

Hydrocarbons and Jurisdictional Disputes in the High North

Explaining the Rationale of Norway's High North Policy

Håvard Figenschou Raaen



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Håvard Figenschou Raaen
hraen@gmail.com

October 2008



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Title

Hydrocarbons and Jurisdictional Disputes in the High North:
Explaining the Rationale of Norway's High North Policy

Publication Type and Number

FNI Report 11/2008

Pages

80

Author

Håvard Figenschou Raaen

ISBN

978-82-7613-538-1-print version
978-82-7613-539-8-online version

Project

ISSN

1504-9744

Abstract

This report is a case study of Norwegian foreign policy in the High North since the year 2000. There has been an increasing interest towards the region's hydrocarbon resources in recent years, and the current Norwegian government has initiated a High North Policy and made the region its most important strategic priority. Norway claims sovereignty to thirty percent of European land and sea areas, but some of its claims over maritime areas are disputed. This report seeks to explain the rationale of Norway's High North Policy concerning three cases where Norway's claims are challenged, and examine how it conflicts and converges with the interests of other states in the region. The three cases are: the disputed area in the Barents Sea, the Svalbard shelf and the areas concerned in the Norwegian continental shelf submission to the UN. The report is based on written sources as well as nine in-depth interviews with officials of the Norwegian ministries of foreign affairs and defence, as well as Oslo-based diplomats of the European Commission, France, Germany, Great Britain, the Russian Federation and the USA

Key Words

Norway's High North Policy, Russo-Norwegian energy relationship, Barents Region, arctic oil and gas, Svalbard

Orders to:

Fridtjof Nansen Institute
Postboks 326
N-1326 Lysaker, Norway.

Tel: (47) 6711 1900
Fax: (47) 6711 1910
Email: post@fni.no
Internet: www.fni.no

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Acknowledgments

This report is based on my master's thesis which was submitted to the Norwegian University of Science and Technology (NTNU) in August 2008.¹

Several individuals and institutions have supported my research. Firstly I would like to thank my supervisor, associate professor Gunnar Fermann of NTNU, who has offered great advice and mentorship throughout the entire research process.

I am also very grateful to the Fridtjof Nansen Institute for giving me the opportunity to write my master's thesis at their premises, as well as a scholarship. I owe a special thanks to the staff of FNI's Russian and Polar programme, whose multidisciplinary knowledge of the subject area was of great help during my time at FNI.

I am also thankful to the individuals who kindly accepted my requests for interviews.

October 2008

Håvard Figenschou Raaen

¹ The report contains personal opinions that do not engage the institution with which the author is currently associated.

Abbreviations

BEAC	Barents Euro-Arctic Council
CFSP	Common Foreign and Security Policy
CLCS	Commission on the Limits of the Continental Shelf
EEA	European Economic Area
EEZ	Exclusive Economic Zone
EFTA	European Free Trade Association
ESDP	European Security and Defence Policy
EU	European Union
FPZ	Fishery Protection Zone
HNP	High North Policy
ICJ	International Court of Justice
IEA	International Energy Agency
LNG	Liquefied Natural Gas
NATO	North Atlantic Treaty Organization
NM	Nautical mile
OECD	Organisation for Economic Co-operation and Development
OPEC	Organization of the Petroleum Exporting Countries
TOE	Ton of Oil Equivalents
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea

1 Introduction

For a few years now, the High North² has figured high on the priority list of successive Norwegian governments. In a recent strategy paper released in December 2006 the current government stated that it ‘considers the High North to be Norway’s most important strategic priority in the years ahead’ and ‘a new dimension of our foreign policy’ (MFA 2006a³: 7, 13).

The government’s renewed attention towards the High North is spurred by several developments. The first is the change in the region’s security environment after the Cold War. The second is the positive outlook for the exploitation of oil and gas resources in the region (Eide 2006). Others include climate change and its effects on shipping routes.

The Barents region is poised to become Europe’s new energy province as Norway and Russia have discovered vast amounts of hydrocarbon resources in the Barents Sea. The first shipment of liquefied natural gas (LNG) from the Snøhvit field on the Norwegian side took place as recently as October 2007. One week later StatoilHydro was invited to participate in the development of the Shtokman gas field in the Russian part of the Barents Sea, which aims to be operable in 2013. As an example of the magnitude of the proven resources the Shtokman field alone contains enough gas to supply Germany’s demand for the next 30 years to come (Støre 2006b).

Because of the difficult arctic climate in the High North the proven oil and gas resources were long considered too difficult and too expensive to extract for commercial reasons. Today, the increasing global energy demand has driven oil and gas prices up and made these fields commercially viable. At the same time new technology has been developed to operate in the challenging arctic waters. These developments have led some to argue that the region is ‘set to become Europe’s energy Klondike’, while others warn that the border disputes might lead to an ‘Arctic Cold War’ (Underhill 2007; Chung 2007; Borgerson 2008).

With Russia acting increasingly assertive and willing to use its oil and gas resources as a ‘foreign policy weapon’⁴, the EU is attempting to create a common external energy policy in order to increase its security of supply (The European Commission 2007: 3). A study by the Swedish Defense Research Agency has identified 55 such supply incidents since 1991 (Larsson 2006: 262).

Although Russia has cut off its energy supplies to Eastern European countries many times, this security problem reached new dimensions with the cut-off of gas to Ukraine in January 2006 (Stern 2006: 3; Helm 2007). Today Russia is the biggest supplier of gas to the EU, but by 2012

² The terms High North and High North Policy will be defined in chapter 1.2.

³ MFA = The Norwegian Ministry of Foreign Affairs

⁴ Former Russian Minister of Fuel and Transport, Kalyuzhniy, described oil and gas as a ‘sharp-edged and effective foreign policy weapon’ back in the year 2000 (Godzimirski 2007: 19).

Norway is projected to provide the same amount as Russia (Støre 2007b; EUbusiness.com 2008).

The oil and gas resources in the High North pose challenges for Norway. Norway claims jurisdiction to thirty percent of European land and sea areas and some of its claims over maritime areas are disputed (Jagland 2005a). This report examines three areas where Norway's claims are challenged: *the disputed area in the Barents Sea, the Svalbard shelf and the areas concerned in the Norwegian continental shelf submission to the UN (the Loop Hole, the Banana Hole and the Western Nansen Basin)*.⁵ These issues are heterogeneous in the sense that they involve different international actors and international regimes. The boundary dispute in the Barents Sea is a bilateral issue between Norway and Russia. The Svalbard issue is an issue involving the signatory states to the Spitsbergen Treaty. Finally, Norway's continental shelf submission to the UN involves Denmark, Iceland, Russia and quite possibly the signatory states to the Spitsbergen Treaty.

The uniting factor of these disputed areas is that they are all associated with prospective access and control over hydrocarbon resources. Whereas the conflicts over these areas in the 1970s concerned mainly control over fishing resources, the issue today concerns resources in the shelf and seabed of the disputed areas (Udgaard 2007). Even though the extraction of these resources may lie far ahead in the future, Norway's Foreign Minister Jonas Gahr Støre recently stated that: 'In two generations we have moved from the North Sea to the Barents Sea. We can foresee a further development' (Elsebutangen 2008).

These three jurisdictional disputes are not new, but the changed security situation in the High North might increase the pressure on Norway from Russia and Norway's Western allies. The end of the Cold War has to a certain extent ended the allied commitment of not challenging Norway on areas where Russia has interests. Today, Norway has to protect its interests both against Russia and some of its Western allies concerning Svalbard (Udgaard 2008a).

Even though the security situation has changed, Foreign Minister Støre recently stated that some things are unchanged: 'Firstly, Norway is neighbour to a large country with interests and ambitions in our neighbouring areas. And secondly, this situation reinforces the need for Norway to be part of a strong Euro-Atlantic security structure' (MFA 2008b).

Norway's vision for the High North is 'to see the Barents Sea be developed into a 'sea of cooperation', a peace project involving cooperation between Norwegian interests and Russian interests' (Støre 2005a). The attempt by Norway to forge such a closer relationship with Russia comes at a time of increased tension between Russia and the West. This is manifested through Russia's increased assertiveness on the international scene with examples such as threats against the U.S. missile shield installations, withdrawal from arms control treaties, energy disputes with

⁵ See Appendixes 3, 5 and 6 for maps of these areas.

former Soviet states, the banning of international NGO's in Russia, the Litvinienko case, and last but not least the war in Georgia.

Being the two biggest gas exporters of the EU, Norway and Russia have a shared interest in maintaining a good gas price and preventing oversupply of the European energy market (Austvik 2006: 18). Norwegian official policy states that 'achieving the highest possible value for Norwegian petroleum resources is a paramount goal' (The Norwegian Petroleum Directorate 2007: 44). President Putin recently suggested that Norway and Russia form a strategic energy partnership, a suggestion which was welcomed by the Norwegian government and incorporated as a main pillar of the new High North Policy (Støre 2006c; Hønneland and Jensen 2008: 30).

In addition to building a closer relationship with Russia, Norway seeks to raise awareness amongst other states about developments in the High North. Foreign Minister Støre (2006e) has put 'the High North on the agenda of all [his] talks with colleagues, partners and experts in Brussels and other European capitals for some time', and many foreign officials have visited the High North in the last few years.

As the world is facing a rapid increase in energy demand, the developments in the High North have implications beyond the region itself. The world's energy needs are expected to be over 50% higher by 2030 than today (International Energy Agency 2007: 3). The International Energy Agency (IEA) recently stated that 'we are entering a new world energy order', as their study shows that future oil supply is not keeping up with the demand (The Associated Press 2008a). The worldwide nationalisation of hydrocarbon resources has further politicized the nature of global oil business. In the 1970s, private Western oil companies owned more than 70% of oil reserves. Today this figure stands at 5% with the rest being controlled by governments and state-owned companies (Hoyos 2007; Theil 2008). At the same time Russia has recently consolidated the state's control over energy resources, and forced western companies like Shell and BP out of previous oil and gas contracts making it more difficult for oil companies to invest in Russia without political backing (Belton & Crooks 2007).

For energy import-dependent states in Europe this is particularly relevant. The EU today imports 50 percent of its energy supply, of which the import dependence for oil is 80% and for gas 57% (Belkin 2008: 5). The Union's energy import dependency is expected to increase to 67% by 2030, with the import dependence on oil projected at 94% and for gas at 84% (European Commission 2008: 14).

1.2 Research Question

This report is a case study of Norwegian foreign policy in the High North since the year 2000. From many topical High North issues, I have chosen to focus on the jurisdictional disputes where Norway stands to gain access to possible vast hydrocarbon resources. As mentioned above, these are: *the disputed area in the Barents Sea, the Svalbard shelf and the areas concerned in the Norwegian continental shelf claim to the UN (the*

Loop Hole, the Banana Hole and the Western Nansen Basin). The research question seeks to:

Explain the rationale behind Norway's High North Policy concerning these disputed areas, and how it conflicts and converges with the interests of other states in the region.

My use of the terms High North and High North Policy (HNP) require concrete definitions. The Norwegian government uses a broad definition of the High North, incorporating both geographical and thematic aspects:

The High North is a broad concept both geographically and politically. In geographical terms, it covers the sea and land, including islands and archipelagos, stretching northwards from the southern boundary of Nordland county in Norway and eastwards from the Greenland Sea to the Barents Sea and the Pechora Sea.

In political terms, it includes the administrative entities in Norway, Sweden, Finland and Russia that are part of the Barents Cooperation. Furthermore, Norway's High North policy overlaps with the Nordic cooperation, our relations with the US and Canada through the Arctic Council, and our relations with the EU through the Northern Dimension (MFA 2006a: 13).

Hønneland and Jensen (2008: 20) understand the HNP as Norway's 'foreign policy in the European Northern Areas'. As my research question indicates, my focus will be narrower by focusing on the jurisdictional disputes in the three mentioned areas.

I have made several choices to define and delimit the research question. Apart from delimitating my research question to the three abovementioned jurisdictional disputes, I have chosen to focus most of my attention on the external explanatory factors (outside-in) rather than domestic explanatory factors (inside-out) of the HNP. This delimitation has not prevented me from including one inside-out theoretical approach by looking at the Norwegian oil industry's prominent role as a premise provider for industrial activities in the High North. A third delimitation concerns the time frame of the study which I have set to be from the year 2000 till today. Although I include references to history, the analysis will focus on current developments concerning the three jurisdictional disputes.

These three delimitations function as a starting point for this report. Another important point is that this report does not provide an evaluation of whether the HNP has been successful or not, as such an evaluation would be difficult, if not impossible, to perform so close to the policy's on-going implementation.

1.3 Research Design and Methodology

To answer my research question I will use the case study method as research design. I will construct foreign policy theory-informed hypotheses and gather empirical data through document analysis and interviews. I have conducted nine interviews with Norwegian government representatives and foreign diplomats based in Oslo who are working closely on the

topic area.⁶ Based on the empirical data I will analyze the hypotheses in order to substantiate or repudiate their validity.

1.3.1 The Case Study Method

The case study method remains one of the most widely used research designs, and can have many forms and serve different purposes (Moses and Knutsen 2007: 132). Yin (1994: 13) defines case study research strategy as:

An empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident.

This statement would match my study well as the HNP is such a contemporary phenomenon. Lijphart (1971: 691) notes that:

The great advantage of the case study is that by focusing on a single case, that case can be intensively examined even when the research resources at the investigator's disposal are relatively limited.

In the book, 'What is a case?', Ragin (1992: 218-219) refers to the research tactic of 'casing'. Casing is the process in which social scientists 'delimit and declare cases' in order to 'limit the uniqueness and specificity of the empirical world'. As 'the empirical world is limitless', the delimitation of a research project through casing is necessary in respect to both feasibility and parsimony. For my study this process of casing led me to delimit my analysis to the hydrocarbon factor in the jurisdictional disputes in the High North. The same goes for the time frame which was 'cased' to be from the year 2000 till today.

For Ragin (ibid: 224-225) the main goal of researchers 'is to link the empirical and the theoretical – to use theory to make sense of evidence and to use evidence to sharpen and refine theory'. This study aims to achieve the first half of this ambition by using relevant theory in order to make sense of my collected empirical evidence. An attempt at sharpening and refining theory based on this data is beyond my study's scope.

1.3.2 Remarks on Sources

I have used several different sources for this study. While collecting data I have aimed to follow the Rankean ideals of source criticism (*quellenkritik*) and hierarchy of sources (Ranke 1956: 54). Source criticism concerns the reliability of the empirical data being used (Moses and Knutsen 2007:120). This technique has been important for this report as I focus on sensitive on-going current events. Because of this, official information is often confidential, and the secretiveness has the effect that it spurs speculation from researchers and journalists covering the issues.

Ranke made a distinction between primary and secondary sources. Primary sources are the 'direct outcomes of historical events or experiences'

⁶ See Appendix 1 for a complete list of informants.

whereas secondary sources are sources ‘removed from original events (*ibid.*). The first category of sources has a higher scientific value because they consist of information that has not been pre-selected nor processed by others like secondary sources have. Primary sources can be official policy documents, speeches, letters, and eye-witness accounts. The second category consists of sources such as newspaper articles and previous research.

I have sought to a large degree to find primary sources in official policy documents, speeches and interviews. However, as my chosen area of study concerns on-going current events which are strategically sensitive, not that much information exists about it. This is particularly clear when it regards official considerations on the negotiations between Norway and Russia in the Barents Sea. I have therefore found it necessary to include a great deal of secondary sources.

1.3.3 The Interviews

The main purpose of the interviews has been to collect new data concerning my specific hypotheses. They have also performed a guiding function early on in the research process. As my research topic is topical and to a certain extent controversial, conducting interviews was necessary to check and improve the validity and reliability of my other data and conclusions. To be able to get a broad range of views, I conducted interviews with representatives of several states with differing interests in the High North. The interviews were conducted with representatives of the European Commission, France, Germany, Great Britain, Russia, and the United States, as well as officials with the Norwegian ministries of foreign affairs and defence.⁷

One of the main challenges concerning the interview data has been whether to conduct on-the-record or off-the-record interviews. As the topic of study is sensitive and susceptible to media attention, few of the informants wanted to be quoted. Several informants also noted that if I was determined to ask questions for quoting purposes, my questions would have to be sent to their respective ministries of foreign affairs for official answers. Based on this I decided that the conversations with the informants would be most helpful if they were off-the-record background interviews. Anonymity was never an issue, but confidentiality was. Rather than being served sanitized answers already available in policy documents, this approach allowed me to gain more insight and understanding of the interests and approaches of the different actors interviewed. I also doubt that the interviews would have been possible had I requested on-the-record statements. Despite being non-satisfactory concerning the principle of verifiability, the interviews enhanced my insight and understanding of the topic.

⁷ See Appendix 1 for a complete list of informants.

1.4 Theoretical Framework

To answer the research question I have chosen several theoretical perspectives from the study of international relations and foreign policy. Smith, Hadfield and Dunne (2008:1) argue that foreign policy questions ‘can only be dealt with by either an explicit, or more likely implicit, theoretical position’ and that foreign policy theory ‘is of little interest unless one can utilize it in specific case studies’ (*ibid.*). My case study relies on the theoretical approaches of Neorealism/Neoclassical Realism, International Regime Theory and Liberal Theory. From these approaches I have inferred five hypotheses that I will test using the empirical data gathered.

Within the study of foreign policy one can distinguish between theories that focus on domestic variables of the state and theories that focus on how the international system affects the state’s behaviour (Rose 1998: 146; Gourevitch 1978). This study focuses mostly on the second category, the international dimension, as it deals with jurisdictional disputes between states in the region. This means that I will focus less on domestic explanatory factors and inside-out theories. However, to be able to explain the rationale of Norway’s HNP one needs knowledge of both the relations between states with interests in the region, as well as knowledge of Norwegian government and society. I have therefore included an alternative inside-out perspective that examines whether domestic explanatory factors can explain the rationale behind the HNP.

1.5 Outline

In the following chapter I will present the theoretical perspectives and hypotheses of my study. In chapter three I first present the empirical data gathered on Norway’s HNP, and then on the three jurisdictional disputes along the hypotheses presented in chapter two. The empirical chapter has the form of a case-oriented chronological structure. This structure is continued in chapter four which is an empirical analysis based on the data presented in chapter three. The final chapter presents my conclusion and offers some thoughts on further research on the topic, as well as discussing shortcomings and limits of the study.

2 Theoretical Perspectives

In this chapter I will present the foundational theoretical perspectives of my study, and describe how these fit into the larger field of international politics and foreign policy.

