



01

OLE ANDREAS LINDEMAN

Norwegian foreign policy in the High North

**International cooperation
and the relations to Russia**

OSLO FILES

ON DEFENCE AND SECURITY— 01/2009

INSTITUTT FOR FORSVARSSTUDIER (IFS)

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SUMMARY

The external dimensions of Norway's new policy for the north and the strategy underpinning it are the focus of this study. First, Norway's long-standing security and sovereignty interests in Northern ocean areas are examined. Second, the vision of a Northern energy province, and the prospect of achieving a sense of shared interests and community in the region are investigated. Third, domestic forces behind Russian sovereigntism are looked into, including examples of diverging and converging security and energy interests in Northwest Russia. Finally, the study seeks to determine the significance of the High North as geopolitical space for Russia, and how this may infuse unsettled disputes with additional meaning.

Norway's High North policy rests on two main external orientations: one is to intensify and broaden relations with Russia in the North; the other is to create a greater understanding in Western partners and allies for Norway's position on the unsettled sovereignty issues in the region. While the ambitions fuelling Norway's political strategy for the North are still high, the realisation is seeping in that substantial advances in cooperation in the North may call for a greater sense of community than is currently the case. The study also suggests that state identity and interests in the North are pervasive, and may hinder more binding cooperation, functional integration and regime compliance.

Whereas security was previously the overarching contextual reality of the High North, firmly keeping issues of sovereign rights within legal confines, this may now have been inverted. Questions of territorial sovereignty seem to be gaining in geopolitical significance. A greater awareness of energy as a means to exert state power affects relations between Russia and the West, including Norway. Although bilateral cooperation with Russia within practical enforcement in and regulation of ocean areas is steadily progressing, the chances remain remote of finally solving the most difficult issues of sovereignty. The High North Policy may not be as at fault as the high expectations and ambitions associated with it. It could be time to bring the politics of sovereignty more to the fore.



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A SHIFT IN THE HIGH NORTH POLICY

International politics have never revealed, nor do they today, a habitual recognition among states of a community of interests overriding their separate interest, comparable to that which normally binds individuals within the state.¹

Top of the world – top of the agenda

Upon taking office in autumn 2005, the Stoltenberg Government (II) immediately singled out the High North as a foreign policy area of concern. The new Government's policy platform included developing a cohesive strategy for the High North which was denoted to be "Norway's most important strategic target area in the years to come."² In his inaugural parliamentary address, the prime minister announced the intention to assert Norway's interests in the High North and intensify efforts to exercise Norwegian sovereignty.³

Since then, the strategic importance of the High North and its centrality to the Government ("top of the world – top of the agenda") has been reiterated by the foreign minister many times at home and abroad.⁴ Spurred by policy declarations, a sense of new strategic beginnings for the region has emerged. The presentation of the Government's final version of the High North Strategy in December 2006 marked a shift:⁵ from shaping the vision, to directing attention

This study results from a research project at the Norwegian Institute for Defence Studies in 2006–2007. It is based on open sources and interviews. I am indebted to Sven Holtmark, Kjell Inge Bjerga, Lene Kristoffersen, Kjetil Skogrand, Paal Sigurd Hilde and Anna Therese Klingstedt.

- 1 Martin Wight, "The Balance of Power", in *Diplomatic Investigations: Essays in the Theory of International Politics*, eds Herbert Butterfield and Martin Wight (London: George Allen and Unwin Ltd., 1966), p. 174.
- 2 Prime Minister's Office, "Soria Moria Declaration on International Policy", 13 October 2005 [online 12 Jan 2009], pp. 1–6.
- 3 Ibid, "Inaugural Address to the Storting", 19 October 2005.
- 4 Jonas Gahr Støre, foreign minister "The High North – top of the world – top of the agenda", *speech at Centre for Strategic and International Studies*, Washington D.C., 15 June 2006.
- 5 MFA (Norwegian Ministry of Foreign Affairs), "The Norwegian Government's High North Strategy", presented in Tromsø on 1 December 2006 by Prime Minister Jens Stoltenberg, English abstract.

to the specifics of international cooperation in the North in general and relations with Russia in particular.⁶

The petroleum resources of the ocean areas of the High North are central to the policy and the strategy underpinning it. The High North Policy reflects the historical and geographical journey northwards of Norwegian energy policy, from the North Sea to the Barents Sea. It also reflects the inward journey of energy towards the centre of Norwegian foreign policy. This is not only because energy is important to Norway's economy, but also because of the centrality of oil and gas to international relations.⁷ Finally, it coincides with Russia's drive to develop off-shore oil and gas in the Barents Sea.

It is through close cooperation with Russia that the policy's energy potential may be fully released. The Norwegian Government's strategy for the High North is a national undertaking in addition to a foreign policy-initiative. I shall focus on aspects of the latter; on how interests of security, sovereignty and cooperation may govern relations between states in the North, and between Norway and Russia in particular. My basic question is whether energy cooperation may help ease residual security tensions and resolve sovereignty issues. My intention is not to contest the general assumption that cooperation between states leads to better mutual understanding and a greater awareness of shared interests, opportunities and challenges. My point of departure is, rather, that there is a close relationship between international economic and security affairs, and that this is tightly interlinked with economic aspects of sovereignty.⁸ As the Norwegian strategy for the High North seems to bank on the inherent value of cooperation, a critical view emphasising the effects of security and sovereignty interests may offer additional insights.

“More than just foreign policy ...”

Foreign affairs are ultimately a question of practical policy-making. Indeed, “Norway's policy towards Russia is based on pragmatism, interests and cooperation.”⁹ This statement from the Government's High North strategy is the point of departure for my analysis. A policy that is interest-based, pragmatic

6 I shall in the following use ‘Russia’ when speaking of the ‘Russian Federation’.

7 MFA, “The Norwegian Government's High North Strategy”, pp. 11–12. See also Dieter Helm, “The Return of Energy Policy” in *The New Energy Paradigm*, ed. Dieter Helm (Oxford: Oxford University Press, 2007), pp. 1–8.

8 For a thorough theoretical investigation, see Robert Gilpin, *Global Political Economy. Understanding the International Economic Order* (Princeton, N.J.: Princeton University Press, 2001), pp. 13–24, 22.

9 MFA, “The Norwegian Government's High North Strategy”, p. 18.

and cooperation-oriented raises questions about its success criteria. The openness of this policy formulation is likely due to the complexities of the special international context of the High North. Though geographically on the European periphery, the High North is nonetheless of key geostrategic importance to Russia, and increasingly so to the West as well. The new paradigm of interdependence based on shared energy interests, and a new awareness of scarce resources, could propel the High North to the world's centre stage.¹⁰

My intention is to analyse the relationship between interdependence and cooperation, security and power, and sovereignty and identity, and how these interrelate with perceptions of state interests. What are these interests in material terms, and how are they structured socially through collective identity formation? Values and interests inform and define policy preferences; indeed, the dynamics of interests and values, and the crossover between foreign and domestic policy, are, or so I would claim, largely captured in the strategy's foreword, in which the prime minister says:

*This is more than just foreign policy, and more than just domestic policy. It is a question of our ability to continue our tradition of responsible management of resources, predictable exercise of sovereignty, and close cooperation with our neighbours, partners and allies. But it is also a question of a broad, long-term mobilisation our own strengths and resources in the development of the entire northern part of our country. We are not talking about a project for the High North alone, but a project for the whole country and for the whole of northern Europe, with consequences for the whole continent.*¹¹

The post-modern turn of the prime minister's words brings to mind the difficulty of distinguishing between the inside and outside of foreign policy.¹² While clearly oriented towards the rationality of international cooperation, does the High North policy have too little regard for the realities of security, and is it too silent on sovereignty issues, in particular regarding Svalbard? As *interests* are so central to Norway's policy for the High North, and to understand and deal with the

10 On the new energy paradigm and interdependence, see Helm, "The New Energy Paradigm", in *The New Energy Paradigm*, ed. Dieter Helm (Oxford: Oxford University Press, 2007), pp. 9–35. See also Bjørn Brunstad et al., *Big Oil Playground, Russian Bear preserve or European Periphery? The Russian Barents Sea Region towards 2015* (Delft: Eburon ECON Analysis, 2004).

11 MFA, "The Norwegian Government's High North Strategy", foreword by Prime Minister Jens Stoltenberg, p. 5. (Emphasis added.)

12 See R.B.J. Walker, *Inside/outside: International Relations as Political Theory* (Cambridge: Cambridge University Press, [1993] 1995), p. 125.

raft of questions other states will ask about this policy, making them the main axis of the study seems appropriate. A strategic flank during the Cold War, the High North was primarily defined in terms of security interests and secondarily by legal claims to the resources in the sea or on the seabed. Cooperation was random and driven by practical need. In the post-Cold War era, the shared interests and the opportunities offered by cooperation in the region are more evident, yet still challenging and far from self-evident. Whereas security along the strategic flank was an overriding interest shared by the Western security community during the Cold War, interests in the area's natural resources are predominantly national. Today, the relationship between security and sovereignty has in a sense been inverted, with sovereignty issues gaining primacy.

In most of its salient aspects, the High North policy has a bearing on Norway's bilateral relations with Russia: energy, the climate and Russia are emerging as the key external forces behind it.¹³ For all its regional and global motivations, Norway's new policy initiative for the North is essentially about Russia. This does not mean that regional and global aspects of international relations are irrelevant. They have a direct bearing on the bilateral policy and its chances of success, and they shape the overall contextual reality within which the asymmetrical relationship between Norway and Russia plays out. This asymmetry manifests itself in several ways: in the *material* difference in political, economic and military power; and in the *social* aspects of foreign-policy interests commensurate with small versus great power identities. Though unequal in power and foreign-policy outlooks, Norway and Russia are nonetheless equal under international law. This symmetry is an important part of the interest-driven contextual reality in the High North. But how do interests relate to *context*? The High North has been radically transformed – from a frozen zone of conflict, kept in check by the bipolar security regime, to a zone of fledgling, but potentially far-reaching, cooperation. The polar ice-cap melting is also transforming the area physically. The disappearance of the security overlay combined with the increasing value and accessibility of natural resources may lead to a race for the North's resources. The continental shelves of the Arctic are among the very last parts of the world yet to be divided into territorial domains. This challenges regional security, as sovereign claims to natural resources are known to spark disagreement and conflict. Indeed, Norway's policy initiative for the North has not only drawn international interest and acclaim; it has also

13 Geir Westgaard, "Norwegian Policy in the High North – the Russian Dimension", 5th *Russian-Norwegian Oil and Gas Conference*, Kirkenes, 30 January 2007.

been met with apprehension by Western partners and allies, as well as Russia.¹⁴ Several have voiced concern, hinting that Norway is using the responsibilities evoked by international law to veil its own national interests. Thus, a smooth transition from security flank to a frontier of cooperation is not entirely evident. Norway needs to engage with Russia on a series of issues of interest to the two states. Such engagement is in Norway's self-interest. But the new drive for bilateral cooperation occurs at what may seem an inopportune moment; at a time of general regression in Russia's political relations with the West, and of rising concern about authoritarianism inside Russia. At the same time, the outlook for energy cooperation is changing due to falling oil prices and the steep global economic downturn.

This raises questions about the changing character of the political and economic context of the North. As the context changes, the formulation and pursuit of interests may change too. The relationship between security and sovereignty remains intimate if not straightforward.¹⁵ Three sets of questions for further inquiry stand out: first, how relations in the High North, in particular with Russia, are shaped by energy cooperation; second, how processes intrinsic to the development of Russian society itself may influence the formulation of interests and values, and define Russia's approaches to cooperation; third, how petroleum may imbue the High North with geopolitical significance and shape the scope for bringing issues of sovereignty in the High North from a legal onto a more political track

Analytical approach and overview

Two years after the launch of the strategy for the High North, it is apparently taking a more domestic turn, with comparatively less attention given to its international orientations. There are two possible explanations: either that the external aims of the High North policy are largely on the road to realisation; or that it has been realised that their fulfilment lies further away than anticipated. If the latter is the case, the following investigation of security, sovereignty and cooperation interest may indicate some of the obstacles.

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- 14 See MFA, "The Norwegian Government's High North Strategy", p. 9. "Partners and allies" denotes NATO and/or EU member states. The strategy also refers to "neighbours"; this would denote Russia primarily, and the Nordic states (who are "partners and allies" too). I shall also use these terms this way.
 - 15 See Alexander Gourevitch, "National insecurities: the new politics of the American national interest", in *Politics without Sovereignty. A Critique of Contemporary International Relations*, eds Christopher J. Bickerton, Philip Cunliffe, Alexander Gourevitch (London: University College London Press, 2007), pp. 58–76.

The policy's emphasis on Russia makes it seem appropriate to place developments in Russia at the centre of the study. On the face of it, Norwegian and Russian interests in the High North may look fairly similar: core material interests are political freedom of action, military security and control over natural resources in maritime areas. Both states seek to optimise the opportunities for their national petroleum industries. Norway's strong penchant for international rule of law and multilateralism is not solely due to a greater affinity for ideational policies, but rooted in a kind of small-state realism that is highly sensitive to the politics of international law.¹⁶ Great power realism, understandably, takes other forms. The crux here is how we understand what, for instance, Alexander Wendt speaks of as the social construction of power politics.¹⁷ Material interests may look similar, but are socially structured, and therefore differ. As such, international anarchy needs to be understood in view of how it is structured in both ideational and material terms.¹⁸ Structural realism focuses on the distribution of power among the *units* of the *system*; that is, the states. While this is helpful in many ways, it may deflect attention from what is equally evident; that relations within the anarchical society of states are ultimately reducible to *human* understandings.¹⁹ States' interests may in fact mean little or nothing if not interpreted, defined and pursued by (states-)men and women. Interests are reproduced and shaped by identity. They may be long-standing, but is it true to assume that such ideational factors are "persistent"?²⁰ As associated with constructivist, and con-

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- 16 See for instance Christian Reus-Smit, "The Politics of International Law", in *The Politics of International Law*, ed. Christian Reus-Smit (Cambridge: Cambridge University Press, 2004), pp. 14–44.
- 17 Alexander Wendt, "Anarchy is What States Make of It: The Social Construction of Power Politics", *International Organization*, vol. 46, no. 2 (1992): 391–425.
- 18 Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999). See also Wendt, "The state as a person in international theory", *Review of International Studies*, vol. 30, no. 2 (2004): 289–316.
- 19 See Martha Finnemore, *National Interests in International Society* (Ithaca, N.Y.; London: Cornell University Press, 1996), pp. 1–33; Robert H. Jackson, *The Global Covenant. Human Conduct in a World of States* (Oxford: Oxford University Press, [2000] 2005); Andrew Linklater and Hidemi Suganami, *The English School of International Relations. A Contemporary Reassessment* (Cambridge: Cambridge University Press, 2006); Hedley Bull, *The Anarchical Society. A Study of Order in World Politics* (Basingstoke: Palgrave, [1977] 2002); Barry Buzan, *From International to World Society. English School Theory and the Social Structure of Globalisation* (Cambridge: Cambridge University Press, 2004).
- 20 On Russian interests, see Alfred J. Rieber, "How Persistent are Persistent Factors?" in *Russian Foreign Policy in the Twenty-first Century and the Shadow of the Past*, ed. Robert Legvold (New York; Chichester: Columbia University Press, 2007), pp. 205–278. Francis Fukuyama, "The Ambiguity of 'National Interest'", in *Rethinking Russia's National Interests*, ed. Stephen Sestanovich, Significant Issues Series, vol. XVI, no. 1 (Washington: Center for Strategic and International Studies, 1994), pp. 10–23, 1994.

structivist-inclined international society theory, identity and interests are shared as well as particular to individual states. The distinction between national and shared international identity and interests may in fact be blurry and dynamic. Interests are closely related to values and values to norms; they underpin formal rules and shape acceptable patterns of international practice, and they form institutions. Sovereignty, for instance, is as much a social reality as it is a bedrock institution of international society.²¹

Sovereignty interests in the resource-rich areas of the North are of both a practical-political and socio-cultural nature, and so too are the approaches to interdependence and cooperation between states. Small states and great powers, as a rule of thumb, have different preferences concerning how to manage interdependence. The general problem with interdependence is that it is unevenly distributed; “some states are more interdependent than others”, so to speak. Again, size matters; some states will want to reduce insecurity by shying away from dependencies, while others feel that functional interdependencies augment their security. This acknowledgement is helpful when seeking to understand how a policy can simultaneously be pragmatic and interest-based, or even portrayed as

21 The term “international society” is mostly associated with the extensive work within the English School Theory, see Bull, *The Anarchical Society*; Buzan, *From International to World Society*; Kalevi J. Holsti, *Taming the Sovereigns. Institutional Change in International Politics* (Cambridge: Cambridge University Press, 2004); Martin Wight, *International Theory. The Three Traditions of Martin Wight*, eds Gabriele Wight and Brian Porter, Royal Institute of International Affairs (London: Continuum, [1991] 2002). See also Robert H. Jackson, “Boundaries and International Society”, in *International Society and the Development of International Relations Theory*, ed. B. A. Roberson, (London: Continuum, [1998] 2002), pp. 156–172; Stephen D. Krasner, *Sovereignty. Organized Hypocrisy* (Princeton, N.J.: Princeton University Press, 1999) and Krasner (ed.), *Problematic Sovereignty. Contested Rules and Political Possibilities* (New York: Columbia University Press, 2001); Daniel Philpott, *Revolutions in Sovereignty. How Ideas Shaped Modern International Relations* (Princeton N.J.: Princeton University Press, 2001); John Williams, *The Ethics of Territorial Borders. Drawing Lines in the Shifting Sand* (Basingstoke: Palgrave Macmillan, 2006). On legal issues, Martti Koskenniemi, *From Apology to Utopia. The Structure of International Legal Argument* (Cambridge: Cambridge University Press, ([1989] 2005).

“pragmatic realism”.²² When crafting its policies for the North and for relations with Russia, the Norwegian Government does not only have to have a good understanding of Norway’s own interests, but needs to understand well Russia’s interests and those of its Western partners and allies too. The culture of the international system can take different forms, depending on whether states view each other as *friends*, *enemies* or *rivals*.²³ I shall translate this process of identity formation into interests of *cooperation*, *security* and *sovereignty* respectively. The analysis will be guided by three corresponding considerations: of energy cooperation; of security perceptions; and of the geopolitics of sovereignty. These considerations broadly structure the study. Each of the following chapters is in two sections, allowing me first to discuss the particular set of interests that is under scrutiny, and second to approach them from an empirical angle.

In the *second and third chapters* I shall look further into the Norwegian High North policy and try to understand it in terms of continuity and change. First, I shall present a recent history of the interests underpinning Norway’s policy for the North. Second, I shall try to determine whether today’s policy is a new policy or a reformulation of yesterday’s, but for the new security situation. In *chapter four and five* I shall discuss the prospects of energy cooperation. To do this I need to grasp the vision and realities of the “energy province” in the North. One question is whether the thrust towards energy cooperation in the North may be taking Norway into unknown degrees of bilateralisation with Russia, and whether this may affect Norway’s relations with Western allies and partners. Such relations with the West may depend on external aspects of

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- 22 Foreign Minister Jonas Gahr Støre makes the claim that Norway’s policy towards Russia is guided by “pragmatic realism”: “Perspectives on Foreign Policy and Energy”, *address to StatoilHydro’s Leadership Forum (G-500)*, Stavanger, 18 June, 2007. On realism, neorealism and offensive realism, see Edward H. Carr, *The Twenty Years’ Crisis, 1919–1939* (New York: Harper Torchbooks, [1939] 1964); Hans J. Morgenthau, *Politics Among Nations. The Struggle for Power and Peace*, revised by Kenneth Thompson, (New York: McGraw-Hill, [1948] 1993); Kenneth N. Waltz, *Theory of International Politics* (New York: McGraw-Hill, 1979); John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: W.W. Norton, 2001). For a constructivist view on security and securitisation, see Barry Buzan, *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*, 2nd edition (Boulder: Lynne Rienner, 1991); Buzan, *From International to World Society*, pp. 176–204, 187, and Buzan, *The United States and the Great Powers. World Politics in the Twenty-First Century* (Cambridge: Polity Press, 2004); Barry Buzan, Ole Wæver, Jaap de Wilde, *Security. A New Framework for Analysis* (Boulder, CO: Lynne Rienner, 1998). Barry Buzan and Ole Wæver, *Regions and Power. The Structure of International Security* (Cambridge: Cambridge University Press, 2003).
- 23 Alexander Wendt, “Social Theory as Cartesian science: an auto-critique from a quantum perspective”, in *Constructivism and International Relations. Alexander Wendt and his critics*, eds Stefano Guzzini and Anna Leander (New York: Routledge, 2006), pp. 181–219.

the wider regional structuring of energy policies and interdependencies. I shall also ask whether energy cooperation may open new perspectives on outstanding sovereignty issues. To this end, I shall try to outline the main interests and perspectives of major actors in the High North. In *chapter six and seven* I continue exploring aspects of sovereignty in light of the reappearance of security as an important factor in Russian internal and external politics. The analytical focus is on how energy underpins perceptions of how security may be achieved. To this end, I shall use the earlier Putin regime's formulation of a "triad of national values": sovereign democracy, economic strength and military might. To add empirical weight to the discussion, I shall check my findings by looking at instances when Russian military security and energy interests seem to coincide or collide in the North, and ask how issues are resolved. In *chapter eight* my interest is in how Russia looks at the High North in terms of its geostrategic interests for the Arctic as a whole, and how matters of identity and "strength" may influence its outlook on outstanding issues of territorial sovereignty. This leads to the consideration of political aspects of unresolved and disputed issues of delimitation and jurisdiction of maritime areas. I shall ask under which conditions they are most likely to be settled bilaterally between Norway and Russia. With this in mind I shall ask if the High North dialogue could profit from a more political turn concerning issues of sovereignty. In *chapter nine*, I shall make some concluding remarks about the High North policy and seek to provide answers to the questions outlined above.

