



NATO's Geopolitical Dilemma in the Arctic

The neglected case of the Svalbard Archipelago

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The stable environment of the Arctic region was challenged by the Russia-Ukraine war and the relations between the stakeholders returned to a level of mistrust that was not experienced since the Cold War. The general weakness of the Russian government in the 1990s resulted in the increasing presence of international stakeholders like NATO and, as the current global economic and geopolitical competition seems to overspill to the Arctic region, non-Arctic actors are aiming to step in as well. The increasing tension indicates NATO's further engagement towards the High North and in the current state of affairs, there remains the danger that once a place for cooperation and peace can turn into the new battlefield between the West and East. Due to the unique legal framework of the Svalbard Treaty, it is an ideal playground for stakeholders like Russia or China to challenge NATO's readiness and test the resilience of Western dominance.

The Svalbard Treaty

The fate of this group of islands - situated between 10 ° and 35 ° longitude East of Greenwich and between 74 ° and 81 ° latitude North, approximately 650 Miles from the Northernmost point of Earth¹ is determined by a compelling testament to the rare unity among nations collaboratively resolving territorial disputes. Prior to 1920, this group of islands was *terra nullius* – nobody's land, where northern European nations did little to stir the diplomatic waters. Yet, as the late 19th and early 20th centuries unfolded, a shift in Spitsbergen's economic landscape emerged with the rise of the mining industry as the dominant force. The barren lands started to hold newfound significance, triggering a demand for administrative stability and legislative structure. Formally ratified on February 9, 1920, in Versailles, the agreement became

known as the Spitsbergen Treaty² - though "Svalbard" entered parlance later. Today, this document is colloquially referred to as the "Svalbard Treaty."

Hedlund "Norway and Russia clash over Svalbard", Geopolitical Intelligence Services AG, Accessed March 21, 2024.
<https://www.gisreportsonline.com/r/norway-russia/>

As a consequence of the Russian Revolution in the early 20th century, Russia was



conspicuously absent from the negotiations and consequently had no say in the drafting of provisions. It wasn't until 1935, 15 years later, that the Soviet Union stepped into the diplomatic dialogue and joined the Treaty after the recognition of its statehood by the United States in 1933. For the Soviet Union, it was strategically crucial to become a signatory, driven primarily by the prospect of engaging in economic activity. In the wake of Norway's non-compliance with the original Article 9, which permitted the usage of the archipelago for military purposes, during the Second World War, the Soviet Union took the initiative to bring forth the matter of Treaty revision to the Norwegian government. This call for the demilitarization of Svalbard laid the foundation for the current dynamics that defines the issue.

Yet, until the 1950s the Soviet Union was the only party to the Treaty economically active besides Norway on the Svalbard archipelago and in the broader Arctic region, and the only one who took advantage of the rights accorded by the Treaty. To uphold its nuclear deterrence and counter any claims put forth by the United States, the Soviet Union's Northern Sea Fleet (NSF) actively operated in the Arctic. The fragility of the Russian government during the 1990s paved the way for an increased Norwegian presence and control over Svalbard. The

collapse of the Soviet Union had profound consequences, altering Russia's territorial configuration, shifting its national interest further North, and fundamentally transforming its geopolitical priorities.

Within the context of global geopolitics, a scenario - which is not entirely implausible - revolves around potential challenges to the stability of Svalbard, particularly if Russia continues to reap benefits from the current state of affairs. Russia's Arctic strategy is defined in the 'Russian Federation's Policy for the Arctic to 2035' (last updated in 2020). The document was published during Russia's chairmanship of the Arctic Council in 2021, at a period marked by heightened tensions between Russia and its Arctic neighbors. These policies outline the priorities of Russia, including the protection of Russian sovereignty and territorial integrity in the Arctic and the significance of the region in connection to national security and economic prosperity. Furthermore, Russia views the United States and its NATO allies as a threat to its Arctic interests, especially those related to the Northern Sea Route (NSR), which connects Russia to the world economy. The development of the Northern Sea Route (NSR) holds such paramount importance for Russia that the principles outlined in the Arctic policy designate "failure to meet deadlines for the establishment of the infrastructure of the Northern Sea Route" (quoted from the Russian Federation's Policy for the Arctic to 2035³) as one of the seven threats to national security. These dynamics of the Russian foreign policy, expectedly inquire an answer from the actors addressed. As the Western apprehensive about Russia's intentions in the Arctic is on the rise, NATO countries have been actively conducting joint military exercises in the region. Firstly, Nordic countries have been increasing defense spendings and investing in new capabilities to provide the Alliance with a stronger Nordic guard. Secondly, the increased activity in the forms of exercises is crucial for the Alliance in staying the most capable and ready-to-act military and deterring Russia, whose largest force is stationed across the border, on the Kola Peninsula. Russia has been modernizing former Soviet military bases and utilizing the region as a testing site for Russian weapons, including hypersonic missiles and nuclear drones. For both sides, this environment is particularly challenging under the circumstances of rapid ice melt and climate change, which completely transforms the ways militaries operate. Additionally, the security of critical undersea infrastructure, such as cables and pipelines is a central focus for NATO, given that the Arctic serves as a critical arena of vital trade and communication links connecting North America and Europe. Further, the escalation of tensions