The study of foreign policy is a rich theoretical field. According to Fermann and Inderberg (2008: 5), the diverse literature can be classified after: '(i) which *aspect* of foreign policy is to be explained/interpreted, (ii) which *level* the explanation/interpretation is based upon (characteristics of the international environment, civil society, government and decision-makers), (iii) the *worldview* (ontology) on which it is based (is the state a unitary actor or not? How well is the interaction between states regulated?)'.

Hill (2003: 3) defines foreign policy as 'the sum of official external relations conducted by an independent actor (usually a state) in international relations'. Rose (1998:145) writes that 'theories of foreign policy seek to explain what states try to achieve in the external realm and when they try to achieve it'. Fermann (2001: 192) defines foreign policy as 'the state's policy of ensuring its interests vis-à-vis the international surroundings'. He also argues that foreign policy acts as a 'bridge between domestic politics and international politics' as states formulate policy goals and strategies in the domestic environment, while the effectuation of these goals cause international interactions (*ibid*: 198).

In order to understand a state's foreign policy one needs knowledge of the particular interests the state seeks to ensure. Holsti (1967: 131f) has suggested a framework that separates foreign policy objectives into the three following categories: '(1) 'core' values and interests...(2) middle-range goals..., and (3) universal long-range goals'. Among the core interests are 'defense of home sovereignty' and the preservation of 'ethnic, religious or linguistic unity'. On middle-range goals he lists 'economic development...promoting citizens' interests abroad' and increasing the 'state's prestige in the system' (*ibid*: 135-136). Long-range goals are defined as the 'plans, dreams and visions concerning the ultimate political and/or ideological organization of the international system, rules governing relations in that system, and the role of particular nations within it' (*ibid*: 138).

Among the objectives of Norway's HNP we can find elements from all these categories. The jurisdictional claims can be seen as objectives of the first category of core values and interests. But they can also be placed in the second category of middle-range goals as objectives of economic development. The Norwegian government's involvement in facilitating StatoilHydro's possible participation in the development of the Shtokman gas field also fits well as an example of the promotion of citizens' interests abroad.

Considering Norway's history as a Polar nation, the HNP could also be viewed as an identity-based objective in line with the middle-range goal

of increasing the state's prestige in the international system.⁸ Finally the HNP's objective of determining the jurisdictional disputes based on the rule of law could be classified in the long-range category as being in line with Norway's long commitment to multilateralism as the preferred organization of the international system.

In the three following subchapters I will now present the theoretical perspectives and hypotheses that have guided my research.

2.1 Realist Theory

The first theoretical perspective is realist theory, more precisely neo-realism and neoclassical realism. I have chosen realist theory as the topic of this study deals with jurisdictional disputes over areas expected to be rich of hydrocarbon resources. Access to such resources has security implications in the sense that it is a necessary commodity for a state's projection of power capabilities. While in office as Prime Minister, Tony Blair (2006) even argued that 'reliable energy supplies are set to rival military capability in their contribution to a state's security'.

According to Wohlforth (2008:34), realist theories share the three core assumptions of 'groupism, egoism and power-centrism'. A society with these characteristics would need some form of authority to prevent conflicts. In international relations no such over-arching central authority exists, and international society is therefore an anarchical society (*ibid.*; Bull 1977). Other assumptions of realist theory are that states are the main actors in international relations, and that these states are unitary rational actors sharing a key interest of survival. In the realist world, states view their interests in relation to power and are sceptical of international law. Furthermore, one assumes that *raison d'état* outweighs moral principles; and that international politics is essentially conflictual (Wohlforth 2008: 38).

One of the most widely acknowledged theories of international relations is the one of structural realism, also called neorealism, developed by Kenneth N. Waltz (1979) in the book *Theory of International Politics*. Neorealism sees war as a result of the structure of the international system, and not because of an inherent human tendency to evil. Another tenet of neorealism is balance of power theory. Negotiation studies show that 'the party with the greater power is able to translate it into winning behaviours in the early stages or broad lines' (Zartman 2002:76). The Grey Zone agreement, mentioned in chapter three, could possibly fit with the trend of those studies. Zartman argues that 'weaker parties adopt tactics that work to equalize power by borrowing power...from external parties and sources' (*ibid.*).

⁸ Norway's polar identity dates back to the Viking Age – to what historian Olav Riste refers to as 'the Norwegian empire', and was accentuated during the interwar period (WWI – WWII) labeled by Riste as 'Norway's Arctic Imperialism' (Riste 2001: 15, 115).

Tamnes and Eriksen (1999) argue that the Norwegian attempts to multilateralize the Barents Region could be seen as an attempt to equalize Russia's power. Norway's membership in NATO could also be seen as a policy of balancing the power of Russia. It would therefore be interesting to apply balance of power theory to assess whether the HNP represents a continuation of the policy of multilateralizing the region and balancing Russia.

Waltz provides a distinction between theories of international politics and theories of foreign policy. Waltz argues that a system theory like structural realism can not explain the behaviour of each and every state within the system, but only 'why a certain similarity of behaviour is expected from similarly situated states' (Waltz 1986a: 122). He goes on to say that to be able 'to explain the expected differences in national responses, a theory would have to show how the different internal structures of states affect their external policies and actions' (*ibid*).

Rose (1998: 151) presents a new school that incorporates both external and internal factors which he calls 'neoclassical realism'. This approach takes both approaches into account but advocates the analysis of external systemic factors before explaining the internal variables. For a small state like Norway it is a fair argument that external factors are more important than for more powerful states (Christophersen 1968: 666).

For Woolforth (2008: 46), neoclassical realism 'is, simply put, realist theory for the foreign policy analyst'. He argues that the proponents of neoclassical realism do not, as Waltz does, seek to establish a universal theory of international politics. Their pragmatic aim is to determine 'which realist school (if any) is most useful for analyzing issues of foreign policy at a given place and time' (Woolforth 2008: 35).

As mentioned above, Holsti (1967: 131f) classified the defense of sovereignty as being among a state's core interests. Waltz (1986b: 90) defines sovereignty by stating that: 'to say that a state is sovereign means that it will decide for itself how it will cope with internal and external problems, including whether or not to seek assistance from others and in doing so limit its freedom by making commitments to them.'

Inspired by realist theory I have formulated these two following hypotheses:

Hypothesis 1:

The HNP is an attempt to assert Norwegian sovereignty in the region.

Hypothesis 2:

The HNP is an attempt to prevent a bilateralization of Norway's relationship with Russia.

2.2 International Regime Theory

Norway and Russia has never been at war with each other. Instead, the two states have created regimes to deal with conflicts, such as the

institutions concerning fishery resource management in the Barents Sea. It is relevant to include theoretical perspectives that look at other explanatory factors than realist theory. I have therefore chosen to include international regime theory as the second theoretical perspective of this study. This allows for the creation of hypotheses that studies the role of the current regimes in place for dealing with conflicts such as the three jurisdictional disputes dealt with in this report.

Krasner (1983:2) defines regimes as:

Sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations.

Robert Keohane advocates a more straightforward definition by joining principles, norms, rules and procedures into one category of rules. For Keohane: 'Regimes are institutions with explicit rules, agreed upon by governments, that pertain to particular sets of issues in international relations' (Keohane 1989:4; Hasenclever, Mayer and Rittberger 1997:12).

Stokke and Claes (2001: 271-272) note that regime theory is not a theoretical tradition in the same sense like for instance realism or liberalism. Instead, regime analysis draws upon many theoretical approaches with the shared goal of 'explaining the role of international institutions in the interaction between states'.

Hasenclever, Mayer and Rittberger (1997: 1) classify these varying theoretical approaches into 'power-based regimes, interest-based regimes and knowledge-based regimes'. According to them, realists focus on 'power relationships', neoliberals on 'constellations of interests' and cognitivists on 'knowledge dynamics, communication, and identities' (*ibid.*).

Much of regime theory analysis has focused on analyzing the establishment and change in regimes (a phenomenon of international politics rather than of foreign policy), and to what degree regimes are effective or not. Regime-effectiveness refers to whether the regime solves the problems that mandated its creation (Stokke and Claes 2001: 280; Stokke 2007b: 164). Another more recent focus has been put towards studying the interplay of different regimes (Stokke 2007a: 15-18).

Today there are many existing international regimes in the High North which Norway partly has attempted to influence, and which partly are influencing Norway's foreign policy freedom of action. Among these are the UN Convention on the Law of the Sea (UNCLOS), the Arctic Council, the Spitsbergen Treaty, the Grey Zone agreement, the Barents Euro-Arctic Council, the EU's Northern Dimension and the Nordic Council. The Norwegian government has actively used the existing regimes when promoting its HNP by for instance convening a meeting the Nordic Council of Ministers on Svalbard.

The main regime covering the jurisdictional disputes and possible petroleum extraction is the UNCLOS. Considering the importance of this regime for Norway's interests in the High North, one would expect that the Norwegian government would work to ensure its implementation and

effectiveness. To examine whether this is the case, I intend to use regime theory as theoretical foundation for analyzing the following hypothesis:

Hypothesis 3:

The HNP represents an attempt to ensure the implementation/effectiveness of the UNCLOS-regime.

2.3 Liberal Theory

As mentioned above, I have chosen one theoretical perspective that looks at domestic explanatory factors of the rationale behind the HNP. With its focus on individuals and societal interests, liberal foreign policy analysis is by definition an inside-out theory (Doyle 2008: 59). Whereas structural realism and neoclassical realism argue that ‘outside-in’ explanatory factors prevails over ‘inside-out’ factors, liberal theory sees it the other way around. Moravscik (1997: 513) writes that:

For liberals, the configuration of state preferences matters most in world politics—not, as realists argue, the configuration of capabilities and not, as institutionalists (that is, functional regime theorists) maintain, the configuration of information and institutions.

Moravscik further states that liberal theory has a ‘bottom-up view of politics in which the demands of individuals and societal groups are treated as analytically prior to politics’ (*ibid*: 517). Relevant for this study is the variant of liberal theory that Moravscik labels commercial liberalism. This approach concentrates on ‘incentives created by opportunities for transborder economic transactions’ that put ‘pressure on domestic governments to facilitate or block such exchanges through appropriate foreign economic and security policies’ (*ibid*: 524, 528).

This theoretical perspective is useful for asking questions concerning the Norwegian oil-industry’s role in the HNP. Considering that the Norwegian oil industry accounts for 25 percent of Norway’s GDP, 36 percent of state revenues and directly and indirectly employ 220.000 people, it is obvious that this is a societal group with considerable capability of influencing Norwegian decision makers (St.meld. nr. 38 (2001-2002: 24); The Norwegian Petroleum Directorate 2007: 14, 54; St. meld. nr. 38 (2003-2004): 11).

Much about the oil industry’s influence in Norway has been written before. In a book on Norwegian oil history, Sejersted (1999) uses the term ‘the Norwegian oil-industrial complex’ by paraphrasing Eisenhower’s notion of the ‘military-industrial complex’. Sejersted argues that Norway has moved from a situation where ‘business was junior partner to government to government being junior partner to business’ (Ims and Engelstad 2003).

The existence of an ‘oil-industrial complex’ would be a prime example of the kind of societal interests group Moravscik writes about. By using his theory I have inferred these two following hypotheses:

Hypothesis 4:

The HNP is an attempt to facilitate Norwegian companies' access to Russian oil and gas resources.

Hypothesis 5:

The HNP is an attempt to open disputed areas for oil and gas activities.

The table below illustrates all five hypotheses presented in this chapter arranged after their theoretical foundation and on which empirical basis I will use to analyze them. By empirical basis I refer to what kind of facts I will be looking for when analyzing the hypotheses. For example, increased Norwegian military activities in the North will be interpreted as a sign of sovereignty assertion in line with the statement of hypothesis one.

Table 1. The five hypotheses

	Hypotheses (H1-H5)	Theoretical Foundation	Empirical Basis
H1	The HNP is an attempt to assert Norwegian sovereignty in the region.	Realist Theory	Assertion of sovereignty
H2	The HNP attempts to prevent a bilateralization of Norway's relationship with Russia	Realist Theory	Alliance and Coalition-building initiatives
H3	The HNP represents an attempt to ensure the implementation of the UNCLOS-regime	International Regime Theory	Diplomacy and Negotiations
H4	The HNP is an attempt to facilitate Norwegian companies' access to Russian oil and gas resources	Liberal Theory	Russo-Norwegian Energy Relationship
H5	The HNP is an attempt to open disputed areas for oil and gas activities.	Liberal Theory	Russo-Norwegian Energy Relationship

3 Mapping the Relevant Facts

This chapter will present Norway's High North Policy concerning the three jurisdictional disputes since the year 2000. I will first present how the Bondevik II and Stoltenberg II have formulated the current High North Policy (the dependent variable). Thereafter I will, in three sub-chapters, present the data I have gathered for the three disputes in question: *the disputed area in the Barents Sea, the Svalbard shelf and the areas concerned in Norway's continental shelf submission to the UN*. The presentation follows a case-oriented and chronological structure. A summary chart is presented at the end of this chapter to highlight the key facts in relation to the hypotheses presented in chapter two.

3.1 Mapping the Dependent Variable: Norway's High North Policy

The so-called new HNP gained momentum when the Bondevik II government in 2003 commissioned an expert committee to identify the challenges and possibilities Norway faces in the North (NOU 2003: 32). The committee's work resulted in the report 'Towards the North – Challenges and Opportunities in the High North' (*ibid.*). This report was followed by a Government white paper on the same topic entitled 'Opportunities and challenges in the North' (St. meld. No. 30 (2004-2005); Hønneland and Jensen 2008: 25).

Having won the parliamentary elections in autumn 2005, the Labour Party, the Socialist Left Party and the Centre Party negotiated a joint government platform that defined 'the High North to be Norway's most important strategic priority area in the years ahead. The Government will seek international acceptance regarding Norwegian opinions on Svalbard, fishery zone, oil and gas extraction and environmental management' (The Prime Minister's Office 2005).

One month after publishing this so-called Soria Moria declaration, Foreign Minister Jonas Gahr Støre gave a speech in Tromsø in which he laid out his vision for the HNP. In the speech, Støre (2005a) spoke of the need for a closer relationship with Russia, about the initiation of 'High North dialogues' with Western states and how the Barents Sea should be a 'sea of cooperation' between Norway and Russia. The speech also launched the Barents 2020 project; a multisectoral priority programme for research and development in the High North (*ibid.*).

The following year saw the publication of the Foreign Ministry-commissioned report 'Barents 2020: A tool for a forward-looking High North Policy' written by Arve Johnsen, a former CEO of Statoil (2006). The report focuses on petroleum activities and suggests the creation of a joint Russo-Norwegian industrial and economic zone across the border in the North. Both the white paper of 2005 and the Barents 2020 report state that the external dimension of the HNP rests on two pillars: 'Intensified cooperation with Russia and High North Dialogues with Western countries' (*ibid.*: 10; Hønneland and Jensen 2008: 30).

In December 2006 the Norwegian government published its High North Strategy document. The strategy states that the Government 'considers the High North to be Norway's most important strategic priority in the years ahead' (MFA 2006a: 7) and 'a new dimension of our foreign policy' (*ibid*: 13). The strategy document also notes that there are 'real conflicts of interest related to the utilisation of fisheries resources and future offshore petroleum resources' (*ibid*: 16).

The questions of these jurisdictional disputes are also mentioned in many other official government documents published at around the same time. A parliamentary bill by the Norwegian Ministry of Defence warns that: 'Norway faces challenges in the High North where the main responsibility of the handling of these will fall on *Norway alone*...the challenges concern unclarified jurisdiction issues and border clarification in areas of great resource value' (St.prp. No. 48 (2007-2008): 26).

A commission set down by the Government to write a report on Norway's defence policy concluded that: 'Norway will in the years to come face a number of security policy challenges...it is probable that the most serious of these will be connected to the rich resources on the continental shelf and sea areas beside Norway' (NOU 2007:15, p. 17).

Similarly, the Norwegian Chief of Defence Sverre Diesen (2007) stated in a speech that: 'I think it is evident to the point of being glaringly obvious that the changes we see in the Arctic...will have an impact on security affairs'. A statement that also touches upon this was given by Foreign Minister Støre (2006b), who stated that: 'There is an inherent potential for conflict in the combination of unresolved border issues and rich energy resources'. A recent threat assessment by the Norwegian Police Security Service (PST) also warned against an increased threat of industrial espionage directed at Norway's oil and gas industry (The Norwegian Police Security Service 2007).

These concerns about the security situation in the High North come at a time when the area seems to get little attention from Norway's traditional allies. Today NATO has its focus elsewhere, and the Barents Sea is not on the radar screen in Washington D.C. (Hamre 2006). Similarly, The EU's enlargement eastwards has meant that the Union's focus is less directed towards the North than before (Rieker 2005). Not being a member of the EU also means that Norway cannot count on the Union's support in its bilateral dealings with Russia (Neumann et al 2008: 50).

The Norwegian government has continuously stated that it intends to defend its sovereignty in the High North. In a newspaper article Prime Minister Stoltenberg (2006) wrote that: 'Presence in an area, whether it being fishing vessels, research vessels or petroleum activities strengthens our sovereignty. Therefore everyone engaging in commercial activities in the High North is building up Norwegian sovereignty in the region'. Foreign Minister Støre (2007a) has also said that 'there are three key signs of what we are doing in the North: Presence, activity and knowledge'.

As mentioned earlier, Norway has been sceptical to developing too close a bilateral relationship with Russia. Minister of Foreign Affairs Jonas Gahr Støre recently stated that: 'Norway is neighbour to a large country with interests and ambitions in our neighbouring areas...this situation reinforces the need for Norway to be part of a strong Euro-Atlantic security structure' (MFA 2008b).

Therefore initiatives have been made to make allies aware of the developments in the High North. At a symposium on the Arctic held at the U.S. Senate, Foreign Minister Støre (2005b) said that 'Norway will continue to engage political allies to help back up a regime of peace, stability and predictability in the High North'.

One area that has seen such a political engagement is the recent increased cooperation between Norway, Sweden and Finland on foreign and security policy. In 2007 Norway invited the foreign ministers of Finland and Sweden to Bodø for discussion on the High North developments. At the meeting in Bodø the ministers stated that: 'We share foreign and security policy related challenges in the North, and wish to utilize this common interest to shape a more extensive cooperation' (Bildt, Kanerva and Støre 2007a).

Another important development, and a possible change in Swedish defence doctrine, was the statement in a recent Swedish government parliamentary bill saying: 'Sweden will not remain passive if a disaster or an attack should strike another (EU) member state or Nordic country' (DS 2007: 46, p. 11). Swedish foreign minister Bildt reaffirmed this view while visiting Norway, and the Swedish chief of defence has also stated that 'a threat to one Nordic country is in reality a threat to all Nordic countries' (Skjævesland 2007; Polyteknisk Forening 2008).

