soviet expansionism made Norway back out of the talks all together (Koivurova, 2017). This move for joint-control was one of the key reasons Norway decided to join NATO in 1949, as it was looking for some protection from the USSR (Grydehøj, 2014). Russia's interest in owning Svalbard did not dissipate after the signing of the Svalbard Treaty, but has presented itself time and time again. Even since Norway joined NATO, in part to defend Svalbard from Russia, Russia has continued to perpetuate the narrative that it is Svalbard's rightful owner and was cajoled into handing over the territory (Rossi, 2016).

The 1920 Svalbard Treaty gave sovereignty over Svalbard to Norway. There are some unique restrictions on that sovereignty which complicate its administration. The next chapter will cover some of the disputes which have arisen over the treaty and its operationalization and how these have contributed to increased tension over Svalbard.

Chapter 4: Treaty Disagreements

This chapter will cover some of the major disputes over the interpretation of Svalbard Treaty, including maritime zones and equal liberty of access.

Many treaties try and be as clear and specific in their language as possible, in order to preempt any confusion or disagreements over their terms. Other treaties are unintentionally vague or ambiguous—that is, poorly written. Still some are intentionally vague and ambiguous, written with the intention of laying down a framework which can accommodate the passage of time and changing of conditions (Kulick, 2017). An example of this is the Charter of the United Nations, referred to by Kofi Annan as a "living document" which through vagueness and ambiguity provides room for interpretation in a contemporary context and broad applicability (Ó Néill, 2017).

The disagreement over the Svalbard Treaty breaks down to those who think the Svalbard Treaty was clear and unambiguous in its scope, and those who think the treaty was intended to be interpreted and reinterpreted with the changing of international norms. Primarily, disagreement has arisen over the geographical scope of the Svalbard Treaty. The Svalbard Treaty promises non-discriminatory use to all signatory parties in Svalbard's "territorial waters." At the time the Svalbard Treaty was written, there was no Exclusive Economic Zone (EEZ) and the concept of Mare Liberum still prevailed. The ocean was either considered within territorial waters or high seas. Today, the territorial sea is an area understood to be twelve nautical miles from a state's coast, with an EEZ 200-nautical miles adjacent to the territorial sea with potential additional sovereignty over the continental shelf beyond 200- nautical miles as long as it is "a 'natural

prolongation of the coastal state's landmass" (Sharp, 2018, para. 8). This was established by the United Nations Convention on the Law of the Sea (UNCLOS).

In reaction to UNCLOS, Norway established this EEZ around Svalbard, claiming the sovereign rights over the sea, marine life and seabed (Grydehøj, 2013). It calls its EEZ a Fisheries Protection Zone (FPZ), and states it exists to regulate fishing around Svalbard in an effort to protect the environment. Russia and many other countries, including the USA, United Kingdom, France, and Germany, object to Svalbard having an EEZ**.** They consider the Svalbard Treaty to limit Norwegian's sovereign rights in regard to the territorial waters surrounding it (Jensen & Rottem, 2009). This is a literal interpretation of the Svalbard Treaty, one which argues that the treaty was clear and unambiguous and that rights beyond those stated in the treaty cannot be presumed. Conversely, Norway argues that as international maritime law has changed to include sovereign areas beyond territorial waters, the treaty should be interpreted to accommodate these changes. Heightening tensions, Russia, then the USSR, had originally proposed a sectoral delineation of Arctic territory, and referencing this method, argued that the 200-mile EEZ around Svalbard was within Russian territory (Sharp, 2018).

Although Norway claims to operate non-discriminately in allowing fishing in the FPZ, primarily only Russia and Norway are allowed to fish within those waters (Arntzen, 2015). Norway will allow certain third party signatories to fish in the FPZ if they have historically done so, but this essentially means most signatories are not allowed to fish in the FPZ (Arntzen, 2015). Since 1998, there have been at least five incidents of conflict between the Norwegian Coast Guard and fishing boats which had the "potential to escalate beyond a fisheries issue" (Østhaggen, 2018). In 2017, Norway barred several

fishing vessels from fishing around Svalbard, vessels from EU member states who had been issued snow crab licenses by the European Parliament's Committee on Fisheries (Nilsen, 2017). Additionally, a Lithuanian ship owner was detained and fined over fishing for snow crabs near Svalbard, although he had a Lithuanian snow crab license and Lithuania is a signatory to the Svalbard Treaty (Nilsen, 2017). Norway worries that allowing the European Union (EU) to dictate who can fish around Svalbard will set precedent with regard to other activities in the same area. Per-Arne Totland, an expert on Svalbard, explains that as snow crab is a sedentary species which lives on the sea bed floor, it is included in the same regulations which apply to oil and gas. This means that rulings on the right of states to fish for snow crabs may also apply to the right of states to drill for oil. Norway interprets attempts by the EU to grant licenses in Svalbard's waters as a move intended to weaken Norway's claim of sovereignty over the area (Nilsen, 2017). This disagreement is ongoing, and pits almost the entirety of the treaty signatories and the EU against Norway. Some, including Russia, claim that Norway is violating the Svalbard Treaty in an attempt to grab more territory and discriminate against competitors for Svalbard's energy resources.

The melting ice caps are bringing more attention to the Arctic Ocean as countries vie for the resources which may lay under it (Jensen & Rottem, 2009). This includes Norway. For at least 13 years Norway, a country whose wealth has come from oil off its west coast, has been up front about wanting to exploit resources on and surrounding Svalbard (Jensen & Rottem, 2009). 25% of the world's undiscovered oil is thought to lie in the Arctic according to the US Geological Survey (Pedersen, 2006). Norway and Russia are big competition in the energy industry (Jensen & Rottem, 2009). In 2015,

Norway identified blocks of sea which it intends to put up for sale for exploration and drilling, including three blocks which were in water surrounding Svalbard (Jensen & Rottem, 2009). The Russian ambassador to Norway issued a "diplomatic protest" and reiterated that they opposed any block sales in the waters offshore Svalbard, as they view it a violation of the Svalbard Treaty (Jensen & Rottem, 2009). This resulted in a dramatic deterioration of relations and an increase in tensions (Rossi, 2016). This issue remains unresolved, but is not going away. Norway will wish to sell blocks and drill in the waters surrounding Svalbard, and Russia will firmly object, claiming it is violating the treaty. Many experts think a clash is inevitable between the two countries, and that they are on a "collision course" (Jensen & Rottem, 2009).

Other accusations of treaty violations include those made by Sergey Lavrov, the foreign minister of Russia, who asserts that Norway has continually violated the Svalbard Treaty by "…illegally restricting Russian company Arktikugol and its flying with helicopters in the archipelago, and also the development of Russian research and tourism activities in the area" (Staalesen, 2017, para. 7). Alexander Veselov, the head of Arktikugol, claims that none of the money the Russian settlement of Barentsburg pays in taxes make it back to Barentsburg. As prescribed by the treaty, none of the taxes from Svalbard go to Norway, but the Norwegian tax regime does take all of the taxes collected on Svalbard to reallocate as the Norwegian government sees fit. Lavrov has complained that this regime doesn't allow Russians on Svalbard to spend their collected taxes as they wish in their own community, Barentsburg (Staalesen, 2017). He is resolute in his belief that Norway discriminates against Russians living on Svalbard.

Additionally, Dmitry Rogozin, the deputy prime minister who had a part in annexing Crimea, stopped by Svalbard unexpectedly in 2015 to tour Barentsburg. He was banned from entering the EU and Norway as punishment for his role in the annexation (Rossi, 2016). Norway reacted strongly to his appearance, claiming that he was not permitted to visit Svalbard. Russia said Norway's reaction was "inexplicable and absurd" as the Svalbard Treaty grants right of access for any reason (RT, 2015). Rogozin himself responded, "Russia has begun to understand it's place, its borders and its interests." In reference to Crimea's annexation, he said, "We saw something historic take place last year. Russia's territorial integrity was restored. This year we are casting our glance elsewhere. We are taking a closer look at the development of the arctic. The two things are the same." (Rossi, 2016, p. 96). His final comment on the issue, a tweet, stated "The Arctic is Russian Mecca" (RT, 2015, p. 96). The issue did not escalate beyond this back and forth, but this illustrates the ambiguity of just how much control Norway has over Svalbard.