HISTORICAL CONTEXT AND THE POLICY

The recent history of Norwegian policy for the North

In this section I shall canvass Norway's recent foreign-policy history in the North, in particular how interests of security, sovereignty and cooperation have guided Norway's policy-making during the Cold War. Although Norway's current interest in political, economic and commercial ties with Russia manifests itself in a steadily deeper bilateralisation of relations, regional cooperation efforts are still vulnerable to historical role perceptions. The legacy of former hostilities may hinder cooperation, as may the present *déjà vu* of political tension between Russia and the West.

Throughout the Cold War, the strategic imperatives of the US and the USSR influenced a range of Norway's foreign policy and security interests. Avoiding any bilateralisation of security matters with the USSR was prioritised, as was keeping regional tension generally low.²⁴ While this enabled security, it also restricted the scope for bilateral cooperation. Issues were either left unresolved or their management was dictated by external security factors. Instead of comprehensive solutions to matters of sovereignty and jurisdiction, selective and practical arrangements were put in place. The stakes became higher in the early 1970s when an awareness of the value of the petroleum deposits off Norway's coast gradually grew.²⁵ By coincidence, securing national jurisdiction over the natural resources on the shelf became a priority for Norway at the very time when the High North was moving towards hypermilitarisation and attaining geostrategic significance as a security flank.²⁶ This was also when the international society

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- 24 Johan Jørgen Holst, *Norsk Sikkerhetspolitikk i strategisk perspektiv. Analyse (I). Dokumentasjon (II)* [Norwegian security policy. A strategic perspective. Analysis (I). Documentation (II)] (Oslo: Norsk Utenrikspolitisk Institutt, 1967); Arne Olav Brundtland, "Den nye sovjetiske nordpolitikken og mulige norske svar" [The new Soviet policy for the North and possible Norwegian responses], *Internasjonal politikk*, no. 2-3 (1988): 95-133.
 - 25 Johan Jørgen Holst, "Sovjetunionen som faktor i norsk utenrikspolitikk: Forutsetninger og utviklingsmuligheter" [The Soviet Union as a factor in Norwegian foreign policy: Conditions and possible developments], *Internasjonal Politikk*, no. 3b (1982): 719-741.
 - 26 Anders C. Sjaastad, John Kristen Skogan, *Politikk og sikkerhet i Norskehavsområdet. Om de enkelte land og våre felles problemer* [Politics and security in the Norwegian Sea area. About the individual countries and our common problems] (Oslo: Dreyer, 1975); Johan Jørgen Holst, "Lilliputs and Gulliver: Small States in a Great-Power Alliance", in *Nato's Northern Allies. The National Security Policies of Belgium, Denmark, the Netherlands, and Norway*, ed. Gregory Flynn (Totowa: Rowman & Allanheld, 1985).

of states commenced in earnest the long process of establishing the new Law of the Sea.²⁷

Security, sovereignty and cooperation interests

From the 1970s onwards, with the rising significance of assuring property rights to the natural resources in ocean areas, Norway's already precarious security situation on the northern flank became more complex. Security and sovereignty interests coincided temporally and spatially with efforts to establish comprehensive jurisdiction over resources. From this came a sense of double vulnerability. Norway's ability to assert its sovereignty was not only complicated by security considerations, but also by a lack of international recognition for its rights to exercise authority and enforce jurisdiction. Norway's dilemma was that it could not evade the enforcement responsibilities that accompanied its novel sovereign rights without risking its sovereign claims; but nor could it enforce too rigorously and heavy-handedly as this might have provoked a security backlash. It is reasonable to regard the recent High North policy as an initiative to try to bring Norway out of this longstanding dilemma by striking a balance between the direct and bilateral pursuit of national interests via international alliances and multilateral institutions.

Traditionally, Norway's foreign relations have balanced on an Atlantic, a European and a Nordic pillar. In the words of former foreign minister Holst, "[Norway] has doggedly refused to choose between them, but rather attempted to orchestrate, reconcile and mediate the competing perspectives and interests involved."²⁸ The Nordic direction was always the weaker one because it was not credible in terms of security, though today Nordic relations seem to have been revitalised. Concerning a security framework, Norway has pursued an Atlantic *and* European double anchorage.²⁹ Policy choices were largely prescribed by the double fear of marginalisation and domination. The solution to the quandary was to seek security in Alliance diplomacy *and* portray Norway as a nation with an independent foreign-policy role and identity. NATO provided both a safe ref-

27 The United Nations Conference on the Law of the Sea (UNCLOS) was convened in New York in 1973, and ended nine years later with the adoption in 1982 of a constitution for the seas – the United Nations on the Law of the Sea Convention (LOSC). See Rolf Tamnes, *Oljealder 1965–1995, Norsk utenrikspolitikkens historie* [Oil Age 1965–1995, Norwegian foreign policy history] (Oslo: Universitetsforlaget, 1997), pp. 279–290.

28 Johan Jørgen Holst, *European Security. A View from the North*, NUPI Report, no. 438 (Oslo: NUPI, 1990), p. 9.

29 Olav Riste, *Norway's foreign relations: a history* (Oslo: Universitetsforlaget, 2001), p. 287, quoting Holst, former defence minister (Defence Ministry press release, no. 2, 1993).

urge and a security platform from which Norway could reach out and “engage” and generally attempt to nudge things along towards peaceful coexistence in the region.³⁰ This urge to balance was grasped by US ambassador to Norway, Lithgow Osborn, who as early as 1945 foresaw that “[N]orway’s foreign policy would (..) be pro British-American as far as they dare, pro Soviet as far as they must, and pro UN as far as they can...”³¹ What made Norway interesting to the superpowers at the time was the strategic importance of the oceans, as he who dominated the seas off Norway’s coast controlled the maritime approaches to and from the Kola Peninsula. This in itself made Norway’s hold over Svalbard and general security situation precarious, which was made yet more precarious by the USSR’s concerns that the northernmost part of Norway could be used as a staging area to attack the Kola region. The Soviet Union developed a policy seeking to “deny” any NATO forces the right of presence in the area.³²

To allay some of the Soviet Union’s security concerns, Norway imposed on itself a set of national restrictions on Allied use of its territory for military purposes and rigid observance of the non-militarisation proviso of the Svalbard Treaty. In an exchange of a series of diplomatic notes with the Soviet Union in the winter of 1949, before Norway’s NATO membership had been formalised, Norway reassured the USSR about its intention not to allow NATO bases on its territory in times of peace. This intense series of exchanges started with a demarche from the Soviet Union’s ambassador on 29 January 1949. In its response of 1 February, the Norwegian Government declared its intention not to allow any foreign powers to establish military bases on its territory unless Norway was under attack or threatened by attack, and underlined that Norway did not harbour any hostile intentions towards the Soviet Union, nor would it allow the use of its territory for any politics of such intent.³³ In its response of 5 February, the Soviet Union, conceding to the inevitability of Norway’s NATO membership, proposed establishing a bilateral non-aggression pact “in case the Norwegian Government (..) has any doubts about the good neighbourly intentions of the Soviet Union towards Norway (..)”³⁴ Norway declined on the grounds that the NATO Treaty was predicated on the non-aggression principles enshrined in

30 Holst, “Lilliputs and Gulliver”, p. 283.

31 Quoted in Haakon Lie, *Skjebneår, 1945–1950* [Years of destiny, 1945–1950] (Oslo: Tiden, 1985), p. 84.

32 See Kjetil Skogrand, *Alliert i krig og fred* [Allied in war and peace], Norsk forsvarshistorie 1940–1970 [Norwegian Defence history], vol. 4 (Bergen: Eide, 2004), p. 198, and Sven G. Holtsmark, “Norge og Sovjetunionen – bilaterisering og fellesstyre” [Norway and the Soviet Union – bilateralisation and condominium] in *Norsk sikkerhetspolitikk med NATO gjennom 50 år*, eds Chris Prebensen and Nils Skarland (Oslo: Den norske atlantehavskomiteé, 1999).

33 For the full exchange of diplomatic notes, see Holst, *Norsk sikkerhetspolitikk ...* (II), pp 65–72.

34 *Ibid*, p. 67–69.

the United Nations Charter. A bilateral “pact” confirming the two states’ non-hostile intent against each other was therefore not “needed”.³⁵ This decision was an early demarcation of the extent of Norway’s *bilateralisation* of relations with the then Soviet Union, and came in the wake of a condominium initiative for the Svalbard archipelago, rather forcefully proposed by Moscow some years earlier. Thus, credible Allied security guarantees combined with a non-threatening military posture were encapsulated in a Norwegian security policy that sought to balanced deterrence with reassurance towards the USSR.³⁶ This undoubtedly made a political virtue out of a geographical reality, but the policy also opened up a field of action on which Norway could shape a limited, but distinct, policy towards the Soviet Union.

SMALL STATE REALISM

A world order based on multilateralism and strong international institutions, with a central role accorded to the UN, was what Norway wanted. But moving in that direction was only realistic while relying on the US and NATO. The strategy was to work for a rule-based international order while seeking “protection in numbers”.³⁷ On a rhetorical level, the UN was spoken of as the cornerstone of Norway’s foreign policy. But in terms of security policy, the real cornerstone was trans-Atlantic military security. Nonetheless, Norway persistently resisted becoming too deeply entangled in the West’s adversarial politics against the Soviet Union, while seeking to keep well clear of neighbouring Soviet Russia’s gravitation pull and propensity to politicise, securitise and bilateralise issues. In the 1970s, Norway’s policy for the north was in certain ways comparable to the *Ost-Politik* of the Federal Republic of Germany.³⁸ There was a difficult balance to strike: deterrence stopping short of provocation, and reassurance not mistaken for appeasement.³⁹ Safeguarding the political and economic freedom of action was regarded as a prime national interest. By necessity more than virtue, small state realism incorporates a fair share of idealism.

Even during the most difficult periods of the Cold War, Norwegian governments and policymakers were careful to maintain a dialogue and engage with the Soviet Union. Realism and engagement continued to exist side by side, although with shifting intensity and changing weight. Norway’s current propensity to engage with Russia is rooted in Norway’s ambition to be a bridge-builder

35 Ibid, 69–70.

36 Holst, *Norsk sikkerhetspolitikk ... (I)*, pp. 31–35.

37 Holst, *European Security*, p. 9.

38 Holst, “Norsk havretts- og nordpolitikk” [Norwegian policy for the Law of the Sea and the North], in *Norsk utenrikspolitikk* [Norwegian Foreign Policy], eds Johan Jørgen Holst, Daniel Heradstveid (Oslo: Tano, 1985), pp. 365–366

39 Holst, “Lilliputs and Gulliver”, p. 261.

and facilitator of peaceful coexistence with the Soviet Union. The realist instinct led Norway to seek succour in the NATO Alliance, while minimising the scope of bilateralism and making sure that engagement and cooperation were rooted in international law or treaties. Thus, Norway's Foreign Minister Lyng on a visit to Moscow in 1966 told Foreign Minister Gromyko that "one look at the globe was sufficient to understand" that Norway's security was tied to the Atlantic and the Western sea powers. He then went on to say that Norway sought good and peaceful relations with the neighbouring Soviet Union. "These were his two main messages."⁴⁰

Realism generally held pragmatic impulses in check, but there were exceptions. At a meeting in Moscow in 1944 with Foreign Minister Trygve Lie, Soviet Foreign Minister Vyacheslav Molotov, without any forewarning, demanded a full revision of the 1920 Svalbard Treaty.⁴¹ He insisted on a return to the *pre*-1920 "no state's land" situation, insisting that Bear Island be ceded to the Soviet Union and the Svalbard archipelago placed under a Russo-Norwegian condominium.⁴² Recognising Svalbard's strategic significance to the USSR, Norway drew up a proposal for a bilateral arrangement with the Soviet Union concerning joint military utilisation of the islands: this was supposed to be a "positive contribution to the establishment of peace and security in the world in accordance with the proposals of the Dumbarton Oaks Conference."⁴³ The reply was that the arrangement did not go far enough to satisfy the interests of the USSR. However, the Soviets did not push the matter; only in 1946 was it broached again by Molotov. Finally, in 1947 the Norwegian parliament rejected the Soviet demand. A lesson from this case is that the USSR's interests in Svalbard were first and foremost political, and that pragmatism could have drawn Norway into a bilateral reality on Svalbard from which it would have been very difficult to withdraw. However, as Trygve Mathisen notes, while the initial Norwegian reaction may look "unduly compliant", it is impossible to tell how Moscow would have reacted at that time to a stiffer Norwegian attitude.⁴⁴ Since, Norway has carefully sought to avoid any bilateralisation of Svalbard issues, or any Soviet attempts to undermine the Svalbard Treaty.

Aspects of condominium thinking by the Russians may have been lurking in the background when in the summer of 1977 Norway was coaxed into

40 Dagfinn Stenseth, *Vitne til historie* [Witness to history] (Oslo: Damm, 2001), p. 139.

41 Trygve Lie, *Hjemover* [Homebound] (Oslo: Tiden, 1958), pp. 155, 156–161: In his memoirs, Lie describes how the Soviet demand "[w]as unexpectedly, not to say brutally, thrown upon us, between two or three o'clock in the morning."

42 Trygve Mathisen, *Svalbard in the Changing Arctic* (Oslo: Gyldendal, 1954), pp. 46–60, 47.

43 *Ibid.*, p. 51.

44 *Ibid.*, p. 53.

negotiating practical regulations for a temporary bilateral regime, instead of a proper delimitation of the shelf in the Barents Sea. Norway was then on the threshold of declaring a 200-mile exclusionary economic zone. Realising that a proper delimitation treaty was still out of reach, Norway wished to settle urgent issues concerning the fisheries in the Barents Sea with the Soviet Union before establishing the economic zone. In 1978, an intermediate practical arrangement for the fisheries in “an adjoining area” in the Barents Sea was reached between Norway and the Soviet Union.⁴⁵ The agreement was not supposed to prejudice the outcome of formal negotiations on the delimitation of the Barents Sea shelf. It has been renewed annually since 1978. Two other interrelated premises were central to the agreement. First, it was based on mutual recognition of the sovereign equality of the two states in the zone. Second, the states were to practice their sovereign rights in the zone individually and not jointly, so as not to leave the impression of a condominium arrangement. This meant that the jurisdiction within the zone was to be divided by so-called “split jurisdiction” and be parallel.⁴⁶ This was solved by agreeing to desist from policing national fishery regulations on the other party’s vessels, and to individually licence and monitor third-party fishing vessels. The shape and extension of the zone was debated by Norway and Russia. The latter wanted a more extended zone than the former. Primarily, Norway wanted it drawn close to the triangular lines of the disputed area or, secondarily, that the extensions be symmetrical on each side. Russia favoured one full zone in the form of a box, supposedly because this would “mask any impression of conflict”.⁴⁷ In the final compromise, Norway had to make concessions to Russia. With the “grey zone” agreement, many felt that Norway’s Russia policy had come closer to bilateralisation and a *de facto* condominium than was advisable, and argued that the negotiators had been guided more by pragmatism than political prudence.⁴⁸

45 Robin Churchill and Geir Ulfstein, *Marine management in disputed areas. The case of the Barents Sea* (London: Routledge, 1992). The agreement was informally named the ‘Grey Zone Agreement’. The full and formal name of the arrangement is: “Agreement on an Interim Practical Arrangement for Fishing in an Adjoining Area in the Barents Sea”. Cf. 1978 Overenskomster med fremmede stater [Agreements with Foreign States] (436), Ministry of Foreign Affairs, Norway. Translation from Churchill and Ulfstein, *Marine management ...*, p. 162.

46 Per Tresselt, “Norsk-sovjetiske forhandlinger om avgrensning av kontinentalsokler og økonomiske soner” [Norwegian-Russian negotiations on the delimitation of continental shelves and economic zones], *Internasjonal politikk*, no. 2-3 (1988): 90.

47 Tamnes, *Oljealder ...*, p. 297.

48 At the Ministry of Foreign Affairs and the Ministry of Defence, internal criticism was harshest. See for instance the former state secretary at the Ministry of Defence, Johan Jørgen Holst, who wrote a critical memo: “Grey zones and grey thoughts” in Tamnes, *Oljealder ...*, p. 299.

The condominium idea resurfaced when Prime Minister Ryzhkov visited Oslo in January 1988. He forwarded a Russian proposal to turn the grey zone and the overlapping claims to the shelf into a Norwegian-Soviet zone of confidence: a special economic zone for the joint and equitable exploitation of natural resources, based on equal shares of investments and revenue. The idea was argued in the spirit of Secretary General Gorbachev's speech in Murmansk on 1 October 1987 about the new perspectives of peaceful cooperation in the north.⁴⁹ The special economic zone was meant to "cover both parts of the disputed area and undisputed areas of both parties."⁵⁰ Norway rejected the proposal, arguing that it would not enter into a cooperative arrangement and thus risk sidelining the main issue, namely a formal delimitation. This reasoning was linked to the policy principle of avoiding condominium situations with the Soviet Union. On practical grounds it was argued that such arrangements elsewhere in the world had not worked well.⁵¹ The High North had no escape from its accidental role as a regional security flank. Legal questions concerning the status of ocean areas around Svalbard and in the Barents Sea, combined with the promises of future large-scale economic activity in the areas, it was feared, would adversely affect security.⁵² Norway generally sought to minimise the politicisation of unsettled sovereignty issues by keeping them strictly within the realm of international law, where power asymmetries are less influential and the security element less overwhelming. Effectively, Norway's use of international law was a policy of de-securitisation. However, the strategy was complicated by the coincidental geographical overlap of the bilaterally disputed ocean areas, and the northern flank of the global bipolar security divide.

THE POLITICS OF INTERNATIONAL LAW

Security was, thus, an inescapable underlying political factor throughout the restructuring of the international Law of the Sea. Discussions about economic zones and the extension of the continental shelf have to be understood in light of the naval powers' need for freedom of movement for their warships. With the huge build-up of Soviet naval forces in the 1970s, Moscow first became interested in the principle of the freedom of the seas as a means of project-

49 Brundtland, "Den nye sovjetiske nordpolitikken ..."

50 Churchill and Ulfstein, *Marine management ...*, p. 68.

51 Ibid.

52 Kim Traavik and Willy Østreng, "Security and Ocean Law: Norway and the Soviet Union in the Barents Sea", *Ocean Development and International Law Journal*, vol. 4, no. 4 (1977): 353.

ing sea power.⁵³ In this period, the two superpowers were still dependent on bringing their submarine nuclear deterrent through the GIUK narrows.⁵⁴ The combination of the Cold War in the north in the 1970s and uncertainties about the development of the new Law of the Sea at the time, gave Norway reason not to overplay its hand. From the Norwegian perspective, it was desirable to nudge the international Law of the Sea Convention further in the direction it was painstakingly taking, and avoid provoking reactions from the great powers, in particular the Soviet Union.

It would, however, be misleading to read the development of the Law of the Sea as a consequence of security considerations and high politics alone. The coastal states, constituting a large, albeit fragmented, group at the UN Conferences of the Law of the Sea, were not without influence.⁵⁵ And as coastal states, Norway and the Soviet Union had overlapping legal interests in the extension of the continental shelf and the establishment of exclusionary economic zones. A tenet of the Law of the Sea is the right and duty of coastal states to manage resources. A core reason for restructuring the international Law of the Sea was the need to provide coastal states with the necessary instruments to execute effective stewardship to deal with the common concern of humankind and avoid a “tragedy of the commons”.⁵⁶ The US wanted to curtail coastal states’ legal entitlement to the shelf, and proposed a regime based on international trusteeship of the shelf at depths exceeding 200 metres. Had the American line won

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- 53 W. E. Butler, “Grotius’ Influence in Russia”, in *Hugo Grotius and International Relations*, eds Hedley Bull, Benedict Kingsbury and Adam Roberts (Oxford: Clarendon, [1990] 2002), pp. 257–266.
- 54 On Greenland-Iceland-United Kingdom, see John Kristen Skogan and Arne Brundtland, eds, *Soviet Sea Power in Northern Waters*, Studies in Contemporary Maritime Policy and Strategy Series (London: Pinter, 1990).
- 55 On political aspects of the UN Convention on the Law of the Sea, see J.J. Logue, “The Revenge of John Selden: The Draft Convention on the Law of the Sea in the Light of Hugo Grotius’ *Mare Liberum*”, *Grotiana New Series*, vol. 3 (1982), and Logue, “A Stubborn Dutchman: The Attempt to Revive Grotius’ Common Property Doctrine in and after the Third United Nations Conference on the Law of the Sea”, *International Law and the Grotian Heritage Commemorative colloquium, The Hague on 8 April 1983 on the occasion of the fourth centenary of the birth of Hugo Grotius* (Hague: T.M.C. Asser Instituut, 1985); Martti Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law 1870–1960*, Hersch Lauterpacht Memorial Lectures (New York: Cambridge University Press, 2001), p. 512; see Carl August Fleischer, “Folkeretten og norsk ressursforvaltning i nord – Norge i geopolitikkens brennpunkt” [The Law of the Sea and Norwegian resource management in the North – Norway in the focal point of geopolitics], in *Svalbard – vårt nordligste Norge* [Svalbard – our most northern Norway] 4th ed. (Oslo: Akademiforlaget, 2006) on the relationship between international law and power.
- 56 Wilhelm. G. Grewe, Michael Byers, *Epochs of International Law* (New York: De Gruyter, 2000), pp. 721, 722–725. Carl August Fleischer, “The New International Law of the Sea and Svalbard”, paper presented at the Norwegian Academy of Science and Letters 150th Anniversary Symposium, 25 January, 2007, p. 1.

through, the regime for the continental shelf would have looked different today. It would have been impossible to argue that the shelf around Svalbard is part of Norway's continuous mainland shelf.⁵⁷ This serves to explain the apprehension with which Norway meets attempts to reopen the provisions of the modern Law of the Sea. Irrespective of governments in office, the line has consistently been that the body of law contained in the Law of the Sea is broadly conceived and robust enough to tackle the challenges of security, sovereign rights, territorial delimitation, access to resources, environmental issues and so on. Rather, states should concentrate their efforts on how to strengthen enforcement capacity, compliance and political commitment in order to steward ocean areas at the level of the standards invoked by the law.⁵⁸

The question of the delimitation of the Barents Sea shelf was raised before the formal introduction of exclusionary economic zones in the international Law of the Sea. In all probability, the Soviet Union had formulated its overall interests in the Svalbard archipelago and historical claims in the Barents Sea even before the maritime zones around Svalbard became an issue.⁵⁹ One must assume that Moscow was early aware of the desirability of connecting the two issues.⁶⁰ Developments in the international Law of the Sea may have led approaches to be adjusted and legal arguments to be sharpened, but have probably not changed the USSR's and later Russia's principled positions in fundamental ways. The Norwegian impression at the time was that Moscow was determinedly focusing on maximising its share of the Barents Sea shelf.⁶¹ The law of the 200-mile Exclusive Economic Zone was passed in 1976.⁶² In the Barents Sea, the economic zone overlapped with the then USSR's zone. In the southern Barents Sea, this added to the problem of overlapping claims to the shelf. Negotiations on the delimitation of the shelf were still at a very early stage; an informal meeting had been held in Oslo in 1970 and the first round of formal negotiations (usually referred to only as "consultations" to play down expectations) took place in Mos-

57 Fleischer, "Folkeretten og norsk ressursforvaltning ...".

58 This was also the line taken in response to a recent paper by the European Union High Representative and European Commission on "Climate Change and International Security", which suggested the "need to revisit existing rules of international law, particularly the Law of the Sea, as regards the resolution of territorial and border disputes", see *Paper from the High Representative and the European Commission to the European Council*, S113/08, 14 March 2008, p. 4.