The chiefs of defence of Norway and Sweden also recently co-authored a joint study that suggested several ways on how Norway and Sweden can cooperate on defence areas such as 'maintenance, education, exercises and doctrines' (Syrén and Diesen 2007). The increased defence cooperation is first and foremost meant to meet the challenge of rising costs of maintaining the respective militaries. However, Rieker (2008: 33, 36) argues that the increased Nordic defense cooperation is a sign that Norway's NATO-membership alone is no longer adequate to serve all of Norway's interests and that Norway would be better served by having several alliance options.

Norway has also aligned itself closely with the EU concerning the Union's Common Foreign and Security Policy (CFSP) and European Security and Defence Policy (ESDP). Norway's role includes participating in the EU's civilian and military crisis management operations; in the European Defence Agency (EDA) and by providing 150 soldiers in the Nordic Battle Group (St.meld. No. 23 (2005-2006), pp. 27-29). Norway also aligns itself with 85-90% of the EU's common CFSP declarations (Europaportalen 2008).

Even though the latest Norwegian diplomatic initiatives have been directed towards European and Nordic countries, there have also been

attempts at raising awareness in the USA. U.S. Secretary of State Condoleezza Rice visited Oslo in 2007, and was then given a High North briefing by foreign minister Støre. Secretary Rice made references to Norway's HNP in a recent speech on US-Russia relations following the conflict in Georgia. In her speech Secretary Rice stated that the United States 'are continuing to support – unequivocally – the independence and territorial integrity of Russia's neighbors...we are backing worthy initiatives, like Norway's High North policy.'

One Norwegian strategy seems to be to use European fears over energy supplies to its benefit by portraying itself as a reliable energy supplier of the EU (Utseth 2007). This theme was especially used after Russia halted the gas transmissions to Ukraine in January 2006. At a speech in Berlin, Foreign Minister Støre said that: 'In 2012, we will be providing as much gas to the EU as Russia. And nobody is writing articles in the European press about uncertainty in connection with Norway as a gas supplier. This is because there is no uncertainty about Norway as a gas supplier' (Støre 2007b).

Geir Westgaard, the Norwegian foreign ministry's special adviser in charge of coordinating the HNP, has said that: 'the Russians have unfortunately shown the willingness to use their gas as a weapon' but 'everyone views Norway as stable supplier' (Garvik 2007a).

Another aspect of the Government's HNP is the active policy of inviting foreign officials to Norway and the High North. These visits are not necessarily related to High North issues, but the Norwegian government nevertheless uses these visits to discuss High North issues. Just these few last years Svalbard has been visited by officials such as European Commission President Jose Manuel Barroso, German Foreign Minister Steinmeier, the Nordic Prime Ministers, several U.S. Senators, including Hillary Clinton and John McCain, and several EU Commissioners. The NATO foreign ministers' meeting in Oslo in 2007 was also partially funded from the government's High North budget (Dagens Næringsliv 2007).

Another aspect of the HNP concerns the Norwegian military presence in the North. Following NATO's decision to close down its Combined Air Operations Center at Reitan in Bodø, the Norwegian government recently announced plans to move Norway's Operational Command Head Quarter to Reitan. According to Norwegian Minister of Defence Anne Grete Strøm-Erichsen: 'This move is in line with the Government's increased focus on the northern regions' (The Norwegian Ministry of Defence 2008). Another action by the government was the decision to continue using the Navy's new missile torpedo boats, which the Chief of Defence suggested selling in order to cut costs. The decision to keep these was also made out of a wish to show a presence in the maritime areas of the High North (St.prp. no. 48 (2007-2008) p. 78).

The government's procurement of new frigates for the Navy is also underway, and by 2010 Norway will have 5 new frigates ready to operate in the High North. The Inspector General of the Navy, Jan Eirik Finseth (2006), writes that the 'navy vessels must be present and show the flag.

This demonstrates our ability and will to maintain our national interests, and it creates international law'. Furthermore he argues that the continuous presence of navy vessels in the High North will 'prevent the establishment of a security vacuum and prevent other states from filling such a vacuum'.

The decision to close down the Olavsvær Naval Base in Tromsø sends a different signal when it comes to military presence in the North. The same goes for the reports that show that the military presence has in fact been reduced from 2007 to 2008 due to a lack of resources. In a classified government report, the Norwegian chief of defence writes that: 'the stated goal of increased military presence in the High North has not been possible to achieve...both the Coast Guard and Navy has experienced a reduced presence in the High North compared to the same period in 2007' (Sævrøy 2008; Axelsen 2008).

Espen Barth Eide, State Secretary in the Norwegian ministry of defence, recently defined Norway's current strategy in the High North to be to: 'stay as close to the EU as possible, and to continue the German initiative (Tysklandsporet) and the Nordic defence cooperation' (Alstadheim 2008).

3.2 The Three Jurisdictional Disputes

In the next three subchapters I will now map the relevant facts of each of the jurisdictional disputes along the dimensions (variables) pointed out in chapter two. The empirical data gathered in these subchapters will then be analysed in chapter four through the prism of the hypotheses presented in chapter two.

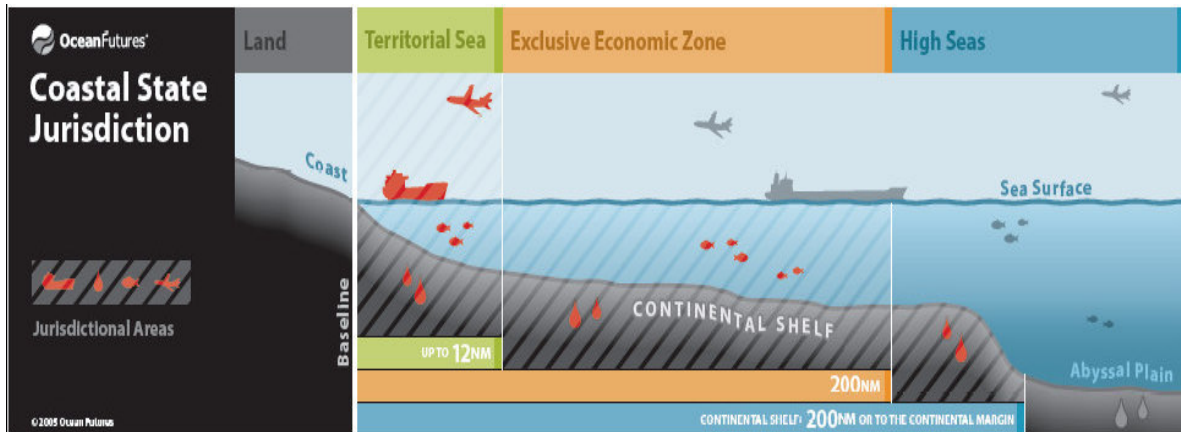
As mentioned in my introduction, these cases involve separate regimes, but are all connected to the United Nations Convention on the Law of the Sea (UNCLOS). Since the UNCLOS regime plays such a central role in all the three cases, I will first give a brief description of its provisions concerning these jurisdictional disputes.

The Law of the Sea is often referred to as the constitution of the oceans and Fleischer (2007:1) describes it as 'possibly the greatest legal development ever to take place and a major transition towards accountability and sustainability in the management of the world's resources'. The UN negotiations started in 1958 and the convention was agreed upon and signed by 159 states in 1982. The Convention entered into force in 1994 upon the obtainment of sixty ratifications (Malanczuk 1997: 173).

For coastal states, the Law of the Sea has provided control over vast amounts of natural resources and predictability in exploiting these resources. For Norway, a small country in terms of population, but with a large coastline both on the mainland and islands in the Arctic, the new provisions were of great significance. This became even more apparent when oil and gas were discovered on the Norwegian continental shelf. And just in the Arctic Ocean and the Barents Sea, Norway claims jurisdiction over areas which are almost the size of the entire European Union (Støre 2005c).

Relevant for this study is the UNCLOS provisions concerning the establishment of Exclusive Economic Zones (EEZ), and the continental shelf. Coastal states have a right to establish an EEZ of up to 200 nautical miles (370 km) from the baseline of the coast. Coastal states also have rights to the continental shelf beyond 200 nm all the way to the edge of the continental margin. The figure below depicts the terms used in UNCLOS on these matters.

Figure 1. Coastal state jurisdiction over maritime zones (Ocean Futures 2006).



Based on these provisions Norway established an EEZ of 200 nautical miles from the mainland in 1977, which amounted to 875.000 km². Similarly a Fishery Protection Zone (FPZ) was established around the Svalbard Archipelago in 1977, and a fishery zone around the island Jan Mayen in 1980. These zones amounted to 836.000 km² and 292.600 km² (Tamnes 1997: 279-280).⁹

3.2.1 The Disputed Area in the Barents Sea

HISTORICAL BACKGROUND AND NATURE OF THE DISPUTE

At the core of the issue are competing claims from Russia and Norway to a disputed zone of about 155.000 km² in an area highly rich in natural resources.¹⁰ The dispute is over both fishing rights and rights to the continental shelf. Norway and Russia have different views on how to interpret the UN Continental Shelf Convention of 1958, whose main principle is that the border shall be agreed upon by the neighbouring states (Tamnes 1997:291). Article 6 of the Convention states that: ‘In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line’ (United Nations 1958). Article 75 of the UNCLOS furthermore states that ‘the delimitation of EEZ between states with opposite or adjacent coasts shall be effected by agreement...in order to achieve an equitable solution’ (United Nations 1982).

⁹ See Appendix 2 for a map of these different zones.

¹⁰ See Appendix 3 for a map of the disputed area.

Norway bases its claim on the median line principle, which is established in the abovementioned article, but Russia disagrees with this and argues that another boundary is justified by 'special circumstances'. Instead of delimiting the border based on the median principle, the Russians argue that the sector principle, which would draw a line straight from the westernmost point of Russian territory to the North Pole, should be followed. The special circumstances they cite are amongst others the area's military-strategic significance and a Soviet decree from 1926, which first laid claim to the sector-principle (Åtland 2003: 26).

Norway first appealed for bilateral negotiations with the Soviet Union to solve the border dispute in 1967. Informal consultations were conducted in 1970, and in 1974 the first official negotiations took place. According to the then Norwegian Minister of Foreign Affairs, Knut Frydenlund (1982:60f), there was no haste in negotiating over the continental shelf as there was no shelf-activity in the area at the time. They did, however, reach an interim agreement concerning the fishing rights in the area in 1978 after both states had proclaimed an EEZ of 200 nautical miles. This interim agreement established the so-called Grey Zone, which covers 63.000 km², 60% within the disputed area and 40% in undisputed Russian and Norwegian waters. Only 3.000 km² from the last 40% were located on the Russian side while 23.000 were on the Norwegian side.¹¹

The Grey Zone agreement was controversial in Norway due to several reasons. It was feared that the conclusion of this agreement benefited the Soviet Union more than Norway, and that it could undermine the median-line principle, as the agreement effectively structured the zone around the sector-line (Tamnes 1997: 298f). Critics argued that this would create precedence for later negotiations for final settlement of the border dispute (Frydenlund 1982:63). Despite the controversy over the Grey Zone agreement, it has been renewed on a yearly basis since the agreement was made, and has functioned well in the regulation of the fishing activity in the region (Hønneland & Jensen 2008: 66).

The hydrocarbon exploration activities started in the 1970s in the Russian part of the Barents Sea, and in 1980 in the Norwegian part (Austvik 2006: 4). The Snøhvit gas field was discovered in 1984, and other finds on the Norwegian side include the Goliat and Nucula fields. The Russian side contains giant fields such as Shtokman, Ledovoye and Ludovskoye. In 2006 the estimates were that the Barents Sea contained 5-6000 million tons of oil equivalents (toe), of which 80% is located on the Russian side of the border (*ibid*).

Norway started to conduct seismic surveys in the disputed area in 1975, but ended this when the Soviet Union protested and announced that they would use the survey area as a test site for launching rockets (Tamnes 1997: 294). Later the Norwegian government protested when they learned that German and French oil companies, Deminex and Elf, had been invited by the Russians to explore for oil in the disputed area. The Norwegian government was supported by the German Chancellor Helmut

¹¹ See Appendix 4 for a map illustrating the Grey Zone.

Schmidt, who advised against this, and both Deminex and Elf declined the Russian offer (*ibid.*: 330). The Russians, however, conducted seismic surveys, but exploration through drilling has never taken place in the disputed area. These surveys have identified six promising geological structures (Åtland 2003:29; Ocean Futures 2006).

Norway has been sceptical to developing bilateral relations with the Soviet Union and Russia because of the difference in power capabilities between the two states (Kjølborg 1994:192). Former Minister of Foreign Affairs Knut Frydenlund formulated this by stating that: 'the closer our affiliation with the United States, the further we could develop our cooperation with the Soviet Union (Frydenlund 1982: 77). During the Cold War this backing was given through the NATO-membership, and particularly through the close ties with the United States.

With the end of the Cold War the situation changed. Russia was not considered a similar threat as the Soviet Union, and this has made security in the High North a less pressing concern for NATO and the USA (Jagland 2005b). A recent example of this was the US decision to close down its naval air station in Keflavik, Iceland. A decision made on the basis that: 'Changes in the international security environment require that U.S. forces adjust accordingly to meet the current global threat' (US Department of Defense 2006). A comparison could be drawn to NATO's decision to close the Combined Air Operation Center at Reitan in Bodø (Ulriksen 2007). However, U.S. Secretary of State Condoleezza Rice recently assured that: 'there is attention to this issue of the High North...the United States believe very strongly that international law needs to be respected here' (U.S. Department of State 2008b). Furthermore, a NATO agreement to perform air policing of Iceland's airspace has been negotiated. The French Air Force is currently air policing the area and the U.S. will perform this task in the fall of 2008 (Ministry for Foreign Affairs of Iceland 2008). Udgaard (2008c) views this as a compensatory policy and a response to the increased Russian military presence in the area.

In the early 1990s Norway's Minister of Foreign Affairs, Thorvald Stoltenberg, took the initiative to create a regional intergovernmental organisation between the countries in the Barents Region. Russia, the Nordic countries and the European Commission responded positively and together they created the Barents Euro-Arctic Council (BEAC) in 1993 (Holst 1994:11). The BEAC has several observing states, including the US, the UK and France. An international Barents Secretariat was established in 2008 to expand the initiative from 1993 (MFA 2007a).

Throughout the negotiations over the disputed area the Soviets/Russians have suggested creating bilateral cooperation agreements without first delineating the border. They have also sought to connect the issues by suggesting combined negotiations of for instance Svalbard and the border line in the Barents Sea (Frydenlund 1982: 102). A suggestion to create a 'special economic zone for joint and equal resource exploitation' similar to the Grey Zone agreements was made in 1988, but was rejected by Norway (Tamnes 1997:302f). The same year the negotiators managed to agree on a separation of 84% of the disputed area, but disagreements on

the final 16% stranded a possible deal (*ibid*: 303). Norway did, however, agree to an offer made by President Yeltsin on his state visit to Norway in 1996 to start bilateral talks on oil and gas cooperation parallel to the border negotiations (Åtland 2003:30).

THE CURRENT SITUATION

The hydrocarbon exploration activities started in the 1970s in the Russian part of the Barents Sea, and in 1980 in the Norwegian part (Austvik 2006: 4). The Snøhvit gas field was discovered in 1984, and other finds on the Norwegian side include the Goliat and Nucula fields. The Russian side contains giant fields such as Shtokman, Ledovoye and Ludovskoye. In 2006 the estimates were that the Barents Sea contained 5-6000 million tons of oil equivalents (toe), of which 80% is located on the Russian side of the border (*ibid*).

It is difficult to assess the current negotiations taking place between Norway and Russia as they are conducted in secret. As both Norway and Russia are now engaged in hydrocarbon exploitation close to the disputed area, one should expect that this will increase their interests in delineating the area.

When Russian Prime Minister Mikhail Fradkov visited Norway in 2006 he reiterated the Russian view that Russia and Norway ought to 'survey the disputed area before a delimitation agreement in order to know what resources the area contains'. Similarly Prime Minister Stoltenberg restated the Norwegian position that 'we are against a joint management of the area before a border has been agreed upon' (Tjønn 2006a).

A recent positive development was the signing of an agreement on the maritime delimitation in the Varangerfjord area between Norway and Russia in July 2007. Upon signing the agreement Foreign Minister Støre stated that the 'process and the agreement that has now been reached could contribute positively to the efforts to reach agreement on the area of overlapping claims in the Barents Sea' (MFA 2007b).

Another important development was the decision by Gazprom to invite StatoilHydro to take part in the first phase of the joint development of the Shtokman gas field. In the deal Gazprom would hold 51 percent of the shares, the French company Total would hold 25 percent and Statoil-Hydro 24 percent.

After the announcement of this agreement the Kremlin published a press release stating its 'confidence that Russian-Norwegian cooperation on this ambitious project will act as a further impetus to bilateral cooperation and in other areas' (President of Russia Official Web Portal 2007). A similar statement was given to me in an interview with an official at Russia's embassy in Oslo. On my question of what effect this Shtokman-agreement could have for the border negotiations in the Barents Sea, the reply was that it was 'certain that Norwegian participation at Shtokman would create conditions for further cooperation'. The official also stated that: 'as far as we know the Norwegian position is that we need to reach a delimitation agreement first, before we can develop the resources in the area under negotiation' (Interview 02.04.2008).

The Norwegian government actively courted Gazprom and the Russian government in order to help StatoilHydro's chances of getting access to Shtokman (Haukenes 2007). Prime Minister Stoltenberg told the media that 'the Norwegian government has backed up StatoilHydro 100 percent' (Skaar and Sjølie 2007). Stoltenberg also confirmed that the Shtokman project 'was an important reason for the merger' of Statoil and Norsk Hydro's oil and gas division (Hellestøl, Stenseng and Mathismoen 2007).

The main official reason for the merger was that the merged company would be better able to expand and face competition abroad by 'uniting their financial, technological and operational strengths' (St.prp. no. 60 (2006-2007): 10). The merger was criticized by several oil researchers who argued that it would lessen competition and innovation and threaten democracy by placing too much power with one company (Ryggvik 2007; Vinding and Bristøl 2006; Svalastog and Steinfeld 2007).

It is important to emphasize that StatoilHydro has still not decided whether or not it will accept Gazprom's invitation. Negotiations are currently taking place concerning how the joint development will take place (Moxness 2008; Ny Tid 2008). StatoilHydro's head of Russian industrial relations recently said that: 'It could happen that the overall design isn't good enough' and that the 'cost structures could prove unacceptable' (Scandinavian Oil and Gas Magazine 2008). Statoilhydro.com (2008) informs that: 'A decision on investment will be made in 2009, and we will then pay our share of the investment in the development'.