It is not rare for states to have disputes over the interpretation of a treaty. The main disagreement over the Svalbard Treaty is Norway's application of UNCLOS retroactively. While this issue impacts quite a bit, from fishing to oil rights, there are other treaty disagreements which are more concerning. In the next chapter we will discuss accusations that Norway and NATO have violated Article 9 of the treaty by using Svalbard for "war-like purposes", and reasons Russia views Svalbard as a security threat.

Chapter 5: Militarization of Svalbard

This chapter will discuss the increased militarization of the Arctic, particularly by NATO and Russia, as well as Russia's concern that Svalbard is being used as a tool of NATO.

Russia views Svalbard as a security threat. Svalbard is under the sovereignty of a NATO member state and Russia views certain actions by Norway and NATO as antagonistic. Russia suspects NATO of using instillations on Svalbard for militaristic purposes and thus has tried to increase its own military presence (Rossi, 2016). Russia has consistently asserted that Norway's scientific facilities on Svalbard are dual-use installations that could be used for military purposes in addition to commercial and research purposes. As far back as 1950, Russia objected to a radar station on Svalbard which was used to support civilian shipping (Koivurova, 2017). In 1980, the United States was found to be deploying seabed listening devices on the continental shelf just beyond twelve miles off the coast of Svalbard, which was met by Russian assertions that this constituted war-like purposes (Pedersen, 2010). The biggest objections about dual-use installations stem from Svalbard's satellite monitoring stations, used to send and receive messages from satellites and download data from orbiting satellites (Koivurova, 2017). In 2010, Russia protested the use of photos taken by the Svalbard Satellite Station, claiming they were used for military purposes (Grydhøj, 2014).

There is more to the recent tension than just suspected dual-use installations. Key issues adding to Russia's view of Svalbard as a security threat are: Norway wanting NATO to have increased presence in the Arctic, the creation of a Joint Expeditionary

Force, the buildup of troops along the Russian border, and NATO holding a meeting on Svalbard. Let's delve a bit into these matters to understand Russia's concerns.

Norway has been pushing for NATO to increase its presence in the Arctic (Grønning, 2017). According to the Norwegian Minister of Defense Ine Eriksen Søreide, "NATO needs a coherent and robust long-term strategy to deal with the new security environment. A key element of that strategy must be maritime power and presence in the North." The Norwegian Minister of Climate and Environment shared similar sentiments during a speech to NATO about climate change in Svalbard saying, "…NATO… needs to prepare for new security challenges" (Grønning, 2017, para. 4). In addition to these public requests of NATO support, as the Secretary General of NATO is a former Prime Minister of Norway, there is unique awareness of Norwegian issues within NATO. Russia claims any interference of NATO with Svalbard is against the "spirit" of the Svalbard Treaty and is unwelcome (Grønning, 2017).

In May 2017, NATO held a meeting in Longyearbyen, and the Russian Foreign Ministry issued a strongly worded statement of criticism,

> In the context of NATO's current policy of "containing" Russia, accompanied by unprecedented military preparations near the border of our country, the attempts to bring Spitsbergen [Svalbard] 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 (Nilsen, 2017, para. 7).

NATO's meeting was to discuss the impact of climate change on the Arctic, but their presence on Svalbard was understandably very controversial in the Russian media, and used as evidence of NATO's attempted militarization of Svalbard. Sergey Lavrov, the Russian Minister of Foreign Affairs, said in a meeting of the Barents Euro-Arctic

Council, "Russian legitimate rights in the area are being repeatedly restricted" (Staalesen, 2017). This narrative has become the prevailing narrative in Russia, which has increased civilian support for the Russian government, through "clear evidence of the West's hostility" (Janjevic, 2018, para. 8). It has also helped perpetuate the view that Norway has repeatedly violated the Svalbard Treaty.

While the Russian military has been performing military exercises along the Norwegian coast and naval exercises in the Arctic Sea for at least a decade, sightings of Russian military planes have increased. In 2005, Norway tracked eleven Russian warplanes flying just off the Norwegian coast; in 2015, that number was 74 (Higgins, 2015). Flyovers of Russian jets are now a common sight in the Finnmark region of Norway which borders Russia. Norway has responded to what it views as increased provocations with increased military presence (Norway, Ministry of Defense, 2008).

In May 2018, the Norwegian Minister of Defense gave a speech outlining the capabilities of the newly operational Joint Expeditionary Force. The Joint Expeditionary Force is a military collaboration between Norway, Sweden, Finland, Denmark, Estonia, Latvia, Lithuania, and the Netherlands, led by the United Kingdom. It is remarkable for its inclusion of Sweden and Finland, which are not NATO members. It operates outside of NATO's traditional framework, and allows rapid response to a crisis by air, sea, or land (Bake-Jensen, 2018). Countries will train together in order to be prepared to respond within an hour's notice to a threat (Hawksley, 2018). This collaboration consists of members of both the EU and NATO, and is primarily made up of countries which border Russia. Additionally, NATO has been increasing the number of troops along the Russia-Europe border, especially along the border with Finland and Norway.

In 2015, a Russia National Security document identified NATO and the USA as major threats to Russia and emphasized its willingness to "use force to achieve Russian goals" if necessary (Gardner, 2016). It was referring specifically to Svalbard, and the fact that, "Norwegian authorities are seeking to establish absolute national jurisdiction over the Spitsbergen [Svalbard] archipelago and adjacent 200 nautical miles boundary around" (Nilsen, 2017, para.3). Russian newspaper Kommersant summarized the 2016 Russian National Security Assessment and revealed Svalbard was among the top four geopolitical challenges that Russia named (Nilsen, 2017, para. 1). The assessment listed a possible reason for military conflicts with NATO as the threat from Norway of "unilateral revision of international agreements."

This chapter focused on Russia's concerns about NATO and Svalbard's militarization. There are more than a few security-based reasons Russia may be interested in annexing Svalbard in order to prevent it from becoming a tool of NATO. Now let's move beyond national defense based reasons for annexation. In the next chapter, we will explore what Russia might have to gain by annexing Svalbard.

Chapter 6: Russia's Interest in Svalbard

In the previous chapter we explored Russia's dislike of NATO and fear that Svalbard is used as a tool of NATO. In this chapter we discuss how Russia might use Svalbard as a means to fracture NATO, as well as other ways Russia might benefit from annexing Svalbard. We will also address why the risk of annexation is particularly high right now, including climate change, oil prices, and the US President's attitude toward NATO.

First, it is necessary to discuss climate change and the Arctic Ocean. The Norwegian governmental white paper on Svalbard says that the Arctic is experiencing "big changes in the physical environment" due to climate change (Regjeringen, 2009). Earth is warming up and melting the sea ice which used to render most of the Arctic Ocean impassable. Previously inaccessible swaths of ocean are now available to be used for drilling, international shipping, and military uses. A warmer Arctic also means increased fishing, as new species of fish and crab migrate north with the warmer water. At the time of the signing of the Svalbard Treaty, the Arctic Ocean was not considered particularly valuable real estate. Today, Svalbard lies in the center of a potential wealth of resources, both economic and strategic, which are of interest to Russia.

Interest in Protecting its Borders and Easy Access to the West

Some of these resources are of particular interest to Russia. During the Cold War, NATO realized the USSR was using the strip of Arctic Ocean between Svalbard and Norway to access the Western hemisphere with their submarines (Pedersen, 2010). Both

the USA and Norway were concerned over the threat of nuclear submarines in their waters, which encouraged them to work together to attempt to, as Supreme Allied Commander Harry Train II put it, "…seal off the Soviet Navy in their home waters" (Pedersen, 2011, p122). NATO was right to be concerned, as by the end of the Cold War, the USSR had over 100 nuclear submarines stationed in the sea to the southeast of Svalbard (Pedersen, 2010).

As the Arctic Ocean loses its sea ice, new and faster routes to the Atlantic Ocean and Western Hemisphere are possible. This is a potential security risk to Russia, because the USA and other Western states have easier access to Russian borders. Svalbard, which is under the control of a member state of NATO, is very close to Russian territory and the ice which previously separated the two and protected Russia's borders is melting.