among major powers in both the broader Arctic region and along the Northern Sea Route (NSR) will increase the possibility of legal disputes, including the different interpretations of the Svalbard Treaty, between Moscow claiming it as internal waters jurisdiction and NATO's assertion that it is international waters. As it is a question in the case of every longstanding legal document, the inquiry surrounding the Svalbard Treaty awakens consideration of whether it should be interpreted in accordance with the international law assumptions in 1920 or with a contemporary perspective.

The present economic, political, and strategic advantages deriving from being a signatory to the Svalbard Treaty enables Norway to treat all individuals, ships, and companies in a non-discriminatory manner, allowing them unrestricted access to various activities like nature conservation, hunting, fishing, and commercial activities. North Korea was the last one to sign the Treaty in 2016. Being a signatory allows North Korea to access a variety of fields to fulfill its polar programs on the Norwegian administered archipelago.

Finland and Sweden's Dance with Destiny - From Neutrality to NATO

The accession of Finland and Sweden into the Alliance is a clear testament to NATO's heightened interest and attention in the High North. Both having a longstanding history of non-alignment, for the first time, public opinion and political underwent a complete reversal, after 2022 marking a historic pivot away from their tradition of neutrality. Undermining the common belief, this shift did not occur as the direct consequence of the 2022 annexation of Crimea, even though it was the final trigger. Following Russia's initial aggression against Ukraine in 2014, Sweden and Finland have shown strong motivation and signaled greater openness towards NATO membership. The behavior of Russia in Ukraine resulted a turn in their threat perception about Russian military capabilities. In Finland's case, the experience of having Russia next door and the dozen Russian wars fought on Finnish soil, left Finland with no other option but to remain neutral for as long as possible. The threat perception of Russia was always much stronger in the sense, that with its non-alignment strategy, Finland aimed to establish a delicate balance between avoiding the provocation of Russia and having the space to develop their own self-defense capabilities. Sweden's history of non-alignment is less troubled. Never taking

sides in any recent European wars, resulted in a position that the possibility of Sweden being attacked or occupied by outside powers was inconceivable. This deep-rooted sense of non-alignment empowered Sweden to step up and play the role of a peacekeeper in both security and human rights, especially during the Cold War. This shift - which is said to be the direct consequence of the latest aggression of Russia - is in reality the outcome of a very long process of Sweden's and Finland's close cooperation with NATO and their preparation for full membership. The recent annexation of Crimea was in fact the final trigger. With the Nordic enlargement, NATO presents a new geopolitical reality in which Russia is the only non-Arctic stakeholder.

Guardian of the North Pole – Svalbard's Strategic Importance

On the geographically strategic Svalbard archipelago, Norway enjoys full and absolute sovereignty – stated very clearly in the Svalbard Treaty – but due to the unique status of signatories, nations to the treaty enjoy easy access to fulfill their polar geoconomics, geopolitical, or scientific aspirations in a 'dual-use' way. The Svalbard Treaty was the outcome of the Versailles negotiations and was signed in 1920 in Paris, conferring 'full and absolute sovereignty' (Svalbard Treaty Article 1, 1920)⁴ but paradoxically limiting that sovereignty by granting the equal enjoyment of liberty of access to provisions on Svalbard to all State Parties to the Treaty. However, Svalbard's internationalization is marked by other states holding substantial rights, primarily stemming from the international principle of non-discrimination and the prohibition of the use of force on Svalbard. At present, 27 NATO member nations have signed the Svalbard Treaty. Among them is Hungary, which has been a signatory since 1927, shortly after its accession to the League of Nations in 1922.

The interpretation of the treaty allows for the strategic deployment of 'lawfare' when it comes to the legitimization of military activity. The peaceful utilization of the archipelago is ensured with specific prohibitions against the establishment or fortification of naval bases or the use of the land for 'warlike purposes', avowed in the Svalbard Treaty Article 9. Even though this article sets out certain prohibitions against the establishment of bases, it does not contain the complete demilitarization of Svalbard. Worth thinking about the dual meaning of these

stated limitations in Article 9, because it did not only mean the preservation of peaceful utilization but an extension of certain non-discriminatory rights of all parties to limit Norway from benefiting too much from its own sovereignty. Since the end of the Second World War, Russia has expressed concerns that Svalbard might evolve into a NATO outpost, leading to the perception that the terms outlined in Article 9 of the Svalbard Treaty are at odds with the implementation of NATO's Article 5 on the principle of collective defense. Yet, amid rapidly evolving security and political dilemmas, the language of Article 9's clauses has become outdated. This ambiguity has led to different interpretations of the gravity of this specific Article (9), particularly concerning the scope of a potential NATO involvement. Moscow has raised objections about Norwegian efforts to increase security measures on the Svalbard archipelago fearing NATO being behind it. Consequently, this has resulted in disagreements between Russia and Norway about what Article 9 actually allows and what not.