The participation of StatoilHydro has been criticized, and some speculate on whether Norway and France gave Russia something in return for inviting StatoilHydro and Total. In Norway's case there has been speculation that price cooperation between Russia and Norway was a pre-requisite for StatoilHydro's access to Shtokman (Mortished 2007).

As mentioned earlier, one of the new proposals by Norway is to establish a joint Russo-Norwegian industrial and economic zone in the border area between Kirkenes and Pechenga called the 'Pomor Zone'. The idea was formulated by former Statoil President Arve Johnsen and senior adviser in the Norwegian Ministry of Foreign Affairs Sverre Jervell, and presented in the report Barents 2020 in 2006. The main purpose of the zone would be to function as an area to conduct the land based part of the oil and gas activities in the Barents Sea, as well as being symbol of political cooperation and trust-building between Norway and Russia (Barents 2020 2006: 17; MFA 2008a).

It is unclear, however, whether such a zone is feasible. On the Russian side the border is controlled by the Russian Federal Security Service (FSB), and considering that the area has many military installations, it is unclear whether such a proposal would be in their interest. In 2006 the FSB extended the border control zone from 5 kilometres to 25 kilometres, and imposed travel restrictions in this zone. It is still unclear how these new regulations will be implemented, and how they will affect the Pomor Zone proposal (Hønneland and Jensen 2008: 43; Barentsobserver.com 2008a).

The Norwegian Ministry of Foreign Affairs is said to have received a positive reply from the Russian government concerning the proposal, and further discussion supposedly took place in the June 2008 Foreign Ministers' meeting in the border zone (Seljeseth 2007; MFA 2008a).

When asked about the prospects of the Pomor Zone, my interviewee at the Russian Embassy in Oslo stated that the: 'idea is interesting, but the content of this proposal requires a major overhaul'. The interviewee went on to say that: 'dialogue on the eventual form and direction of cooperation in this area is continuing' (Interview April 2nd 2008).

The Norwegian oil industry wants Norway and Russia to settle the issue of the disputed area, so that the oil companies can get access to the area. Arve Johnsen, the former CEO of Statoil and author of the above-mentioned report *Barents 2020*, stated that: 'it is up to the governments of the respective countries to reach a deal. But it is clear that the oil industry...might increase the pressure on them to negotiate an agreement' (Steensen 2005).

Despite seeking a closer relationship with Russia, Norway is aware of the recent increase of Russian military presence in the High North. In 2007 the Norwegian Air Force observed 88 Russian military planes outside the Norwegian coast line, a figure which is equivalent to the total amount of observed Russian planes during the previous ten years (NTB 2008). Norwegian Minister of Defence Anne Grete Strøm-Erichsen in 2007 cautioned that: 'We note that the Russian defence budget is growing. We know that North-West Russia still is an area of strategic importance and that Russia maintains a considerable military presence in this region. We have observed that Russian strategic bombers are back outside our coastline and other places' (Norwegian Ministry of Defence 2007).

In a recent statement U.S. Secretary of State Condoleezza Rice criticized the increased Russian military presence in the High North by stating that: 'We've had Russian Bear flights along the Norwegian coast. We've had Russian strategic aviation challenging in ways that they haven't, even along borders with the United States which, I might note, is a very dangerous game, and perhaps one the Russians want to reconsider' (U.S. Department of State 2008b).

3.2.2 The Svalbard Continental Shelf

HISTORICAL BACKGROUND AND NATURE OF THE DISPUTE

The Svalbard landmass is approximately 61.000 square kilometres; slightly less than the size of Belgium and The Netherlands combined. About 2600 people live there today, of which 80 percent are Norwegians and twenty percent Russian and Ukrainian citizens who work in the Russian coal mines (The Governor of Svalbard 2008).¹² Svalbard was traditionally known as Spitsbergen, which is the name of the largest island in the archipelago. The archipelago was officially named Svalbard in 1925 and I will use this name throughout the report when discussing the area.

¹² See figure number 5 for a map of the Spitsbergen Treaty's geographical scope

Svalbard was first mentioned in the Icelandic Annals with two words next to the year 1194 CE saying 'Fundr Svalbards', meaning Svalbard found/discovered. Dutch explorers Willem Barents and Jacob van Heemskerck rediscovered the islands in the summer of 1596 (Ulfstein 1995:33). Shortly after this, whalers from several countries started whale hunting off its coasts and established whaling stations on the islands. The hunters were mainly Dutch, German and British in the 17th century. The Russian hunters arrived in the 18th century and established settlements on the islands, where they spent the winter. The Norwegian whale hunt lasted from 1850 till 1973. From the year 1900 coal mining was initiated, and this industry is still active at Svalbard today (*ibid.*).

Shortly after Norway gained its independence from Sweden in 1905, the Norwegian government sought to gain sovereignty over the Svalbard Archipelago, which was considered to be *terra nullius* by international law (Riste 2001:115). Earlier initiatives by Denmark-Norway and Sweden-Norway to claim sovereignty over Svalbard had been rejected by Great Britain and Russia (Ulfstein 1995: 35-37). Norwegian sovereignty over the archipelago was recognized through the Spitsbergen treaty, which was drafted at the Paris Peace Conference in 1920, and entered into force in 1925 (Ulfstein 1995: 17).

The treaty recognizes the 'full and absolute sovereignty of Norway' but also states that '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...they may carry on there without impediment all maritime, industrial, mining and commercial operations on a footing of absolute equality... both on land and in the territorial waters' (Lovdata 2008).

With this formulation the treaty recognizes Norway's sovereignty on the condition that the previous *terra nullius* are preserved (Ulfstein 1995:50). The treaty also calls for Norway to formulate mining regulations acceptable to all parties to the treaty. This was done in 1919 with the Svalbard Mining Code, which was ratified in 1925, and which is still used to administer the mining activities on Svalbard (*ibid.*: 54-55; Lovdata 1925).

The main dispute over Svalbard today concerns whether the provisions of the Spitsbergen treaty apply to the continental shelf and waters beyond the territorial waters of Svalbard (Tamnes 1997:310). The 200-mile Exclusive Economic Zone (EEZ) and continental shelf concepts from the United Nations Convention on the Law of the Sea (UNCLOS) were not developed legal concepts when the Svalbard Treaty was drafted (Ulfstein 1995:18).

The different opinions stem from how the treaty from 1920 should be interpreted in relation to UNCLOS. This question has implications for possible oil and gas extraction on the shelf, and for fishing rights in the sea. If the Spitsbergen Treaty were to apply in the 200 mile zone this would lead to:

A requirement of non-discrimination in fisheries and on the continental shelf (arts. 2 and 3), that the limitation on taxation applied to oil exploration (art. 8 (2)), and the application of the requirements of demilitarization and neutralization (art. 9) (*ibid.*: 406).

The UNCLOS created new rules for the establishment of so-called EEZ's. Norway claims that since the wording of the Spitsbergen treaty specifies the treaty's scope to be Svalbard's landmass and *territorial waters* and does not mention the shelf or waters beyond this, Norway then has sovereign jurisdiction over the continental shelf and waters beyond the territorial waters. As the territorial waters extend from the baseline to 12 nautical miles this would mean that Norway could establish an EEZ covering the remaining 188 nautical miles from the territorial waters to the maximum zone limit (Fleischer 2006: 14).

Norway also claims that the Svalbard Archipelago does not possess its own continental shelf, but that it forms an extension of the Norwegian continental shelf and is therefore not covered by the Spitsbergen treaty (*ibid*). These views were stated publicly for the first time in 1974 and were not recognized by the international community. The USSR protested in 1970 and the US, UK, France and Western Germany declared that the Spitsbergen treaty's scope was to extend beyond the territorial waters in 1978 through their so-called consensus-declaration (Tamnes 1997:314).

Faced with opposition from both the Soviet Union and its Western allies, Norway chose not to establish an EEZ around Svalbard, but instead established the so-called Fishery Protection Zone (FPZ) in 1977 (Frydenlund 1982:56). The FPZ set out to regulate the fishing taking place in the area based on the principle of non-discrimination (Tamnes 1997:314). In 1986 the regime was made stricter and only Norway, Russia, the EU and the Faroe Islands are now awarded quotas on the justification that those countries' fleets had traditionally been fishing in the area (The Norwegian Ministry of Fisheries and Coastal Affairs 2008a). The legitimacy of the FPZ was less controversial than the Norwegian continental shelf policy. Canada and Finland recognized the zone, and the western powers accepted it, but disputed Norway's right to establish it (Tamnes 1997: 313).

Both Spain and Iceland have threatened to refer this issue to the International Court of Justice (ICJ) several times. Norwegian Minister of Foreign Affairs, Jonas Gahr Støre has stated that 'if any state wishes to try the issue at the court in the Hague, we are prepared to meet them there' (Pedersen 2008:1). Furthermore Støre has stated that the reason why Spain and Iceland have not taken Norway to the ICJ is that they understand the weakness of their case (Ask 2005).

Until now, the main problems on Svalbard have been related to fishing in the Fishery Protection Zone (FPZ). Norway has several times retorted to the use of force to implement its jurisdiction in the FPZ around Svalbard. The first such incident occurred in 1994 when the Norwegian coast guard fired an unarmed grenade at a foreign fishing vessel and arrested a vessel from Iceland (Bailey 1996: 257; Stokke 2005). This conflict between Norway and Iceland concerning fishing in the High North was settled in 1999, when Iceland, Norway and Russia signed an agreement which gave Iceland fish quotas in return for Iceland's acceptance of the rules and regulations set by the bilateral Norwegian-Russian fisheries commission (The Norwegian Ministry of Fisheries and Coastal Affairs 2008b).

Both foreign and Norwegian oil companies have drilled for oil on Svalbard's landmass but without making any great finds. The first permit to explore for petroleum exploration on Svalbard's landmass was given to the American oil company Caltex in 1961, and the first well was drilled in 1963. This was three years before the first well was drilled in the Norwegian North Sea and 6 years before oil and gas were discovered there (Norwegian Petroleum Directorate 2006: 31). In the end, very small amounts of oil and gas were discovered through repeated tests in the 1960s and 1970s, but they were far from being operable. The next period of exploration took place in the 1990s, when Norsk Hydro and a Norwegian coal company on Svalbard drilled for oil. They found small amounts of oil and gas, but no commercially viable finds, and further exploration was decided against for commercial reasons (St.meld. no. 9, 1999:99).

THE CURRENT SITUATION

In 2001 the Norwegian Parliament passed the Svalbard environmental protection Act (Lovdata 2001). The act represents a big administrative change on Svalbard as commercial activities would now require advance approval from the Governor of Svalbard. The previous regulations only required that information of such activities were given to the Governor, but today the Governor can block commercial activities on the islands. Russia views this as a threat to their interests there (Jørgensen 2003: 2f).

The most recent international incidents have occurred with Russian and Spanish fishing vessels. The first arrest of a Russian vessel occurred in 2001, when the Norwegian coast guard arrested the Russian trawler *Tsjernigov* for illegal fishing in the zone. The Russians protested and demanded the trawler's release. They also accused Norway of having broken a twenty year old gentleman's agreement of lenient enforcement towards Russian vessels (Hønneland & Jensen 2007: 68). In response to the first arrest, The Russian coast guard sent vessels to the FPZ, and in 2002 the Russians sent the cruiser *Severomorsk*, which patrolled the FPZ for a year in order 'to protect the fishermen against the Coast Guard' (Jørgensen 2004: 182).

In a similar manner the Norwegian coast guard arrested the Spanish trawlers *Olazar* and *Olaberri* in 2004, and *Garoya Segundo* and *Monte Meixueiro* in 2005, which had been fishing illegally in the FPZ (Pedersen 2006: 349). These arrests led to reactions in Spain, whose Minister of Fisheries raised the issue within the Council of the European Union (Lutro & Berthelsen 2005). The European Commission accepts Norway's right to regulate fishing in the FPZ, but disputes that Norway has the right to arrest and prosecute foreign vessels as this should be done by the flag state (NRK 2005; Verdens Gang 2005).

In October 2005 the Norwegian coast guard again tried to arrest a Russian trawler, *Elektron*, but the trawler decided to flee despite having two Norwegian fishing inspectors on board. Four coast guard ships, two helicopters and one Orion plane chased *Elektron*, which, despite attempts to stop it, managed to reach Russian territorial waters four days after the flight started (Inderberg 2007: 47). The coast guard ships could not fire at

the trawler since the two Norwegian inspectors were held captive on board. It is unknown what the Russian response would have been had the coast guard fired upon Elektron. The Norwegian and Russian governments made a deal which stated that the captain of the ship would be prosecuted in the Russian court system (*ibid.*).

What is interesting to note about these two incidents is the change in the Russian reaction from the arrest of Tsjernigov to the Elektron incident. The first time they sent a cruiser to the FPZ, but concerning the Elektron case, Russia cooperated on the arrest and prosecution. Foreign Minister Støre has stated that: 'The Elektron affair was resolved in a sensible manner...it did not become an issue of contention between Norway and Russia. If anything, I would say that it strengthened our relations. Because we agree that overfishing and environmental crime can and must be combated' (Støre 2005b). The change in the Russian government's response to the arrest of Tsjernigov in 2001 and attempted arrest of Elektron in 2005 shows that the Russians have a self-interest in maintaining the current fishery cooperation regime with Norway (Stokke 2005). So far this year (August 2008), five Russian fishing vessels have been arrested by the Norwegian coast guard in the FPZ (Barents-observer.com 2008b)

As global energy demand is rapidly increasing, one can expect that there will be a rising interest in finding out whether there are hydrocarbon resources in the continental shelf around Svalbard. The fact that oil prices remain high, as well as the fact that the big private energy companies have more difficulty getting access to areas to explore also adds to this (Hoyos 2007). Åtland argues that this represents a considerable potential for conflict with Russia, as Russia is the state with the largest presence on the island besides Norway and most defiant of the Norwegian view of the Spitsbergen treaty (Åtland 2003:34). This argument was also recently mentioned in a commissioned NATO-report. In the report, which was written by the former chiefs of defence of the US, UK, France, Germany and the Netherlands, the dilemma on Svalbard was formulated like this:

The islands of Spitsbergen...have large deposits of gas and oil that are currently locked under a frozen continental shelf. If global warming were to allow this to become a viable source of energy, a serious conflict could emerge between Russia and Norway, because the delineation of the continental shelf is still disputed (Shalikhvili et al. 2007: 35).

A similar analysis was recently given in a report co-authored by the EU's High Representative for the common foreign and security policy, Javier Solana, and the European Commission. The report entitled 'Climate Change and International Security' stated the following concerning developments in the Arctic:

The increased accessibility of the enormous hydrocarbon resources in the Arctic region is changing the geo-strategic dynamics of the region with potential consequences for international stability and European security interests (The High Representative and the European Commission 2008:8).

These two assessments by NATO and the EU fail to mention the fact that not only Russia but also Western states dispute the delimitation of the shelf around Svalbard. A recent report by the Norwegian Institute of International Affairs discusses how it is likely that Great Britain will be the main proponent of opening up the Svalbard shelf for drilling. Their argument is that the UK's own oil and gas resources are in depletion, and that their oil industry will be interested in exploring and exploiting resources on the Svalbard shelf, of which they claim rights according to the Spitsbergen Treaty (Blakkisrud et. al. 2008: 40).

This proposition is also based on the fact that the UK is among the most active opponents of Norway's view of the Spitsbergen treaty. A recent report commissioned by the Norwegian government identified Spain, Iceland, Great Britain and Russia as the states who disagree most with Norway's view (NOU 2007: 15).

On March 17th 2006 the UK sent a note to the Norwegian ministry of foreign affairs stating that:

An increasingly active policy by Norway in enforcing the Fisheries Protection Zone and in issuing hydrocarbon licences in the Barents Sea...has prompted the UK to review its own interests in the Svalbard Archipelago' (British Embassy Oslo 2006).

The note continued by stating that:

Over the past three decades we have...reserved our position on the question of Norway's assertion that Svalbard's continental shelf is an extension of the Norwegian shelf. The diplomatic note sets down formally the UK's view that the Svalbard Archipelago, including Bear Island, generates its own maritime zones, separate from those generated by other Norwegian territory...It follows therefore that there is a continental shelf and an exclusive economic zone which pertain to Svalbard. (*ibid.*)

With this the UK signaled that it had changed its stance from a *reservation* to being in *formal opposition* to Norway's legal interpretation of Svalbard's continental shelf and FPZ. Furthermore the note stated that: 'We believe that, if this issue were ever to be referred to the International Court of Justice, our position would find strong support in international law' (*ibid.*). The note was sent shortly after former State Secretary Kjetil Skogrand in the Ministry of Foreign Affairs had stated that Norway was considering changing the FPZ into an EEZ unless the fishing regulations in the FPZ were respected (NRK 2006; NRK Dagsnytt 18 2006).

Three months after sending the note the British Foreign & Commonwealth Office convened a meeting to discuss the Svalbard question with other signatory states to the Spitsbergen Treaty. However, Norway was not invited nor informed about this meeting, which took place in London in June 2006. The meeting included states like Russia and Spain, who oppose Norway's interpretation of the treaty, but also states like the United States, France and Germany.

When news of the meeting reached Norway it is said to have infuriated Foreign Minister Støre, who called the meeting 'inappropriate', and

stated that: ‘When our close friend Great Britain convenes a meeting with the US, Russia, Spain and many others to discuss a coordination of its strategy in the North, that crosses the line (Fyhn 2007a; Fyhn 2007b, Dagbladet 2007).

The response from the British Embassy in Oslo was that: ‘We have discussed these issues with Norway for years and we both know each other’s opinions well. We therefore thought it could be useful to learn more about the views of other signatory states to the Svalbard treaty’ (Fyhn 2007b).

So what is it that Great Britain would like to see happen on Svalbard, and why do they want to know the views of other signatory states to the treaty? Even though it hasn’t been stated officially, one indication was given in a speech by David H. Anderson, a former legal counselor of the UK Foreign and Commonwealth Office, and former judge of the International Tribunal for the Law of the Sea. At a conference in Oslo in January 2007, Anderson (2007) spoke of the FPZ and asked whether ‘perhaps something analogous could be done for the continental shelf?’

What is interesting about the London meeting is that Russia was invited and participated whereas Norway was kept in the dark. This is a good example of how the region’s security dimension has changed after the Cold War, and gives some credence to the prediction that ‘Norway risks standing alone against everyone’ on the issue of the Svalbard shelf (Lodgaard 2005: 33; Lucas 2008:19).