States will want to monitor increased military activity in the Arctic Ocean, and Svalbard is the perfect piece of land from which to do that. It is ideal for the quick deployment of vessels into the Bering Sea, and monitoring the swath of ocean between itself and Norway. One of Russia's stated goals is to control the area of ocean which runs from the Barents Sea to the Atlantic Ocean with the intention of becoming the gatekeepers of the Arctic to Atlantic passageway (Hawksley, 2018). Since the mid-2000s, Russia has been focused on rearmament in the Arctic, including the reopening of military bases which had been closed since the end of the Cold War, modernization of its Navy, and an increase in Arctic command centers (Grønning, 2017). US Naval analysts say that focus during the Cold War was monitoring the sea between Greenland, Iceland, and the UK, known as the GIUK gap, Russian naval capabilities have advanced to the point where they can launch accurate attacks on NATO land targets from submarines within

the Barents Sea (Willis, 2018). They argue the focus should not be on the GIUK gap, but on the sea between Greenland, Svalbard, and Norway's North Cape. Russia is not overlooking Svalbard's potential as a strategic location for military operations.

Economic Interest

Additionally, climate change makes Svalbard and its surrounding sea very attractive economically. In the 1970s, the US government asked geologists to give a recommendation as to whether Svalbard and its sea was likely to contain energy resources. The official report was that, "Svalbard is interesting from a petroleum standpoint" and it is "underlain by the same sedimentary sequence as one of the USSR's most prolific oil and gas provinces" (Pedersen, 2010). On a visit to the Arctic in 2017, President Putin remarked that Russia needed to protect its economic interests in the Arctic, as the value of untapped energy resources in the region is estimated at around $30 trillion dollars (Al Jazeera, 2017).

Oil is very important to the Russian economy. Oil taxes and revenue compromise around half of Russia's federal budget (Trickett, 2018). Russia uses oil money to fund social and military programs (Trickett, 2018). Russia is the top oil supplier to China, who is the world's largest crude oil buyer (Reuters, 2018). Russia and China had reached a deal earlier in 2017 which would see Russian-owned oil company Roseneft earning $270 billion dollars over the next twenty-five years (Trickett, 2018). Russia also just completed the second East-Siberian-Pacific Ocean pipeline which started commercial operations in January of 2018 (Reuters, 2018). Chinese President Xi Jinping and Vladimir Putin have expressed their intention to use "energy cooperation" to further bring their countries

together (Chen, 2018). Russia is interested in "seizing Western territory to pivot Eastward" and focusing most of its economic growth on China (Biersack & O'Lear, 2014, p. 263).

Europe is the major buyer of Russia's crude oil. Europe buys 70% of Russia's supply, and it is having trouble meeting all Europe's oil demand (Trickett, 2018). In fact, some European refiners have threatened to substantially reduce their purchases of Russian crude oil as Russia has been accused of cutting their oil with a heavier blend which contains more impurities in order to meet demand (Trickett, 2018). If Russia wants to meet European and Chinese oil demands, as well as grow both markets, it needs to produce more oil. Luckily for Russia, oil prices are on the rise after a low period. An increase in oil prices makes Arctic drilling projects more profitable, as they become worth the expense of exploration and setting up a drilling operation (Trickett, 2018).

All of these factors make Svalbard increasingly appealing from an economic standpoint. One might argue that since Russia sells 70% of its oil to Europe, it is unlikely to start trouble with Europe by annexing Svalbard. That is not an inconsequential point, but I would like to give two counterpoints. First, Russia's economic depression from 2014-2017 was not because of sanctions imposed by Europe, but instead due to falling oil prices (NATO, 2017). Second, Europe relies as heavily on Russia for oil as Russia does on Europe to buy it. This mutual reliance puts both sides at a bit of a stalemate in terms of using oil as a bargaining chip.

Also relevant is an oft-overlooked benefit of the Crimean annexation: the Black Sea's untapped energy resources. Just prior to annexation, Ukraine offered up two blocks for sale of the Black Sea for exploration and drilling (Biersack & O'Lear, 2014). Now

Russia controls those energy resources. Outside of experts in the Ukraine, Russia's potential economic motive for annexation had not been much discussed, but points to an interest in obtaining potential oil resources (Biersak & O'Lear, 2014). In 2018, Norway opened up new blocks of the seabed for exploration, the largest ever offering of acreage so far North, and very close to Bear Island, part of the Svalbard Archipelago (Staalesen, 2018). In a later chapter, I will discuss the various treaty disagreements between Russia and Norway, but relevant to this topic is Russia's assertion that Norway is in violation of the Svalbard Treaty by trying to sell seabed. In fact, Russia claims Norway doesn't own the seabed at all, but that it is open to use by any signatory party to the Svalbard Treaty. Norway's insistence that it has ownership of the seabed, and decision to put blocks up for sale has heightened tension in the region, and given Russia a reason to turn its focus to the territory.

Interest in Fracturing NATO

Another reason Svalbard is particularly vulnerable to Russian annexation at this time, is because of the tense relationship of US President Donald Trump and the North Atlantic Treaty Organization (NATO). NATO is a military alliance between the USA, Canada, and 27 other countries, the majority of which are located in Europe. Norway, who is among the countries in NATO, has a NATO Joint Warfare Centre located in Stavanger. Norway's former Prime Minister, Jens Stoltenberg, is currently the Secretary General of NATO. While a tense relationship has always existed between Russia and NATO, historically the USA has been a devoted member and champion of NATO. However, current US President Trump has been vocally critical of NATO, saying that it

is “obsolete”, “unfair”, “costing us a fortune” and “set up at a different time” (Illing, 2018). In a television interview, President Trump was asked, “Why should my son go to [NATO member] Montenegro to defend it from attack?” He responded, “I’ve asked the same question” (Martin, 2018, para. 3). Fellow NATO member states have expressed dismay and doubt that the USA would meet its NATO obligation to come to the mutual defense of fellow members. German President Angela Merkel said recently in a speech that Europe could no longer count on the USA to protect it, and they must take destiny into their own hands (Fabian, 2018). America’s NATO allies aren’t the only ones concerned about Trump’s commitment to NATO. After recent critical comments by the President, US Senators have proposed a bill to prevent the US President from unilaterally withdrawing from NATO (Silvy, 2018). NATO’s success in global cooperation relies primarily on its principle of mutual defense: there is a clear and certain consequence to aggressive action towards NATO members. However, President Trump’s recently expressed sentiments of a seeming lack of commitment to NATO, as well as hesitation about coming to NATO member Montenegro’s defense have undermined the certainty upon which NATO has relied.

Uncertainties about where the USA and President Trump stand on NATO and the principle of mutual defense could make this an attractive time to test the strength of NATO. Would President Trump be willing to support Norway if Russia attempted to annex the remote archipelago of Svalbard, particularly if it was done under the alleged auspices of international law and a democratic vote? Would NATO be willing to defend Svalbard without the USA’s help and risk military confrontation with Russia, being very aware of Russia’s naval superiority in the Arctic? The fact that these are realistic

questions should highlight Svalbard's vulnerability at this particular time. Even if Russia had no interest in Svalbard, it may be particularly tempting for it to act in a way which might fracture the strained relationship between the USA and NATO.

Interest in Maintaining Naval Supremacy in the Arctic

In early August 2018, the US Department of Homeland Security decided to reallocate $75 million dollars originally intended to fund a new polar icebreaking ship to the building of the US-Mexico border wall (Wyland, 2018). A letter signed by eight US congressmen to the Chairman of Homeland Security and the Chairman of the Committee on Appropriations expresses the major security concerns with this reallocation:

> According to a 2013 Department of Homeland Security Mission Needs Statement, the United States requires a fleet of three heavy and three medium icebreakers to adequately fulfill its missions in the Arctic and Antarctic. We currently have only one of each- the 18 year-old medium polar icebreaker *Healy*, and the 42 year-year old heavy polar icebreaker *Polar Star*. Compared to Russia, which has 41 icebreakers far superior in capability and technology, we are woefully unprepared for the reality of rising global temperatures and melting sea ice. Russia has claimed natural resources and territory in the Arctic that exceed its internationally recognized rights, and is making investments in its ice-capable military assets to back those claims. (Courtney et al., 2015, p. 1)

The US is not currently capable of competing with Russia in an Arctic naval battle, and with cuts in funding for new icebreakers, it will not be competitive any time soon. In fact, if a heavy icebreaker were indeed funded this budget cycle, it would not enter into service until 2023, making such delays in funding significant (Wyland, 2018). This makes, at a minimum, the next five years a particularly tempting time for Russia to engage in a military confrontation in the Arctic.