59 Re. the Molotov incident in Moscow in 1944; referred to in Lie, *Hjemover*, Mathisen, *Svalbard in the Changing Arctic*, and Holtsmark, "Norge og Sovjetunionen ..."

60 Churchill and Ulfstein, *Marine management ...*, pp. 85, 147–153, argue Soviet Union/Russian interests in obtaining a comprehensive solution. See also Holst, "Sovjetunionen som faktor ...": 739.

61 Traavik and Østreng, "Security and Ocean Law": 365, 367.

62 Law on Exclusive Economic Zone, 17 December 1976 (entered into force 1 January 1977).

cow only in 1974.⁶³ In principle similar to the economic zone, a fisheries zone was established around the island of Jan Mayen and a protection zone around the Svalbard archipelago (the Fisheries Protection Zone). All in all, the zones cover some 2.2 million square kilometres, almost seven times the area of mainland Norway. These are vast areas to control and in which to exercise authority for a small nation. Under international law, Norway is accorded rights and responsibilities with regard to jurisdiction over the resources in the zones. If the newly acquired jurisdiction were not credibly enforced, Norway's legal claims could be weakened. If enforced without delicate regard for the USSR's interests, Norway's security situation could be negatively affected. In turn, this could weaken the political foundation for Norway's claims. Norway's way around the dilemma was to establish a non-discriminatory regime for the Fisheries Protection Zone around Svalbard, comparable to the regime invoked by the Svalbard Treaty itself.⁶⁴ What was political prudence to some, looked like legal folly to others. Critics of the Fisheries Protection Zone speak of it as an economic zone that dare not say its name, or as an "illegitimate child of the Exclusive Economic Zone".⁶⁵ Their point is that Norway has painted itself into a corner. What once seemed, and probably was, a good idea has irrevocably brought challenges of its own. By seeking security in pragmatism, Norway limited its own range of political options in the High North, but also managed to constrain Russia's.

Norway's preference for international law to guide relations in the High North was essentially a political choice. It testifies to the political nature of the development of the modern Law of the Sea, and to what Reus-Smit calls the "two faces" of the politics of international law: while politics informs and disciplines law, law is also constitutive of politics.⁶⁶ The end of the Cold War altered the external security setting, but has not really brought the bilateral delimitation issue and the questions of the status of the maritime areas around Svalbard any closer to resolution. As early as 1987, Gorbachev had in the unprecedented "Murmansk Speech" suggested wide-ranging measures, including security ones, with a view to closer relations and confidence-building in the north.⁶⁷ A main reason

63 Cf. Tresselt, "Norsk-sovjetiske forhandlinger ...". In 1967 Norway first proposed starting negotiations on delimitation of the shelf (pp. 77–79).

64 MFA, "Svalbard and the Surrounding Maritime Areas. Background and legal issues – Frequently asked questions" by Rolf Einar Fife (Director General, Legal Affairs Department), *High North Study Tour*, 2007, p 23.

65 Quote from Ivan Kristoffersen, "Skrått blikk" [A sideways view], presentation at the 2006 Sea Power Seminar no. 10, Ulvik, 31 August–2 September 2006.

66 On the two faces of international law, see Reus-Smit, "The Politics of International Law", pp. 14, 23.

67 The Soviet invitation to broader international cooperation in the North was part of Gorbachev's "New Political Thinking", see Brundtland, "Den nye sovjetiske nordpolitikken ..."

for this was Moscow's gradual acceptance of a compromise boundary, running somewhere between the Soviet Union's *sector line* position and Norway's *equidistant*, or *median* line, position.⁶⁸ This turn of events was by no means evident, and initially only applied to the northernmost part of the disputed areas. It did not initially include the middle and southern parts, the latter being the most valuable from a resource perspective. For a brief period, new momentum was brought to the negotiations. By 1992, however, it was exhausted. There was a lull from 1993 to 1996,⁶⁹ largely coinciding with the considerable trials Russia was undergoing in this period of painful changes, accompanied by its increasing sense of being a weakened great power.

Continuity and change

With the demise of the Soviet Union, Norway saw an opportunity for the smaller state to play a bigger role. During a parliamentary foreign-policy hearing in 1989, Norway's foreign minister voiced the Government's intention to seize the political initiative in the north:

By the beginning of 1989 we will face a greater chance than before of building international confidence and reducing disagreement. It is of our foremost responsibilities to assist in making a reality of this possibility. (...) Experiences advocate prudence, but not passivity. (...) Foreign policy is today *less a question of relations between states* than of *how states relate to common opportunities and problems*. (...) Old contentions have not vanished, but many have receded into the background. New contentions may arise. But the gravest danger lies in not seizing this opportunity to give events a push in the right direction. (...) Our main contribution to the development of greater confidence and security in East-West relations is through our policy for the northern areas.⁷⁰

These still preliminary ideas were later developed in the 1989 parliamentary foreign-policy report.⁷¹ Many and complex trends in international society were

68 According to Churchill and Ulfstein, *Marine management ...*, a Soviet official had secretly come to Norway in December 1988 to inform the Norwegian Government that the Soviet Union was "willing to accept a modified version of the sector line as the boundary in the northernmost part of the disputed area." (p. 68).

69 Tresselt, "Norsk-sovjetiske forhandlinger..."

70 Foreign Minister Thorvald Stoltenberg 13 January 1989, foreign policy hearing at the Storting, *Forhandlinger i Stortinget nr. 150* (pp. 2233–2243), quote pp. 2233–2235. (Author's emph. and transl.)

71 Riste, *Norway's foreign relations*, p. 288: "[A] major report to the Storting which is sometimes referred to as 'the bible' of Norwegian foreign policy."

identified, described and analysed with a view to determining the consequences for Norwegian foreign policy.⁷² The main question was how to profit regionally from the new and favourable security conditions, and to initiate a policy that would prevent *re*-securitisation. It was recognised at the time that it was not the strength, but rather the weakness of Russia that was the challenge to regional security. In 1993, Norway seized the core elements of Gorbachev's initiative in Murmansk five years earlier and launched the Barents Euro-Arctic Region, fashioned after the Baltic Sea State Cooperation agreement. Institution-building across Europe's northern states became the answer to the problem of handling Russia in the region, and gave rise to romanticised sentiments such as the "Barents spirit"⁷³ and "Baltic feeling".⁷⁴ Essentially, security was the main reason for cooperating on other issues: the idea was to work on minor issues of mutual concern and handle security "by crowding it out".⁷⁵ It soon became clear that there were in fact many challenging issues to work on, many of which are revisited in Norway's High North Strategy.⁷⁶ Nonetheless, even if cooperation through regionalisation were, ever so indirectly, expected to facilitate resolving outstanding sovereignty issues, hopes have been disillusioned.

A Norwegian foreign minister in the 1970s summed up Norway's policy for the North in three main points: to win recognition and support for Norway's interpretations of international law with regard to the status of ocean areas, the shelf and Svalbard; continued low political and security tension in the north; and build the policy for the North on a platform of national political unity.⁷⁷ Just over thirty years later, these goals still guide Norway's policy for the North. The political and security situation has advanced considerably, but is still a concern. As to international recognition of Norway's legal claims to the maritime zones around Svalbard and the delimitation of the Barents Sea shelf, the situation is largely unaltered. Norway's interests in sovereign rights provide the current High North policy with distinct continuity. The same applies to the underlying

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- 72 Foreign Policy Report No. 11 to the Storting (St.meld. 11, 1989–90), 11 August 1989: "On development trends in the international society and their effects on Norwegian foreign policy." Riste, *Norway's foreign relations*, p. 288.
- 73 Jon Mikal Kvistad, *The Barents spirit: A bridge-building project in the wake of the cold war*, Forsvarsstudier, no. 2 (Norwegian Institute for Defence Studies, 1995).
- 74 Mare Kukk, Sverre Jervell and Pertti Joenniemi eds, *The Baltic Sea Area – A region in the making* (Oslo: Europa-programmet; Karlskrona: The Baltic Institute, 1992).
- 75 Ole Wæver, "The Baltic Sea: A Region after Post-Modernity?" in *Neo-Nationalism or Regionality. The Restructuring of Political Space around the Baltic Rim*, ed. Pertti Joenniemi, NordREFO, no. 5 (Stockholm: NordREFO, 1997), p. 309.
- 76 An assessment of this policy, some fifteen years after 1989, is summed up in the Report to the Storting of April 2005: Foreign Policy Report no. 30 (2004–2005), 15 April 2005.
- 77 Foreign Minister Knut Frydenlund, referred in Brundtland, "Den nye sovjetiske nordpolitikken ...": 130.

acknowledgement that Norway's interests in the High North cannot be fully satisfied unless there is a considerable degree of cooperation with Russia. A page has been turned in regional relations in the north. More than four decades of hostility have been followed by nearly twenty years of increased cooperation and Western *rapprochement* with Russia. The Nordic states have joined forces in an attempt to make Russia depart from power relations and turn to regional integration. For Norway, two challenges remain unresolved: first, that of shaping the new bilateral relations with Russia now that the traditional security perspective no longer provides the overlaying framework; second, how to work with Russia with a view to settling issues over sovereignty, while in parallel working internationally for recognition of Norway's legal views.

The most difficult issues affect the interests of Norway's Western partners too. It is conceivable that international sympathy for Norway's views may abate over time. This acknowledgement was an important premise for the renewed Norwegian focus on the High North. It was feared that Norway's claims of sovereign rights in the north would be weakened in step with the amelioration of Western countries' relations with Russia, in particular as a result of the quickly developing energy interdependence between Russia and the United States. At the turn of the millennium, the spectre of marginalisation in the north again seemed to be looming. When the Norwegian High North Strategy was eventually formulated, the international tide had again turned. Russia's relations with the US and the EU are yet again strained. This may be helpful for Norway in some respects, but also complicate matters. One year before Russia planted its flag on the seabed of the North Pole, Norway's prime minister, Jens Stoltenberg, at the formal launching of the High North Strategy, boasted that "Norway [was] growing bigger in the High North".⁷⁸ Both, mainly symbolic, gestures demonstrate how exclusionary aspects of sovereignty still hold sway in the politics of international law. Nevertheless, there is a growing sense of urgency with regard to finding new solutions to the new resource-related interdependencies in the Arctic region. Great powers, however, are disposed to viewing notions of overriding shared interests with apprehension, as a Trojan horse, when such ideas stem from ideationally inclined smaller states.

78 MFA, "The Norwegian Government's High North Strategy".

Figure 1: Map showing the High North region. (Image: Norwegian Military Geographic Service.)



NEW POLICY – OR AN OLD POLICY FOR A NEW ERA?

The Norwegian Government's High North Strategy is an enabling framework, a way to further Norway's interests in the north. In his foreword to the strategy, the prime minister uses the key words *presence*, *activity* and *knowledge* to capture its purpose as well as method. Ambitions are high: "[T]his is more than just foreign policy, and more than just domestic policy" – and the government shall act as "prime mover and facilitator".⁷⁹ The strategy has two external orientations: to establish an international dialogue about the opportunities and challenges of the region, and to strengthen relations with Russia. The aim of the latter is twofold; to deal more effectively with Russia on pressing economic issues in the North, and, in so doing, to overhaul and infuse the bilateral political agenda with more substance. A "new dimension of Norwegian foreign policy" has opened:⁸⁰ yet the strategy's main goals have a familiar ring;

- exercise authority in the High North in a credible, consistent and predictable way
- be at the forefront of international efforts to develop knowledge in and about the High North
- be the best steward of the environment and natural resources in the High North
- provide a suitable framework for the further development of petroleum activities in the Barents Sea
- strengthen cooperation with Russia.⁸¹

Declared as interest-based, the new Norwegian foreign policy heralds a more assertive and coherent approach to issues of sovereignty and jurisdiction in the ocean areas of the North. It undoubtedly seeks to engage Russia in practical cooperation, in particular in petroleum development at sea and on land. The tacit implication is that success in energy cooperation and a general strengthening of relations with Russia may help in making headway on difficult questions of sovereignty. This would certainly serve Norway's overall security interests too. Possibly, the "new" dimension lies less in the formulations of interest *per se*, and

79 MFA, "The Norwegian Government's High North Strategy", pp. 3–4.

80 Ibid, part 1, p. 5.

81 Two other goals pertain to indigenous peoples and people-to-people-cooperation, *ibid*, pp. 6–7.

more in the adoption of new strategic approaches to achieve them. A way of assessing this further is by tracing the policy from its naissance to formulation.

Crafting the new policy

By attempting to make practical policy out of a post-modern notion of shared understanding and values, in a region that has only recently emerged from a strained security situation, the High North policy could break new ground and, perhaps, old paradigms. In the following, I shall relate the main content of developments leading up to the formulation of the policy – how issues were defined and policy crafted. The feeling of a lack of direction and that something needed to be done in the North had emerged before the turn of the millennium, but the defining policy moments came in 2002–05.

THE STARTING POINT – THE ORHEIM COMMISSION

In March 2003, the Bondevik II Government asked the Orheim Commission to assess the opportunities and challenges of the High North and make policy recommendations. The resulting white paper made the overall claim that national and international perceptions of the High North were changing rapidly.⁸² Not only were new opportunities emerging, but they needed to be seized urgently; otherwise Norway would lose out on its interests. The report concluded that Norway's main challenge was to reposition itself within a new emerging constellation of powers, interests and processes, in a context in which reliance on traditional alliances could prove difficult.⁸³

Developing its argument on the premise of increasing international interest in the petroleum resources of the north, the Orheim Commission called for a comprehensive policy for the North. The commission advocated more attention to business development, sustainable resource management, research and higher education, and public administration. Better coordination was needed. Considerable budget allocations were proposed through an ambitious public-private financing scheme. The commission's vision was for Norway to place the High North at the vanguard of sustainable development; make the ocean areas a place where respect for culture and nature should inspire industrial innovation

82 NOU 2003: 32, "Mot Nord! Utfordringer og muligheter i nordområdene" [To the North! Challenges and opportunities in the High North], White Book to the Ministry of Foreign Affairs, 8 December 2003

83 NOU 2003: 32, pp. 9–11.

and cooperation among nations.⁸⁴ Their proposed way forward was through the active exploitation of natural resources, forward-leaning foreign policy-making and strict environmental standards and regulations.

One of the commission's key proposals was to conclude a comprehensive agreement on the Barents Sea with Russia. The agreement could be open-ended as to participation, but would have to build on an early conclusion of the Barents Sea shelf delimitation negotiations. Settling this issue was, according to the commission, the single most important problem that needed to be resolved to develop cooperation based on mutual commitments with Russia in the Barents Sea. With this in mind, they proposed the bilateral Barents Sea Agreement. The idea was to stimulate practical cooperation in several areas, stopping short only of joint jurisdiction. This agreement could build on the overall successful bilateral cooperation within fish resource management and be extended to include the petroleum industry, exchange programmes within research and higher education, and the development of environmental standards and monitoring systems. Concrete proposals to invite Russia to join the civilian sea traffic monitoring centre in Vardø and the "Barents Sea on-screen" project have since been initiated.

As to multilateral frameworks, the commission advised directing more attention to the Arctic Council. It was mindful that NATO could still play a role in the High North, and clearly saw the EU as an emerging actor in the region. But in both cases the commission considered that the trans-Atlantic and European structures were only of limited use to Norway's causes, since individual partners and allies had reservations about Norway's positions on sovereignty issues regarding Svalbard. Moreover, the commission was apprehensive about the closer energy relations between the US, European countries and Russia and the consequences this might have for Norway's future political field of action in the North. Their remedy was for Norway to compensate by developing closer bilateral relations with Russia itself. Finally, the commission was split as to Barents Region cooperation, with only a minority awarding it a future significant role in the political development vis-à-vis Russia in the North. Cooperation with Russia had always been most successful when bilateral, the majority of the commission concluded.⁸⁵ This marked a departure from the prevailing trend of packing bilateral interests into multilateral frameworks and of letting security and military considerations define Norway's room for manoeuvre in the North. Thus, this

84 Olav Orheim, "Nye utfordringer og muligheter i nordområdene" [New challenges and opportunities in the northern areas], printed résumé, Oslo Military Society, 23 February 2004, p. 2.

85 Ibid, p. 3.

conclusion came to reflect the one dimension lacking in Orheim Commission's report: that of security policy. The commission settled on the "Barents agreement" with Russia as the mainstay of its policy initiative for the North, based on a premise that has still not materialised: that of a delimitation settlement.

The national security debate – *Relevant Force*

The new Strategic Concept of the Norwegian Armed Forces (2005–2008) called attention to the changing nature of military security in the north.⁸⁶ Its point of departure was that Norway's security in the future had to be obtained in new ways and through greater participation in international frameworks. It thus sought to clarify the interlinkages between regional and global dimensions of Norwegian security. It argued that the distinction between national and international security was diffuse, and that the national security focus needed to widen and encompass global challenges as well. Increased interdependence between states and regions, and between hard and soft security, necessitated a more comprehensive view of the referent objects of security: namely the state, society and the individual. The concept held that the new security environment was characterised by "seamless transitions between the national and the international levels, and between peace, crisis, armed conflict and war".⁸⁷ The practical consequence of this was that Norwegian defence and security policy needed to aim beyond national defence narrowly defined, and engage more strategically at the international level.

The strategic concept contributed to an ongoing national debate about the inter-connectedness of regional and global security. But it was criticised for failing to address in more detail how military power in times of peace might translate into political influence and enhance regional stability, with Norway's changing security needs in the north particularly in mind.⁸⁸ The general thrust of the strategic concept was, however, to argue in favour of the already ongoing re-orientation of Norway's defence structure. Focus was shifted from the specified threat of invasion in the north towards an unspecified threat emanating from international terrorism or intrastate/interstate conflicts somewhere distant. This gave further momentum to an ongoing domestic debate about how to prioritise the dwindling resources of the Norwegian armed forces, which had already em-

86 *Relevant Force*, Ministry of Defence, October 2004.

87 *Ibid*, p. 26, para. 46.

88 See Jacob Børresen, *Forsvar uten trussel. Det norske forsvarrets rolle og funksjon etter den kalde krigen* [Defence without threat. The role and function of the Norwegian Armed Forces since the Cold War] (Oslo: Abstrakt, 2005), pp. 33–37.

barked on far-reaching reforms and significant spending cuts. By advocating the need for less defence infrastructure and force presence in Northern Norway, the concept was seemingly out of step with general political sentiments and at odds with the political thrust of the Orheim Commission. A sense that the concept was neglecting to consider a northern security policy dimension for Norway also led to further criticism and debate.

MFA report: *Opportunities and Challenges in the North*

Based on the work of the Orheim Commission, the Ministry of Foreign Affairs (MFA) prepared its own report on behalf of the government for parliament (Report to the Storting).⁸⁹ In the report, the two external orientations (i.e. “pillars”) of the future High North policy are clearly stated: first, establish High North dialogues with Western partners and allies; second, further develop bilateral cooperation with Russia. Although the first pillar does not, as such, exclude multilateral approaches, it is first and foremost bilateral dialogues the foreign ministry has in mind. The report states clearly that in practical policy, combining individual High North dialogues with developing relations with Russia will be challenging.⁹⁰ It thus recognises a tension between the two pillars. By extension, a similar tension is incorporated into the High North policy itself.

Rejecting the majority view of the Orheim Commission, the Bondevik II government concluded that the Barents Region Cooperation could indeed play an important role in the High North policy. The Government stated that it intended to evaluate, strengthen and increase the effectiveness of the Barents cooperation. This continued emphasis on regional multilateralisation in the North was in all evidence predicated on more prudent considerations than those of the Orheim Commission as to what it is realistic to achieve bilaterally with Russia. The “new” High North policy was to be coordinated under the aegis of the foreign ministry, one of whose state secretaries would be assigned this task. Moreover, the ministry would establish and head an inter-ministerial working group on the High North. In addition, the Government would appoint a national expert commission. Apart from these measures, what was listed in the report was largely a rewriting of what was already being done or in planning.⁹¹ Thus, in terms of “measures and solutions”, the report did not really bring about much

89 Report to the Storting no. 30 (2004-2005), author’s transl.

90 Ibid, p. 33.

91 Ibid, pp. 8–9, 10–21.

new or daring politics – or so at least was the main thrust of the reactions to the report, including the ensuing parliamentary debate.