So far this is not the case. After all, someone chose to inform Norway about this meeting. Although it has not been confirmed officially, I have learnt that it was Germany who informed Norway of this meeting, but only after the meeting had taken place. During the meeting Germany also made an issue of the fact that Norway had not been invited by stating that the Svalbard issue should be discussed through cooperation with and not in opposition to Norway.

This intervention by Germany comes at a time when Norwegian-German relations are particularly close. Since the year 2000 there have been five official visits to Norway by a German Chancellor, the last one taking place in April 2008. Norway’s King Harald also stated during a state visit to Germany in 2007 that: ‘Germany is Norway’s most important partner in Europe¹³’ (Udgaard 2008b). German Foreign Minister Frank Walter Steinmeier has visited Norway four times since taking office in 2005, including visits to Svalbard and Hammerfest. On his visit to Svalbard, Steinmeier wrote the following in an opinion article in *Die Welt*:

Spitsbergen...there one can experience the nascent competition for oil and gas reserves at first hand. Our message is that not the advantage of speed or the right of might must prevail but solely the might of international law. Reckless competition for resources would damage...each one of us. (Steinmeier 2007)

¹³ It is interesting to note that the King said partner in Europe, and not the world, indicating that this role is still held by the United States.

The visit by Steinmeier to Svalbard was the first such visit by a German Foreign Minister. Even though Germany has also reserved its position towards Norway's interpretation of the Spitsbergen treaty, there are reasons to believe that Germany would be more sympathetic towards the Norwegian position. First of all because Germany currently seeks to diversify its energy supplies to prevent too large a dependence on Russian supplies (Westphal 2008:114). Steinmeier underlined this element in a speech in which he said that a 'key factor needed to ensure our future security of supply is the diversification of our suppliers. To this end, we will do more to develop our energy policy cooperation with Norway' (Steinmeier 2006). Germany has also asked Norway to suggest concrete cooperation projects, and have suggested that Norway, Russia and Germany form 'triangle projects' (trilateral industrial projects) in the High North (Johnsen 2006: 11).

Another reason is that Germany does not have its own strong oil industry like the UK, nor does it have a fishing fleet with historical links to the North (Tjønn 2006b). According to Udgaard (2008b), Germany is said to favor a pragmatic approach in which Norway would administer the maritime areas around Svalbard. On the occasion of Steinmeier's visit to Svalbard, Norwegian foreign minister Støre said that: 'The Germans think much alike us. They do not want to highlight things, and they warn against instability. It is in their interest that Svalbard remains under Norwegian sovereignty like it has for all these years' (Garvik 2007b).

The British note of March 2006 made references to the Spitsbergen treaty's article 8 (2), which establishes that: 'Taxes, dues and duties shall be devoted exclusively to the said territories and shall not exceed what is required for the object in view' (Lovdata 1920). Ulfstein (1995:285) argues that: 'such a limitation on taxation may provide high profits to oil companies and thus make oil exploration on Svalbard more attractive'. This is especially true if compared to the tax regime in place on the Norwegian mainland's continental shelf, which is highly profitable for the Norwegian government.

Through the Norwegian petroleum tax law (Lovdata 1975), companies are required to pay a surtax of 50 percent in addition to the general 28 percent corporation tax for its activities on the Norwegian continental shelf. This gives the oil companies a marginal tax rate of 78 percent, which is very high compared to the tax regimes of other oil and gas producing countries (Lund og Moxness 2006, Skatteetaten 2008).

In 2007 the petroleum sector accounted for 36 percent (356.5 billion NOK) of the Norwegian state revenues. Of these 356 billion, 14 billion are dividends from the government's 62.5 percent share in StatoilHydro, 126,7 billion come from the state's direct ownership through Petoro, and 216 billion are revenues from taxes and fees (The Norwegian Ministry of Petroleum and Energy 2007: 14). The tax regime is more remunerative than the state's direct ownership in oil and gas fields. Opening up the Svalbard shelf for exploration without such a tax regime would therefore not be preferable for Norway.

Norway could in fact, with reference to the Spitsbergen treaty, ban oil and gas activities on the Svalbard shelf altogether, through the use of non-discriminatory environmental preservation measures. This would follow the model of U.S. preservation policy in Alaska and also previous preservation measures currently in place on Svalbard. Today 65 percent of the landmass and 84 percent of the territorial waters of Svalbard are preserved (Norwegian Ministry of the Environment 2008). In the government's High North strategy paper it is stated that:

Svalbard is to be maintained as one of the world's best managed wilderness areas. The strict environmental legislation and comprehensive protection measures will be continued and further developed...in the event of a conflict with other interests, environmental considerations will prevail (MFA 2006a: 8).

In relation to German Foreign Minister Steinmeier's visit to Svalbard, Foreign Minister Støre underscored this fact by saying that:

Regardless of the position on how the shelf around Svalbard is to be administered it is Norway that will decide the regulations and time of possible oil and gas extractions up there. Most importantly, it is Norway that decides whether there will be any extraction there at all (Tjønn 2006b).

Today, the shelf around Svalbard is closed for petroleum activities. But the Norwegian Petroleum Directorate has conducted seismic surveys on the shelf since the 1970s. The results of these studies will be made available for the oil industry some day in the future (The Norwegian Petroleum Directorate 2005). This research continues today in line with the HNP's stated aim of having the lead in knowledge concerning the High North. The decision to allocate funds to the possible construction of an ice-going research vessel for geological charting should also be seen as a factor in this (MFA 2008c).

The Russian Murmansk-based company 'Marine Arctic Geological Expedition' has also been conducting geological mapping of the Svalbard shelf. The company was given a permit to do this from the Norwegian government as it was designated to be scientific research, and not oil exploration, allowed for in the UNCLOS (Pedersen 2006: 348). When the company refused to share the results of the surveys, the Norwegian Government protested and stated that 'exploring petroleum occurrences in the area is prohibited' and 'further permissions with similar content cannot be expected' (*ibid.*).

The prospects of finding oil and gas resources on the Svalbard shelf is leading actors within the Norwegian oil industry to call for a deal to be made on how to regulate access to the shelf for exploration and possible exploitation (Ramm 2008; Amundsen 2008; Eilertsen 2007). The argument is that as resources are approaching depletion in the North Sea, there is a need to open up the closed areas in the North to maintain the current production levels (Topplerforum 2008; Gundersen 2008).

In what could well be a response to Norway's recent attention towards Svalbard, Russia seems intent on increasing its activities on the Archipelago as well. The Kremlin last year revived its so-called Spitsbergen

commission headed by deputy prime minister Sergey Naryshkin. The commission visited Svalbard in October 2007 and called for a new Russian action programme to be implemented on the islands. Among the issues that were suggested were building another airport and establishing a fishery processing industry. This visit was the first Russian high-level visit to Svalbard since 1920 (Kommersant 2007; Barentsobserver.com 2007; Tønset 2007).

Another event was the suggestion by the Governor of Murmansk that Norway and Russia ought to jointly explore for oil and gas resources on the Svalbard shelf. In a letter to the Russian Foreign Ministry, Governor Jevdokimov calls for the establishment of a joint industrial and economic zone on Svalbard much like the so-called Pomor Zone proposal on the Russo-Norwegian border (Nordlys 2007).

In what could be viewed as a response to this renewed attention by Russia, foreign minister Støre stated in his annual foreign policy address to the Norwegian Parliament in 2008 that:

We are seeing increasing international focus on Svalbard...we are also seeing greater interest on the part of other countries' governments. In this connection, it is important to bear in mind that, according to the Treaty concerning Spitsbergen, it is the nationals and companies of the High Contracting Parties that may exercise the rights specified in the Treaty, not foreign states as such (MFA 2008b).

Lodgaard (2005:34) argues that it would be in the best interest of Norway to keep the Svalbard question out of the bilateral dialogues on the High North. His argument is that Norway should be careful not to incite others about the possible petroleum resources located there.

An interesting question is whether Norway would have attended the British Svalbard meeting if Norway had been invited? While the Norwegian government is more than willing to discuss its HNP, there seems to be little willingness to discuss the differing interpretations of Svalbard and possible ways to reconcile these differing views. Upon receiving the note of March 2006 from the UK, Støre (2006d) wrote the following in a newspaper article:

The fishery resources in the Barents Sea and the sea areas around Svalbard have been under pressure for a number of years from states with limited resources in their own waters. We listen carefully in our dialogues with our partners. But we also make it quite clear that there are some questions that are not up for discussion or negotiation. One of these is the question of Norway's continued jurisdiction in accordance with international law.

A similar message was sent during a session of the Assembly of the Western European Union upon the publication of its report 'Security in the High North' (Assembly of WEU 2007). In a speech State Secretary Stubholt (2007) stated that there are:

Certain differences of view with regard to the geographical scope of some of the provisions of the 1920 Treaty concerning equal treatment and taxation. The Svalbard treaty is clear on this: it applies to the land territory and to the territorial waters. The references to territorial waters actually mean what they say.

As only Canada and Finland have accepted Norway's interpretation of the Spitsbergen treaty, Norway has little to gain from engaging in dialogues about Svalbard. The Finnish and Canadian views on Svalbard are also ambiguous at best. Finland's ambassador to Norway recently stated in the media that: 'Finland has not taken a position on the FPZ'. The Canadian embassy in Oslo has asked the Canadian Foreign Affairs Department to clarify Canada's position (Fyhn 2005). The United States also reiterated its view recently by stating that: 'The USA claims all its entitled rights according to the treaty, including all possible rights to exploit mineral resources on Svalbard's continental shelf' (Ny Tid 2006).

One considerable development is the cooperation between Norway and Denmark on arctic issues. The countries recently signed an agreement that delimited a 150.000 km² sea area between Greenland and Svalbard (MFA 2006b). According to foreign minister Støre, this agreement is one of his biggest achievements while in office (Olsen 2007). In addition Danish Prime Minister Anders Fogh Rasmussen told journalists, during a visit to Svalbard in 2006, that the oil on the Svalbard shelf belongs to Norway, and the oil around Greenland belongs to Denmark (Seljeseth 2006).

Another awaited development is the Norwegian government's forthcoming white paper on Svalbard, which will be published before the parliamentary elections of 2009 (MFA 2008b). The last time such a white paper was published it created some controversy as it was revealed that officials at the Russian embassy in Oslo had paid money to get access to it before its publication in 1998. The incident led to the expulsion of 5 Russian diplomats from Norway (Versto, Bakkeli and Sønstelie 1998). Whether the new white paper will discuss concrete issues related to oil and gas activities on the Svalbard continental shelf remains to be seen.

3.2.3 *The Loop Hole, the Banana Hole and the Western Nansen Basin.*

The final case that I will discuss in this report is the Norwegian continental shelf submission, which Norway submitted to the UN Commission on the Limits of the Continental Shelf (CLCS) in 2006. Through this submission Norway lays claim to the continental shelf that extends beyond the 200 nautical mile zones from mainland Norway, Svalbard and the island Jan Mayen (United Nations 2006).¹⁴ The three areas, the Loop Hole, the Banana Hole and the Western Nansen Basin, are the size of 248.000 km²; roughly the same size as the United Kingdom (MFA 2008d). On Norway's submission to the CLCS, foreign minister Støre (2007a) stated that: 'We are making Norway bigger. That can be a good slogan!'

This case is perhaps the most topical among the three cases discussed, and attention towards the question of jurisdiction over the arctic seabed peaked in July 2007 when an expedition of Russian scientists planted a flag on the seabed 4.300 metres below sea-level at the North Pole (Penketh 2007). The research expedition that undertook the symbolic

¹⁴ See Appendix 6 for a map depicting the claimed areas.

action was a part of Russia's ongoing process of gathering seismic data to substantiate its claim to the CLCS. The event was quickly followed by statements from other states with competing claims in the region. The Canadian government announced an increased military presence in the Arctic, and the U.S. government has started a process of ratifying the Law of the Sea Convention (Drawbaugh 2007). Denmark reacted by inviting all arctic states to a conference on Greenland to discuss the delimitation issues in late May 2008. As an indication of the increased interest toward this issue, China has now obtained observer status in the Arctic Council and will send a delegation of six to a forthcoming ministerial meeting in Tromsø in 2009 (CBC News 2008a).

In 2008, the U.S. Geological Survey published the first publicly available hydrocarbon resource assessment of the Arctic. The study estimates that '22 percent of the undiscovered, technically recoverable resources in the world' are located above the Arctic Circle. This amounts to 90 billion barrels of oil and 1,670 trillion cubic feet of natural gas (USGS 2008). Another report by the energy consultancy Wood Mackenzie estimates that the Arctic today holds 233 billion barrels of discovered oil equivalent (BOE) and expects unproven resources to be at 166 billion BOE. Of the discovered resources 80% is natural gas, and 69% of them belong to Russia (Brett 2007). Studies such as these have created a new interest of developments in the Arctic.

The legal provisions on which Norway bases its claims are found in articles 76 and 77 of the UNCLOS, which define the continental shelf as 'the submerged prolongation of the land territory of the coastal State - the seabed and subsoil of the submarine areas that extend beyond its territorial sea to the outer edge of the continental margin' (United Nations 1958).

To delineate the edge of the continental margin, the UNCLOS established the CLCS, whose function is to 'make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf. The limits of the shelf established by a coastal State on the basis of these recommendations shall be final and binding' (*ibid.*). The CLCS is not authorized to pass binding rulings, but only to give technical recommendations based on the submissions it receives (MFA 2008e). The states concerned are supposed to submit documentation of their claims within ten years of ratification of the UNCLOS. Of the arctic states, only Russia and Norway have so far submitted their claims to the CLCS (United Nations 2008a). Canada, Denmark and the US are currently gathering the scientific data on which they will base their future claims (Byers 2008; Mellgren 2007). Canada and Denmark have until 2013 and 2014 to submit their claims (MFA 2008e).

At the moment, the CLCS is understaffed and underfunded to deal with the increasing amount of submissions. The committee's chairman, Peter Crocker, recently warned that:

under the current system, States parties could wait until 2035 to have their anticipated submissions processed, significantly curtailing exploration and exploitation of natural resources beyond the 200 mile EEZ (Exclusive Economic Zone) limits. (United Nations 2007; Chung 2007)

The United States has not ratified the UNCLOS, but its Senate Foreign Relations Committee recently voted in support of it, and President George W. Bush has urged the Senate to ratify it (Drawbaugh 2007). However, Republican Presidential candidate, Senator John McCain recently stated that he 'would probably vote against it in its present form' (Dinan 2007). John Negroponte, U.S. Deputy Secretary of State, recently expressed that he hoped the U.S. Congress would ratify it 'because of the impact it would have on our arctic policy, where it's very important. I'm not certain we have enough time before the end of the year to get it ratified, but we will work as hard as we can' (Borger 2008).

The Norwegian claims are disputed. Norway, Iceland and Denmark/The Faroe Islands have overlapping claims in the Banana Hole. However, a procedural agreement on how to delimit the southern part of the Banana Hole was reached between the countries in September 2006 (MFA 2006c).¹⁵ The procedure, which includes provisions for how to manage overlapping mineral deposits, is to wait for the recommendations by the CLCS and perform a final delimitation of the shelf based on these (Stabell 2006; MFA 2008d).

There are also overlapping claims between Norway and Denmark/Greenland in the Western Nansen Basin. As mentioned in the previous chapter, the two countries recently signed an agreement on the delimitation of the 150.000 km² sea area between Greenland and Svalbard (MFA 2006b). At the same time the two countries agreed to come back to the shelf beyond 200 nautical miles in the Western Nansen basin after the CLCS has given its recommendation (*ibid.*). The agreements reached on the Banana Hole and the area between Svalbard and Greenland are, according to Jonas Gahr Støre, among his biggest achievements during his tenure as Foreign Minister (Olsen 2007).

The main problem concerns the claims which are disputed by Russia, namely the Loop Hole and the eastern part of the Western Nansen Basin. The rules of the procedure of the CLCS state that 'In cases where a land or maritime dispute exists, the Commission shall not consider and qualify a submission made by any of the States concerned in the dispute. However, the Commission may consider one or more submissions in the areas under dispute with prior consent given by all States that are parties to such a dispute' (United Nations 2008b).

Norway gave its consent to the submission by Russia to the CLCS in a note in 2002, but made this conditional on the provision in UNCLOS Annex II, article 9, which holds that 'the actions of the Commission shall not prejudice matters relating to delimitation of boundaries between States with opposite or adjacent coasts' (United Nations 2002). Russia has recently submitted a similar note to the CLCS concerning Norway's submission, where they also reaffirmed their interpretation of the Spitsbergen treaty (Permanent Mission of the Russian Federation to the UN 2007).

¹⁵ See Appendix 7 for a map depicting the agreement.

What is more interesting is that Spain, which is not considered an arctic state, has protested against Norway's submission by pointing to the Spitsbergen Treaty. In a note presented to the CLCS, Spain stated the following in reply to Norway's claim:

Spain reserves its rights concerning the exploitation of the resources located on the continental shelf, including the extended area, that be defined beyond the Svalbard Archipelago. Inasmuch as the continental shelf extension submitted by Norway is intended to be effected from Svalbard towards the North – in the Western Nansen Basin region – and towards the east – in the region called the Loop Hole, Spain considers that the Paris Treaty fully applies to those regions and reserves its rights to the resources (Permanent Mission of Spain to the UN 2007).

Norway has rejected the position of Spain in a note stating that the provisions of the Spitsbergen Treaty: 'do not affect in any manner the interpretation or application of the rules contained in article 76 of the Convention nor its Annex 11, and have no bearing on the work of the Commission' (Permanent Mission of Norway to the United Nations 2007).

Foreign Minister Støre has recently urged everyone involved to respect international law in general, and the rules of UNCLOS in particular. On two separate occasions in the first half of 2008, Støre has warned against the creation of new legal regimes for the Arctic. At a conference in the European Parliament in Brussels in May 2008, Støre (2008:4) rebutted the Russian flag expedition to the North Pole by stating that 'flag-planting on the seabed is of no significance what so ever'. He went on to state that: 'Calls for a new legal regime risk creating uncertainty, and may undermine the existing framework. Let us not go down that road' (*ibid*: 5).

However, a recently adopted European Parliament resolution on arctic governance signals a wish to 'go down that road'. In the resolution (provisional edition), adopted by 597 votes to 23, the parliament suggests that:

the Commission should be prepared to pursue the opening of international negotiations designed to lead to the adoption of an international treaty for the protection of the Arctic, having as its inspiration the Antarctic Treaty (European Parliament 2008)

Foreign minister Støre also recently wrote to the EU's High Representative for CFSP, Javier Solana, to ask for clarification concerning EU policy towards the legal regimes in the Arctic (Ask 2008). In a recent above-mentioned EU report written by Solana, it is stated that climate change might create: 'a possible need to strengthen certain rules of international law, including the Law of the Sea' (The High Representative and the European Commission 2008: 10).