This chapter has discussed some reasons Russia would be interested in taking Svalbard for themselves, and why the temptation may be particularly high right now. In

the next chapter, the Russian annexation of Crimea which will provide insight on Svalbard's risk on annexation by a similar method.

Chapter 7: Crimea

I have referred a lot to the Russian annexation of Crimea, and in this chapter I will discuss it further. It is an extremely relevant event for analysis, having taken place recently (2014) and bearing similarities to the situation in Svalbard. However, this is not a paper about Crimea, and thus the description of events will be brief. Still, I hope to extricate some applicable lessons and interesting points regarding Crimea's relevance to Svalbard's current situation. This chapter will also address the Russian narrative following the annexation, the applicability of justifications used for Crimea to the situation in Svalbard, the sanctions Russia has faced and their impact, and similarities between Crimea and Svalbard.

In 1991, Ukraine declared independence from the USSR, after 90% of Ukrainian voters voted for independence. In 2013, Ukraine's cabinet abandoned plans to strengthen ties with the EU, and elected to strengthen ties with Russia instead. Ukrainians reacted to this about face with widespread protests. The Russian documentary on Crimea, "Homeward Bound", which was produced and shown on Russian state television shows an interview with President Putin discussing a meeting held on the night of February 22nd, 2014. "We finished about seven in the morning," Mr. Putin said. "When we were parting, I told all my colleagues, 'We are obliged to begin working to bring Crimea back into Russia'" (MacFahrquhar, 2015, para. 8). Days later, pro-Russian gunmen seized government buildings in Crimea and raised the Russian flag. More gunmen appeared outside Crimean airports, and though at the time President Putin denied Russia was involved, he later admitted the gunman were Russian special forces (BBC, 2014,

MacFahrquhar, 2015). Soon after, President Putin's request to use force in Crimea to "protect Russian interests" was approved by Russian parliament (BBC, 2014). On March 16, 96.7% of Crimeans allegedly voted "yes" in a referendum to join Russia. By March 19th, President Putin signed a bill declaring Crimea part of Russia (BBC, 2014).

The night before Russia declared Crimea part of Russia, President Vladimir Putin gave a speech outlining the legal and moral issues which Russia felt justified its actions in Crimea (Leonaite & Zalimas, 2016). President Putin said Russia was concerned about the treatment of Russian speaking Crimeans by Ukraine and thus had come to the aid of Russian passport holders in Crimea (Biersack & O'Lear, 2014). He asserted that Russia has a legal right to protect its people abroad (Gardner, 2016). There was much made about the history of Crimea as "always Russian" and its place in the Russians hearts and minds (Biersack & O'Lear, 2014, p.254). President Putin went on to say that the majority of people living on Crimea are Russian, and that there were attempts to deprive them of their "historical memory and subject them to forced assimilation" (Kremlin, 2014, para.18).

Putin then elaborated on the actions Russia took in Crimea to, "help create conditions so that the residents of Crimea for the first time in history were able to peacefully express their free will regarding their own future" (Kremlin, 2014). He asserted that the referendum held the day before had been, "in full compliance with democratic procedures and international norms" (Kremlin, 2014). He admits that while Russia did send armed forces into Crimea, they "did not exceed… 25,000" (Kremlin, 2014). Once the referendum results came in, the Supreme Council of Crimea "referred to the United Nations Charter, which speaks of the right of nations for self-determination",

and also followed the "Kosovo precedent" in seceding (Kremlin, 2014). The President concluded his speech by asking that Russian Federal Assembly ratify the treaty making Crimea a part of Russia.

In the months and years following the Crimean annexation, many Russian academics of law have written scholarly articles which echoed and elaborated on Putin's justifications. Most all of the rationale put forth by these authors is bad law. They change the meaning of defined legal words, assert legal rights where there are none, ignore legally relevant facts in favor of irrelevant ones (Leonaite & Zalimas, 2016). This is all an attempt to legally justify the annexation of Crimea and frame Russia's actions as acceptable.

A key narrative put forth by the Russians was that they had held a referendum which resulted in Crimea "democratically seceding" from Ukraine (Biersack & O'Lear, 2014). Russia explained its actions as legal by claiming the international right of self-determination allowed the people of Crimea to decide if they would like to remain with Ukraine, or join Russia (Biersack & O'Lear, 2014). Although there was a referendum held in Crimea, and the results showed over 96% of voters desired to join Russia, this result is questionable. Simply the presence of the Russian army and threat of force during the vote is enough to make the results of the referendum invalid (Kranz, 2014). There is good reason to be skeptical of the results. A survey in 2011 showed most Crimeans wanted regional autonomy, not to become part of Russia (Charron, 2011). Additionally, less than 1% of Crimeans viewed Russia as their homeland, a smaller percentage than those who viewed Ukraine as their homeland (Charron, 2016).

The results of the Crimean referendum are seen as illegitimate by most countries. UN General Assembly Resolution 68/262 had 100 states voting affirmatively to declare the Crimean referendum invalid, with only 11 states voting against (UNGA, 2014). In a further referendum, 70 states voted in support of a UN Resolution which names Russia as an occupying power in Crimea (Euromaidan, 2016). Most international legal experts agree that Russia illegally annexed Crimea, and used bad law or lawfare to attempt to justify their actions. Crimea became the latest in a long series of states to, ironically, have their wishes ignored in the name of self-determination.

This paper is about Svalbard, not Crimea; so what is Crimea's relevance? There is limited use in applying arguments justifying the annexation of Crimea to analyze the risk of a Svalbard annexation. All parties involved have new information about how the others will react, and the political climate has changed accordingly. Additionally, the nature of the international system means every state is unique and a direct qualitative comparison is difficult. Bearing this in mind, examining the justifications used in the case of Crimea gives us understanding of the legal and ethical precedent Russia set for themselves in cases of annexation. Russia essentially declared that if certain criteria are met, annexation is legally justified. It then becomes useful in analyzing the risk to Svalbard to see if these criteria are met, or could be argued to have been met, on Svalbard. Just to reiterate, it doesn't matter if these criteria are legitimate or legally justify annexation, only that Russia would be following its own precedent in claiming that they do.

Irene Goudimiak (2016) identified seven recurring justifications for annexation President Putin has made in his discourse on the Crimean annexation. Goudimiak's

methodology was to perform a content analysis on 57 statements, interviews, and speeches by Vladimir Putin regarding Crimea from 2013 to 2017 and looking for recurrent framing. The identified frames were then summarized into seven categories.

1. Russia helping protect the Russian speaking Ukrainian population from an illegitimate government
2. The West (particularly the USA) funded the coup in Ukraine to isolate Russia
3. Crimea is a part of Russian history, Crimeans chose Russia in a referendum, USA set a legal precedent in Kosovo
4. Russia has a right to protect Russians living abroad and free them from discrimination
5. All of Russia's actions were within the bounds of international law.
6. Russia must intervene in Crimea in order to fulfill the Minsk agreement.
7. Russia was countering the threat of NATO expansion eastward

The following table compares the justification used for Crimean annexation with its applicability to the situation in Svalbard. Remember this is not legitimate international law, it is only a list of criteria which, according to Russian precedent, makes it annexation acceptable.