Norway's regional policy has adopted self-imposed limitations with the aim of easing tensions with Russia. Since the Cold War, Norway has gradually imposed many military restrictions on both its own forces and those of its allies. When it comes to the reading of the Treaty and how that limit forces, one could argue that the prohibition of the establishment of naval bases should nowadays be interpreted as also covering military airbases or stationing of troops or weapons. The Svalbard Treaty does not specify the right of Norway for collective self-defense, however, Article 9 could serve as a limitation on the use of the archipelago for armed responses in case of attacks on other parts of Norway. This raises the question of whether Svalbard should be regarded as a neutral territory. Additionally, military exercises or weapon testing operations are not prevented – or at least specified – by the Svalbard Treaty, and the risk of the use of unconventional warfare in the area cannot be excluded either. Another key limitation to mention is that after the Second World War, the fearing Soviet Union considering the provisions of Article 9 to the application of NATO's Article 5 of the archipelago, raised concerns to Oslo, and as a response, Norway introduced several reassurance measures to address Moscow's concerns. Consequently, NATO member countries have been restricted from participating in military exercises east of the 24th meridian. Needless to say, that in case of an armed conflict between Russia and NATO the primary theater of war would be the High North, mainly because of the orientation of the Russian defense arsenal and the location of its nuclear reserves. Denmark has a similar geographical limitation in force, in order to protect

national security and avoid misunderstanding with Russia. Following numerous disagreements with Moscow, Norwegian foreign policy turned towards asserting national control over activities that could potentially affect Russian-Norwegian relations, in order to avoid becoming entangled in an American-Russian or NATO-Russian conflict and to preserve its autonomy in diplomatic relations. This is one of the many causes why Norway is not allowing the storage or deployment of nuclear weapons on its territory, and the above-mentioned geographic restriction of Alliance exercises east of the 24th longitude is in effect for the same reason. In the construction of NATO's defense structure, the role of Nordic countries is clearly defined and acknowledged in relation to specific missions. Regional participation and contribution of the smaller members are deemed essential for the collective defense of the Alliance when it comes to specific fields of expertise and environment.

In safeguarding NATO's Sea routes, limiting attack options, and supporting American strategic deterrence, countries of the Northern Flank play a crucial role, and Svalbard, as legally part of Norway is no different. However, Norway's self-imposed limitations do not mean that NATO should not have a proactive policy in the High North. As efforts towards the integration of Svalbard into the NATO defense structure faces no legal hindrance from Article 9, Svalbard falls under NATO's collective defense framework. During the Cold War, all military operations near the borders of the Soviet Union were put on hold, but with developments in nuclear weapons and unconventional warfare on both sides, the tension reemerged and found a new definition under new circumstances.

War and Peace

Since the end of the Cold War many countries in the West, especially the countries of the High North exercised care in their approach to international and regional affairs. A binary perception of war and peace served as a strategic instrument to simplify complex scenarios into manageable paradigms, as the example of the Swedish and Finish nonalignment policy shows. This binary approach is, however, notably advantageous for nations like Russia, offering them room to maneuver. As Western democracies and NATO Allies grapple with the delicate balance between security and diplomacy, the binary mindset continues to shape their strategic considerations in the evolving landscape of the Arctic. A perfect illustration of this diplomatic