Upon reading this, Støre wrote to Solana to ask for clarification about this phrase as it could be interpreted as a sign of a possible wish to change the rules (*ibid.*). In his reply to Norway, Solana assured Støre that the EU wants to see UNCLOS implemented not changed (*ibid.*).

In October 2007, the Norwegian government convened a meeting of legal experts from the foreign ministries of the four other arctic coastal states - Denmark, Canada, Russia and the USA. The meeting of the 'Arctic Five' arranged in Oslo agreed to follow the framework of the law of the sea in dealing with the delineation of the continental shelf (Støre 2008).

The Oslo-meeting laid the groundwork for the three-day Arctic Ocean Conference, which took place on Greenland from May 27-29th 2008. This foreign ministerial summit, which was hosted by Denmark/Greenland, sought to reaffirm a commitment to cooperation on issues such as climate change and boundary disputes (Olsen 2008; Byers 2008). Danish Foreign Minister Møller's goal of the meeting was to: 'send a clear political signal which says that we will follow the rules already in place and solve any difference in accordance with international law' (McLaughlin 2008). Although billed as a summit of foreign ministers, only Russia, Norway and Denmark were represented at this high level. Canada was represented by the Natural Resources Minister Gary Lunn and the U.S. by Deputy Secretary of State John D. Negroponte (*ibid.*; U.S. Department of State 2008c).

Before the meeting Canada's Minister Lunn stated that the meeting would be 'dealing with the continental shelf... It's critically important that it's under our sovereign control' (Weber 2008). Sergey Lavrov, the Foreign Minister of Russia, took the opportunity to address the criticism of the Russian flag-planting on the North Pole by stating that: 'There is no claim for any territory. There couldn't be because as I said there is a sea convention, there are mechanisms created to implement this conventions, including for the continental shelf' (The Associated Press 2008b).

What is interesting to note about this meeting is that it is not organized through the Arctic Council, the intergovernmental organisation created for 'cooperation, coordination and interaction among the arctic states' (Arctic Council 2008). The decision to create an ad-hoc grouping of the arctic coastal states has been interpreted as an unwillingness to include other actors on these deliberations. The Foreign Ministry of Iceland, which is a member of the Arctic Council, stated that: 'We are hoping that we are not creating many forums to discuss some of the same issues, that we'd focus within the forum that already exists — the Arctic Council' (CBC News 2008). The Arctic Council includes observer states like the United Kingdom, France, Germany, Spain, and even China, which applied for observer status this year. Considering Spain's reaction to Norway's CLCS submission, an ad-hoc meeting with only the arctic coastal states is preferable for Norway.

The ministers meeting at the Arctic Ocean Conference agreed to publish a common document; The Ilulissat Declaration, which states that:

The law of the sea provides for important rights and obligations concerning the delineation of the outer limits of the continental shelf...we remain committed to this legal framework and to the orderly settlement of any possible overlapping claims...We therefore see no need to develop a new comprehensive international legal regime to govern the Arctic Ocean. (The Ministry of Foreign Affairs of Denmark 2008a)

After the conference was over, the Danish Foreign Minister declared the following:

With the Ilulissat Declaration we have created a solid political framework for a peaceful development in the Arctic Ocean...we have eradicated all the myths about a 'race for the North Pole'...all of my colleagues came to Ilulissat with a wish to achieve a result. And we did. (The Ministry of Foreign Affairs of Denmark 2008b)

From this presentation we can make several observations. The first one is that the agreement between Norway, Iceland and Denmark/The Faroe Islands over how to decide on the delimitation in the Banana Hole is a positive development and a sign that the recommendations of the CLCS serve a purpose concerning this area. The same goes for the similar agreement between Norway and Denmark/Greenland concerning the competing claims in the Western Nansen Basin. The second observation is that there exists no such agreement between Norway and Russia concerning the Loop Hole and Western Nansen Basin, so that the recommendations by the CLCS will therefore not be as influential on these areas as they are concerning the Banana Hole.

3.2.4 Recapitulation of Key Facts

Based on the presentation above I have summarized the key relevant facts for all the five hypotheses in relation to the three jurisdictional disputes in Table 2 below.

Table 2. Key facts concerning the five hypotheses

Hypotheses	Jurisdictional disputes		
	Disputed area in the Barents Sea	The Svalbard shelf	The Loop Hole, the Banana Hole and the Western Nansen Basin
H1: Attempt to assert Sovereignty.	<ul style="list-style-type: none"> - Military presence (Reitan HQ, MTB, frigates and coast guard vessels). - Regional development. - Public diplomacy. 	<ul style="list-style-type: none"> - Arrests of foreign fishing vessels. - Environmental regulations. - Public diplomacy. 	Charting and submitting its claims to the CLCS.
H2: Prevent a bilateralization of Norway's relationship with Russia.	<ul style="list-style-type: none"> - High North Dialogues. - High level visits. - Increased security & defence cooperation with Sweden and Finland. 	<ul style="list-style-type: none"> - High North Dialogues - Public Diplomacy - High level visits. 	<ul style="list-style-type: none"> - Convening the Oslo-meeting with representatives of five arctic states. - Participating at the Greenland-summit.
H3: Ensure implementa- tion of the UNCLOS-regime.	Seeking support for the median line principle.	Advocating that the UNCLOS-regime supersedes the provisions of the Spitsbergen treaty.	<ul style="list-style-type: none"> - Public diplomacy. - Actively supporting the CLCS-process at the UN.
H4: Access to Russian oil and gas resources.	The Shtokman agreement.	No relevant facts	No relevant facts
H5: Open disputed areas for oil and gas activities.	<ul style="list-style-type: none"> - The Pomor Zone proposal - Negotiations with Russia 	Performing geological surveys.	<ul style="list-style-type: none"> - The Pomor Zone proposal - Performing geological surveys

4 Empirical Analysis

In this chapter I will analyze the empirical data for each jurisdictional dispute in relation to the hypotheses presented in chapter two. The aim of the analysis is to establish whether the empirical data presented in chapter three enables us to draw any conclusions about the hypotheses. A special emphasis will be put on comparing the scope of applicability of the hypotheses to each dispute, i.e. whether for instance hypothesis 1 may be supported for the Svalbard shelf dispute but not for the two other disputes.

I have chosen to organize the chapter by the same case-oriented structure applied in chapter three. The division of the chapter into subchapters for each jurisdictional dispute presents a challenge when it comes to establishing clear borders between the three disputes. For instance, increased Norwegian navy and coast guard capabilities affect sovereignty assertion concerning all three disputes. The hypotheses are different, but the gathered facts can be relevant for several of them. There may therefore appear to be some repetition and overlapping between the subchapters, but this will be dealt with in the conclusion where I establish which hypotheses that are most relevant for each case.

4.1 The Disputed Area in the Barents Sea

4.1.1 Hypothesis 1: Assertion of Sovereignty

The first hypothesis lays down the statement that the HNP represents an attempt by Norway to assert sovereignty in the North. Do the empirical data give us grounds to infer anything about this related to the disputed area in the Barents Sea? I believe we can say that the assertion of sovereignty has taken place in several different forms. One element is the government's decision to make the High North its most strategic priority. This sends a signal of Norway's attachment to the region, and that it follows the developments in the High North closely.

A key factor in sovereignty assertion is presence. Here the picture is mixed. The Norwegian government's decision to move the military's operational command head quarter to Bodø sends an important symbolic signal that Norway is willing to look after its interests in the North. The same could be said about the government's decision to begin using the Navy's new missile torpedo boats (MTBs) against the advice by the Norwegian chief of defence. These are symbolic events that signal both a commitment for defending the High North, and a realization that the region is of less relevance to NATO. However, at the same time it seems that a lack of resources is preventing the military from achieving the government's stated goal of increased presence. The Norwegian chief of defence himself recently wrote that both the navy and the coast guard have seen a reduced presence in the High North in 2008 compared to 2007. This is quite surprising given the high profile attached to the goal of increased military presence and activity.

The domestic policies of the HNP, like for instance regional development, are also elements of sovereignty assertion in the sense that it aims to halt the current trend of depopulation, and thereby ensure continued presence and activity in the region.

A final important element is the government's public diplomacy about the High North, and the interaction with foreign officials through the high north dialogues. This is certainly an element of sovereignty assertion, but as the second hypothesis deals specifically with this I will discuss this in the next subchapter.

4.1.2 Hypothesis 2: Prevent Bilateralization of Norway's Relationship with Russia

As mentioned above, one of the main pillars of the HNP is Norway's attempt to 'engage political allies to help back up a regime of peace, stability and predictability in the High North' (Støre 2006a). My hypothesis suggests that this is an attempt to prevent a bilateralization of the relationship with Russia, caused by the fear of standing alone against Russia in the North. The theoretical foundation for this comes from neorealist balance of power theory. This does not mean that Norway foresees a military conflict with Russia. But it is likely that a scenario where Russia starts drilling for oil and gas in the disputed area is of concern to Norway.

It is important to emphasize that Norway does not seek to prevent engagement with Russia, rather on the contrary. Norway seeks a closer energy relationship with Russia, but the goal is to make this relationship as multilateral as possible. One recent sign of this was the establishment of the international Barents secretariat in January 2008 to increase the multilateral aspect of the Barents cooperation. Once again, the main idea seems to be to engage Russia in areas where other states are involved.

A large part of the HNP has been devoted to giving speeches both at home and abroad about the current situation in the North. Through public diplomacy the political leadership in the foreign ministry has given speeches in many international organizations and capitals around the world. Foreign Minister Støre has given his 'High North Briefing' in speeches on many occasions both at home and abroad. The contents of the speeches are basically the same whether it is in Washington, London, Berlin, Paris, Beijing, Tokyo, Boston or Brussels etc.¹⁶

Furthermore, the decision to invite allied officials to visit the High North to be given briefings of Norway's views is a similar signal. The visit by Germany's foreign minister Steinmeier to the LNG-plant Snøhvit is of particular importance, as the government's views Germany as its most important partner in Europe.

One new development is the closer relationship with Sweden and Finland on issues related to the High North. Both Swedish and Finnish foreign ministerial, and trade ministerial delegations have visited the region and talks of closer defence cooperation between Norway, Sweden and Finland are taking place. This cooperation gives Norway close access to two like-minded EU Member States. However, there has been scepticism that

¹⁶ See speeches by Foreign Minister Jonas Gahr Støre at: www.regjeringen.no/nb/dep/ud/dep/Utenriksminister_Jonas_Gahr_Store/taler_artikler.html?id=435039

this new development is only initiated due to the presence of the NATO-sceptical Socialist Left Party (SV) in the current Norwegian government. Another element is the Swedish government's wish to sell fighter jets to Norway. Would there be closer defence cooperation between Norway, Sweden and Finland without these two factors? This remains to be seen. The prospects of the defence cooperation will therefore be easier to assess after the scheduled October 2008 decision has been made on whether to buy Swedish or American fighter jets, and whether the defence cooperation continues if/when SV is no longer in a government position.

The presence of NATO in the High North is decreasing. The U.S. recently closed down its air base in Iceland, and NATO's Combined Air Operations Center 3 in Bodø was closed down in February 2008. However, one could argue that the NATO-decision to perform air policing mission in Iceland's air space is a sign to the contrary. It could also be seen as a compensatory policy and a response to the increased Russian military presence in the area.

There are also signs of a renewed attention by the United States towards the High North, indicated through the recent abovementioned statements by U.S. Secretary of State Condoleezza Rice. However, this renewed awareness by the U.S. is in my opinion largely caused by concerns over Russian actions, and has little to do with the attempted lobbying of the Norwegian government through the HNP.

The next development to look out for is France's involvement, which will grow if Total decides to participate in the Shtokman development. The inclusion of other international energy companies in the Barents Sea means that the region will be followed with interest by other states and hence help Norway's goal of multilateralizing its relationship with Russia.

I think it is clear that Norway has been able to raise awareness amongst its allies of the challenges it faces in the North through the HNP, but it is not clear whether this has had any concrete results. Nevertheless, the process has enabled the Norwegian government to remind its allies that these jurisdictional problems continue to exist. Even though the HNP has not led to any concrete measurable advance in the relationship between Norway and its allies, Norway has been able to inform its allies about its viewpoints towards the region. So, if an incident with Russia was to occur on the Barents Sea; Norway's allies would better understand the jurisdictional dispute in the area.

Whether this will prevent Norway from standing alone against Russia is another story. The USA has its focus elsewhere, and the EU views the disputed area as a purely bilateral conflict between Norway and Russia. It is also unclear how Germany would act in a minor conflict between Norway and Russia, given Germany's energy import dependence on Russia.

Furthermore, Sweden and Finland represent no power balance against Russia's military might. However, as the security situation has changed in the High North, access to EU-members like Germany, Sweden and Finland might be just as important for Norway as military backing.

Therefore, the overtures towards closer cooperation with Germany, Sweden and Finland are a useful and needed addition to Norway's affiliation with NATO.

4.1.3 Hypothesis 3: Implementation and Effectiveness of the UNCLOS

The third hypothesis suggests that the HNP represents an attempt to ensure the implementation and effectiveness of the UNCLOS regime. With an increased focus towards the Arctic and its hydrocarbon resources, the effectiveness and implementation of UNCLOS is clearly in Norway's interest.

Concerning the disputed area, both Norway and Russia base their arguments on UNCLOS provisions as the median line principle could be waived if 'special circumstances' suggest this. However, if the dispute were to be brought before the International Court of Justice (ICJ) I believe the median line would prevail. But neither Norway nor Russia is eager to bring the case to the ICJ. If Norway were to do this it could jeopardize other important areas of cooperation with Russia, and also make Russia more assertive towards Svalbard. More importantly, an ICJ opinion would be irrelevant as Russia does not recognize the jurisdiction of the ICJ (NTB 2005).

The goal of following international law is logical for a small state as Norway. The alternative would be that 'might is right', which would leave Norway helpless against Russia. The only way Norway could secure control over resources in the disputed area is through following the UNCLOS provisions. In the statements concerning the disputed area given by the Norwegian Ministry of Foreign Affairs, one sees consistent references to the UNCLOS provisions. This does not mean, however, that ensuring the implementation and effectiveness of the UNCLOS-regime is the rationale behind the HNP. Apart from the government's references to the median line principle I have not found evidence that supports this hypothesis. This hypothesis is more relevant concerning Norway's continental shelf submission to the UN discussed in chapter 4.3.

4.1.4 Hypothesis 4: Access to Russian Hydrocarbon Resources

My two final hypotheses are founded on assumptions that the HNP is mainly caused by domestic influences rather than international ones. The theoretical foundation for this and the next hypothesis is Moravscik's article on liberal theory, which focuses on the power of domestic interest groups, and how they can influence government to further their cause. The societal interests group relevant for these two final hypotheses is the oil-industrial-complex as discussed in chapter 2.3.

The fourth hypothesis suggests that the HNP is an attempt to facilitate Norwegian companies' access to Russian energy resources. The hypothesis is based on the fact that the oil production on the Norwegian shelf is decreasing and the fact that Russia possesses vast hydrocarbon resources. Former president Putin has also suggested that Norway and Russia should form a strategic energy partnership. Could the HNP be an attempt by the Norwegian government to help Norwegian companies gain access to Russian resources? Some elements support this hypothesis.

First of all, the Norwegian government has been very active in promoting Statoil and Norsk Hydro, today's StatoilHydro, concerning the Shtokman field. The statement that the StatoilHydro merger was based on the likelihood of getting access to the Shtokman is evidence of this. The close relationship between the oil and gas industry and the government was also recently portrayed in a documentary about oil and gas activities in the High North (NRK 2008a ; NRK 2008b).

Another element is the Foreign Ministry-commissioned report Barents 2020, written by former Statoil CEO Arve Johnsen, which suggested creating the Pomor Zone. The Pomor Zone is described in the report as an 'important political tool to position Norway in relation to Russian and foreign actors' (Johnsen 2006: 17).

The hard facts facing Norway's oil industry is that the Norwegian oil production output has decreased by 30% since 2001 (OLF 2008).¹⁷ Together with the studies that show that most of arctic hydrocarbon resources are located on the Russian side this gives a strong incentive for Norway to seek closer relations to Russia. This fact alone would lead the Norwegian government to seek access to these resources for its national companies, which does not necessarily mean that this is the rationale behind the HNP. It does, however, in my opinion explain parts of it.

In my opinion, Russia and Gazprom invited StatoilHydro mainly because of its expertise in arctic offshore drilling as proved with the Snøhvit field.¹⁸ However, the decision could also be seen as political, as being part of Putin's suggestion that Norway and Russia form a strategic energy partnership. It yet remains to be seen whether StatoilHydro decides to participate in the development of the Shtokman field.

4.1.5 Hypothesis 5: Open Disputed Area for Hydrocarbon Activities

My last hypothesis discusses whether the HNP represents an attempt to open up the disputed area for oil and gas activities. This hypothesis is similar to the previous one, as it is based on the same theoretical foundation, and focus on the power of the same domestic interest constellation group. Could it be that the rationale behind the HNP is to open up disputed areas for hydrocarbon activities, with the Norwegian oil-industrial complex as premise provider?

I think it is clear that the Norwegian oil industry wants a deal to be made on how to delineate the disputed area in the Barents Sea. And their main interest is not necessarily where the line is drawn, but that the moratorium on hydrocarbon exploration/extraction is lifted. The stated interest from senior figures within the Norwegian oil industry does not necessarily mean that this is the rationale behind the HNP. In fact, I have not found any solid evidence that indicate this. However, given the powerful role of the Norwegian oil-industrial complex, it is fair to say that it has been one of the leading actors to push for an increased government focus towards the High North.

¹⁷ Gas production however is increasing

¹⁸ Despite of the current problems with the production at Snøhvit

The Norwegian government is, in my opinion, interested in reaching a deal on the disputed area, but the oil industry is not in a position to dictate how the government should act to achieve this. Nevertheless, as the Norwegian oil production is decreasing, one should expect increasing pressure from the industry for an agreement to be made. The decrease in production might lead the Norwegian government to be more pragmatic in the negotiations with the Russians. The Pomor Zone proposal could also be seen as a trust-building measure that would create a more favourable atmosphere for reaching an agreement for opening the disputed area for drilling.

One possible future development would be if Norway and Russia were to agree to start drilling in the area without delineating it first. This would be contrary to what successive Norwegian governments have refused to do since the negotiations started. But could the new 'strategic energy partnership' between Norway and Russia lead to changes on these positions? Is it possible that the Shtokman development will increase trust between Norway and Russia, and give the companies experience in complex joint business ventures so that such a scenario is feasible? I am not sure of this, but if exploration and extraction were to take place before a delineation deal, I think it would only happen if other multinational companies were involved as partners. This could be the sort of concrete triangle projects, (Norway/Russia/Germany) that the Germans have been asking Norway to initiate.