As to the political *High North dialogues*, the Government singled out the United States, Germany, the United Kingdom, France, Canada and the European Union for participation. This was due to their individual interests, including expected future interests, in energy and other natural resources, the climate, environment and sustainable development in the north. Notably, the Nordic countries in general, and Iceland in particular, were not listed among these frontline potential “partners and allies” of the High North policy initiative. The stated intention of the dialogues was, on the one hand, to better know and understand the viewpoints and positions of individual interested states and of the EU as a whole, and, on the other, for the other states to achieve a greater understanding of Norway’s positions and priorities in the north. To achieve better management of the ocean areas under Norwegian jurisdiction, the Government signalled it favoured comprehensive, ecosystem-based approaches to resource management and has sought to enlist its Western partners and allies in this.

Perspectives on economic and industrial cooperation, in particular within energy, featured in the report’s treatment of *Russia*. Developing the petroleum fields in the Barents Sea could open new possibilities for cooperation between Norwegian and Russian oil and gas majors. The Government stated that it would work actively with a view to achieving Norwegian commercial participation. Cooperation within extracting oil and gas in the Norwegian sector was also mentioned. Furthermore, the report listed opportunities for cooperation on environmental matters, on Russian nuclear facilities and installations, on safety at sea and mutual protection from oil spills. The report emphasised bilateral engagement within research and development, with a view to joint activities on resource management, climate security and environmental protection. Research activities should include joint activities on Svalbard too, the report said. Getting Russia to recognise the importance of credible control of the resources could, the report seemed to say between the lines, downplay the political significance to Russia of accepting Norwegian jurisdiction in ocean areas. Regarding delimitation in the Barents Sea, the Government restated its intention to work towards a satisfactory solution with Russia, underlining that this was a matter of priority. Apart from mentioning that Russia (and Iceland) disagreed with Norway’s claims, the report was silent about how to deal with Russia on the outstanding bilateral questions of the status of the fisheries zone and the shelf around Svalbard.⁹²

92 Ibid, pp. 23–24, 33–35.

PARLIAMENTARY DEBATE ABOUT THE REPORT

While the work of the Orheim Commission was well received, the Ministry of Foreign Affairs's report did not fully satisfy the expectations of the Norwegian parliament.⁹³ Whereas the majority of the parliamentary Standing Foreign Affairs Committee shared the Government's analysis of developments in the north, it was dissatisfied with the political measures proposed in the report. The majority's statement concluded that the report was the mere beginning of Norway's efforts to place the High North on the international agenda.

Thus, there were high expectations to be met when the opposition came into power only few months later. To better grasp the policy that finally emerged, I shall list the main aspects of the Foreign Affairs Committee's unanimous and majority positions.

Unanimously, the committee noted the increased international interest in the north, primarily due to the oil and gas resources on the Norwegian and Russian continental shelves. Interests and responsibilities in regard of the resource areas under national jurisdiction were considered to be defining aspects of Norway's policy for the High North. It was noted as a particular challenge that Norway's resource management and sovereign rights in the vast ocean areas were still questioned or disputed by other states. The committee further noted that Norway's scope for using multilateral frameworks to handle the most complex issues in the North was limited. On this point the committee echoed the views of the Orheim Commission. Bilateral dialogues with Canada, France, the United Kingdom, Germany, the United States and the European Union were considered to be a more promising avenue, as were closer relations with Russia. The committee was mindful that cooperation with Russia had to take into account the two countries' conflicting views and competing interests in certain areas. Yet, it reaffirmed the potential for cooperation between Norway and Russia, both being major energy producers, and suggested that the EU should be drawn in where possible. Particular mention was made of the difficulty of conducting effective resource management and monitoring in areas where Norway's right to exercise authority was not recognised fully by other states. Only by managing the areas so that these states, and the US in particular, saw their interests better served by leaving the task to Norway, could Norway realistically expect to continue its present enforcement and resource management.⁹⁴

93 The Storting, Recommendation by the Storting, S. no. 264 (2004-2005).

94 Ibid, p. 6.

In its *majority* recommendation, the committee formulated similar views, but more ambitiously. It found that the report ran short of providing the means for a forceful and coherent Norwegian policy for the north. The majority was particularly seized with the natural resources of the vast ocean areas of the North, and with the national rights and responsibilities that they invoked. Concerned with the effects of increasing international interests in the natural resources of the High North, the majority warned of future marginalisation of Norway in the North unless the level of national engagement was considerably strengthened.⁹⁵ Referring to the delimitation of the Barents Sea shelf, the majority reaffirmed that the negotiations should continue based on a comprehensive approach comprising all relevant sectors. It stated that an agreement on delimitation was a key condition for full exploitation of the energy opportunities in the area. Until such agreement had been achieved, it could be useful to survey more thoroughly the undisputed parts of the shelf to determine what resources were present and acquire the knowledge and competence needed for a potential partnership with Russia on its undisputed shelf. Essentially, the minority and majority views differed only in terms of the means to be employed, and regarding the call for a more active stance. As to the contents of the policy, and the national interests underpinning it, there was mutual understanding and agreement.

From policy to strategy and reality

The new red-green coalition government, which came to power in 2005, had to meet the expectations it itself had created in terms of new policies and efforts for the North. Not surprisingly, a substantial part of the coalition government's initial policy declaration was devoted to the High North.

An ambitious set of goals was drawn up with a view to shaping a coherent approach to three main areas of concern: international acceptance of Norway's views on Svalbard, its surrounding shelf and the Fisheries Protection Zone; increased civilian and military presence and ability to exercise Norwegian sovereignty and authority; intensified cooperation with Russia on efforts to reach agreement on outstanding issues of ocean jurisdiction and delimitation.⁹⁶ Norway's sovereignty interests, the vulnerability of its security situation vis-à-vis Russia, and the economic and resource management challenges of the ocean areas of the North are all writ large across the resulting High North Strategy.

⁹⁵ Ibid, p. 1.

⁹⁶ Soria Moria Declaration, p. 6–7.

Coincidentally, the *Elektron* incident, which occurred in the Fisheries Protection Zone off the Svalbard archipelago during five very tense days from 15 to 20 October 2005 just after the red-green coalition had come into power, heightened the new government's awareness of issues of sovereignty and jurisdiction. It also further cemented the perception that international law and a Norwegian naval presence were the two most important means to protect the interests and values at stake in the ocean areas. The *Elektron* incident was the first occurrence of serious political significance in the waters of the High North since the Norwegian coastguard's arrest of the Russian trawler *Chernigov* in April 2001. Though different cases, they both illustrate the risk of regular Norwegian law enforcement in the Fisheries Protection Zone around Svalbard unintentionally being elevated to an issue between states. While Russia formally rejects Norway's right to establish the 200 nautical mile Fisheries Protection Zone around Svalbard, in practice it respects Norway's right to monitor fishing and enforce regulatory compliance, even when Russian vessels are involved. However, Russia does not recognise Norway's right to seize Russian vessels and cargo, or levy fines or prosecute offenders.⁹⁷ The trawler *Elektron* was approached and inspected by the Norwegian coastguard on suspicion of illegal, unregulated and unreported (IUU) fishing in the Fisheries Protection Zone. Supposedly, the vessel was in a part of the zone lying east of the Russian sectoral (meridian) line (yet west of the international waters of the Loop Hole).⁹⁸ With two Norwegian coastguard officials onboard, *Elektron* made a successful run back to Russian territorial waters. Due to bad weather conditions, the Norwegian coastguard decided against using force to arrest the *Elektron* in mid sea, which helped avoid what could otherwise have become a serious diplomatic incident. However, this may have given the impression that Norway lacked the will and ability to police the zone. The stand-off over the *Elektron* sparked a debate in Norway about the strategies with which to meet such challenges in the future. The general perception was that instances of IUU fishing were not only criminal activity, but also a test of Norway's ability to enforce and justify the regime of the Fisheries Protection Zone.

Most importantly, the *Elektron* incident demonstrates the ease with which civil police enforcement can escalate into highly politicised and contentious issues over sovereign rights between states when such rights and jurisdiction are not fully recognised or are disputed. To minimise this risk, Norwegian authorities have gone to lengths to reach a common understanding with Russia over

97 Reports to the Storting no. 40 (1985-1986), no. 30 (2004-2005).

98 Interview, PINRO, Murmansk, 19 June 2007.

what constitutes IUU fishing and other instances of environmental crime and how they should be handled. Such concerns form a backdrop to the regular negotiations with Russia (and the EU and Iceland) over yearly quotas and total allowable catches. Further, the *Elektron* incident galvanised a Norwegian enforcement policy centred on firmness, presence and predictable patterns of behaviour. The case made the headlines in Russia as well as Norway, and gave rise to opposing interpretations of the lawfulness of Norwegian jurisdiction in the Fisheries Protection Zone. The media and groups of various vested interests deliberately sought to turn it into an issue between states (Norway *versus* Russia), rather than between authorities and a commercial actor. Finally, both Norwegian and Russian authorities attempted to downplay the interstate aspects of the issue. The situation recalled one of the main arguments of the Orheim Commission; namely that challenges to Norway's jurisdiction and sovereign rights in the North had to be met with firmness and determination, and through an informed consideration of the larger political picture. Enforcement of jurisdiction was not only a question of handling incidents professionally and without unwarranted escalation; even more important was heightening the capacity for prevention through foresight and concerted political action. A lesson learned was the need to revert to previous modes of coordinating Norway's policies for the North. The importance of understanding the various Russian motives and interests was underlined. Having the best skills about Russia, the Ministry of Foreign Affairs further restated its position as lead ministry for the North.

It was thus under the aegis of the Minister of Foreign Affairs that coordinating, planning and finalising the Government's High North Strategy was executed. The strategy ended up including frank language suggesting that Russia was moving in the wrong direction with regard to human rights, freedom of expression and the rule of law, and that Russia's internal development was a matter of concern to the external world. In binding language, the strategy stated that Norway would "maintain a candid dialogue with Russia and (...) be clear about Norway's views on human rights, the principles of the rule of law and political rights."⁹⁹ Another decisive policy statement was that only by engaging directly with Russia could the full potential of the sustainable use of resources and of sound stewardship in the North be realised.

⁹⁹ MFA, "The Norwegian Government's High North Strategy", p. 16.

A policy for a new era

In order to feel secure in its sovereign claims, Norway still needs backing from Europe, NATO and perhaps in particular the US. But the US has its own claims and interests to cater for as a contracting party to the Svalbard Treaty, although this is of less political significance to Washington than other issues in the High North and the Arctic as a whole. To deflect attention from issues of sovereignty and draw the US's interest to the North for other reasons, or so I would claim, the Norwegian Government seeks to enhance international awareness about the need to cooperate on such issues as energy and the climate, that is, the wider international opportunities and challenges of the north. Underlying this is an understated invitation to cooperate on handling *Russia* in the High North. It remains to be seen, however, whether Washington and European capitals are sufficiently sensitised to the political significance of Russia's ambitions in the north.

One may ask if Norway has loaded too much into the policy, making it excessively difficult for others to distinguish aims from means and thus blurring its core.¹⁰⁰ In this respect, Norway's position in the North may seem uncertain on four counts: by belonging to a NATO in transition whose focus is far from the north of Europe; by being on the outside of the EU yet somehow between the EU and Russia in energy matters; by wanting close, yet *à la carte*, relations with a US with much else than Norway on its mind; and by bordering on a Russia with whom relations are embedded in an uncertain mix of cooperation and conflicting interests. Norway's position is made all the more precarious by the riches and vulnerabilities of the vast ocean areas under Norwegian sovereign jurisdiction combined with relatively modest capacities for effective stewardship and maritime surveillance and enforcement. However, this is largely a position of Norway's own choosing.

During the Cold War, the bipolar security order and the perception of a very real security threat from the neighbouring Soviet Union gave Norway the leeway to conduct a two-pronged security approach: that of Allied deterrence mixed with bilateral reassurance. Today, on the premise that the threat is no longer as real, the deterrence aspect is hardly as relevant anymore. Consequent-

100 Personal notes from interview, embassy of the United Kingdom, Oslo, 26 June 2007 and interview, embassy of the United States, Oslo, 27 June 2007. Although the interviewees did not explicitly say so, my understanding was that the High North Policy was ultimately regarded as more self-serving in terms of Norwegian interests rather than shared interests. Requesting anonymity, an official stated that "...it was difficult to understand exactly what Norway wanted to achieve by its policy for the High North, and to see clearly what it wants from us."; there also seemed to be "... a Svalbard-sized hole in the High North Policy."

ly, the basis for reassurance is no longer the same. From this, it must be assumed that the NATO solidarity that allowed Norway to expect political and military support for its security and sovereignty interests in the North is also less tangible. Certainly, this must be expected in situations when Western states clearly have conflicting interests with Norway. As such, making a new policy choice for the North is about more than just how to enhance cooperation with Russia. Effectively, it influences core dimensions of Norway's foreign policy as a whole. At least one criterion for success is that the perspective has to be long-term, in a situation in which Norway has to accept being more alone and more deeply bilaterally engaged with Russia than has been customary. As Norway heads further down the road as entrepreneur of cooperation in the High North, it could come to a point where it has to choose; *either* continued reliance on Western capitals and political structures, *or* greater self-reliance in bilateral relations with Russia. For the time being Norway is trying to reconcile the two. In fact, the High North policy initiative may seem to be predicated on the ability to do just so. From the Norwegian perspective it would be unreasonable to engage in solutions in the North without seeking to commit Russia to them. If and when such commitment is obtained, it would also serve the interests of other Western states. Energy seems the most promising area for fuelling cooperation in the North.

ENERGY – FUELLING FRIENDSHIP IN THE NORTH

Energy and cooperation

In this chapter I shall discuss some of the premises for energy cooperation in the High North. I will start by looking into the vision of the energy province of the north and how it relates to Norway's future foreign-policy field of action in the region. Cooperative structures in the fields of oil and gas are mostly resistant to multilateralisation. The European Energy Charter Treaty process is, so far, a failed attempt to build an international legal foundation for energy security and for the uninterrupted transit of energy. In the short to medium term, it looks as if energy cooperation in the High North will remain bilateral. Norway and Russia possess considerable unexploited petroleum resources on their respective continental shelves and, in Russia's case, on-shore as well. But even bilateral cooperation in field development, extraction and export is fraught with complex difficulties.

In the following, I shall discuss the energy province with a view to clarifying what space Norway could carve out for itself in the complex political realities of the North, and whether energy cooperation does indeed provide the right solution to the problem.

An emerging energy province?

What kind of energy cooperation is it reasonable to consider for the north? The High North Strategy invokes images of an emerging petroleum province.¹⁰¹ The word "province" is hardly accidental. It conveys a sense of belonging to a larger community; in this case a regional energy community, replacing the earlier security community and embracing Russia. It makes history of old divides also in energy terms. Belonging to different political and economic poles, Norway and Russia formerly oriented their petroleum exports largely to different markets.¹⁰² Today, current economic integration in global energy trade and markets makes it natural to consider energy cooperation up-stream, to the very sources, as well as

101 MFA, "The Norwegian Government's High North Strategy", pp. 11, 13. See also Jonas Gahr Støre, foreign minister, "The Emergence of the Barents Sea as a Petroleum province: Implications for Norway and Europe", speech at ECP policy briefing, Brussels 10 October 2006.

102 Ole Gunnar Austvik, "The Geopolitics of Barents Sea Oil and Gas: The Mouse and the Bear", *International Association for Energy Economics* (third quarter 2007): 19–23.

down-stream, into retail. The vision of energy cooperation on the Russian shelf is mirrored by the idea of a complementary zone of economic and industrial cooperation on land; a trans-border zone of cooperation (the “Pomor Zone”)¹⁰³ intended to support future petroleum activities in the Barents Sea in general, and the Shtokman development in particular.¹⁰⁴ In both respects, the future energy province would seem to indicate a new “bilateral reality” between Norway and Russia. In addition, it suggests a way towards the eventual elimination of the delimitation issue. At this point in time, the energy province is a political concept. It is a vision, and it points the way forwards.

To assess the promise of the energy province, I shall seek to define it in terms of geostrategic considerations and emerging interdependence structures. Though I may risk arriving at a blurred energy province meaning different things according to the interests and the analytical levels applied, I hope to be able to discuss it as a political “vision”, a fairly open-ended idea of what energy cooperation in the High North could become. The vision’s concrete goals are apparently twofold and interrelated: to create an environment conducive to international cooperation in a geographical area typified by a lack of such interaction; and to assist in manoeuvring StatoilHydro and the Norwegian industrial energy cluster into a favourable position vis-à-vis Russian petroleum developments in the north. In both respects, I expect that time and space are important factors. Though natural resources are usually thought of almost exclusively in spatial terms, I shall include temporal aspects.

It may be helpful to start by outlining the energy province geographically, according to the known and potential location of hydrocarbons in the area. Russia’s territorial share of the Arctic may outstrip the future claims of Canada, the US and Denmark combined. Norway makes no claim north of the 85° parallel. Considerable reserves of oil and gas have been discovered on the undisputed Russian shelf of the Eastern Barents Sea. Russia’s most significant potential for petroleum currently is in fact in the Barents and Kara seas, the Pechora Basin and on-shore in Western Siberia.¹⁰⁵ Much is oil, but most is expected to be gas. The further west, towards the Barents Sea, the higher the gas to oil ratio becomes. The most important is the Shtokman field. It is rated as one of the

103 Russo-Norwegian Pomor trade was most intense in the eighteenth and nineteenth centuries up until the Russian revolution and resulted in a form of Russo-Norwegian pidgin language i.e. Pomor.

104 MFA, “The Norwegian Government’s High North Strategy”, p. 16; Arve Johnsen, “*Barents 2020*”. *Et virkemiddel for en framtidsrettet nordområdepolitikk* [“Barents 2020”. A means to a forward looking policy for the High North], report commissioned by the Ministry of Foreign Affairs, September 2006.

105 Brunstad et al., *Big Oil Playground ...*

largest off-shore gas and gas condensate fields in the world. Located some 600 kilometres north of Murmansk, it is difficult to exploit, and environmentally risky. In view of the general orientation of the High North policy, it seems appropriate to position the energy province's geographic locus in the Barents Sea; a semi-enclosed sea bordering on the Svalbard archipelago to the west, on Franz Josef Land to the north and on Novaya Zemlya to the east. Whereas Svalbard is under Norwegian sovereignty, Franz Josef Land and Novaya Zemlya are Russian territory. The delimitation of the Barents Sea shelf has not been settled. Thus, significant parts of the energy province coincide with areas where Russia and Norway have overlapping territorial claims and interests. The estimated resources on the Norwegian shelf in the Barents Sea amount to a third of the total Norwegian potential.

It is reasonable to include the fields on the undisputed Norwegian shelf in the western parts of the Barents Sea in the energy province. The most prominent is the Snow White field, although it is much smaller than Shtokman. To the south, seismic testing has determined potentially economically viable petroleum fields in the still disputed areas.¹⁰⁶ These fields are minor compared to Shtokman, yet comparably difficult and expensive to exploit, and therefore not considered very attractive at the moment.¹⁰⁷ Thus, also in a long-term Norwegian perspective, the energy province's political and economic point of gravity lies to the east of the disputed areas of the Barents Sea. At the moment, all is overshadowed by the particular attention given to the Shtokman field. In fact, the energy province of the High North may in the short to medium term for all practical purposes *be* the Shtokman field itself, and the petroleum-related activities that it will generate off-and on-shore in the region. But it is not inconceivable that the future energy province could extend further east too, to the Timan-Pechora basin and the Kara Sea. At the moment, there are no clear indications of Norway wanting to include the shelf around Svalbard in the energy province.

106 Not much information is publicly available. A map of the disputed southern area was printed in *Aftenposten* on 20 December 1991. It depicts "six interesting geological structures": Fedynarch, Kol'skaya, Aybatshinskaya, Kurtshatovskaya, Varyashkaya, Oktyaberskaya. In particular the Fedynarch field is considered promising. See map reprinted in Kristian Aatland, *Russisk nordområdepolitikk etter den kalde krigen: Forholdet mellom næringsinteresser og militærstrategiske interesser*, [Russian High North policy after the Cold War: the relationship between commercial and military strategic interests], FFI/Rapport-2003/00713 (Kjeller: Norwegian Defence Research Establishment, 2003), p. 29.

107 The technological challenges of the two areas are comparable and currently of less interest to Norwegian and Russian companies, interview, Hydro, 30 May 2007.



Figure 2: Russian oil and gas fields in the Barents and Pechora Seas. (Image: Fridtjof Nansen Institute.)

A coincidence of time and geography is at play. Norwegian petroleum interests are moving northwards from the North Sea into the Barents Sea, while the Russian petroleum industry is moving from on-shore to off-shore developments in the Arctic. Shtokman is what brings the two together for the moment. Shared energy interests may over time draw Norwegian industry further to the east into the Kara Sea and the development of the Timan Pechora basin. Norway and Russia are not competitors in terms of pipelines or markets and in this respect

there is no serious reason for rivalry. But unsettled sovereignty issues are linked to access to future petroleum fields and to the two states' strategic interests. Moreover, the wider political significance of energy security in relations between states makes it natural to think of the energy province in the north in terms of geopolitics. In this context, the power asymmetry between Norway and Russia is a constant policy factor. So are the two countries' very different approaches to thinking about geopolitics and to making such thinking part of foreign-policy strategies. To begin to explore such far-reaching aspects, one must look at what we know about the accessibility and longevity of the energy deposits in the north. While gas now seems to be the dominant factor of Russian petroleum development in the north, oil still plays an important role. Russia is the second most important source of oil for the European market. Russia's oil fields alone account for forty per cent of the world's total production increases since 2000.¹⁰⁸ Onshore reserves in the north are substantial, for instance in the Timan-Pechora basin. It is expected that oil from the northern Timan-Pechora fields will be exported by tankers along the Kola Peninsula and the coast of Norway.¹⁰⁹ The more developed southern oil fields of Timan-Pechora are linked to a pipeline system connected to central Russia and thereon to European markets. Estimates are, however, that Russia at the current production rate will cease to be a dominant actor in the oil market in two to three decades from now.¹¹⁰ Nonetheless, Russia possesses the world's largest share of gas reserves: estimates vary between one quarter and one third of proven global reserves.¹¹¹ Thus the key to Russia's energy future, and to its role as a global energy player, is in natural gas. From this it seems clear that the energy province is first and foremost a gas province, and that gas is the key to Russia's geostrategic significance.