Table 1: Comparison of Crimean Justifications with Conditions on Svalbard

Justification for Crimean Annexation	Applicable to Svalbard	Elaboration
Russia helping protect the Russian speaking Ukrainian population from an illegitimate government	Yes	There is a Russian speaking population on Svalbard which is not represented by the government
The West (particularly the USA) funded the coup in Ukraine to isolate Russia	No	There have not been accusations of the USA using Svalbard to isolate Russia
Crimea a part of Russian history, Crimeans chose Russia in a referendum, USA legal precedent in Kosovo	Yes	Svalbard a part of Russian history, has potential for a referendum, USA legal precedent in Kosovo
Russia has a right to protect Russians living abroad and free them from discrimination	Yes	Russia has a right to protect Russians living abroad and free them from discrimination
All of Russia's actions were within the bounds of international law	Yes	Russia can claim its actions are within the bounds of international law
Russia must intervene in Crimea in order to fulfill the Minsk agreement.	Yes	Could be asserted that Russia intervened in order to defend Article 9 of the Svalbard Treaty
Russia was countering the threat of NATO expansion eastward	Yes	Russia can claim its countering the threat of NATO expansion eastward

This table illustrates just how easy it would be for Russia to use almost identical reasoning as it used in Crimea in Svalbard. Only one justification, the West using a coup to isolate Russia, is not applicable to Svalbard. If Russia is comfortable using these as reasons for an annexation, Svalbard could be at risk.

What about the sanctions Russia was subject to after the annexation? Did they make a big enough impact to prevent Russia from another annexation? The main sanctions Russia faced after its annexation of Crimea were economic. The sanctions restricted access to western financial markets for certain Russian state-owned companies, placed embargos on exports to Russia of oil exploration and production equipment, and also placed embargos on exports to Russia of military goods (NATO, 2016). Additional

sanctions include asset freezes and visa bans on 149 people identified as responsible for the annexation, as well as bans on economic transactions within Crimea (Europa, 2014). NATO contends that these sanctions had a negative impact on Russia by "helping exacerbate" the fall in oil prices, putting "downward pressure" on the Russian ruble, and causing a hike in interest rates, all helping cause a Russian economic recession (NATO, 2016, para.6). However, even NATO admits that the low price of oil (felt globally, especially by Norway) was the driving factor in the recession, not sanctions (2016). In fact, the Russian economy grew in 2017, along with the global increase in oil prices, even with sanctions still in place (Janjevic, 2018). In regards to the efficacy of the sanctions, Jens Stoltenberg, Secretary General of NATO, said, "I think it is at least obvious if we hadn't done anything it would have lowered the threshold for Russia to do similar things against other countries" (Reid, 2018, para.5). Russia does not appear to be feeling the impact of these sanctions very strongly.

What is the attitude of Russia's citizens on the annexation? Did Russia's government face domestic criticism which might prevent them from considering another annexation? Russia is a country which focuses a great deal on expansionism and imperialism (Rogoza, 2014). To be clear, these traits are not unique to Russia or Russians. As John Herz wrote in his article discussing the security dilemma, "Whether man is by nature peaceful and cooperative, or domineering and aggressive, is not the question. The condition that concerns us here is not a biological or anthropological but a social one" (Herz, 1950, p. 157). Russia is in a position where expansionism and imperialism are rational from a security standpoint. However, I believe it is important to note that imperialism in Russia is not just a government tool to maintain state security,

but a principle that has been embraced by Russian citizens. Indeed, in reaction to the annexation of Crimea, imperial attitudes have increased among Russian citizens, and Putin's approval rating has soared to 80% (Rogoza, 2014). Additionally, patriotism has increased since the annexation of Crimea and the following sanctions (Janjevic, 2018). Experts posit this is because of pride over Russia being a "great power" and "doing what it likes, regardless of criticism or Western sanctions" (Janjevic, 2018, para.10). While perhaps domestic popularity is not a security-based reason to annex Svalbard, it is certainly not dissuasive for a government to know their actions will not face much criticism at home.

Culturally, Svalbard and Crimea couldn't be more different. Their past and present are as unique from one another as can be. However, Russia set a precedent in Crimea with the annexation and justifications which could apply to Svalbard. Let's look at some of the similarities between Svalbard and Crimea. Both Svalbard and Crimea can be divided geographically relatively easily from their states' mainland. Both have Russian enclaves and Russian speakers living on their territory. Both are close to Russian territory. Both are part of perceived NATO expansion eastward. Both have been claimed by Russia in the past. Both are subject to claims of unfulfilled treaties and claims of unrepresentative government. The next chapter will discuss the unique ways Svalbard may be vulnerable to annexation than even Crimea appeared to be.

Chapter 8: Svalbard's Unique Vulnerabilities

Svalbard is a place of incongruity. It is a place where the cerebral realm of science and the brutal physicality of the Arctic meet, and where researchers are encouraged to carry guns to fend off polar bear attacks. Nowhere was this incongruity more jarring than on a day trip I took in 2014 from Norwegian-majority Longyearbyen to Barentsburg, the Russian settlement on Svalbard. In stark contrast from the tourist shops, schools, and cozy hotels in Longyearbyen, Russian miners could be seen lying on the rooftops of their dormitories, soaking up the sun and drinking vodka. In this settlement, under the sovereignty of Socialist Norway, huge statues of Lenin greet visitors as they dock, as does a large sign which reads "Our goal is communism." It is hard to reconcile the two communities, so close together and yet so different.

Russia continues to run their unprofitable mining operation in order to maintain a significant presence on Svalbard. As the head of the Russian mining operation, Alexander Veselov said, "The state thinks that there are state interests, roots here" (McFarlane & Marson, 2017, para.4). The maintenance of those roots is one of the things which makes Svalbard particularly vulnerable to Russian annexation. There is a community of Russians on Svalbard, speaking exclusively Russian and practicing Russian culture. This is at the heart of any claim that they are a "people" subject to the principle of self-determination. Do they have a right to be represented in decisions on the governing of Svalbard? If Russia claims they are being treated unjustly, not just in violation of the non-discrimination clause in the Svalbard Treaty, but also in violation of their human rights, they have a plausible excuse to come to the aid of "Russian passport holders" living

there. Another Russian complaint surrounding the administration of Svalbard is the allocation of taxes. As set forth in the treaty, the taxes collected from Svalbard all go back into the operation of Svalbard. The Russian community claims that the taxes paid by Arktikugol are directed to Longyearbyen, the primarily Norwegian settlement to the south (McFarlane, 2017). Whether or not this is accurate, the narrative exists and is routinely reiterated by the head of Arktikugol.

No one living on Svalbard is allowed to vote on the choice of Sysselmannen. He or she is appointed by the Norwegian government. This means residents of Svalbard have little say over the running of their community. However, they have tried to take some local control. The Longyearbyen Community Council is a grass roots group which the community created to have more say in local matters such as school and traffic. Norwegians may vote in the election of the Community Council if they have lived in Longyearbyen for four weeks, non-Norwegians must have lived in Longyearbyen for three years. The Sysselmannen and the Community Council have come to coexist fairly peacefully, although there are yet to be any major disagreements to test the legitimacy of the council. Barentsburg has no elected officials or community council, thus the people living there are without a form of democratic representation on Svalbard.

The voting requirements of the Community Council in Longyearbyen make it open to potential abuse. As foreign nationals are allowed to vote after residence in Longyearbyen for three years, it is possible that a state could plant citizens in Longyearbyen and have them vote to control community matters. More importantly, as there is no visa requirement to live in Svalbard, it would not be difficult to drastically increase the number of foreigners living on the archipelago very quickly. Potential abuses

of the non-discrimination policy include flooding Barentsburg with Russian citizens until they are the majority on Svalbard, and then having the majority demand a voice in its governance. Norway could be aware of an influx of Russian citizens, but may find its hands tied by the Svalbard Treaty.

I wish to highlight the importance of relative power and regional hegemony in the international system. A state is concerned with maximizing its relative power, because relative power most effects its security (Mearsheimer, 2001). States may even be willing to accept a diminution in their absolute power in order to increase relative power, as what is most vital to state security is being more powerful than those states around you (Mearsheimer, 2001). Russia has viewed NATO as a serious threat to its security since its inception and NATO has involvement with Svalbard. Essentially, Svalbard's proximity to Russia makes it vulnerable.