4.2 The Svalbard Continental Shelf

4.2.1 Hypothesis 1: Assertion of Sovereignty

There have recently been more concrete signs of sovereignty assertion concerning Svalbard than on the disputed area in the Barents Sea. As detailed in chapter 3.3.1, Norway has arrested several foreign fishing vessels in the Svalbard FPZ. This signals intent of actively enforcing its interpretation of the Spitsbergen treaty through prosecuting these fishermen in the Norwegian legal system. This represents a break with the previous policy of lenient enforcement, particularly concerning Russian vessels. Similarly, the Svalbard Environmental Protection Act signals that Norway is intent on actively using its sovereignty over the Svalbard landmass and territorial sea as well. Furthermore, Foreign Minister Støre has hinted at the use of similar environmental regulations for the continental shelf.

As to the military presence in the FPZ, the stated goal of an increased presence has not been reached neither by the coast guard nor the navy during the first half of 2008. In fact, the coast guard experienced a ten percent decrease in patrolling days in the FPZ in 2008 compared to 2007.

The public diplomacy of the HNP has had an assertive tone concerning Svalbard. The political leadership of the Norwegian ministry of foreign affairs has often dismissed the objections of other states towards its policy of arresting fishing vessels. And foreign minister Støre has publicly asserted that there is nothing to debate about Norway's interpretation of its sovereignty on the Svalbard archipelago and its maritime zones.

4.2.2 *Hypothesis 2: Prevent Bilateralization of Norway's Relationship with Russia*

Whereas Norway seeks to build a closer energy relationship with Russia through negotiations over the Barents Sea, Norway sees no reason to negotiate over anything concerning Svalbard and its maritime zones. Given the fact that Norway has little support from others on its views towards Svalbard, one could argue that Norway seeks to prevent bilateralization not only with Russia, but also with other states that openly challenge its views on the Spitsbergen treaty, like Spain and the United Kingdom. This makes the dispute over the Svalbard continental shelf more challenging for Norway than the disputed area in the Barents Sea. However, Russia is the state with the largest presence on Svalbard after Norway, and also the state that seems most intent of challenging Norway's rights to the continental shelf surrounding Svalbard. Norway's need to prevent a bilateralization of its relationship with Russia therefore remains.

The high north dialogue with Germany is of particular importance here since Germany's foreign minister has visited the High North twice, including Svalbard, and seems to have sympathy for Norway's challenges there. The most important signal of this was the German intervention at the 'secret' Svalbard meeting arranged by the British Foreign Office in March 2006. Even though this meeting was arranged by the UK and not Russia, the message is the same. Germany gave Norway important political support at a time when Norway was not even aware that such a meeting was taking place.

Whether this means that Germany supports Norway's view of the Spitsbergen treaty is another story. But it does indicate that Germany is willing to support a more pragmatic approach to the jurisdictional standoff between Norway's view and the opposing views of other states such as Russia, Spain, Iceland and the UK. Another relevant point here is Steinmeier's article published in 'Die Welt' on the day after he visited Svalbard, in which he warned against a reckless competition for resources there. Despite of this, it is unclear how Germany would act if the question of the Svalbard continental shelf were to be brought before the ICJ, or if the EU set out to establish a common position towards the issue.

One element of the Norwegian strategy has been to invite foreign officials to visit the islands. The most senior visits have been the ones by Germany's foreign minister Steinmeier, the EU commission president Barroso, and U.S. presidential candidate John McCain. Visits such as these are important for coalition-building, and in the sense that they offer Norway an opportunity to present the nature of Norwegian jurisdiction on area. Another Norwegian goal seems to be aimed at persuading visitors that the continued Norwegian governance is in everyone's best interest.

4.2.3 *Hypothesis 3: Implementation and Effectiveness of the UNCLOS*

Norway advocates that the jurisdiction over the continental shelf and maritime economic zone around Svalbard is not covered by the Spitsbergen treaty, but rather by the more recent international law provisions

of the UNCLOS. There seem to have been a few concrete efforts to shore up support for the implementation and effectiveness of this view concerning the Svalbard continental shelf.

Firstly, in what foreign minister Støre refers to as one of his largest achievements, Norway and Denmark/Greenland agreed upon the delimitation of a maritime area of 150.000 km² between Svalbard and Greenland in line with provisions of the UNCLOS. Furthermore, Norway's new policy of enforcing the regulations of the FPZ by arresting and prosecuting those who illegally fish there, is also based upon the UNCLOS provisions that obligate the coastal state to ensure the sustainability of living resources under its sovereignty. By enforcing these regulations, I believe Norway is seeking to solidify its interpretation of the Svalbard's legal status.

4.2.4 Hypothesis 4: Access to Russian Hydrocarbon Resources

As mentioned above, these last two hypotheses suggest that the Norwegian government formed the HNP because of domestic rather than external influences. Hypothesis 4 was mainly included because of the Shtokman field development competition, and is therefore more relevant for the Barents Sea dispute discussed above. I have found no evidence that supports hypothesis 4 in relation to the Svalbard continental shelf.

The notion that the HNP represents an attempt to facilitate Norwegian companies' access to Russian oil and gas resources has little support concerning the Svalbard shelf, as any concession made by the Norwegian government towards Russia would also have to be given to other signatory states of the Spitsbergen treaty.

4.2.5 Hypothesis 5: Open Disputed Areas for Hydrocarbon Activities

As shown in chapter three, influential figures within Norway's oil industry have started calling for the opening of the Svalbard continental shelf for hydrocarbon activities. Despite the fact that the Norwegian government conducts seismic surveys and is considering building an ice going research vessel, I have not found evidence that would indicate that things are moving forward concerning possible exploration/exploitation of the Svalbard shelf. To the contrary, the Norwegian government has clearly stated that it could well decide to implement environmental protection measures to preserve the continental shelf for drilling.

It is possible, however, that the HNP could be seen as a feeler to launch a debate on this issue. There has not been much debate on the issue of sovereignty over the Svalbard shelf since the 1970s when Norway established the FPZ. Could the HNP be seen as an approach designed to elicit the reactions of other states? If this was the case, the British reaction by sending a note and arranging its Svalbard meeting in London was a swift response.

In my opinion, Norway is not eager to open up the shelf for exploitation and exploration, but instead fears that Russia might force such a development by creating an incident. The governor of Svalbard has already

barred a Russian company from continuing its seismic studies on the Svalbard shelf, but reports indicate that these studies will continue. Norway is therefore faced with a dilemma in the sense that it could face pressure both externally (Russia and the UK) and domestically (oil-industrial complex) for an agreement on the Svalbard shelf to be reached.

4.3 The Loop Hole, the Banana Hole and the Western Nansen Basin

4.3.1 Hypothesis 1: Assertion of Sovereignty

When the Russian flag was planted on the North Pole seabed, Canada's Prime Minister Stephen Harper stated that: 'The first principle of Arctic sovereignty is: use it or lose it' (Office of the Prime Minister [of Canada] 2007). It is my impression that the Norwegian government agrees with this principle. Through charting and submitting its claims to the CLCS in 2006, Norway asserted sovereignty over its areas beyond the 200 nautical mile EEZ limits. Norway became the second arctic coastal state to do so after Russia submitted its claims in 2001. As the UNCLOS provisions call for the CLCS submissions to be made within ten years after ratification, Norway's claim would have been submitted even without the existence of the government's HNP initiative. But the fact that Norway chooses to launch its High North strategy document in the same month as its submission to the CLCS, sends a signal that Norway is intent on protecting its interests in these areas.

4.3.2 Hypothesis 2: Prevent Bilateralization of Norway's Relationship with Russia

Norway's claims in both the Loop hole and the Western Nansen Basin are disputed by Russia. Norway therefore seeks to prevent a bilateralization of its relationship with Russia concerning this dispute as well. Norway has actively sought multilateral negotiations by inviting the chief legal advisers of all the five arctic coastal states to Oslo to discuss this issue. This Oslo-meeting paved the way and laid the groundwork for Denmark's invitation to the foreign ministerial summit in Greenland in May 2008. By doing this, Norway has ensured that the forums where these issues are debated include its allies the U.S., Canada and Denmark.

4.3.3 Hypothesis 3: Implementation and Effectiveness of the UNCLOS

This hypothesis is closely linked to the previous one, as both the Oslo-meeting and Greenland summit dealt with how the arctic coastal states should work together to implement the UNCLOS provisions. It is interesting to note that it was the smaller states, Norway and Denmark, which took the initiative for these deliberations. This is to logical given that they are the ones that stand most to lose if the more powerful states were to ignore the rules of UNCLOS.

Another important development is the agreement by Norway, Iceland and Denmark/the Faroe Islands on how to delimit the southern part of the Banana Hole. This willingness to apply the UNCLOS provisions represents a good example of how the issue of overlapping claims should be dealt with, and thereby strengthens the CLCS-process.

Foreign Minister Støre has also been undertaking some public diplomacy concerning this issue, by contacting the EU's High Representative for the CFSP and also giving a presentation at the European Parliament in support of the implementation of UNCLOS.

4.3.4 Hypothesis 4: Access to Russian Hydrocarbon Resources

As discussed above, this hypothesis suggests that the HNP is an attempt to facilitate Norwegian companies' access to Russian oil and gas resources. Its inclusion was mainly to assess the Shtokman development competition, and this issue is therefore addressed in the chapter about the disputed area in the Barents Sea. I have found no relevant evidence that supports this hypothesis in relation to the areas beyond the 200 nm. EEZ limits.

4.3.5 Hypothesis 5: Open Disputed Areas for Hydrocarbon Activities

There are some points that support this hypothesis. First of all it is important to remember that eventual hydrocarbon activities for these areas lie far ahead in the future. But foreign minister Støre has nevertheless stated that he foresees such a development. With the North Sea oil and gas fields being increasingly mature, Norway would definitely like to see these new areas opened for development, but only after the jurisdictional disputes has been settled.

5 Conclusion

In this chapter I first present the analysis results of the research question. Following this I give some remarks on what I perceive to be shortcomings of this study, as well as offer suggestions for further research.

5.1 Analysis Results

Dealt with separately, these hypotheses can not answer the research question. However, when analyzed together they do, in my opinion, reflect some of the rationale behind Norway's HNP. Below follow my conclusive remarks based on a combined analysis of all five hypotheses for each jurisdictional dispute.

5.1.1 *The Disputed Area in the Barents Sea*

It is my opinion that the Norwegian government is seeking to assert sovereignty while at the same time establishing a closer energy relationship with Russia. The energy relationship would ideally facilitate Norwegian companies' access to Russian resources, and eventually open the disputed area in the Barents Sea for oil and gas activities. Considering Norway's historical skepticism towards establishing a bilateral relationship with Russia, the Norwegian government initiated the so-called High North dialogues with key allies. The close relationship with Germany and the new Nordic initiative with Sweden and Finland have been particularly promising in this respect. As a non-member of the EU, Norway's relationship with these EU Member States gives it access, by proxy, to the EU's increasingly important decision-making arenas on foreign and security policy. This is especially important for Norway on matters concerning Europe's relationship with Russia. As a basis for its claim the Norwegian government uses the median line principle established in the UNCLOS, but the political backing from allies such as the U.S. and Germany is just as important as international law.

The negotiations between Norway and Russia over the disputed area in the Barents Sea have been taking place for over thirty years. This might sound like a long time, but it is important to remember that Russia is involved in numerous other unresolved maritime disputes; including one with the United States for over a hundred years, and such as the dispute over the delimitation of the Caspian Sea. Furthermore, Russia has vast proven untapped hydrocarbon reserves in other areas than the Barents Sea, whereas the Norwegian oil industry is in need of access to new areas. The disputed area is therefore of a more pressing concern for Norway than for Russia. This gives Russia an advantage in the negotiations, as the time factor could spur Norway to accept a less rewarding compromise. However, Norway does seek a solution with Russia on the disputed area, and concrete steps forward have been made with the maritime delimitation in the Varanger fjord. The next decision to follow will be whether StatoilHydro decides to accept Gazprom/Russia's invitation to participate in the development of the Shtokman field.

The Russo-Norwegian energy relationship will be an important element in whether the Barents Sea dispute gets settled. However, one should not

forget that the energy relationship is only one factor in the broader Russo-Norwegian *political relationship*, and in a time of renewed tension between Russia and the West the energy relationship might be relegated. The maritime border dispute can only be solved if the two countries are able to find an agreement together. As long as Norway stays outside the European Union this will remain a bilateral issue.

5.1.2 *The Svalbard Continental shelf*

The Svalbard dispute is more complicated for Norway than the disputed area in the Barents Sea. On this issue, Norway is challenged by Russia but also Western allies and signatory states to the Spitsbergen treaty, most notably the United Kingdom, Spain and Iceland. The rationale of the HNP also differs, in my opinion, on these two disputes. This difference manifests itself by the way Norway eagerly seeks negotiations with Russia over the disputed area in the Barents Sea, but refuses to engage in any such debate on the future of the Svalbard shelf. This is logical of course, given Norway's interpretation of the Spitsbergen treaty and its relationship to UNCLOS.

Norway has asserted sovereignty at Svalbard and in the FPZ by arresting foreign vessels and rejecting calls to open the shelf for oil and gas activities. However, the second hypothesis concerning the relationship with Russia is not as relevant here as on the previous dispute. I say this because I believe Norway not only seeks to prevent a bilateralization of its relationship with Russia, but rather *to prevent a common front to be established* against Norway on the question of Svalbard's shelf and maritime zones. The anger in the Norwegian ministry of foreign affairs over the 'secret' Svalbard meeting in London could be interpreted as a sign of this.

If such a common front were to be established, it would most likely begin to take shape from within the European Union. The Spitsbergen treaty did not create any institutions to deal with questions such as these, and a large majority of its signatory states are members of the EU. Norway is therefore eager to seek political support among EU Member States to prevent such a common front from being established. Norway has especially sought to build a closer relationship with Germany, since Germany objected to the fact that Norway was not invited to the Svalbard-meeting in London, and later informed Norway about this meeting. The Nordic initiative is also important in this respect, since both Finland and Denmark have shown sympathy for Norway's view. However, countries such as for example China, India, Australia and Argentina are also signatory states to the treaty, so an EU-agreement on Svalbard would not be sufficient to end the stalemate of differing interpretations of Svalbard's shelf and maritime zones.

The decision to invite foreign officials to Svalbard should also be seen as an attempt by Norway at persuading others that the current situation of Norwegian sovereignty and administration is the best option for Svalbard, and that it should be extended to include the shelf and maritime zones as well. Concerning future hydrocarbon activities, Norway has been quick to remind others that the oil and gas activities can only take place on the

Svalbard shelf with Norway's active involvement. This is because the possible extracted hydrocarbons would most likely have to be brought to land-based processing installations on Svalbard's landmass, where Norwegian sovereignty is not disputed.

I believe that Norway would rather see the Svalbard continental shelf preserved through non-discriminatory conservation measures than to risk conflicts over its possible hydrocarbon reserves. A decision by Norway to change the FPZ into an EEZ would be risky given the hostility to this idea from especially the UK and Russia.

5.1.3 The Loop Hole, the Banana Hole and the Western Nansen Basin

This is perhaps the least challenging jurisdictional dispute of the three for Norway. There seems to be agreement by the five arctic coastal states on how to proceed with the delimitation, and Norway has already made an important agreement with Iceland and Denmark/The Faroe Islands. It is on this case that hypothesis 3 concerning the UNCLOS plays an important explanatory role. Norway has actively supported the CLCS-process of the UNCLOS through diplomacy and negotiations.

The delimitation agreement with Iceland and Denmark/Faroe Islands is a step towards a possible future opening of the Banana Hole for oil and gas activities. No such progress has been made on the Loop Hole and the Western Nansen Basin, and progress in these areas depends on how the Russo-Norwegian relationship develops. The recommendations by the CLCS could function as a catalyst for further deliberations between Norway and Russia on these issues.

The CLCS-process is expected to take time as some of the states concerned have not yet submitted their claims (Denmark and Iceland), and Russia has been asked by the CLCS to provide more detailed evidence to validate its submission. Not to mention the fact the CLCS remains understaffed and underfunded which could further delay its deliberation with years.

5.2 Shortcomings and Future Research

Given the sensitive nature of these disputes, it has been difficult to obtain official verifiable information. This was particularly challenging on matters concerning the negotiations between Russia and Norway in the Barents Sea, and the British Foreign Office's Svalbard meeting in London of March 2006. This made the data gathering process difficult and problematic since an over-reliance on official statements can conceal underlying and hidden agendas. A search for a possible hidden and underlying rationale could again have lead to unfounded speculation. I have tried to avoid this throughout this study.