tightrope walking is the fact that the cooperation between Russia and Norway has not stopped and was not even sanctioned by Oslo on shared responsibilities in the region, like coast guard tasks. Continuing collaboration under strained political ties is strategically crucial for both, not only Norway. The potential losses from terminating dialogue, especially due to disagreement over Svalbard, would lead to politically charged consequences. Moscow is aware that more than half of the 50 signatories of the Svalbard Treaty are NATO member countries.. The geopolitical environment of the Arctic is clearly unfavorable for Russia to directly confront Norway, and Oslo evidently is in a position where entering into any disagreement with Moscow is far from ideal. The effectiveness of deterrence remains key. In the recent decade, both sides have been working towards complete transparency in their dialogue for the purpose of avoiding any misunderstanding around shared obligations in the region. However, this does not mean that Svalbard is both legally and geopolitically settled,. All signatories to the Treaty are allowed to de facto establish strategic fortresses on the archipelago and become beneficiaries of a free use of the land. As the Treaty only specifies land areas and various islands (Svalbard Treaty Article 1, 1920)⁵, the question of whether the continental shelf could become subject to economic activity is being challenged by Russia .It could be argued the term 'territory' connotes land areas explicitly, and not adjacent waters, unless qualified by such an adjective as 'maritime'. Russian arguments mainly follow this line of thinking when it comes to legal questions of the Svalbard Treaty, despite the customary interpretation of international law, whereby territory would usually be considered to apply also to the adjacent sea. Russia does not recognize Norway's exclusive rights to the continental shelf around the archipelago and aims to make use of the concept of forward territorializing interests over Svalbard's emerging resources, especially in an age of rapid ice melt. Furthermore, Svalbard is geographically ideal for the establishment of undersea infrastructure (internet/communication cables) and satellite control stations, which comes with the risk of gray-zone mischief on different levels. Russia's history in the testing of mainly hybrid capacities in the High North such as GPS jamming or the potential use of the successfully tested methods of destroying critical infrastructure in Ukraine, raises a reasonable concern in the Alliance when it comes to the usage of these capacities for warlike purposes. The relatively easy accessibility of the land – legally backed by the Svalbard Treaty – for Arctic and non-Arctic countries expands the scale of the threat and raises the issue of the 'dual use' of the North Pole.

The dual usage of this area does not exclude countries outside the territorial Arctic, even those that are not Svalbard Treaty signatories. For China, and for many other Asian countries (India, Japan, Singapore, and South Korea – all hold observer status in the Arctic Council), the Arctic's importance lies in the possible use of the Northern Sea Route and the Transpolar Sea Route for commercial activities. The Nordic Countries are seen as the western end of the "Polar Silk Road"⁶, where China has shipping and strategic interests. However, this conceptualization of the "Polar Silk Road" in Chinese policy thinking goes beyond economic and scientific interest, because Beijing also claims to have historic connections to the region, being one of the signatories to the Svalbard Treaty since 1925 and having an observer status in the Arctic Council since 2013.

The five Asian observers' Arctic strategy is shaped by their geographical position and relative power, even though they share a common interest in tapping into the economic prospects emerging in the evolving Arctic landscape. It is noteworthy that the two great powers of Asia, China and India, both nourish a neutral stance in the Russia-Ukraine conflict reflecting their intentions to collaborate with Russia, especially in matters of security. The concept of being 'near-Arctic states' are factors in their foreign policy related to the Northern Hemisphere. Moreover, as seven of the eight countries territorially part of the Arctic are member countries of NATO, it is fair to draw the conclusion that China's strategy, which aims to marshal civilian resources to potentially support the military domain while fusing together various national strategies to advance security and development, might be seen as a concern for the Alliance. Earlier this year, in March 2023, Russia and China forged an agreement⁷ to create a collaborative organization overseeing traffic along the Northern Sea Route. China, has recognized the advantages of jointly advancing the projection of the revisionist order in the deep North. Despite the examples of Chinese economic cooperation with Russia, China also assesses the costs of engaging in limited provocations against NATO to be relatively low. NATO will continue to uphold its principles of stability through deterrence and defending the values of freedom of navigation.

Conclusion

In the current state of global affairs, Moscow's stance over Article 9 of the Svalbard Treaty is ambiguous, although the Russian concerns about NATO's military presence on Svalbard are clearly specified in its foreign policy doctrine. For NATO, it is crucial to have a tailored approach to its Nordic strategy based on a unified viewpoint of diplomatic positions over Svalbard's legal status and the actors present. As Article 5 – the very heart of NATO's collective defense – is fully applicable to Svalbard, the efforts towards the maintenance of stability in the area should form the core aspect of its High North policy. The complicated legal framework of the Svalbard Treaty makes Norway's job difficult in its efforts to bilaterilize its relations with Russia on the archipelago while dealing with the increasing international presence and living up to NATO's expectations. The accession of Finland and Sweden, their diplomatic evolution, and their journey from neutrality to NATO membership was a call for all member states of the Alliance to take Northern geopolitical dynamics seriously, especially in critical gray zones, such as the Svalbard archipelago. For Norway, it is key to keep up its smart diplomacy alongside solid jurisdictional reasoning to ensure that other signatory states interpret the geographical scope of the Svalbard Treaty in a consistent manner. Strategic ambiguity will characterize the treaty's interpretation for the foreseeable future.

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Endnotes

¹ "Arctic Geopolitics: The Svalbard Archipelago" Figure 1. Center for Strategic and International Studies. Accessed March 18, 2024. <https://www.csis.org/analysis/arctic-geopolitics-svalbard-archipelago>

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