Additionally, Russia has applied a different standard in its interactions with states in close proximity. Roy Allison, an expert in Russian affairs at Oxford explains, "Russia asserts a claim to a form of legal exceptionalism in a regional zone of entitlement" (2017). Russia has worked to establish itself as the leader of a regional hegemony which encompasses not just former Soviet Republics, but the Arctic as well. Russia has previously described this area as the "'near abroad' or a 'zone of Russian privileged interest'" (Allison, 2017). Svalbard arguably falls in that regional zone of entitlement, increasing its vulnerability to Russian interference.

Russia has a long history in the Arctic and with Svalbard specifically, claiming to have discovered it first. Russia asserts that Russian Pomors, legendary Arctic explorers and hunters, discovered Svalbard as early as the 12th century, long before the arrival of

the Dutch in the 17th century (Meo, 2008). This is a popular refrain in Barentsburg, with locals asserting, "We Russians have always been here" (Meo, 2008). Russia points out that Svalbard's next closest land mass is the Russian archipelago of Franz Josef's Land, not Norway. In fact, it regularly asserts that Svalbard lies on the Russian continental shelf, not the Norwegian continental shelf.

I bring up Svalbard's territorial propinquity with Russia because, while the location of Svalbard does not have a legal bearing on who owns it, it seems more acceptable that countries fighting over a territory be geographically close to it. It is the same principle which makes some feel the Falkland Islands should be Argentinian and not British simply because geographically it "makes sense" (Chehabi, 1985). This is also the same principle which made Russia annexing Crimea seem less outrageous than had it annexed a territory in the north-western part of Ukraine.

In the same vein, Svalbard is an archipelago. It is not attached to the mainland of Norway or any other state. It could appear that annexing Svalbard would not infringe on Norway's territorial integrity, at least not in the same way as if Svalbard was a province on the mainland of Northern Norway. Neither of these issues are relevant to the question of Svalbard's ownership, but are extremely relevant to the public narrative. The perception that Svalbard is close geographically and culturally to Russia are helpful in mitigating negative reactions to an annexation.

As mentioned previously, the disagreement over Svalbard's EEZ and continental shelf is not restricted to Russia and Norway. None of the signatories except Canada and Finland support Norway's position (Elferink, 1994). In the 1970s, Norway sought to establish that the continental shelf surrounding Svalbard was beyond the scope of its

"territorial waters" which were covered by the Svalbard Treaty, and instead exclusively Norwegian. Both the USSR and the USA had similar interests in the waters surrounding Svalbard, the primary being military-strategic and the secondary being economic (Pedersen, 2010). The US ambassador to Norway met with the USSR's ambassador to discuss Norway's claim. The US response was disheartening to Norway, "The US reserves the right to exploit resources on the continental shelf appertaining to Svalbard" (Pedersen, 2011, p.124). Or, as the US ambassador put it, Norway was engaged in "wishful thinking" (Pederson, 2010). Henry Kissinger, US National Security Advisor, expressed a desire to leave the issue open. NATO members agreed, deciding it would be destabilizing to seek to resolve the "Svalbard dispute". A cable from the US embassy in Oslo expressed that not supporting Norway's position would not become an issue unless Norway "tries to sell exploration licenses on Svalbard's continental shelf" (Pedersen, 2010). This is exactly what Norway has begun attempting to do the last few years.

Clearly, the disagreement over Svalbard's FPZ and continental shelf is not restricted to Russia and Norway. None of the signatories except Canada and Finland support Norway's position (Elferink, 1994). In 2006, there was a meeting in London to discuss the Svalbard Treaty, attended by the UK, US, Canada, Denmark, France, Germany, Iceland, the Netherlands, Russia, and Spain. Norway was not invited, and there has been no disclosure of what exactly was discussed (Pedersen, 2010). It is not surprising that the other signatories to the treaty do not side with Norway regarding sovereignty of Svalbard's continental shelf. Why would they agree to give up their right to the resources surrounding Svalbard? The fact that Norway's allies and fellow NATO

members don't recognize its claim of sovereignty over the FPZ makes Svalbard distinctively vulnerable to claims of treaty violations.

Lastly, Svalbard is vulnerable because so few people have heard of it. It is a strange place in a remote location populated with more polar bears than people. It has a confusing set of laws and an international set of inhabitants. An assault on Svalbard would not necessarily trigger the outrage that an attack on some more well-known or centrally located territory would. More likely than initial outrage, would be people would be pulling up Google Maps to try and find it. Additionally, an annexation would only effect around 2,500 people directly, which is less shocking than an attack on a major city. All of these things contribute to Svalbard's vulnerability to interference.

In many ways Svalbard's uniqueness adds to its vulnerability. Factors such as negligible support on its claim over territorial waters, the strong Russian presence and community on Svalbard, its location, small population, proximity to Russia and the fact that it is an archipelago are all contributors.

Chapter 9: Power Dynamics

Simply being vulnerable to Russian annexation does not make it an inevitability. In Chapter Six, I discussed the benefits to Russia of annexing Svalbard. There are many enticements to annexation, yet Russia has not attempted it. In fact, most Norwegian experts on have expressed their skepticism that Russia will attempt to annex Svalbard. In this chapter we will discuss the power dynamics surrounding Svalbard, including why Russia has yet to take military action, Russian movements toward occupation of Svalbard, the catalysts which could spur Russia to military action, and Svalbard as a pawn in a larger game.

The truth is both Russia and Norway benefit from a stable Arctic (Østhagen, 2018). Historically, in the face of disputes over Svalbard's waters, Norway and Russia have reached a passive agreement to disagree. The key to this peace is an "interest alignment" in keeping the dispute primarily between their two states (Østhagen, 2018). The risk of upending the status-quo is potential "coercive efforts by other actors" who complicate and insinuate themselves in the dispute and thus the Arctic. (Østhagen, 2018, para.5). Russia does not want competition in the region from other signatories, or any intervention by NATO.

Russia and Norway have retained relative peace in the Arctic region thus far because the cost of escalating to military action is greater than the benefit. To put it simply, President Putin is not interested in starting a world war over a tiny Arctic archipelago. The economic cost of war is high. For example, one battle-ready soldier

costs Russia $65,000 per year. Russia is recovering from a recession and is not interested in potentially engaging in a costly world war. This does not mean Svalbard is not at risk or that circumstances will not change, but presently Russia has numerous economic and strategic motivations for abstaining from aggression towards Svalbard.

Timing

It is not a good time for Russia to provoke Europe. The sanctions Russia faced after annexing Crimea were not very detrimental to the Russian economy, however that doesn't mean that Russia regards sanctions as insignificant. Russia is still dealing with sanctions from Crimea and is facing additional sanctions due to election meddling and the use of biological warfare. Any individual sanction may not be hugely impactful to the Russian economy, but cumulatively they have a negative effect. Additionally, sanctions targeted at specific businesses do have an impact. A 2014 European prohibition on Russian aluminum dropped share prices of Rusal by 40%, crippling the business, and thus the net worth of the oligarch who owns it (Matthews, 2018). Russia is not interested in exacerbating the current situation by annexing Svalbard.

Energy Dependence

Russia has another reason to refrain from provoking Europe, at least until next year. While Russia already provides 40% of Europe's natural gas, it is in the middle of increasing its energy ties with Europe via the Nord Stream 2 pipeline, due to be completed in 2019 (Lute, 2018). This pipeline would travel under the Baltic Sea from Russia to Germany and double the amount of Russian natural gas supplied to Europe

(Lute, 2018). The United States' Deputy Security of Energy recognized Europe's vulnerability to Russia via "energy intimidation" and urged Europe not to let the pipeline move ahead but the prospect of cheap energy has thus far proved too tempting (Lute, 2018). In 2018, Europe imported 8.1% more gas from Russia than in 2017, even amid Crimean sanctions and accusations of election meddling (Daiss, 2018). Russia is not interested in taking action which could jeopardize Europe's energy dependence on it, especially not before that dependence is cemented.

Occupation Followed by Annexation

However, there are other ways to annex a territory than through a military invasion. I do not envision an outright Russian military attack on Svalbard. The main risk to Svalbard is annexation from the inside, through a calculated build-up of Russian citizens followed by a demand for a democratic vote which Russia declares it needs to facilitate. This requires some premeditation and planning, as Russia would need to build up their infrastructure in Barentsburg and make Russians the majority population on Svalbard.