How, then, may the interdependence structures emanating from the energy province affect the energy situation in Europe, and what are the basic conditions for such effects? Europe's future economic growth is becoming relatively more dependent on oil and gas from Norway and Russia. An attempt has been made to offset dependence on Russian gas, in part by importing Norwegian and Central Asian gas as well. But Europe cannot circumvent Russia. As part of the EU's common external energy policy, the European Commission is therefore directing its attention to harmonising the regulatory framework, developing institutions,

108 "General Report to the NATO Parliamentary Assembly by Jos van Gennip (Rapporteur) on Energy Security", 170 ESC 06 E rev 1, November 2006.

109 Brunstad et al., *Big Oil Playground ...*

110 International Energy Agency (IEA): *Optimising Russian Natural Gas. Reform and Climate Policy*, IEA/OECD, 2006.

111 Brunstad et al., *Big Oil Playground ...*

and cooperating on energy policy. The European Energy Charter Treaty process seeks to embody all three aspects. The success and failure of the EU's bilateral energy cooperation with Russia invariably provides an added "EU dimension" to Norway's energy politics regarding Russia in the North. If one adds together Norway's and Russia's resources in the Barents Sea, the High North is poised to become one of two central energy provinces of Europe, the other being Central Asia.¹¹² However, national energy interdependence management policies may be an obstacle, as the dependence structures go both ways. Between Norway and European markets they are well established, depoliticised and stable, but this is hardly the case between Russia and Europe today. This may seem surprising: the Soviet Union was a notably stable supplier even during political tension in the Cold War. Why change the good track record now? The answer may lie in the heightened stakes and the sense of nervousness this generates among producer and consumer countries alike. Concerning Russia's internal development, there is a tight link between the steep rise and subsequent fall in oil prices on the world market and Russia's makeover as a renewed global power of consequence. The re-nationalisation of strategic businesses has provided Russian foreign policy with a new "arm" and led to the introduction of a degree of external economic interventionism. Russia has little experience with, and probably harbours a good deal of aversion towards, mutual dependence situations. This may explain its propensity to consider them in terms of power politics. Thus, when considering the potential future promise of the energy province, one should also consider Russia's energy-driven, ambitious and, in part, revanchist national project to reconstitute itself as a great power.

Russia may be heading towards a gas supply gap.¹¹³ Should this occur, it would deal a blow to Russia's great power ambitions, but early gas from Shtokman and greater reliance on gas from Central Asia could fill the gap. The only other option for Russia would be to increase domestic gas prices to finance substantial energy efficiency measures. Though price hikes are expected in industrial and private sectors, these will probably not be enough in view of the formidable task of reforming the Russian energy sector. Any such investments are also increasingly unlikely in the present "financial crisis". In addition, Russia's options are made unappealing by the high economic and political

112 Minister of petroleum and energy, Odd Roger Enoksen, "Energidimensjonen i nordområdepolitikken" [The Energy Dimension of the High North Policy], 14 March 2006.

113 IEA, *Optimising Russian Natural Gas*, pp. 25–29, IEA, *Natural Gas Market Review 2006. Towards a Global Gas Market*, IEA/OECD, 2006, p. 65; IEA, *World Economic Outlook 2008, Executive Summary*, IEA/OECD 2008

costs involved.¹¹⁴ Poised to be affected by the potential gas supply gap, Europe's future energy security is tied to the challenges of reforming the entire Russian energy sector. This is a new aspect of energy interdependence, and no common institutions seem available to deal with it. Shtokman may in fact symbolise the challenges Russia faces as well as the potential risk to Europe if Russia fails to deal with them. All at once, changing patterns of external and domestic energy demand are coinciding with the rapid depletion of Russia's developed fields.¹¹⁵ The credit crunch on global financial markets has forced the Russian government to offer substantial tax breaks to the oil and gas industry. In addition, the sudden fall in oil prices strains Russia's capacity to export and to generate the income needed to subsidise domestic consumption. This is a vicious circle that can either be broken by tough decisions to reform the domestic energy sector or by banking on increased production alone. The latter is the politically easier way out, and seems to be the Russian leadership's favoured option. Gazprom can hardly afford to miss the increasingly urgent deadline on Shtokman. In any case, the era of relatively "easy" gas is ending with investment costs outstripping the breakeven price level of the yields from future developments. Based on oil prices at around 50–60 USD, the whole Shtokman investment plan may be in jeopardy. Major decisions, postponed for too long, need to be made. The investment gap foreseen by the International Energy Agency is becoming a reality, and a negative gas balance in Russia may ensue. In spite of frequently updated and optimistic production targets, Gazprom may in fact be drifting further away from realising the estimated needed production levels of the critical period of 2015–20.¹¹⁶ Other energy sources, in particular coal, may be used to fuel the domestic market, while gas is prioritised for export. Nuclear power is also an alternative for the Russian power-grid. Either way there are economic and environmental costs involved. Although the exact time is still uncertain, Gazprom maintains that production at Shtokman will start before 2015 and that an on-shore LNG plant will be ready by approximately that time. At the time of writing, these estimates seem optimistic, but the seriousness of the situation may

114 Interview, Hydro, *ibid.* See also IEA, *Optimising Russian Natural Gas*.

115 The bulk of Russian gas production comes from a small number of giant fields now depleting at a considerable rate. Gazprom's development strategy is to meet production targets by optimising capacities at the giant fields and by bringing on-stream the satellite fields located in their margins, cf. ЭНЕРГЕТИЧЕСКАЯ СТРАТЕГИЯ РОССИИ НА ПЕРИОД ДО 2020 ГОДА, Москва май 2003 год [Russia's energy strategy up to 2020, May 2003]. See also IEA, *Optimising Russian Natural Gas*, "Executive summary".

116 IEA *Optimising Russian Natural Gas*; *Natural Gas Market Review 2006*.

have dawned on Gazprom's top leadership.¹¹⁷ Inevitably, 2015 will prove to be a crucial date for the future prospects of the energy province.

Energy province and the Pomor zone

The discussion above confirms that Russia is influenced by internal and external circumstances to speed up energy production in the North. It suggests that Russia will not be able to do it all alone, and that energy development in the North has political implications for Europe and for the direction and content of Europe's common energy policy. But does Norway need the energy province as much as Russia?

Currently, Norway's annual production of oil amounts to three million barrels per day, and annual gas production is 85 billion cubic metres. By 2013 gas production will surpass the comparative level of oil production. Overall production volumes will continue to increase only in the shorter term. In the medium to longer term, the level of production will depend on the development of new fields. As of today, approximately one third of the resource potential of the Norwegian continental shelf has been extracted. According to the Norwegian Petroleum Directorate's estimates, a substantial amount of undiscovered oil and gas reserves may be found in the northernmost part of the undisputed Norwegian shelf.¹¹⁸ Norway is at present the third largest exporter of oil worldwide, and the second largest exporter of gas to the European market. Official predictions are that Norway's access to mature resources will continue to improve and that natural gas exports may increase considerably and reach a total volume of 125 to 140 billion cubic metres during the next decade.¹¹⁹ Thus, provided that Russian production and export levels do not change notably before Shtokman is on-stream, Norway's supply of natural gas to Europe will in the not too distant future equal that of Russia, and account for a third of the consumption of the biggest consumer countries: France, Germany and Great Britain.¹²⁰

117 Ibid; interview Hydro,

118 Norwegian Petroleum Directorate, *Sokkelåret 2006. Ressursregnskapet pr. 31.12.2006* [Resource account for the (Norwegian) shelf per 31.12.2006], Stavanger, 5 January 2007.

119 See Ingebjørg Erlandsen Tofte (Ministry of Petroleum and Energy), Tarjei Moen, Evy Zenker (Norwegian Petroleum Directorate) (eds.), *Facts. The Norwegian Petroleum Sector 2008*, Ministry of Petroleum and Energy and Norwegian Petroleum Directorate, 2008, pp. 15, 80–82.

120 Jonas Gahr Støre, foreign minister, "Norway's Perspective on Energy Security", presentation at breakfast with U.S. House of Representatives, Friends of Norway Caucus, Capitol Hill, Washington D.C., 28 February 2007.

Over the years, Norway has worked hard to achieve energy cooperation with Russia. The Norwegian authorities have negotiated bilateral agreements and joint policy declarations, and facilitated energy-related contact and dialogue. In 1992, Norway and Russia formally established an “energy dialogue”. For Norway, the aim of this is to have close consultations on energy policy and win a privileged position for its oil and gas majors and contractors in the development of Russia’s northern petroleum “bonanza”.¹²¹ Before merging in 2007, the Norwegian oil and gas majors Statoil and Hydro had been trying for years to play a role in Russia’s petroleum production and acquire ownership shares in its fields. During President Putin’s visit to Norway in November 2002, a joint declaration was issued in which petroleum cooperation in the North was encouraged and Norwegian companies were “welcomed” to participate in developing the Shtokman field.¹²² During the visit, Putin also expressed optimistic views on the feasibility of reaching early agreement on the Barents Sea shelf delimitation issue, views that were noticed and later mentioned in the Orheim Commission’s report. Three years later, during Norwegian Prime Minister Bondevik’s visit to Russia in 2005, Putin announced a bilateral “strategic partnership” on energy development in the North and a Joint Declaration on Cooperation in the Energy Sector, signed by Prime Ministers Bondevik and Fradkov, was issued.¹²³

Nonetheless, the energy province is a Norwegian political vision, and to what degree Russia shares this is not quite certain. When the Norwegian oil and gas majors, at the time competitors Statoil and Hydro, were first short-listed as potential partners for developing Shtokman, expectations rocketed and plummeted as if on a *montagne russe*. Reciprocal deals were envisaged, such as awarding shares in the Norwegian Snow White and the Ormen Lange fields to Gazprom. As the final Russian decision was again and again postponed, the Norwegian government again and again tried to come up with new ideas that could ingratiate Statoil and Hydro with the Russians. Commissioned by the Norwegian Ministry of Foreign Affairs, in September 2006 a former chief executive officer of Statoil and state secretary at the Ministry of Industry presented a list of ambitious Russian and Norwegian energy-related co-projects towards the year 2020.¹²⁴ Making explicit references to the Bondevik-Fradkov Declaration, the “Barents 2020” report proposed five technology projects: deep-sea

121 Cf. Brunstad et al., *Big Oil Playground* ...

122 Joint Declaration by the President of the Russian Federation and the Prime Minister of the Kingdom of Norway, 12 November 2002.

123 Joint Declaration on Cooperation in the Energy Sector, 20 June 2005. This, so-called, “Bondevik-Fradkov Declaration” refers to the 1992 establishment of the energy dialogue and the 2002 declaration (ibid.).

124 Arve Johnsen, “Barents 2020”.

drilling and production technology for Arctic waters; long distance transportation of oil, gas and condensate in pipes; petroleum exploration and ice; real time “on screen” monitoring of the Barents Sea; joint practices in health, the environment and security. Underlying “Barents 2020” is the expectation that the future development of Shtokman could set an example for cooperation of great bilateral consequence. In this spirit, Barents 2020 suggested establishing an on-shore cross-border zone of industrial cooperation in energy activities (i.e. the “Pomor zone”).

Irrespective of Gazprom’s decision to own Shtokman’s resources alone and have Total and StatoilHydro as partners in developing the first phase of the field, the Norwegian authorities have proceeded with Barents 2020, and tried to warm up Russia to the ideas in it. However, political momentum may have been lost regarding the “Pomor zone”. Much of the land-based infrastructure and chain of logistics needed to sustain activities at Shtokman are envisaged in this zone. But the Russian authorities seem reticent. There are probably two reasons for this: first, because locating industrial infrastructure in the Pomor zone may challenge the position of Murmansk as an aspiring petroleum capital; second, because of the envisaged difficulties of squaring the trans-border zone with the Russian military’s bases, operational needs and activities in the area. The main obstacle to cooperation could, then, prove to be die-hard notions of economic nationalism and territorial security combined. It is already evident that a newly established border security zone on the Russian side may effectively hinder extensive trans-border cooperation. While long undisclosed, the fifteen-kilometre wide security zone entered into force for the Murmansk region on 2 June 2006. It applies to Russian citizens and foreigners.¹²⁵ Nonetheless, according to the Norwegian media, the governor of Murmansk expressed cautious interest in the idea of a Pomor zone during a visit to Oslo in April 2007, as did Foreign Minister Lavrov when in Oslo for a NATO-Russia Council meeting the same month.¹²⁶ Russia’s initial formal response to the Norwegian High North Strategy was given at the same occasion. Whatever the outcome, the idea of a cross-border economic zone of cooperation is interesting for the new thinking it represents: it breaks with the caution that has previously guided Norway’s approach to bilateral cooperation with Russia in the North. In particular, the

125 In a press release from the office of the governor of the Murmansk oblast, Yuri Yevdokimov, posted on the web 1 June 2007, the practical consequences of the security zone were played down, cf. Governor of Murmansk, Пресс-релиз #3 [press release no. 3], 1 June 2007 [online 13 Jan 2009].

126 Governor Yevdokimov’s visit, Oslo 20 April, Foreign Minister Lavrov’s visit, Oslo 26–27 April.

down-playing of the meaning of national borders that it entails represents something qualitatively new.

Even if unrealistic in the near future, the Pomor zone belongs to the vision of the energy province: it forces Russia to consider wide-ranging thematic energy cooperation in the region; it tries to engage with Russia during a formative phase of its future foreign and energy policy for the North. As the greater power and with the greater fields to develop, Russia will expect Norway to make such approaches: it is less clear how it will respond to them. Moreover, it is uncertain whether Moscow's outlook on the Arctic matches that of the regional leadership in Murmansk, although it seems fairly clear that Moscow's and Gazprom's interests will override those of the regional authorities. Energy cooperation might generate trans-border regional spillover, but will be a far cry from putting the region at the centre of development. Below lies in wait the unresolved delimitation of property rights to the natural resources of the Barents Sea shelf. This suggests that the energy province will not escape the "reasons of state" when national versus shared interests are being defined; the geography of natural resources remains a determinant factor for the content of policy. What could mitigate the spatial preponderance of all things sovereign is the pressing emphasis on temporal aspects of cooperation. Every vision needs a conceptual anchor in the real world, something concrete to relate to. The vision of an energy province in the High North is, I have found after examining it from different angles, largely dependent on the Shtokman timetable. If the project is delayed considerably, postponed from 2015 to more like 2020–25, the relative dependence on cheap intermediary supplies from Central Asia will expose Russia to new insecurities. The new energy interdependence implies that Russia's vulnerability is also Europe's. Globalisation of energy interdependence is a challenge in a world turning simultaneously and increasingly towards a (re)polarised order. This is a problem that the energy province can probably do little about.

It seems appropriate to conclude that energy is rightfully considered an effective instrument for Norway to carve out a wider political and economic space in the North. However, a complex set of variables pertaining to the development of Shtokman, to regional and global energy markets and future prices, and to geostrategic considerations, comes into play. This makes it difficult to assess the risk of Norway being marginalised in the future energy province of the High North. But in view of the active stance that the Norwegian Government has taken in cooperating with Russia, that StatoilHydro has managed to become part of the Shtokman project, and the present souring of relations between Russian and the West, the threat of marginalisation seem less apparent now than around the turn of the millennium. It is nonetheless uncertain whether energy cooperation may bring a sense of community to the region. While the realist

and liberal views emphasise that cooperation must match material interests, the constructivist approach would also explore perceptions of cooperation *as such*, to assess how Russia's interests are interpreted and shaped.

ENERGY – BETWEEN COMMUNITY AND SOVEREIGNTY

Energy province and community in the North

Norway's High North policy is not without regard for traditional trans-Atlantic and European considerations. The Stoltenberg II Government has probably worked as hard as any since the Cold War to make Norway's Western allies interested in the High North. It has been careful to explain the bilateral reasons for and regional perspectives of energy cooperation with Russia. Balanced engagement is what the Government is trying to achieve by structuring the High North policy into an international dialogue alongside closer relations with Russia. In spite of such twin-tracked approaches, or perhaps because of them, Norway's policy for the North has been characterised as "blurry" and "difficult to get a grip on" by some Western partners and allies.¹²⁷ The overshadowing perception in Moscow and Western capitals is that Norway is poised to formulate and pursue national interests in the North more vigorously.¹²⁸

From Moscow's perspective this is not entirely negative. When seeking cooperation with Russia, Norway now actually goes to Moscow and not first to Washington or Brussels. Also, Norway's purposes and reasons for cooperating with Russia in the North are more precisely formulated and tied to the two countries' material interests. The interest-based approach may in itself have a confidence-building effect, since it represents a way of thinking that the policy-makers in Moscow can relate to more easily. Yet Russian policy-makers are also voicing their concern about what they consider expansive Norwegian designs in the High North.¹²⁹ To those of Norway's NATO Allies who are most apprehensive and to Russia alike, it is not the unsettled Russian-Norwegian borderline in the Barents Sea that gives reason for concern, but access to the resources of the maritime zones surrounding the Svalbard archipelago. The promise of the energy province and of cooperation to develop the riches of the undisputed Russian Barents Sea shelf has done little to deflect attention from or soften reservations about Norway's claims to the zone and shelf around Svalbard. Rather, the energy dimension of Norway's High North policy may have triggered recent

127 Interview, UK embassy Oslo, 26 June 2007; interview, US embassy Oslo, 27 June 2007, cf. *supra* note 100.

128 Interviews *ibid*; interview, representative of the Russian embassy, Oslo, 23 January 2007.

129 *Ibid*.

restatements of such reservations.¹³⁰ Whereas the policy's main premise suggests that there is a community platform in the North to build on, the historical notion of such a community is debatable. The emergence of community among states involves social learning, building trust and ultimately changes in mutual and self-perceptions.¹³¹ Relations with Russia throughout most of the Cold War were characterised by the very lack of such community and the mutual confidence needed to underpin it. Whenever the Soviet leadership advanced condominium-like proposals, be they on Svalbard or in the Barents Sea, Norwegian governments suspected ulterior, security-related motives. Equally, the security community of Atlantic states was predicated on security concerns *in* the north rather than feelings of community *for* the north. Lingered just below the security overlay, narrowly defined national interests were never far away. How can we, then, get a grip on the question of community in the North today: what does it do for policy, if anything?

Although Russia's 1826 border with Norway is uncontested, and Norway is the only neighbour with which Russia has never been at war, overall bilateral relations have never enjoyed much trust or mutual confidence.¹³² Little remains of the historical community feeling of the North from pre-Soviet times.¹³³ After the Cold War, institutionalised regional cooperation like the Barents Euro-Arctic Region and the Baltic Sea cooperation have sought to breathe new life into putative historic community sentiments. Regional cooperation in the North was kick-started through institutional entrepreneurship and invention.¹³⁴ This element of artificiality notwithstanding, the Barents region has been productive in shaping practical cooperation on interlocking levels: between states, administrative regions and municipalities, and people-to-people. Paradoxically, cooperation has been most productive when state structures were disinterested and kept

130 Interview at Foreign and Commonwealth Office, London, 9 November 2006. Cf. UK Diplomatic Note 17 March 2006, and UK Non-Paper: Svalbard: Further UK views, July 2006.

131 Andrea Oelsner, "Two Sides of the Same Coin: Mutual Perceptions and Security Community in the Case of Argentina and Brazil", in *Comparative Regional Integration. Theoretical Perspectives*, ed. Finn Laursen, The International Political Economy of New Regionalism Series (Aldershot: Ashgate, 2003), p. 186.

132 Iver B. Neumann, "Russian identity in the European mirror", *Europa-programmet*, no. 1 (1993), and Neumann, *Russia and the Idea of Europe. A Study in identity and international relations* (London: Routledge, 1996).

133 Ola Tunander, "Inventing the Barents Region: Overcoming the East-West Divide", in *The Barents Region. Cooperation in Arctic Europe*, eds Olav Schram Stokke, Ola Tunander (London: SAGE Publications, 1994), pp. 31–44; Tatjana N. Jackson and Jens Petter Nielsen, eds, *Russia-Norway. Physical and Symbolic Borders* (Moscow: Languages of Slavonic Culture, 2005); Børresen, *Forsvar uten trussel*.

134 Tunander, "Inventing the Barents Region".

at a distance. This observation was the reason why the majority of the Orheim Commission felt that the Barents cooperation would be of little use to deal with issues of bilateral significance. Subsequently, energy cooperation has been kept out of it altogether. More surprisingly perhaps, it is questionable whether there was ever much Western community feeling for the North to speak of in the first place. Throughout the Cold War, the Allied sense of common purpose and cohesiveness in the North was driven by the imperatives of security. The West's interest in the North was chiefly strategic, and born out of adversarial relations with the Soviet Union. Military and political presence was motivated by the strategic importance of sea lines of communication and of the North as a staging area for nuclear weapons. As pointed out by Sjaastad and Skogan as early as the mid-1970s, apart from security, there was not much community perspective for the North on the Western side.¹³⁵ Some thirty years later, Alyson Bailes makes a similar point, although from the perspective of the Nordic states, when saying that “[T]he democracies of the North had an essentially defence-related *concern* about their Big Neighbour to the East and an essentially defence-related *motive* for working with their Big Ally (or for the non-Allies, their Big Friend) in the West, namely the United States.”¹³⁶

In other words, while security communities may provide stable peace, not all stable peace situations make up a community.¹³⁷ The question of Norway's political position in the North is not a matter of relations with Russia alone. At the time of its conception, the High North policy sought to take into account a situation when relations between Russia and the West, notably with the US, and driven by the great powers' strategic energy interests, were quickly picking up. Overtaken by events, the High North policy has now to readjust to the deterioration of US-Russia relations. Ironically, the situation may strengthen Norway's relative position vis-à-vis Russia. Yet it creates other challenges – such as the impression that Norway is acting in disregard of the emerging trans-Atlantic consensus on Russia as a self-interested “free rider” who is not living up to the high standards inherent to the High North strategy, including its language on democracy, political freedom and rule of law in Russia.¹³⁸ Thus, *post-Cold War* peace brings new challenges to Norway in the North – irrespective of whether East-West relations are good or strained. Although the signs are encouraging,

135 Sjaastad and Skogan, *Politikk og sikkerhet i Norskehavsområdet*, p. 259. Cf. Wight, “The Balance of Power”, p. 174.

136 Alyson J. K. Bailes, “New NATO, old Norway? The changing security environment for Northern Europe”, speaking notes, Norwegian Institute for Defence Studies, 1 December 2006 (Forsvarsnett [online 15 Jan 2009]). Emphasis added.