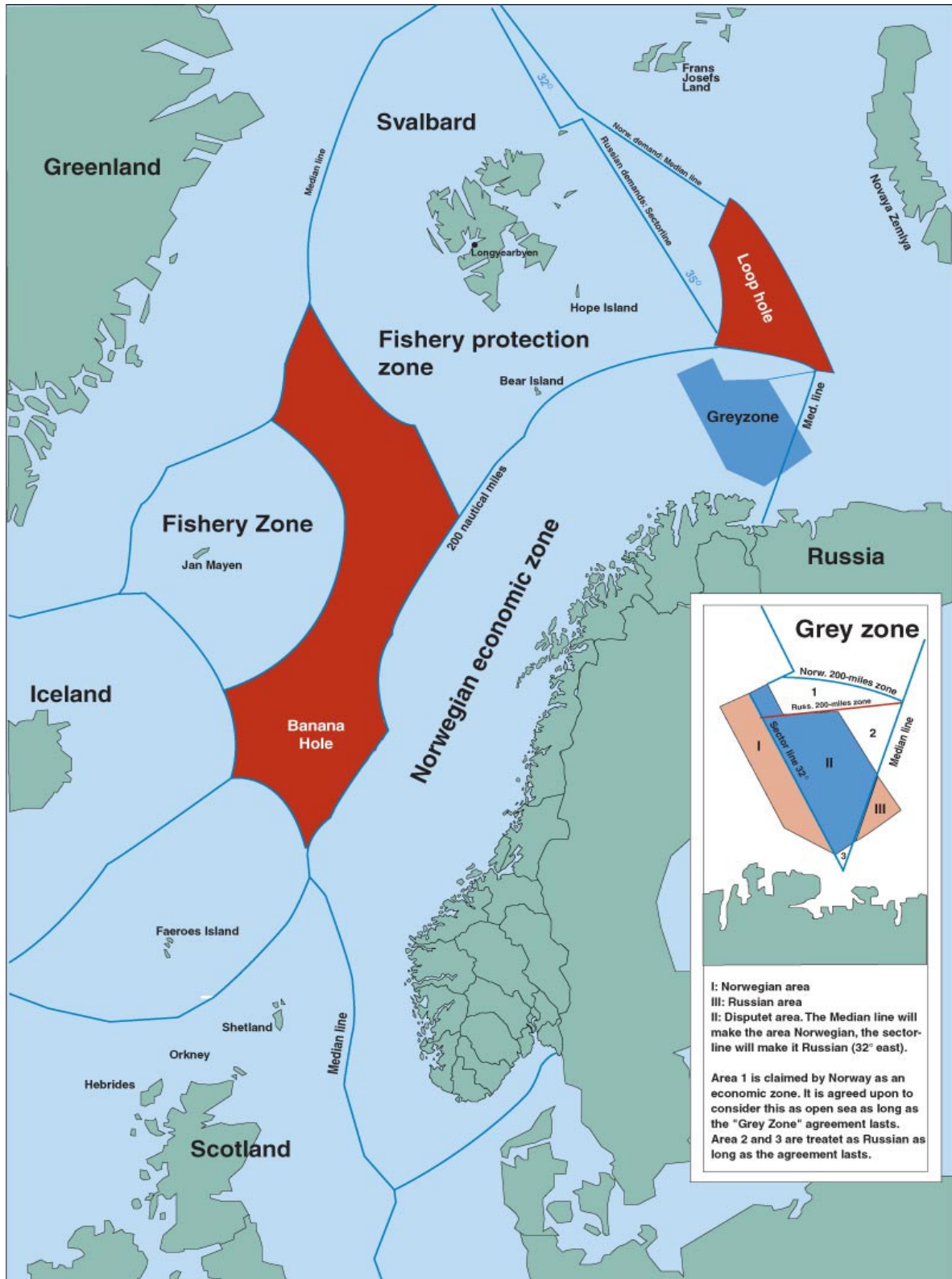
One way of dealing with the lack of information was by conducting interviews. I did get access to good sources through the nine interviews, but limitations were placed on the use of their information. I consider the lack of direct quotes to be the biggest shortcoming of this study, but the interviews greatly helped my understanding of the topic area.

Several aspects of this topic could be further developed in future research. I would have liked to perform a project evaluation of the government's High North initiative. This study sought to explain the rationale behind the HNP, but it is too early to say what the results of this HNP are, and whether the government's goals have been and will be achieved. One interesting aspect in this regard is whether the HNP has spurred processes that could lead to unfavourable outcomes for Norway concerning these disputes, for instance by drawing more international attention to the Svalbard shelf. It would also be interesting to see how the strategic Russo-Norwegian energy relationship develops, and what effect the energy resources will have beyond the High North.

Appendix 1. List of Informants

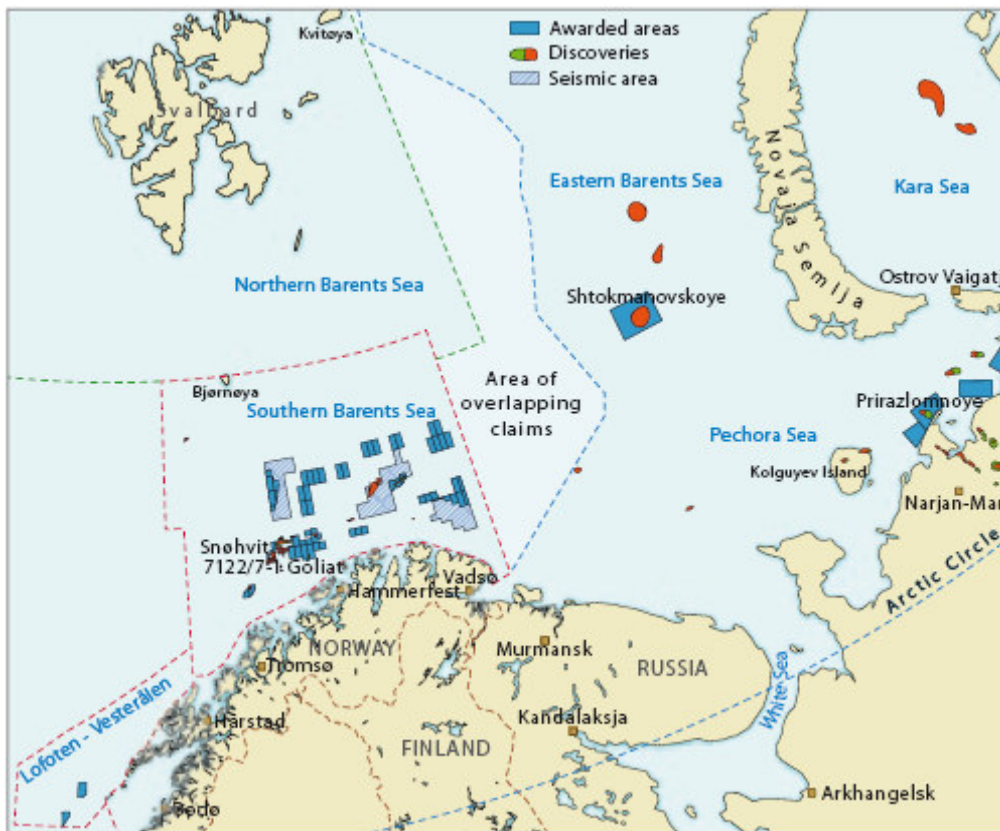
NAME	POSITION	AFFILIATION	DATE
Percy Westerlund	Ambassador	The European Commission Delegation to Norway and Iceland	26.3.08
Sverre Jervell	Senior Adviser	The Norwegian Ministry of Foreign Affairs	01.04.08
Geir Westgaard	Special Adviser	The Norwegian Ministry of Foreign Affairs	01.04.08
Andrey Kolesnikov	First Secretary	Embassy of The Russian Federation in Norway	03.04.08
George Noll	First Secretary	Embassy of the United States in Norway	04.04.08
Peter Ruskin	First Secretary	The British Embassy in Norway	09.04.08
Kjell Grandhagen	Assistant Military Secretary General	The Norwegian Ministry of Defence	11.04.08
Olivier Poupard	Premier Conseiller	The French Embassy in Norway	14.04.08
Tanja Knittler	First Secretary	The German Embassy in Norway	28.04.08

Appendix 2. Norwegian Maritime Zones



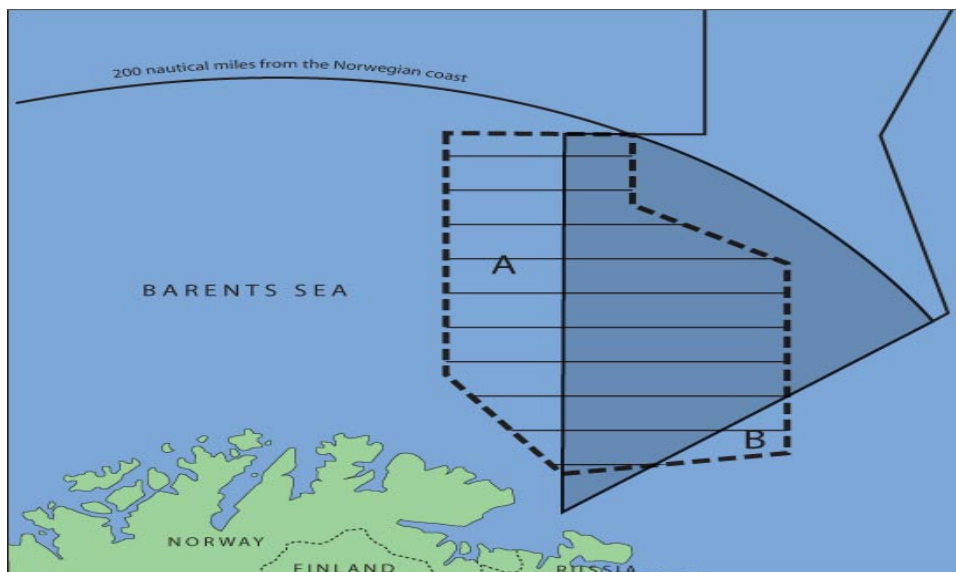
(The Norwegian Atlantic Committee 2008b)

Appendix 3. The Barents Sea with the Disputed Area



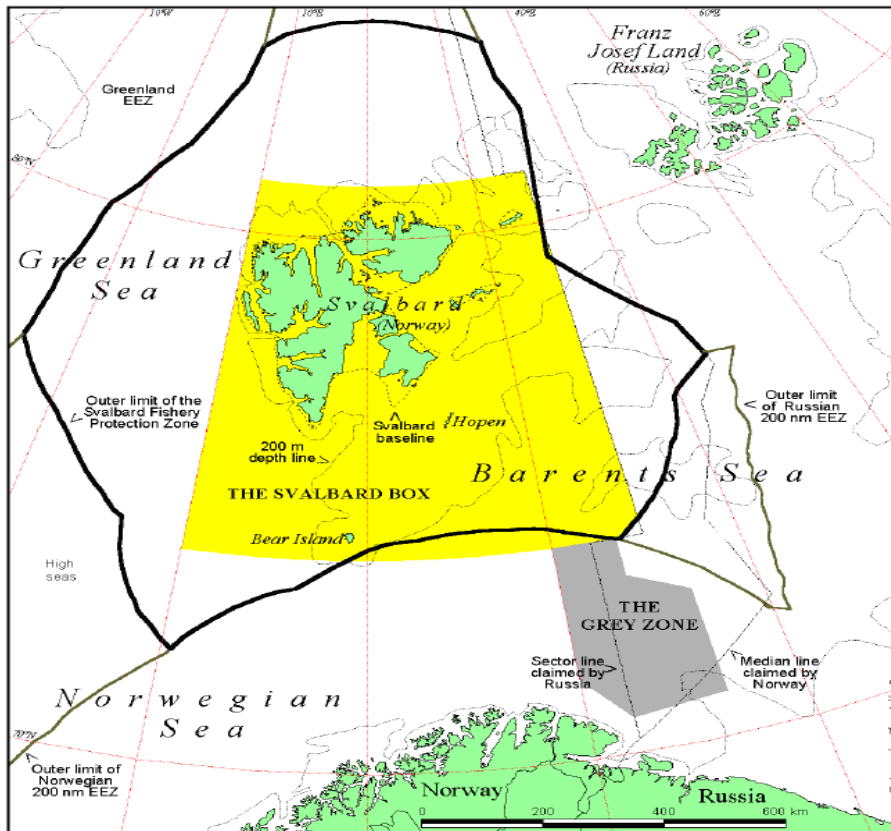
(The Norwegian Ministry of Petroleum and Energy 2007: 30)

Appendix 4. The Grey Zone in the Barents Sea



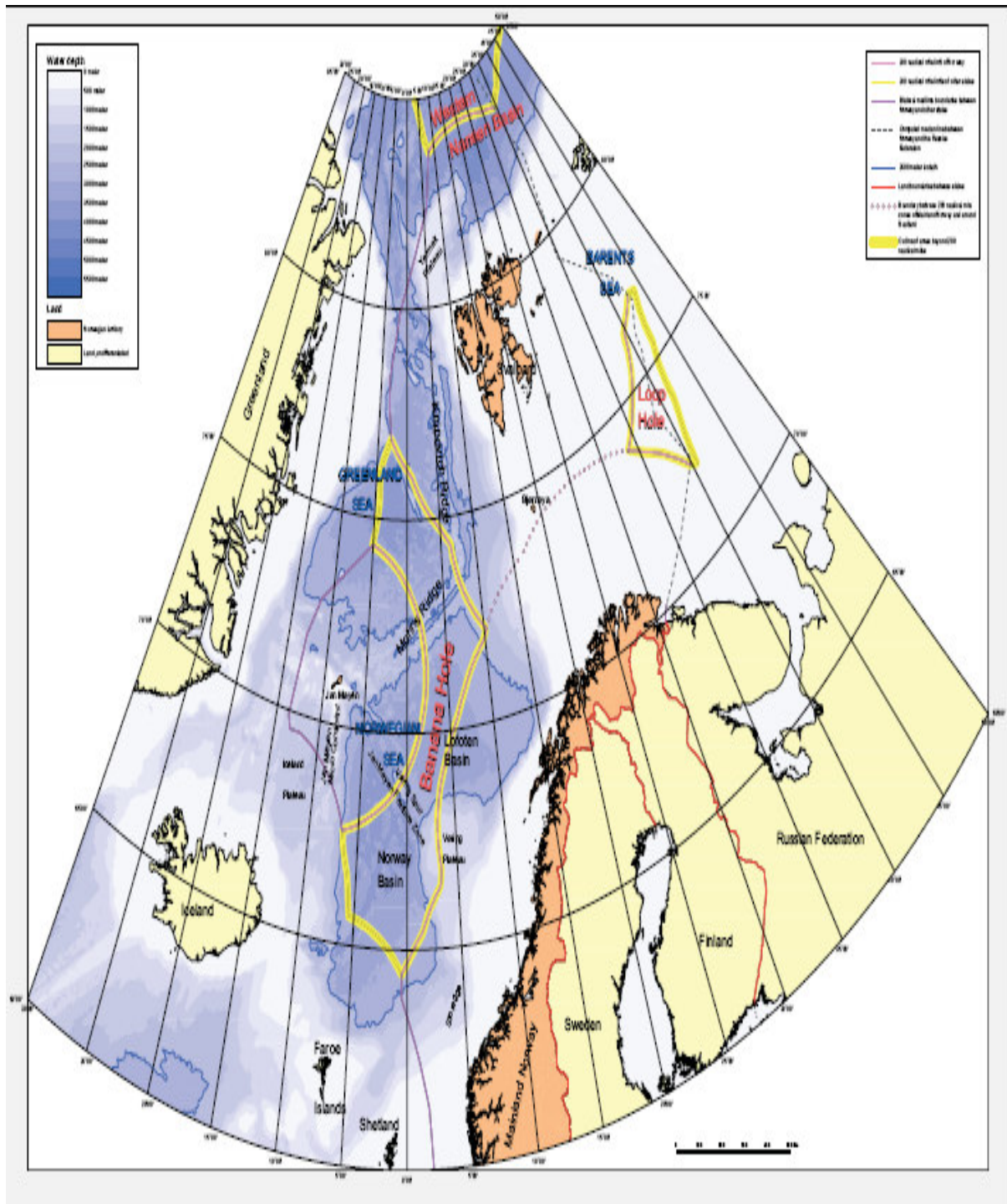
(The Norwegian Atlantic Committee 2008a; Tamnes 1997: 298)

Appendix 5. The Svalbard Box as Established by the Spitsbergen Treaty.



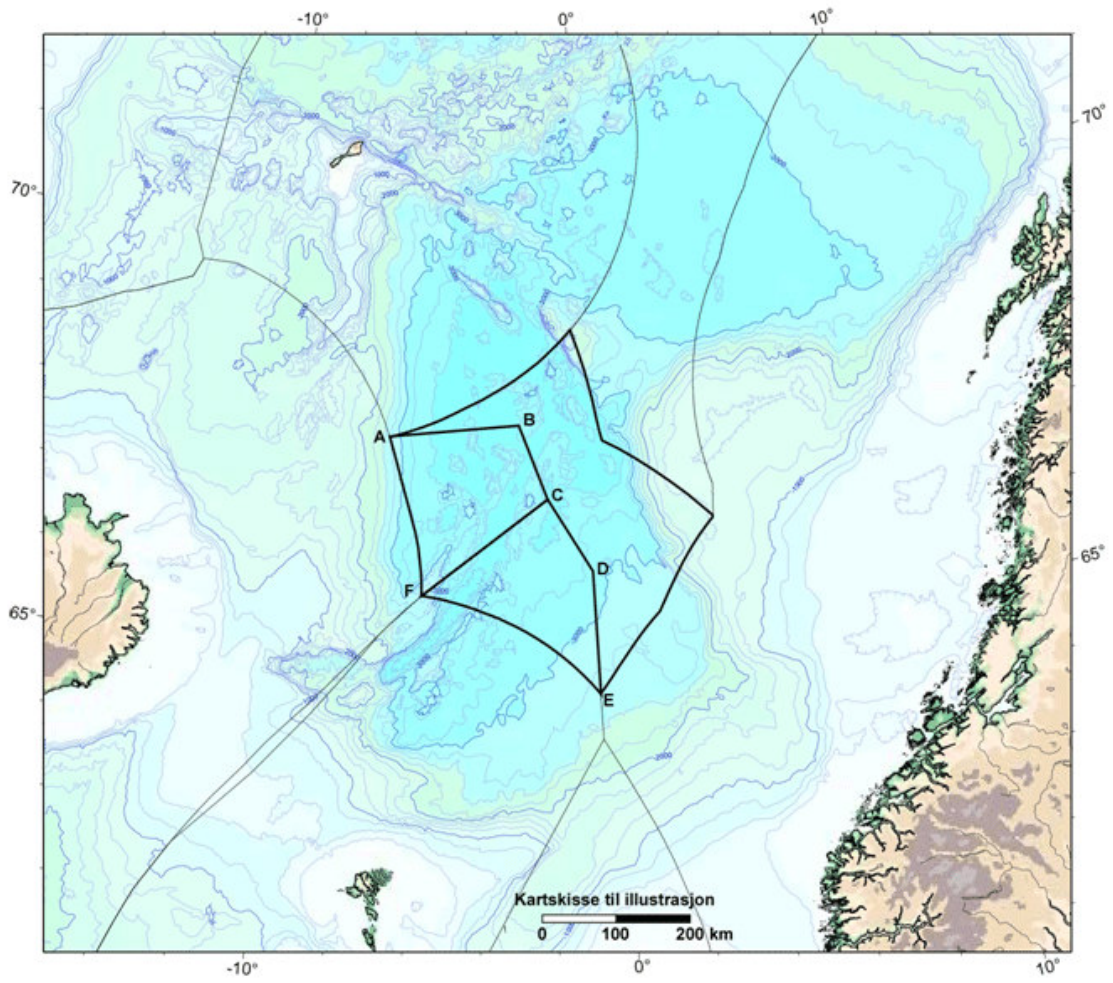
(Moe and Schei 2006: 11)

Appendix 6. The Banana Hole, the Loop Hole and the Western Nansen Basin.



(United Nations 2006: 7)

Appendix 7. The Agreement in the Southern Part of the Banana Hole.



(MFA 2006d)

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**Fridtjof Nansens vei 17, P.O. Box 326, NO-1326 Lysaker, Norway
Phone: (47) 67 11 19 00 – Fax: (47) 67 11 19 10 – E-mail: post@fni.no
Website: www.fni.no**