Recently, movement toward passive occupation began. As of September 2018, Russia announced its intention to create a tourism industry in Barentsburg, and make the community a "center for the Russian Arctic" (Nilsen, 2018, para.13).. The goal is to create a "modern Russian society in the Arctic" (Nilsen, 2018, para.12). This goal includes renovating the old mining town to include hotels, breweries, shops, and bringing in Russians to live and operate these businesses. It is remarkable that Russia has chosen Barentsburg to be the center for the Russian Arctic, as Russia has its own sovereign

archipelago in the Arctic in Franz Josef's Land, as well as northern Siberia. The rationale is clear: to keep Russians on Svalbard and build up the infrastructure and Russian population.

Current Threat of Military Action

But what is the risk of outright military action? The Crimean annexation did not occur entirely unpredictably. The political shift in Ukraine from a Russian-leaning to a Western-leaning government was the catalyst for Russia to respond with aggression. Likewise, Russia is unlikely to attack Svalbard without a significant stimulus. I have discussed in previous chapters how climate change is altering the Arctic's long standing stability by decreasing Russia's border security and making oil exploration more feasible. Beyond that, Norway's attempt to sell sea-blocks for oil exploration changes the dynamics in the region. The question is: are these changes enough of a catalyst to prompt Russia to annex Svalbard in the near future? It seems unlikely. Potentially losing some border security and having to object to alleged treaty violations over drilling are not enough of a catalyst for starting a potential war. If Russia takes any aggressive action in response to these changes, it will likely be a type of 'gunboat diplomacy' consisting of Russia building up its navy fleet in the Arctic. This would be a show of military power to "achieve political rather than military ends" (Jensen, 2010). It is a less dramatic, more invasive approach which does not come at as high a cost as military action.

Future Catalysts of Military Annexation

So if not these events, what events would spur Russia towards military action on Svalbard? The first, and most likely, would be in reaction to significantly increased NATO aggression. If NATO attempted to militarize Svalbard, or encroach further on Russia's perceived "regional zone of entitlement" in Eastern Europe, Russia could be spurred to action. The second is if Vladimir Putin loses popularity in Russia and is facing re-election. As discussed earlier, the Russian population reacted very positively to the annexation of Crimea and is generally in favor of imperialistic policies. The popularity of the Crimean annexation buoyed Putin's approval rating and sustained him through three years of recession. The third would be if Norway took significant steps to curtail Russian activity on the archipelago or began to use it for war-like purposes. Any of these events could prompt Russian action by making the benefit of annexing Svalbard worth the cost.

Svalbard as a Pawn in a Larger Strategy

You will note none of these potential catalysts stem from a Russian desire to possess Svalbard. Yes, Russia would benefit by controlling Svalbard's resources, but those benefits are just a bonus. If Russia begins making aggressive moves towards Svalbard, it is indicative of much bigger imperialistic ambitions. Svalbard would be the proverbial canary in the coal mine for Europe, as its occupation is a logical first step in testing the unity of NATO and the European Union. Annexing Svalbard would be a half-measure of boundary pushing, not the end itself, but rather a means of manipulation.

Chapter 10: Suggestions for Continued Peace

This chapter will cover my recommendations for actions Norway could take to help maintain peace on Svalbard. Even if there is disagreement over Russia's imperialistic ambitions, tension in the Arctic remains. Thus, I have divided my suggestions into two groups; one for a Norway that believes Russia is interested in maintaining peace, and one for a Norway which doesn't. The suggestions for the former are: clarifying the terms of treaty, regular Svalbard Treaty signatory meetings, frequent installation inspections, increased interactions between different nationalities on Svalbard, and a temporary agreement on the use of Svalbard's FPZ. Suggestions for the latter are: keeping Svalbard and the Arctic in the forefront of NATO's agenda, placing and keeping more Norwegians on Svalbard, and funding a massive publicity campaign advertising Svalbard.

Svalbard has maintained relatively peaceful relations with Russia so far. This is not a testament to the robustness of the Svalbard Treaty or the wise governance of Norway. It is because the conditions of the planet and its international relations were different. Climate change is causing a new era of Arctic attention, with Svalbard becoming an increasingly valuable territory. Recall that in the 1970s, the US ambassador to Norway said the Svalbard dispute should not become a problem unless Norway tries to sell blocks of sea for energy exploration (Pedersen, 2010). This is exactly what they are doing now. The value of oil is increasing, there is increased opportunity for Arctic drilling, and new species of fish and crab are moving to the warming Arctic waters

(Nilsen, 2018). The Svalbard Treaty signatories should come to an agreement on how the terms of the Svalbard Treaty are to be applied in the present day.

A common suggestion for relieving some tension regarding the Svalbard dispute is to clarify the terms of treaty. Norway and other signatory parties could refer the case to the International Court of Justice (ICJ) for adjudication. All states involved would need to consent to give it jurisdiction and ask it to interpret the application of "territorial waters" in Svalbard Treaty. I do not think this is advisable. The ICJ's findings are not enforceable, and can be easily dismissed by dissatisfied parties, serving only to stir up tensions. However, it might be beneficial for the signatory parties to reach an agreement which resolves the issue for right now. This is essentially what the five Caspian nations did in resolving their dispute over the Caspian Sea in August, 2018. While they were able to agree on certain issues, the methodology for dividing up the sea will be "determined in a separate agreement" (Guardian, 2018). The Caspian Sea Deal was largely just a gesture of goodwill among the nations. Norway could do something similar, by delaying any selling, drilling, or fishing in the contested zone for the next five years, with a plan to revisit it then. This would resolve the issue in the short term, and would clarify the laws for fishermen and those trying to do business in the Arctic.

Additionally, it would be good for the signatories of the treaty to meet regularly to discuss disputes and concerns. Without a multi-lateral meeting, it is solely up to Norway to decide if they wish to address an issue (Koivurova, 2017). There should be a record kept of all disputes and full and clear explanations of the situation in question. The Antarctic Treaty has a provision for inspection which states, "Parties are obliged to inform each other of their activities in Antarctica and facilitate inspections by other

Parties of their facilities. The observers shall have complete freedom of access at any time to any or all areas of Antarctica." This includes "…all stations, installations and equipment within those areas, and all ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica." Svalbard could benefit from the same arrangement and transparency. (1959, p.5)

Another suggestion is maintaining and promoting personal interaction between individuals of different nationalities (Østhagen, 2018). This applies to residents of different settlements in Svalbard, Russian ships and the Norwegian Coast Guard, and the Sysselmannen and the head of Arktikugol. Personal interaction and understanding could keep Svalbard from having a situation turn into a flash-point for confrontation.

Norway could stop putting blocks up for sale. This would make it harder for Russia to claim a treaty violation, and would prevent the alienation of other treaty signatories. In a similar vein, Norway could reach an agreement with the European Parliament's Committee on Fisheries to let European Union (EU) fishing license holders fish in Svalbard's waters if the proper environmental protections are in place. This would help maintain good relations between EU and Norway regarding Svalbard and its sovereignty. Such agreements have their downsides for Norway, as it risks giving up its claim to the FPZ and continental shelf, but they would support continued peace in the region.

All of these are suggestions which are useful for interacting with a Russia operating in good faith. As I have argued, I do not believe Russia wants a peaceful resolution to the Svalbard dispute, but instead wants to take Svalbard for itself. In this

case, recommendations for continued peace must focus more on the perception of Svalbard and its security.

Norway should make Svalbard a recurrent and prominent topic of conversation at NATO meetings. It should work to get reassurances from all members that they would come to the defense of Svalbard, and then publish a statement advertising that commitment. This would reinforce to Russia that NATO is united on the sovereignty and protection of Svalbard, and that Russia can still expect a reaction of mutual defense.

Torbjørn Pedersen of Nord University, explains the importance of maintaining a strong Norwegian presence on the archipelago in his 2017 article "The Politics of Presence: The Longyearbyen Dilemma." Pedersen explains that the dilution of Norwegians in Longyearbyen may encourage misperceptions about Svalbard's status as Norwegian and lead to security challenges. This could be counteracted by programs aimed at maintaining a strong Norwegian presence on Svalbard. Norway should focus on ways to get and keep Norwegians living in Svalbard.