137 Oelsner, “Two Sides of the Same Coin”, p. 186.

138 Interview, US embassy, Oslo, 27 June 2007.

it is too early to say what the foreign policy of the Obama Administration may mean for US-Russia relations and for the overall political environment of the High North.

A key Norwegian concern is to avoid a policy and security void in the ocean areas of the High North. The military has an important role in both respects. Sovereign control and law enforcement are tasks that Norway needs to conduct single-handedly lest a void *be* perceived to exist which other states attempt to fill. By being present and controlling activities and upholding jurisdiction, Norway substantiates its sovereign claims. This is, moreover, a way of shaping and building international law as an institution governing international relations. The coastguard is the preferred means for the task. International law has the inherent capacity of making even small states “big” by virtue of the authority bestowed by the principle of the rule of law. But in terms of seagoing enforcement capabilities Norway remains “small”, having at its disposal a relatively modest number of coastguard vessels (with maritime helicopters) and new frigates. In addition, maritime surveillance is regularly conducted by the air force’s Orion planes and satellites. This is hardly more than necessary for credible control of an ocean area about six times greater than that of mainland Norway.¹³⁹ Yet, Russia frequently maintains that Norway is engaging in a militarisation of the northern ocean areas. From Russia’s viewpoint, Norway’s policy could be interpreted as one of securitisation. Framing it thus would in a narrow sense serve Russia’s own interests. How deep Russia’s suspicions of Norway’s motives in the North actually run is difficult to assess.

I shall in the following explore the international disagreement over issues related to Svalbard and their regional connotations. I take the lacking community effect in the North as a point of departure. My findings suggest that there is no tangible northern community between Norway and Russia to speak of, and that the security community of the West has not given way to any other community feeling for the North. In both cases an energy community could emerge, but then most presumably embracing the West as a whole and Russia. Norway’s challenge, then, would again be to avoid marginalisation in such a political setting. I will structure the analysis along the two external orientations of the High North policy.

139 NOU 2007: 15, “Et styrket Forsvar” [Strengthened Defence Forces], White Book to the Ministry of Defence, 31 October 2007. Norwegian Armed Forces, “Forsvarssjefens Forsvarsstudie 2007. Sluttrapport” [Chief of Defence’s Defence Study 2007. Final Report], Norwegian Armed Forces/Ministry of Defence.

The two external orientations of the High North Policy

Generally, the international Law of the Sea has moved in a direction favouring the interests of coastal states. However, the sovereign rights accorded to them come at a cost: *international* standards and shared interests and values depend on a *national* resolve to uphold and protect them. The implication is that national capacities need to be available, present and credible – as well as internationally legitimate. Historically, the combination of strategic resources, unsettled borders and unrecognised jurisdiction augments the potential for conflict between states. The potential for conflict is still present in the new security environment of the North, although in a somewhat different guise. A sticky situation arises from the fact that most EU states and fellow NATO members, although traditionally supportive of Norway in the North, are themselves signatories to the Svalbard Treaty. They jealously guard their rights under the treaty, but are at once watchful of Russia's attempts to secure a *de facto* privileged position in the maritime zones around Svalbard.

A diplomatic non-paper addressed by the United Kingdom to the Norwegian Government in July 2006 is of general interest as it may well sum up the position of several of the signatories to the Svalbard Treaty. In the non-paper, the Foreign and Commonwealth Office says that “recent UK interest in Svalbard has been prompted by (...) the announcement by Norway in 2004 of the 19th Hydrocarbon Licensing Round, which includes blocks [the UK] considers to lie on Svalbard's continental shelf.”¹⁴⁰ According to the non-paper, the United Kingdom has had similar exchanges with the Norwegian authorities about earlier licensing rounds in the 1990s. Moreover, the non-paper refers to Prime Minister Stoltenberg's inaugural address to parliament in October 2005, announcing the Government's intention to make the High North a foreign-policy priority and to “assert its interests in the region more strongly and ‘*intensify efforts to exercise Norwegian sovereignty*’”.¹⁴¹ The twentieth licensing round is what is really on the UK's mind.¹⁴² Not only UK authorities are mindful about this. In the following, I shall conduct a brief comparative analysis of Norway's, Russia's, the EU's (including the United Kingdom, France and Germany), the US's and the Nordic states' positions on sovereignty and jurisdiction in the zone and on the shelf

140 United Kingdom Non-Paper, July 2006. Copy handed to author together with copies of UK Diplomatic Notes to Norway on Svalbard-related issues from the 1970s onwards.

141 Quote, inserted quote and emphasis as in UK Non-Paper, *ibid.* See also chapter 1, *supra* note 3.

142 Interview, FCO, 9 November 2006.

around Svalbard to try to ascertain whether the positions in any way interrelate with political designs and interests in the wider Arctic region.

RELATIONS WITH RUSSIA

The following presentation of Russian thinking on questions of ocean status and strategic interests related to Svalbard and the Barents Sea shelf draws largely on two sources: an exposé by the Russian international lawyer Alexander Vylegzhanin at the Norwegian Academy of Science and Letters in January 2007,¹⁴³ and a Duma report on Svalbard affairs delivered at a hearing in June 2007 by Gennadiy Oleinik, committee chairman of the Federal Council of the Russian State Duma.¹⁴⁴ Between them, they cover the most contentious issues of the North from the perspective of international law and politics, and must be expected to represent the political mainstream of Russian thinking on the matter.

Over the years Russia's presence on Svalbard has been assured mainly by the General Consulate in Barentsburg and the activities of the coal mining company, Trust Arktikugol.¹⁴⁵ Russia's policy for Svalbard was last laid down in a Presidential Decree of 31 December 1997. Another policy revision may now be under way. The former Russian inter-ministerial commission on Svalbard was abolished in 2004, but in spring 2007 a new government commission was established, to be headed by then Deputy Prime Minister Sergey Naryshkin.¹⁴⁶ As minister responsible for Svalbard affairs, Naryshkin in the autumn of 2007 led an official delegation consisting of some fifty people to Svalbard. Reportedly, he argued the importance of Svalbard to Russia on the grounds that the isles secure Russia's presence in the western Arctic.¹⁴⁷ He informed those present about the

143 Alexander N. Vylegzhanin, "Future problems of International law in the High North: Review of Russian legal literature", *Politics and Law – Energy and Environment in the far north*, Norwegian Academy of Science and Letters, 25 January 2007.

144 G. D. Oleinik, "Выступление председателя Комитета Совета Федерации по делам Севера и малочисленных народов Г.Д. Олейника на расширенном заседании Комитета по теме: 'Присутствие Российской Федерации на архипелаге Шпицберген: политико-правовые, экономические и гуманитарные аспекты'" [Report by the Chairman of the Federal Council's Committee on the North and Minorities, G. D. Oleinik, at the enlarged meeting of the Committee on the subject of: "Presence of the Russian Federation on the Svalbard Archipelago: Politico-legal, economic and humanitarian aspects"], 19 June 2007 (Federal Council of the State Duma [online 15 Jan 2009]).

145 Full name in the Russian ФГУП Трест Арктикуголь.

146 Постановление Правительства от 10 апреля 2007 года № 216 [Government Decision of 10 April 2007, no. 216].

147 "This [i.e. Svalbard] is a strategic spot, which gives our country the chance to be present in the western part of the Arctic." Quote from BarentsObserver.com, "Spitsbergen secures Russia's presence in the western Arctic", posted 19 October 2007.

government's intention to present a Russian strategy for Svalbard by mid-2008, whose aim was to diversify economic and research activities on the archipelago and secure additional funding for the Russian presence in Barentsburg and for Arktikugol. Russia's mobilisation of interests regarding Svalbard is conceivably part of a strategy to secure a better foothold on the archipelago, possibly in response to Norway's High North Strategy.

Vylegzhanin traces the question of Svalbard's international status back to the 1872 agreement between Russia and the former Union of Norway-Sweden. Since both states claimed historical rights to conduct economic and scientific activities on the archipelago, the agreement stipulated that neither Norway (then under Sweden) nor Russia was to have sole sovereignty over Svalbard. This concept of divided sovereignty is, according to Vylegzhanin, incorporated and continued in the 1920 Svalbard Treaty. Although article one of the treaty confers "full and absolute" sovereignty to Norway, this is a sovereignty with principal limitations, according to the Russian view. The restrictions invoked by the treaty, it is claimed, define the real scope of Norwegian sovereignty over Svalbard. These include the provisions stipulating that Norway cannot discriminate against the subjects of other signatories or impose higher taxes than necessary for the administration of Svalbard itself, and the prohibition of military uses of the islands.¹⁴⁸ Crucially, the Russian point is that the treaty, and a restricted interpretation of the content of Norway's sovereignty therein, should apply also to the economic zone and the shelf around Svalbard. Russia rejects the view that the shelf around Svalbard is part of Norway's continuous mainland shelf. Moreover, Russia does not recognise the Norwegian 200-mile Fisheries Protection Zone around Svalbard as such, but tacitly conforms to Norway's practice of "leniently" exercising authority over Russian fishing activities in the zone. Inspections are accepted, but Russian captains are under instruction not to sign the inspection protocols as this would be tantamount to recognising Norway's right to exercise authority and, thus, Norwegian sovereign rights in the zone. Consequently, Russia argues that by establishing the Fisheries Protection Zone under Norwegian law (as if it were an exclusive economic zone) and by maintaining that the continental shelf around Svalbard is not Svalbard's (but a continuation

148 On the legal debate about the stipulations of the treaty, see Willy Østreng, "Svalbards situasjon i storpolitisk perspektiv" [The situation of Svalbard in a high policy perspective], *Internasjonal politikk*, no. 3 (1974): 679–701; Geir Ulfstein, *The Svalbard Treaty: From Terra Nullius to Norwegian Sovereignty* (Oslo: Universitetsforlaget, 1995), Carl August Fleischer, "Svalbards sokkel og some i lys av Svalbardkonferanse og traktattekst" [The shelf and zone of Svalbard in light of the Svalbard Conference and the Treaty text], speech at NORISS – Forum for strategi og næringsutvikling, 21 March 2006; and "The New International Law ..."

of the Norwegian mainland shelf), Norway is acting both in contravention of the Svalbard Treaty itself and in general breach of international law.

Broadly, the same sentiments were echoed at an enlarged committee hearing on the political, legal, economic and humanitarian aspects of Russia's presence on Svalbard at the Federal Council of the Russian State Duma in June 2007. The speaker at the hearing, Committee Chairman Gennadiy Oleinik, reminded those present of the "particular significance" to Russia, as to the Soviet Union before it, of questions relating to Svalbard's legal status.¹⁴⁹ Referring to the reasoning behind establishing the Naryshkin government commission, Oleinik emphasised Svalbard's importance as a "zone of special state interest" to Russia.¹⁵⁰ He then warned that

behind all the [Norwegian] talk of preservation of the ecology and bio-resources around the [Svalbard] archipelago there are far-reaching plans – to use the islands to accomplish military control in the Arctic for NATO. Norway and its NATO partners are trying at all cost to secure rights and as far as possible limit the Russian presence in the Barents Sea and in the whole of the Arctic.¹⁵¹

This warning mirrors the degree of nervousness that Norway's High North policy seems to incite in Russia, where it may in fact be regarded as a "trial of strength".¹⁵² According to Oleinik, Norway is motivated by the imminent depletion of the petroleum fields in the Norwegian and North seas. Therefore it is looking further north with a view to gaining access to the promising fields on the Barents Sea shelf, including in the disputed areas. Oleinik alludes in particular to Norwegian interests in the Fedinsky High field, identified by Russian seismic surveying prior to 1982.¹⁵³ The point made, is that Norway may be trying to drive Russia away from Svalbard and the western Barents Sea, and that this in turn is rooted in the West's ambition to roll Russia back into Eurasia.¹⁵⁴ With Norwegian eyes, this may seem to be far-fetched, or to be calculated alarmism, when considering the reservations that Norway itself experiences from close

149 Oleinik, Выступление председателя Комитета, p. 1

150 *Ibid*, cf. *supra* note 146.

151 *Ibid*, p. 4 (auth's transl. from the Russian, the original text as follows): "[з]а разговорами о сохранении экологии и биоресурсов вокруг архипелага стоят далеко идущие планы – использовать его острова для осуществления военного контроля в Арктике со стороны НАТО. Норвегия и ее союзники по НАТО стремятся во чтобы то ни стало закрепить за собой права на спорные районы и максимально ограничить российское присутствие в Баренцевом море и в целом в Арктике."

152 *Ibid*, p. 3.

153 *Ibid*, p. 4, see also Austvik, "The Geopolitics of Barents Sea ...", p. 19.

154 Oleinik, Выступление председателя Комитета, pp. 3, 4–5.

Western allies regarding the maritime zones around Svalbard. But one must presume that such sentiments, voiced in the State Duma, are fairly mainstream, though not necessarily explicitly endorsed by the Russian Foreign Ministry or government officials in public. It should not be excluded that they may indeed express widespread thinking in Russia and may incite conspiratorial notions. Most probably, the main point that Oleinik really wants to make in his capacity as responsible for policies for the North in the Duma, is that Russia needs a more comprehensive programme for Svalbard and the Arctic as a whole. In this particular regard, Oleinik may have achieved what he aimed for. At the time of writing, the Russian Security Council is finalising a national strategy for the Arctic. This has been in the offing ever since the Security Council on 12 September 2008 scheduled a special meeting dedicated to the Arctic on the islands of Franz Josef Land in the northernmost part of the Barents Sea. After this meeting, a regular meeting of the Security Council was held on 17 September with the participation of Medvedev, his first council meeting as president, at which Russian interests in the Arctic were on the agenda. A Russian strategy for the Arctic was cleared on 17 December and is expected to be promulgated by February 2009.

It is worth noting that Svalbard, a separate legal entity under Norwegian sovereignty, did not join the European Economic Area (EEA) with Norway. The same would be true if Norway were to join the European Union: Svalbard was exempted from Norway's 1994 agreement on accession to the EU (before the latest referendum). As to ocean areas, Russia may find reason to worry if Norway becomes an EU member.¹⁵⁵ While the maritime zones around Svalbard would in all likelihood remain under Norwegian jurisdiction, Russia may fear that the political weight of the legal argument would start listing in Norway's direction, which in all probability would be backed by the EU. First, Russia's opportunity to deal bilaterally with Norway on Svalbard issues would be reduced, due to the political support Norway as an EU member would enjoy from Brussels. Second, the linkage that Russia is trying to establish by arguing legally that Norway's sovereignty over Svalbard is limited and that the treaty (with the same limitations) should apply to the maritime zones around Svalbard, would lose political momentum once these zones were associated with the EU.

The power-political and legal complexities involved make it difficult to tell exactly how the question of Svalbard is perceived to affect Russia's wider interests in the Arctic. The bottom line seems to be, however, that Svalbard does matter. Thus, better policy coordination and more comprehensive approaches are what one may expect to see from Moscow in the future. It will also be dif-

155 This case was also made by Oleinik, p. 2.

difficult for Norway to legislate on Svalbard without raising Russian anxieties. As seen above, Russia tends to perceive new Norwegian national legislation on Svalbard to be part of a broader campaign to drive it away from the archipelago or even the ocean areas around. Unsurprisingly, on such grounds Norway's introduction of stricter environmental regulation on Svalbard in recent years has been met with suspicion. Russian politicians, foreign-policy officials and international lawyers must be expected to be apprehensive about anything reminiscent of a Norwegian "revision" of the Svalbard Treaty or "creeping jurisdiction" in disputed ocean areas. This greatly helps explain any opposition to Norwegian legislative measures and regulations, as these are generally perceived to limit Russia's future interests on the archipelago or in the maritime zones around. In the Barents Sea, a symbolic line seems to run alongside the sector line which defines the western extension of Russia's territorial claims, east of which Norway's jurisdiction within the Fisheries Protection Zone is more passionately contested.¹⁵⁶ For the moment it must be assumed that Russia is content that the shelf around Svalbard has not been opened to petroleum activity, since this could deflect international attention from the development of the fields on Russia's undisputed shelf, i.e. Shtokman. But this is for the short to medium term only, as Russia is gradually directing its interests towards the perspectives of the wider Arctic region, which is expected to hold a significant share of the world's remaining petroleum deposits.¹⁵⁷

THE INTERNATIONAL DIALOGUE

The US recognises the bilateral nature of the unsettled delimitation of the Barents Sea shelf. Its interest in a settlement is largely related to the wider energy security dividend from enhanced Norwegian-Russian energy cooperation in the north. The US supports the idea that agreement on delimitation in the Barents may open up for large-scale petroleum exploration and exploitation in the High North. The US's position as to the status of the maritime zones around Svalbard is guided by similar motivations. Its main interest is in energy, not the fisheries. A Norwegian-Russian delimitation agreement could positively influence other issues, and so would a settlement of the dispute over the Svalbard shelf: "The United States supports a responsible and rapid resolution of the disputed Barents Sea border between Norway and Russia (...) lack of clarity about rights and responsibilities around Svalbard also poses a potential obstacle to global

156 Interview PINRO, Murmansk 19 June 2007. Note that this was the area in which the *Elektron* incident played out.

157 Re. the frequently quoted findings of the US Geological Survey.

interests in that region of the Arctic.”¹⁵⁸ Formally, the US has made reservations about Norway’s view on Svalbard. But it does not voice them loudly, as the interest from US-based petroleum companies in the shelf around Svalbard is still moderate to low.¹⁵⁹ The US’s interest is seemingly indirect, with a view to seeing new petroleum fields developed and securing diversity of supply in the longer term. In this sense, the US will most probably be a supportive partner of whatever settlement of sovereignty issues Norway can achieve with Russia. It has, however, made it clear that if Russia is to obtain rights on the shelf around Svalbard, then the US will insist on the same rights under the Svalbard Treaty.¹⁶⁰ After the 11 September 2001 terrorist assault, US energy politics assumed a more pronounced security dimension. The 2002 strategic energy partnership process with Russia was motivated not least by the US’s dependence on the Middle East. As the energy relationship with Russia was gradually polluted by political controversies, interest in Norwegian energy has increased comparatively. On sovereign interests in the Arctic, the US, which has still not joined the UN Law of the Sea Convention (LOSC), views Russia’s Arctic claims with apprehension. If the LOSC is ratified soon, the US will also submit geological data to the UN and define its future territorial claims.¹⁶¹ A factor here is a perceived emerging international race for the vast natural resources of the Arctic, and that the US may miss out on its claims if it continues to stay outside of the regime. The US otherwise insists on the rights, deriving from the principle of freedom of the seas, to traffic the waterways adjacent to the (Russian) Northern Sea Route and north of Canada. These US positions are reaffirmed in a Presidential Directive issued on 9 January 2009 by the Bush administration. Other aspects of interest here are that the directive instructs the state secretary to seek the consent of the US Senate to accede to the LOSC, and to urge Russia to ratify the 1990 maritime boundary agreement with the US. Also it states that geopolitical circumstances of the Arctic region do not necessitate or make it appropriate to have a particular treaty for the Arctic along the lines of the Antarctic Treaty.

Canada has in particular voiced concern over Russia’s recent sub-sea flag planting under the North Pole, underlining the gesture’s lack of relevance ac-

158 Benson K. Whitney, US Ambassador, “U.S. View – Energy and the High North”, speech at the conference Politics and Law – Energy and Environment in the far north, Norwegian Academy of Science and Letters, 25 January 2007, p. 3.

159 Interview, US Embassy, Oslo, 27 June 2007.

160 Interview with Amanda D. Rogers-Harper of the US State Department, referred in Sigri M. Sandberg, Jógvan H. Gardar, Tarjei Leer-Salvesen: “Taler Støre midt imot” [Speaking against Støre] *Ny Tid*, 5 May 2006.

161 It is assumed that the Obama administration will move to join the LOSC, and will have the support of the Democrats in the US congress.

ording to the principles and workings of the modern Law of the Sea. Canada at one point seemed willing to support Norway's positions on the legal basis for the Fisheries Protection Zone around Svalbard; but this no longer seems to be the case, if it ever were. Possibly inspired by Norway's policy initiatives for the High North and by international awareness of resource management and climate change, Canada is focusing attention on dealing with political and legal challenges in ocean areas under Canadian jurisdiction and in which Canada has territorial claims.

The EU seen as a whole is motivated by much the same concerns as the US. It is striving to achieve a common external energy policy to operate with more consistency and rationality on the global energy market on behalf of its members.¹⁶² This implies working out a union-wide approach to dealing with Russia. Early development of Shtokman is of strategic significance for the European market and has drawn considerable political attention. In early 2008, the EU started developing an Arctic policy of its own.¹⁶³ A paper issued by the end of the same year stated that the EU was "inextricably linked to the Arctic region",¹⁶⁴ citing a combination of historic, geographic, economic and scientific factors and that the three EU member states of Denmark (Greenland), Finland and Sweden all have territories in the Arctic. It also cites the link to the Arctic by virtue of two EEA members, Iceland and Norway, and the EU's strategic partners Canada, Russia and the United States. The stated objective of the policy is to protect and preserve the Arctic, promote sustainable use of resources and contribute to enhanced Arctic multilateral governance.¹⁶⁵ The European Commission may thus be taking a more tangible interest. An end to the Norwegian-Russian disagreement over how to delimit the Barents Sea shelf would serve the EU's interests. Under the chapter dedicated to hydrocarbons, the paper proposes to activate stronger foundations for cooperation with Norway and Russia with a view to "facilitating the sustainable and environmentally friendly exploration,

162 Gawdat Bahgat, "Europe's energy security: challenges and opportunities", *International Affairs*, vol. 82, no. 5 (2006): 961–975. José Manuel Barroso, President of the European Commission, "Opening speech External energy conference", External energy policy conference, Brussels (SPEECH/06/711), 20 November 2006 and "Europe's energy policy and the third industrial revolution", Loyola de Palacio energy conference, Madrid (SPEECH/07/580), 1 October 2007.

163 European Union High Representative and European Commission, "Climate Change and International Security", paper from the High Representative and the European Commission to the European Council, S113/08, 14 March 2008.

164 CEC – Commission of the European Communities, "The European Union and the Arctic Region", communication from the Commission to the European Council and the European Parliament, COM(2008) 763 final, 20 November 2008.

165 *Ibid.*, p. 3.

extraction and transportation of Arctic hydrocarbon resources”.¹⁶⁶ In the chapter on multilateral governance, the EU reverses some of its previous doubts,¹⁶⁷ and states that the provisions of the Law of the Sea do “provide the basis for the settlement of disputes including delimitation”.¹⁶⁸ Some hesitancy seems to remain, however, as the EU intends to assess multilateral agreements in the Arctic in order to “determine whether additional initiatives or measures are needed” and follow the maritime delimitation disputes and the settlement of the outer limits of the continental shelves to assess “impacts on EU interests”.¹⁶⁹ With Svalbard outside of the EEA, the European Commission is, however, only indirectly concerned via the interests of the member states who are signatories to the Svalbard Treaty.

France is poised to take a more active stance in Northern energy questions now that Total has become one of Gazprom’s partners in Shtokman. *Germany* is engaged in transporting gas from Shtokman to the European market through the *Nord Stream* pipeline project. It must be expected that France and Germany, on behalf of the EU and in partnership, will take a closer interest and more concerted approach to the development of Shtokman in particular, and energy cooperation in the North in general. The *UK* has shifted from being predominantly self-reliant to becoming a net importer of energy, although on a much smaller scale than mainland Europe.¹⁷⁰ This has turned the UK’s attention to the need for a more concerted European energy policy, and to the prospects of exploiting the shelf around Svalbard in which British petroleum companies are interested.¹⁷¹ The UK may be expected to react negatively to any consolidation of the view that the Svalbard shelf is part of the continuous Norwegian shelf.¹⁷² *Spain* would also be sceptical to any such development, but its present interest is for all practical purposes in the fisheries and the status of the Fisheries Protection Zone.

166 Ibid, p. 7.

167 European Union High Representative and European Commission, S113/08, which stated the “need to revisit existing rules of international law, particularly the Law of the Sea, as regards the resolution of territorial and border disputes”, p. 4, cf. supra note 58.

168 CEC, “The European Union and the Arctic Region”, p. 9.

169 Ibid, p. 11.

170 Dieter Helm, ed., *The New Energy Paradigm* (Oxford: Oxford University Press, 2007), and Dieter Helm, “The Russian dimension and Europe’s external energy policy”, paper, 3 September 2007, *Dieter Helm* [online 16 Jan 2009].

171 Interview FCO, 9 November 2006.

172 David Anderson, “The Status under International Law of the Maritime Areas around Svalbard”, paper at the conference Politics and Law – Energy and Environment in the far north, Norwegian Academy of Science and Letters, 25 January 2007.

There is no unified *Nordic* view on issues of sovereign rights in the High North. The Nordic EU members support developing cooperation with Russia on a broad range of issue areas, for example through the Northern Dimension and involvement in the regional and multilateral building of institutions, i.e. through the Baltic Sea and Barents Region Cooperation. *Sweden* has lately taken a more concrete interest in energy cooperation in the Barents Sea, where it sees opportunities for its own industries. Formally, Sweden does not share Norway's legal positions on the maritime zones of Svalbard.¹⁷³ *Finland* has a long-standing policy of bilateral relations with Russia in the North, and is interested in developing infrastructure in the region. Finland has previously expressed support for Norway's position on the zones around Svalbard, but this was before its EU accession. Today, Finland is towing the EU line. *Iceland* is a special case, as it is the only country so far which has openly threatened to bring the jurisdictional issues related to Svalbard before the courts.¹⁷⁴ Iceland's interests in sovereignty and Svalbard are related to fisheries; energy is no particular concern. Security, however, is also important to Iceland, and presumably a moderating factor in its disagreement with Norway on the Fisheries Protection Zone. Following the severe blow to the economy from the financial crisis, Icelandic membership of the EU has resurfaced in the national debate. *Denmark* has settled its claims vis-à-vis Norway in regard of ocean areas adjacent to Greenland. Its remaining interests may now be with Russia, in light of Russia's claims to the Lomonosov ridge, as this may overlap with Denmark's and Canada's claims around the North Pole.

The Ilulissat meeting on Greenland (Denmark) in May 2008 represented a step towards a further multilateralisation of ocean affairs in the circumpolar Arctic. At the meeting, the foreign ministers of the five Arctic coastal states were present: Denmark, Canada, Russia, the US and Norway. This concluded a process initiated at a meeting in Oslo in October 2007 of senior officials who discussed legal matters of the Arctic. At Ilulissat, the ministers discussed challenges in the Arctic oceans such as melting polar ice, climate change, vulnerable eco-systems and the exploitation of natural resources. In the declaration, the five states concluded that the current international regime for the Arctic – essentially the Law of the Sea Convention, the International Maritime Organisation and the Arctic Council – constitutes an adequate legal and political framework for na-

173 Sandberg et al., "Taler Støre midt imot".

174 See Jón Baldvin Hannibalsón, "Vårt halve fedreland er havet" [Half our fatherland is the Sea], in *Fiske og havrett i nord*, Jón Baldvin Hannibalsón and Carl August Fleischer, Det sikkerhetspolitiske bibliotek, no. 8 (Oslo: The Norwegian Atlantic Committee, 1996), pp. 3–19.

tional and international measures and cooperation, including for the protection of the marine environment, marine scientific research, freedom of navigation, and the delineation of the outer limits of the continental shelf.¹⁷⁵ Most importantly, the declaration clarifies that the five states see no reason to negotiate an alternative regime for Arctic oceans, and wish in no way to amend or change the principles laid down by the Law of the Sea. In addition to being a potentially important declaration for maritime legal issues, the declaration also suggests the increasing significance of the Arctic Council as a forum for multilateral policy deliberation and coordination.

175 The declaration is posted at Ocean Law.org, “The Ilulissat Declaration”, May 2008 [online 16 Jan 2009].

SECURITY – RUSSIA’S TRIAD OF NATIONAL VALUES

The rise of sovereigntism in Russia

A desire for tighter sovereign control over natural resources seems to be pushing Russia towards maximising its independence in international energy politics. Underneath security issues lie questions of how to manage sovereignty amidst increasing interdependence. Paradoxically, its great power ambition and using energy as a means to that end may force Russia to accept greater integration and regulatory convergence, first and foremost with the EU. This effect may become more tangible if cooperation on developing the petroleum fields in the High North takes place, not least Shtokman. Most recognisable in Russia today, however, is the re-employment of policies of economic nationalism and the protection of strategic resources; that is, a resort to resource nationalism. At the time of writing, Russia seems unlikely to compromise in any way on its sovereign control of natural resources. Rather, renewed sentiments of sovereigntism seem to be developing, which may originate from both external and internal threat perceptions.

The question in this chapter is how economic and resource nationalism may coincide with and reinforce Russian awareness of security and sovereignty. The examination will centre on what the then First Deputy Prime Minister Sergey Ivanov famously dubbed the “triad of Russian national values”: *sovereign democracy*, *economic might* and *military power*.¹⁷⁶ This triad of value-based interests will structure the discussions. First, I will look at aspects of Russian “managed” democracy, state capitalism, interdependence and “real sovereignty”.¹⁷⁷ Second, I shall move on to material energy and military interests in the North.

Security and sovereign democracy

The dramatic changes Russia experienced under Yeltsin have given “change” itself a bad name, with a corresponding perception that stability is inherently good. Yeltsin’s “unmanageable” liberalism was criticised for promoting democracy at the cost of stability. Equally, the rampant privatisation of the state’s re-

176 In an article by Minister of Defence Sergey Ivanov (at that time deputy prime minister) (2005) in *Izvestia*, 13 July 2006, referred to in Lilia Shevtsova, “Russia’s Ersatz Democracy”, *Current History*, October (2006).

177 See Andrei Kokoshin, “Real Sovereignty and Sovereign Democracy”, *Russia in Global Affairs*, vol. 4, no. 4 (2006): 105–118. Notably, Kokoshin uses the term “strengthening ‘real sovereignty’” in the sense of “securitisation”, and “desovereignisation” in the sense of “desecuritisation”.

sources and assets was perceived as weakening the Russian state. Putin's "managed" democracy and de-privatisation policy set out to redress this, succeeding to such an extent that there are concerns about the long-term effects on society, and about the future premises for international cooperation with Russia. The entry onto the scene of Medvedev as president, and of the Georgian and financial crises, have so far done little to alter the general thrust of Russian internal and external politics.

By portraying their chosen model of democracy particular to and "sovereign" to Russia, the Putin regime was clearly indicating which of the wrongs of the past it intended to right. To some, sovereign democracy was regarded as the "main ideological postulate of the incumbent leadership in Russia."¹⁷⁸ As a political construction, it was designed to lend legitimacy and popular support to the Kremlin's chosen political party, United Russia, and secure the smooth continuation of power following the December 2007 Duma elections, and the March 2008 presidential elections.¹⁷⁹ In this regard, sovereign democracy was also perceived, particularly in the West, as a political "prophylactic" devised to curb the emergence in Russia of Western liberal and popular democracy.¹⁸⁰ Although the term itself is new, "sovereign democracy" cannot be said to represent anything new. Rather, it has given a name to an ongoing restructuring of Russian politics. It does, however, intellectualise and legitimise the ideas underpinning the process. It may therefore be useful to try to understand the notion of the securitisation of sovereignty that it entails.¹⁸¹

Conceptually, sovereign democracy makes democracy an aspect of state sovereignty and, as such, places it beyond legitimate external criticism. Furthermore, it creates one sovereign space for the management of the state's strategic resources, human as well as natural. During President Putin's two terms, Russian politics witnessed the recentralisation and monopolisation of political decision-making. As a result, political power-brokering is now conducted largely outside of democratic institutions. The first effect of the sovereign democracy model is that not only political power itself, but also the opportunity to compete for political power, have been monopolised. Corporate interests increasingly use pro-government political parties as a platform for business development and public office to ensure immunity. The interest of the voter is replaced by vested

178 Fyodor Lukyanov, "A Time for Life Jackets?" *Russia in Global Affairs*, editorial, vol. 5, no. 3 (2007): 5–6.

179 Andrei Okara, "Sovereign Democracy: A New Russian Idea or PR Project?" *Russia in Global Affairs*, vol. 5, no. 3, July–September (2007): 8–20.

180 Ivan Krastev, "Россия как 'другая Европа'" [Russia as "the other Europe"], *Russia in Global Affairs* (Russian version), no. 4, July–August (2007): 33–45.

181 Cf. Kokoshin, "Real Sovereignty ..."

interests, and the individual is further crowded out of the political marketplace. With increasingly exclusionary access to decision-making structures, the interests of the state are narrowed down and become quasi-synonymous with those of the ruling elite(s). The special mix of policy and corporate interest characteristic of Russian state capitalism is encapsulated in the notion of “Russia Inc.”¹⁸² In other words, the business of the state becomes a self-legitimising interest in a country ruled by people who largely own it. As Dmitri Trenin further notes, when people say that what is good for Gazprom is good for Russia, “Russia” stands for only a small group of people.¹⁸³

Essentially, sovereign democracy subordinates individual rights to the collective interests of the state. Its proponents argue that the Russian democracy model is moving both Russia and democracy in Russia in the right direction. Russia has made its strategic choice, they claim.¹⁸⁴ Critics, however, see it as a sham, as a measure originally designed to ensure the preferred outcome of the 2008 presidential elections and the orderly transition to the post-Putin era, with Putin as prime minister. Putin must be in control of the highest office, if not necessarily in it himself, to safeguard the continuation of the power structures developed under his reign.¹⁸⁵ Sovereign democracy has helped avoid serious challenges from rival groupings and stood as a bulwark stopping Western criticism of Putinism from finding popular resonance.¹⁸⁶ By playing up to the notion of a Russian “self” that needs to be protected from its Western “other”, sovereign democracy conveys a sense of a distinct linkage between the Russian state’s security interests and economic nationalism. Oil and gas deposits and

182 Dmitri Trenin, “Russia Redefines Itself and Its Relations with the West”, 1 March 2007 (Carnegie Moscow [online 16 Jan 2009]); Okara, “Sovereign Democracy”: 10.

183 Trenin, “Russia Redefines Itself ...”

184 Vladislav Surkov, “Суверенитет – это политический синоним конкурентоспособности” [Sovereignty is a political synonym of competitiveness], 7 February 2006; and “Наша российская модель демократии называется ‘суверенной демократией’” [Our Russian model of democracy is called “Sovereign Democracy”], 28 June 2006 (United Russia [online]). See also Russian Foreign Minister Sergei Lavrov, “Сдерживание России: назад в будущее?” [Containing Russia: back to the future?], *Russia in Global Affairs* (Russian version), no. 4, July-August (2007): 8–21, 10: “Russia has become a part of the universal consensus to the effect that democracy and free market should form the basis of social and political order and economic life. (...) [W]e have chosen our path of development once and for all.” (Author’s translation.)

185 Shevtsova, *Putin’s Russia* (Washington D.C.: Carnegie Endowment for International Peace, [2003] 2005). Trenin, “Russia redefines itself...”, 2007.

186 Krastev, “Россия как ‘другая Европа’”, and Okara, “Sovereign Democracy”. See also Nikolai Petrov, *From Managed Democracy to Sovereign Democracy. Putin’s Regime Evolution in 2005*, PONARS Policy Memo, no. 396 (Washington D.C.: CSIS, 2005); and *The Full Cycle of Political Evolution in Russia. From Chaotic to Overmanaged Democracy*, PONARS Policy Memo, no. 413 (Washington D.C.: CSIS, 2006).

distribution networks are looked upon as sovereign strategic resources and are permissibly used for the state's wider political purposes when necessary. They become commodities of political significance and are withheld from the open market, just as the political power-brokering is conducted beyond the reach of the popular electorate.

The political landscape in Russia may thus be undergoing structural changes that cannot easily be undone. Gradually, the arena for moderate political opposition is disappearing in the wake of the deconstruction of the political middle-ground – to the detriment of moderate forces and pluralism in Russian politics. There is no viable alternative to the omnipresent pro-Government camp, and little reason to expect that the new Solidarity movement, rallying the few remaining liberal opposition parties, will be anything but a marginal political force, and at best an irritant to the Kremlin. The so-called one-and-a-half-party system taking form is dominated by the Kremlin-backed United Russia, which has acquired an unrivalled position nationwide. The Communist Party, which due to its politics on the extreme left and its Soviet past is no serious threat, merely serves as a token “opposition”. It is also worth noting that the extremist and nationalist views primarily associated with Vladimir Zhirinovskiy's Liberal Democratic Party of Russia (LDPR) are increasingly becoming part of the political mainstream, although Zhirinovskiy's party is on the way to marginalisation. The remaining parties in Russian politics are becoming fewer and less relevant. Russian sovereign democracy means that there is little room for separating how the system works from those who run it, and who have large stakes in the current order of things.¹⁸⁷ The people running it and the system are so intertwined that it is virtually impossible to change the one and keep the other. This may be one of the most significant legacies of the system that took root under the Putin regime, the essence of the “soft authoritarianism” of so-called Putinism.¹⁸⁸ Hence, Putinism seems poised to survive Putin, and it may matter less who is president, whether Putin or Dmitri Medvedev. The state of democracy in Russia points to an emerging dilemma: modernising and reconstructing Russia's energy sector depends on economic and political reform, but it is doubtful whether oil and gas revenues can be expected to fuel economic reform and social development without democratic institutions and the bureaucracy's administrative capacity first being improved. Thus, according to Lilia Shevtsova, the energy-

187 Trenin, “Russia redefines itself...”.

188 Okara, “Sovereign Democracy”. See also Lilia Shevtsova, “Power Scenarios in Russia”, *Moscow Times*, issue 3813, 24 December 2007; Dmitri Trenin “The Perils of Putinism. A non-transfer of power that makes Russia less stable”, *Wall Street Journal*, 15 December 2007.

related partnership policies towards Russia of certain Western states may in fact preserve and reinforce bureaucratic authoritarianism in Russia.¹⁸⁹ It is difficult to see any way out of this conundrum for foreign states who seek energy cooperation with Russia.

This state of internal affairs does not mean that the security dividend of social and economic development is lost on the Kremlin. Presidents Putin and Medvedev have made clear the importance of progress and prosperity for Russian society and its people. In macroeconomic terms, the situation has indeed improved considerably. Putin once succinctly stated that “there can be no superpower where weakness and poverty reign.”¹⁹⁰ Economic might is the key to power, prestige and influence in the world. The lesson from the downfall of the Soviet Union and the turbulent economic upheavals of the 1990s is that Russia cannot be strong if economically weak. Yet in drawing this conclusion, the leadership in Moscow may be getting its priorities wrong. Although Russia has paid off its foreign debts and obtained a budget surplus and positive trade balance, its economy is structurally skewed and the opportunities offered by the petroleum revenues to redress the situation are not put to full use. The political purposes of resource nationalism make Russia’s priorities excruciatingly statist and possibly self-defeating in the long run. The financial crisis seems to confirm this point beyond any doubt. This apart, the formulation of the state’s energy interest, at the crossroads of Russian energy policy and economic nationalism, is opaque and largely inaccessible. To get a grip on the interests linked to energy as a policy area in Russia, one probably needs to look at how energy and security interests are organised and their relative standing. Under Putin’s presidency, personnel from the security services were systematically appointed to important positions in the state and business administration. This is unlikely to change radically with Putin as prime minister. In the Soviet Union these services were held in check by the Politburo “[b]ut now the chekists are their own ‘Politburo’”.¹⁹¹ Their network is informal, yet rooted in and working across formal structures. In a sense it compensates for the poorly developed cross-cutting functions of the state bureaucracy itself. Being a closed system, beyond democratic, administra-

189 Lilia Shevtsova, *Putin’s Russia*, p. 398.

190 From Putin’s “Open Letter to the Russian Voters”, 2000, quoted in Bobo Lo, *Vladimir Putin and the Evolution of Russian Foreign Policy* (Oxford: Blackwell Publishing, 2003), p. 65. The full quote reads as follows: “There is not, nor can there be, a superpower where weakness and poverty reign. It is time to understand: our place in the world, our prosperity, and our newfound rights directly depend on the successful resolution of our internal problems.”

191 Olga Khrystanovskaya, “The Power of the Chekists is Incredibly Stable”, interviewed in *Kommersant-Vlast*, 22 March 2007.

tive and judicial control, it fosters corruption and thrives on a complex structure of reward and dependence. The Foreign Ministry is not in a position to play a decisive role in defining and shaping – the increasingly important – energy dimension of Russian foreign policy. Rather, Gazprom plays an influential role at the forefront of energy policy, but under the auspices of the Kremlin.¹⁹²

State capitalism – from resource curse to state curse?

Through de-privatisation of strategic sector industries and the steady rise in prices of raw materials since the turn of the century, the Russian state was gradually turned into a politico-economic powerhouse. Controlling strategic assets and resources on Russian territory was vital to the project. If strategic natural resources slip from the government's immediate control, so too do the most important means of attaining power, this logic says.

Khodorkovsky's arrest in October 2003 may stand as a milestone of an era characterised by the further strengthening of the state's role in the oil sector and a new round of redistribution of petroleum assets.¹⁹³ Big business and politics in Russia are still reserved for the few, but only if they rally behind the state. Most observers conclude that business is in the state's pockets, and not the other way around; bureaucratic authoritarianism thrives within a system run for and by the state.¹⁹⁴ Ultimately, however, state capitalism in Russia may represent a potential state curse and resource curse.¹⁹⁵ How did it come to this?

The “lesson learned” by Putin from the Yeltsin years was that relying solely on market forces will not enable smooth economic transition. As Putin emphasised during his 2004 presidential campaign, the “premature globalisation of the Russian economy” will lead to greater hardships for most Russians.¹⁹⁶ In an

192 Robert Larsson, *Russia's Energy policy: Security Dimensions and Russia's Reliability as an Energy Supplier* (Stockholm: Swedish Defence Research Agency (FOI), 2006), pp. 132–134, 172–260.

193 Baker Institute Energy Forum, *The Energy Dimension in Russian Global Strategy*, executive summary (Houston TX: James A. Baker III Institute for Public Policy of Rice University, 2005), p. 2.

194 Shevtsova, *Putin's Russia*, pp. 322–351.

195 Vladimir Mau, “Strengths and Weaknesses of the Russian Economy”, *Russia in Global Affairs*, vol. 5, no. 1, January-March (2007): 98–116. Pavel Baev, “Russian Economic Dynamism Undermined By ‘State Curse’”, *RussiaProfile.org*, 2007 [online]. Jason Bush, “Russia: The curse of \$50 a barrel. Why steep oil prices could prove catastrophic for the country's economy”, *BusinessWeekOnline*, 16 May 2005 [online]. On who controls whom, see Stephen Kotkin, “It's Gogol, Again”, in *The Energy Dimension in Russian Global Strategy* (Houston: James A. Baker III Institute for Public Policy of Rice University, 2005).