The best way to encourage continued peace on Svalbard is to let people know it exists. Here is a personal anecdote: I hadn't heard of Svalbard until living in Norway, and outside of residents of Arctic states, those involved in certain academic or political fields, and adventurous travelers, I have not met anyone who has heard of Svalbard. Most laymen are not aware of its existence or that it belongs to Norway and is not terra-nullis or Russian. This is a problem for Norway. Many people had not heard of Crimea before it's annexation, and thus failed to react as strongly as they might have. Just as with Crimea, Svalbard is geographically close to Russia and has Russian speaking residents. Unless it is cemented in people's minds that Svalbard is Norwegian, Norway could face

the task of convincing people to be outraged for it. I suggest Norway engage in a massive promotional campaign revolving around Svalbard as a center of tourism and adventure, ecological and environmental importance, and scientific discovery. I would target the media markets of NATO member states, with the intention of bringing public awareness to Svalbard as a Norwegian territory.

Some of these suggestions will go further towards maintaining peace than others. Their efficacy depends a lot on the desired outcomes of the states involved; if they wish to maintain peace, there are many ways to do it. War or annexation is by no means inevitable. The only inevitability is that things change. It would be foolish to assume that because there has been peace, there will be peace. Those who wish to maintain peace need to be proactive in countering threats and anticipating potential conflicts.

Chapter 11: Conclusion

An annexation of Svalbard would be a significant global event. It would not just effect the citizens currently living on Svalbard, but have countless ramifications. An attempted annexation could lead to a world war, if NATO were to engage militarily with Russia. If NATO did not come to the defense of Norway, the alliance may be irreparably fractured. The national security of many states would be effected if Russia controlled a territory so far west and could claim most of the Arctic Ocean as within its territory. Further, Russia would strengthen the precedent set with Crimea, that annexation is legitimate for reasons which are counter to international law.

Looking beyond political ramifications, Svalbard has a delicate ecosystem and miles of untouched wilderness which ought to be preserved. Military action and a lack of Norwegian oversight may damage or destroy the archipelago's environment, endangering many Arctic species. Scientific research stations and valuable data-gathering satellite stations would be disrupted.

It is possible to maintain peace on Svalbard though it will take a focused effort by many states. Even if Russia does not attempt an annexation presently, the time will come when some state does decide to exploit it. The international, cooperative culture of Svalbard is a human achievement worth protecting. There is no other place like it on Earth. Humanity should be interested in protecting it from becoming militarized by any state, as well as preserving its uniqueness.

Appendix

Treaty between Norway, The United States of America, Denmark, France, Italy, Japan, the Netherlands, Great Britain and Ireland and the British overseas Dominions and Sweden concerning Spitsbergen signed in Paris 9th February 1920.

Article 1. The High Contracting Parties undertake to recognise, subject to the stipulations of the present Treaty, the full and absolute sovereignty of Norway over the Archipelago of Spitsbergen, comprising, with Bear Island or Beeren-Eiland, all the islands situated between 10 ° and 35 ° longitude East of Greenwich and between 74 ° and 81 ° latitude North, especially West Spitsbergen, North-East Land, Barents Island, Edge Island, Wiche Islands, Hope Island or Hopen-Eiland, and Prince Charles Foreland, together with all islands great or small and rocks appertaining thereto (see annexed map).

Article 2. Ships and 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. Occupiers of land whose rights have been recognised in accordance with the terms of Articles 6 and 7 will enjoy the exclusive right of hunting on their own land: (1) in the neighbourhood of their habitations, houses, stores, factories and installations,

constructed for the purpose of developing their property, under conditions laid down by the local police regulations; (2) within a radius of 10 kilometers round the headquarters of their place of business or works; and in both cases, subject always to the observance of regulations made by the Norwegian Government in accordance with the conditions laid down in the present Article.

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. They shall be admitted under the same conditions of equality to the exercise and practice of all maritime, industrial, mining or commercial enterprises both on land and in the territorial waters, and no monopoly shall be established on any account or for any enterprise whatever. Notwithstanding any rules relating to coasting trade which may be in force in Norway, ships of the High Contracting Parties going to or coming from the territories specified in Article 1 shall have the right to put into Norwegian ports on their outward or homeward voyage for the purpose of taking on board or disembarking passengers or cargo going to or coming from the said territories, or for any other purpose. It is agreed that in every respect and especially with regard to exports, imports and transit traffic, the nationals of all the High Contracting Parties, their ships and goods shall not be subject to any charges or restrictions whatever which are not borne by the nationals, ships or goods which enjoy in Norway the treatment of the most favoured nation; Norwegian nationals, ships or goods being for this purpose assimilated to those of the other High Contracting Parties, and not

reated more favourably in any respect. No charge or restriction shall be imposed on the exportation of any goods to the territories of any of the Contracting Powers other or more onerous than on the exportation of similar goods to the territory of any other Contracting Power (including Norway) or to any other destination.

Article 4. All public wireless telegraphy stations established or to be established by, or with the authorisation of, the Norwegian Government within the territories referred to in Article 1 shall always be open on a footing of absolute equality to communications from ships of all flags and from nationals of the High Contracting Parties, under the conditions laid down in the Wireless Telegraphy Convention of July 5, 1912, or in the subsequent International Convention which may be concluded to replace it. 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 communicate on private business with fixed or moving wireless stations, including those on board ships and aircraft.

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. Conventions shall also be concluded laying down the conditions under which scientific investigations may be conducted in the said territories.

Article 6. Subject to the provisions of the present Article, acquired rights of nationals of the High Contracting Parties shall be recognised. Claims arising from taking possession or from occupation of land before the signature of the present Treaty shall be dealt with

in accordance with the Annex hereto, which will have the same force and effect as the present Treaty.

Article 7. With regard to methods of acquisition, enjoyment and exercise of the right of owner ship 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.

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, and shall guarantee to the paid staff of all categories the remuneration and protection necessary for their physical, moral and intellectual welfare. Taxes, dues and duties levied shall be devoted exclusively to the said territories and shall not exceed what is required for the object in view. So far, particularly, as the exportation of minerals is concerned, the Norwegian Government shall have the right to levy an export duty which shall not exceed 1 % of the maximum value of the minerals exported up to 100.000 tons, and beyond that quantity the duty will be proportionately diminished. The value shall be fixed at the end of the navigation season by calculating the average free on board price obtained. Three months before the date fixed for their coming into force, the draft mining regulations shall be communicated by the Norwegian Government to the other Contracting Powers. If during this period one

or more of the said Powers propose to modify these regulations before they are applied, such proposals shall be communicated by the Norwegian Government to the other Contracting Powers in order that they may be submitted to examination and the decision of a Commission composed of one representative of each of the said Powers. This Commission shall meet at the invitation of the Norwegian Government and shall come to a decision within a period of three months from the date of its first meeting. Its decisions shall be taken by a majority.

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.

Article 10. Until the recognition by the High Contracting Parties of a Russian Government shall permit Russia to adhere to the present Treaty, Russian nationals and companies shall enjoy the same rights as nationals of the High Contracting Parties. 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. Ratifications shall be deposited at Paris as soon as possible. Powers of which the seat of the Government is outside Europe may confine their action to informing the Government of the French Republic, through their diplomatic representative at Paris, that their ratification has been given, and in this case, they shall transmit the instrument as soon as possible. The present Treaty will come into

force, in so far as the stipulations of Article 8 are concerned, from the date of its ratification by all the signatory Powers; and in all other respects on the same date as the mining regulations provided for in that Article. Third Powers will be invited by the Government of the French Republic to adhere to the present Treaty duly ratified. This adhesion shall be effected by a communication addressed to the French Government, which will undertake to notify the other Contracting Parties. In witness whereof the above named Plenipotentiaires have signed the present Treaty. Done at Paris, the ninth day of February, 1920, in duplicate, one copy to be transmitted to the Government of His Majesty the King of Norway, and one deposited in the archives of the French Republic; authenticated copies will be transmitted to the other Signatory Powers.

Annex Omitted

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