196 Baker Institute Energy Forum, *The Energy Dimension ...*, Executive Summary, p. 7.

analysis of Russian petroleum politics, Martha Brill Olcott draws attention to a dissertation authored by Putin on “Mineral Raw Materials in the Strategy for the Development of the Russian Economy”, while he was at the State Mining Institute in St Petersburg at the end of the 1990s.¹⁹⁷ What Putin construes as private ownership of strategic resources and assets hardly matches what the West would consider to be full ownership rights. According to the text, industrial groups are to operate within the framework of the state, which has the

right to regulate the process of the acquisition and the use of natural resources, and particularly mineral resources, independent of on whose property they are located; in this regard the *state acts in the interests of society as a whole, as well as in the interests of the private owners whose interests conflict and who need the help of state organs of power to achieve a compromise.*¹⁹⁸

Although the new Russian petroleum bonanza has in reality barely begun, internal developments give cause for concern in terms of how Russia is organising its petroleum sector, including a lack of transparency and disregard for the rule of law. The Russian economy has until lately been surfing ahead on high oil prices, but the reliance on oil and gas also reveals its latent weaknesses. The combined effect of plummeting oil prices and lack of foreign investments are dealing hard blows to the economy. The state budget, originally fixed at a modest oil price of 70 USD when the market price was twice this level, has been readjusted to 50 USD in order to be in balance. Two mutually reinforcing negative factors are now at play and threaten to aggravate the general economic situation further. First, Russia’s petroleum business is relatively insulated and decision-makers are not forced to align economic interests with the rules and mechanisms of a transparent and strictly commercial marketplace. Second, political decision-makers align their personal interests with the state’s, and, in so doing, reinforce a system based less on the separation than on the centralisation of power. Domestic circumstances underpin a system in which energy interests become indistinguishable from the security interests of the corporate state.¹⁹⁹ Some of the recent bail-outs of oligarchs by the state have been difficult to understand and criticised for their negative knock-on effects on economic actors further down

197 An abstract of the dissertation was published as “Notes of the Mining Institute”, January 1999, see Martha Brill Olcott, “Vladimir Putin and the Geopolitics of Oil”, in *The Energy Dimension in Russian Global Strategy*.

198 Quoted in Olcott, *ibid.* p. 19 (emph. added).

199 See Larsson, *Russia’s Energy policy*; in the corporate state, “private companies cannot take control from the state (*as the state speaks for the Russian people*)”, p. 48 (emphasis added).

the echelons. Commercialisation of power structures has been accompanied by a law-enforcement system attuned to political dictates. Critics claim that Russia has been putting the natural rent at risk and let itself become vulnerable to the negative impacts of petroleum affluence.²⁰⁰ Much too little was done to remedy the situation when macroeconomic fundamentals were good, with a budget in surplus, positive foreign-exchange reserves and a generally sound fiscal policy. Now that the economy is no longer profiting from favourable external conditions, Russia's internal social and economic situation, viewed in its totality, may become untenable in the longer term.

Based on the discussion above, one may conclude that Russia's energy politics is predominantly state-centric. Economic power is concentrated in the hands of the state, just as political power and control over the state are centralised. Energy cooperation with Russia is thus predicated on the premise of an omnipresent state. This does not mean that the securitised *étatisme* of Russia is a well-structured process and that the state's interests are easily discerned. But one factor seems overriding; the quest for sovereign control. Political life and economic activity in Russia present themselves in a particular form of sovereigntism, which illustrates the normative distance from the West as to the legitimate roles and interests of the state. Today, policy-makers in the West increasingly see human rights, environmental protection and economic development as complementary. There is a rising awareness of the interdependence between such areas. Recent trends suggest that integrated resource management is conducive to social development and to sustainable economic growth. They require flexible, subtle and responsive state institutions. Russia is not alone in seeking to hedge over its sovereignty by resorting to economic nationalism. But its proclivity to use energy as a foreign-policy tool has led to widespread unease.

The (mis)management of energy interdependence

Energy security is a two-way dependence which in its most basic form encapsulates both security of supply and security of demand in stable producer-consumer relations and predictable market conditions.²⁰¹ Security of energy supply and demand played a central role at the G8 July 2006 summit in St Petersburg and is a main theme of the EU's common external energy policy. At the St Petersburg G-8 summit, state leaders agreed to set out "common goals and approaches aimed at

200 Mau, "Strengths and Weaknesses ...": 105.

201 See Helm, *The New Energy Paradigm* for further development of security of supply according to markets and sources, pp. 23–28.

ensuring sufficient, reliable and environmentally responsible supplies of energy at prices reflecting market fundamentals.”²⁰² It is not entirely clear whether Russia’s rough handling of its energy clients in the Commonwealth of Independent States (CIS) is due to a genuine concern over prices, or politically motivated.²⁰³ When trying to deal with the CIS countries, admittedly in an abrupt and politicised manner, Russia has mainly succeeded in bringing upon itself nervous market responses, in addition to political animosity. This is a reminder that energy dependence is double-edged, and too important to be played as a political card, which is something Russia is gradually appreciating. It is not in the seller’s long-term interest to seem unreliable, even if his product is in great demand. At the same time, transit states do not win much sympathy in Europe by politically blackmailing Russia. 2009 started with another gas conflict between Russia and the Ukraine, ultimately harming Gazprom’s customers in Eastern Europe in the coldest months of the year. As there is no binding legal framework, such as that proposed by the European Energy Charter, Europe’s problems with energy security are not over. However, the decision to have a third party – the EU – monitor the gas flows from Russia to the Ukraine is an example of multilateralisation of energy relations that recalls vital principles of the European Energy Charter Treaty.

In principle, both Russia and the European energy market stand to benefit from the *Nord Stream* pipeline through the Baltic Sea. But transit countries in the CIS and Eastern Europe fear that Russian export diversification will reduce their own diversification of supply. They see Russia’s gain as their loss, in a traditional *kto kovo* power game reminiscent of the past. Russia’s ambition to develop an LNG export capacity is generally seen in the same light, as a way to increase Russian independence while augmenting consumer-transit countries’ dependence. On the other hand, LNG could provide the global energy market with better flexibility. Pipelines are fixed and have a distinct regional dimension. Yet, the geopolitics of pipelines and energy security may be overstated. The European market is attractive and reliable. Few genuinely seem to believe that Russia’s development of fields in eastern Siberia to serve markets in Asia is intended to harm Europe. Ironically, the crucial factor for European security of supply is *not* the Russian-produced gas as such, but Russia’s access to cheap gas from Central Asia. It is largely this gas that Gazprom re-exports to European markets. The day that Central Asia has a greater diversity of export routes, and

202 G-8 Summary, 17 July 2006, Chairman’s Report, Global Energy Security.

203 Alan Riley, “The Coming of the Russian Gas Deficit: Consequences and Solutions”, *CEPS Policy Brief*, no. 116 (October 2006).

is willing and able to use them, Russia may come under greater pressure to meet domestic and foreign commitments. The producer-consumer interdependence of energy in Russia-CIS relations is a legacy from the Soviet Union. The sooner it can be normalised, the better for Russia too, taking into account the enormous investments that Gazprom is facing to compensate for the depletion of its three supergiant fields. But the road to multi-level and sector-crossing interdependence between Russia and its energy partners and dependents, be it upstream or downstream, is littered with obstacles. IEA estimates of the need for global energy investments from 2001 to 2030 were USD 3.1 trillion, an average of USD 105 billion a year at a time when oil prices were still high.²⁰⁴ The figures also cover investment in energy efficiency and emission reduction. What they affirm is that attractive investment conditions are needed if a gas supply gap is to be avoided in the next decade, without being compensated for by massive increases in coal-based energy production worldwide. According to the IEA, there is a serious risk of under-investment in the global gas sector, and in Russia's in particular; "unless all projects currently planned are also delivered by 2010, which is unlikely."²⁰⁵ Since the Russian-Georgian war, and due to the effect of the financial crisis and plummeting oil prices being felt in full in the real economy, private capital has flown from Russia: correspondingly, investing in developing fields, other than through public funding, is increasingly difficult.

Russia's restrictive rules for foreign access to its petroleum sector do not help much in the present situation. Hydrocarbon fields on the Russian shelf are regarded as strategic. In questions of cooperation with foreign companies, Russia does not seem willing to ease its control over the natural resources any time soon. Rather, the opportunities for direct foreign ownership are waning and the investment climate is getting tougher. In the winter of 2007, a bill was put to the Duma limiting foreign ownership of Russia's strategic resources. The new legislation aims to protect Russia's strategic resources by limiting foreign companies' ownership to fifty per cent minus one share, or to twenty-five per cent minus one if the company concerned is state-owned or controlled.²⁰⁶ The bill was finally passed in April 2008 and came into force on 7 May, only a few months before oil prices started to fall. Using such legal measures, Russian authorities are seeking to avoid having their sovereignty over the state's resources

204 IEA, *Natural Gas Market Review 2006*, pp. 65–78.

205 *Ibid.*, p. 65.

206 "Law on the Procedures for Investing Foreign Funds into Commercial Organizations Strategically Important for the National Security of the Russian Federation". For an analysis, see Rob Patterson and Natalya Morozova, *Russia's Strategic Industries Law: Latest Developments* (Vinson & Elkins LLP, October 2007).

undermined. Not everything is bad about the new law, however: there is better monitoring, and rules are more clearly stated. The correct application of rules has been made less ambiguous, and there is less opportunity for arbitrary practices. The downside is that the market is still susceptible to political considerations, since there are no real institutional checks provided by market forces, independent supervisory state bodies or regulatory frameworks. Thus, in Russia there are no real barriers to mixing energy with politics. To the extent that it is possible to make inferences from the Shtokman decision of the autumn of 2006, control seems to have trumped cooperation just as conservatism and power-gaining seem to trump liberalisation and reform.²⁰⁷ It is a paradox that Russia's external strength only in a limited sense is helping it redress internal weaknesses. The concentration of political and economic power to control the state's sovereign resources incapacitates internal economic and democratic development. The energy sector is drifting away from efficient regulatory mechanisms and competitiveness. This leaves less space for multilateral legal regimes and for foreign and private multinational companies to operate in Russia. This also applies to the Energy Charter Treaty, which at the time of signing was a trade-off so Russia could gain access to European markets.

THE FOREIGN POLITICS OF ENERGY COOPERATION

Management of energy interdependence, then, seems to mean limiting external dependence to a minimum. From its position of strength, Russia may compensate for dependence by applying political and economic power bilaterally. The assumption is, thus, that energy will allow Russia to turn further towards bilateralism as its preferred foreign-policy *modus operandi*. Russia holds the key to cooperation in the North. Interests in maintaining sovereign control over strategic resources do not *per se* imply a policy that eschews international cooperation. But this requires a positive-sum approach to energy cooperation, and it is an open question whether the region is there yet. Interdependence is a difficult concept to make operational in politico-economic practice. The underlying question is how Norway (and the West) and Russia can establish and manage mutually binding energy relations.

Russia's present penchant for "sovereignism" emerges as a preventive strategy; to rein in and control the dynamics of interdependence, be they with Europe or Central Asia. Until gas flows from Shtokman, possibly by 2015, but

207 For a thorough analysis, see Arild Moe, "Shtokman-beslutningen: Forklaringer og implikasjoner" [The Shtokman decision: explanations and implications], *Nordisk Østforum*, no. 4 (2006): 389–403.

more likely closer to 2020, concern about Russia as a reliable supplier of gas to Europe is ironically less a question of Moscow and Gazprom's intentions and more of the sustainability of Russia's political relations with the countries of Central Asia. Despite tightening internal control, Russia is, in its own fashion, opening up to the outside world. Moscow does not seem overly interested in joining the West's political structures and institutions, not with the current cost in terms of institutional integration. Such institutions have so far furnished Russia with less influence than it can gain for itself by having a strong market position. But due to its foreign economic engagement, Russia is getting more deeply embedded in energy cooperation with the West. There is, however, legitimate concern about the way in which and to what extent energy is used to spearhead the Kremlin's foreign-policy interests. This poses a challenge to Europe, which ponders whether the continued liberalisation of its energy markets, including through the policy of unbundling, is indeed the best way to handle energy cooperation with Russia. One may ask what the strongest force will be: Russia's anxieties over letting the outside world in; or the EU's fear of having Gazprom own large shares in its energy retail and distribution network. The danger is, for instance, that Gazprom/Russia may succeed in re-bundling what Europe has just unbundled. Apparently, Moscow is pursuing the very same strategies and aims abroad that it is adamantly blocking for foreign and even private domestic investors within Russia. While investing aggressively abroad, Russia is engaging in an internal re-fighting of old battles from its new position of strength. Through the economic muscle of Gazprom, and assisted by the Russian bureaucracy and the judiciary, Russia has regained control over Sakhalin (II) from Shell and over the joint venture in Kovykta between TNK-BP. It seems part of a revanchist strategy, aimed at redressing old agreements concluded at a time when Russia felt that it was bargaining from a weak position. In effect, Russia may be pursuing a policy to right old wrongs. Being closely associated with Russia's more assertive foreign policy, energy may bring pivotal changes to the entire Murmansk region. The way in which the military and the energy sector may differently perceive issues of cooperation in the North is what I shall look at next.

SECURITY AND ENERGY INTERESTS IN NORTHWEST RUSSIA

The military is still a force to be reckoned with in Russia.²⁰⁸ Analyses show that the introduction of a new national security agenda with less emphasis on military threats is a slow process.²⁰⁹ There may be several reasons for this, typically tied to residual notions of territorial security and sovereignty.²¹⁰ The energy-military relationship in Northwest Russia will among other things impact on international energy cooperation in the North. Reconciling energy and military interests is thus also a question of whether Russia will attend more to economic development through cooperation and be less preoccupied with military security.

How the military and the energy sector should learn to coexist in Northwest Russia is an open question. Put bluntly, will the military securitise the energy business, or will energy desecuritize the military? The preceding analysis hints at the answer to this, but a closer regional look is still warranted. Chances are that the footprint of the energy sector will get so heavy that it may strain the relationship with the military. Both sectors are sensitive to external pressures. Little is publicly known about the military's preferences in matters of the construction and location of energy infrastructure in Northwest Russia. It may therefore be helpful to try and map out converging and conflicting military and energy interests. I shall therefore single out some specific issues of petroleum development and see which actors are involved and assess their interests. I assume that this may provide insights into who has the final say in strategic deliberations.

The military-energy nexus in Murmansk

As with other great powers, the military still enjoys particular respect and standing in the Russian state apparatus. In terms of assuring Russia's global signifi-

208 Aatland, *Russisk nordområdepolitikk etter den kalde krigen*; Shevtsova, *Putin's Russia*. Kristian Aatland, Tor Bukkvoll, Morten Jeppesen & Iver Johansen, *Hvor går Russland? Fem scenarier om Russland og norsk sikkerhet i 2030* [Where is Russia heading? Five scenarios on Russia and Norwegian security in 2030] (Oslo: Abstrakt forlag, 2005). Stephen J. Cimbala and Peter Jacob Rainow, *Russia and Postmodern Deterrence: Military Power and Its Challenges for Security* (Washington, D.C.: Potomac Books, 2007).

209 Nikita Lomagin, "Forming a new security identity", in *Russia as a Great Power. Dimensions of security under Putin*, Jakob Hedenskog et al. (London: Routledge, 2005), pp. 257–277. See also Tor Bukkvoll, *Russian Military Corruption – Scale and Causes*, FFI/Report-2005/03484 (Kjeller: Norwegian Defence Research Establishment, 2005).

210 Williams, *The Ethics of Territorial Borders*, p. 116.

cance, only the energy sector can match the military. The energy sector is imposing itself as provider of economic and social security to Russian society. One may therefore expect the energy sector to challenge the military's standing and power to define issues of national interest. Indeed, in the northern regional *oblasts* energy interests are encroaching on a territory where, physically and functionally, the military has enjoyed hegemony. Moreover, petroleum revenues ultimately pay for the increases in spending that the military is currently enjoying.

The regional administration, in particular the office of the governor of Murmansk *Oblast*, is somehow situated in the narrow space between the interests of the energy and military sectors. Being a presidential appointee, the governor of the Murmansk Region is not without power and may in fact be a rising political factor. But it would nonetheless be wrong to expect him to hold much sway over energy or military interests. Regional heads probably lost more real power than they gained through the de-regionalisation process under Putin.²¹¹ Difficult issues are as a rule dealt with and solved in Moscow, not in Murmansk.²¹² The governor tends to sympathise with the energy industry, and the federal centre takes a direct interest when questions of energy and security are broached.²¹³ Although not much is documented in open sources about the security overlay for Russia's strategic energy considerations in the North, looking at the outcome of instances when the interests of energy and security have met provides some clues.

The overall impact of industrial and infrastructural developments for energy will challenge the military's habitual desire for secrecy. Whether an increased international presence will be acceptable to the military and the security services remains to be seen. Chances are that either the military will have to lower its requirements for secrecy, or that the energy sector will gradually be securitised. Capacity building related to energy involves converting military areas and infrastructure as well as starting huge new construction projects close to military bases and facilities. The choice is either to co-locate and convert certain oil terminals and refineries to civilian use, or to operate separate civilian and military facilities. Notably, there are concrete plans to demilitarise and construct a civilian terminal at Lavna on the western side of the Kola Bay, and to open up for civilian use of the military infrastructure at Mokhnatkina Pakhta.²¹⁴ Both

211 Vilhelm Konnander, "What prospects for Russia in the Baltic Sea region? Cooperation or isolation?" in *Russia as a Great Power. Dimensions of security under Putin*, Hedenskog et al. (London: Routledge, 2005), pp. 109–129.

212 Interview, Regional Administration, Murmansk, 21 June 2007.

213 Ibid.

214 Ibid. and Aatland, *Russisk nordområdepolitikk etter den kalde krigen*, respectively.

locations are close to Murmansk city. On land, several large-scale energy-related infrastructure projects are envisaged: the construction of a deep-water crude oil terminal, including reloading and storage facilities, an oil refinery and a natural gas liquefaction (LNG) plant. They are directly tied to the ambition of making Murmansk a major petroleum outlet to international markets. For the port of Murmansk itself, the plan is to modernise and establish a special economic free zone. The LNG plant, for the gas from Shtokman, was initially to be located at Vidyaevo on the Barents Sea coast some forty-eight kilometres from Murmansk. But due to conflicting military interests, it will be relocated to the more remote settlement at Teriberka.²¹⁵

The ambition to make Murmansk an energy export hub was at one stage politically linked to the US-Russia energy dialogue, and symbolised the positive turn in their bilateral relations. Russia's focus was on acquiring better access to crude markets worldwide, and the US in particular. Later, delivery of LNG to the US market was added as an ambition.²¹⁶ Their reciprocal interest in closer energy cooperation was also security-driven. It originated in part from the US's desire for greater diversification of supply to lessen its reliance on the Middle East post 9/11. Energy cooperation was a central topic at the US-Russia summit of May 2002, and was followed by the bilateral "energy summit" in Houston later the same year. This cooperation soon ran short of political steam, however, and energy development projects in Murmansk suffered a loss of impetus. Since 2006, and linked to the strategic decisions about the Shtokman development, attention has shifted towards the European gas market and to pipelines. The plan for a liquefaction facility in the Murmansk area for the gas from Shtokman has not been discarded, although it was originally intended to serve the US market. It is improbable that the recent downturn in US-Russia relations will be allowed to stand in the way of mutually beneficial energy relations for very long. To Russia, the commercial arguments in favour of exporting gas to American and European markets are too important to be ignored. The world market for liquefied gas is expected to grow considerably and Russia will need to diversify both its means and routes of exportation. In autumn 2006, when Gazprom apparently shifted its priorities from LNG for the US to piping gas directly to European markets, it was most probably acting on instructions from the Kremlin.²¹⁷ The implication of the decision is that Russia will not ship LNG from Shtokman to the US within the timeframe and in the volume earlier intended. Possibly a silent

215 Interview, Regional Administration, Murmansk, 21 June 2007.

216 Brunstad et al., *Big Oil Playground* ..., pp. 81–88.

217 Moe, "Shtokman-beslutningen".

acknowledgement of the fact that they would not be able to honour their commitments was part of the motivation.²¹⁸ However, the decision could also reflect Russia's reluctance to rely too heavily on the US gas market, given the politicised nature of their energy relations, and that Russia wanted a stronger foothold in Europe too. In any case, the Shtokman decision signals an orientation towards Europe as Gazprom's chief energy partner. It may further reflect nervousness in Gazprom about the huge task of producing gas for domestic consumption while still managing to supply European and even US markets. Yulia Tymoshenko makes this case, saying that "[i]mpending shortages (..) may explain why Gazprom abandoned its plan to send gas from the Shtokman field (..) to the US market as liquefied natural gas and diverted it to Europe instead. The decision (..) may actually have been a sign of desperation: sending Shtokman gas to Europe would free up Siberian output for domestic consumption."²¹⁹

Murmansk is emerging as an important gateway to international markets, the open seas and military strategic staging areas. Putin's visit to Murmansk in May 2007 was the signal to start working on a comprehensive Russian policy for the North. To enhance the capacity for coordinating Russian policies for the North, it was reportedly decided to set up a Russian "National Arctic Council", consisting of the most relevant ministries and state organs, including the Ministry of Foreign Affairs, Defence, the Federal Security Service (FSB) and regional administrations. This may indicate the added importance that Moscow now seems to put on a more coherent Russian policy-making for the North. While the idea of a Russian National Arctic Council resonates well with general national priorities of security and sovereignty, it is unclear what specific role and mandate it is to be given in international cooperation in the North, if any.²²⁰ If the council is not established, some of the ambitions behind it will surely be taken care of by the forthcoming Russian strategy for the Arctic, although this would probably accord regional authorities even less influence.

218 Yulia Tymoshenko, "Containing Russia", *Foreign Affairs*, May/June (2007): 69–82.

219 *Ibid.*: 78–79.

220 Interview, Regional Administration, Murmansk, 21 June 2007. When this question was raised, the Regional Administration seemed unenthusiastic about the council, letting it be understood that it was a Moscow idea in which they had little ownership. They were not familiar with any specific mandate, and had doubts that the council would ever materialise.

The changing identity of Murmansk

New infrastructure is critical if Murmansk is to develop into a petroleum capital and major export hub. Currently, and until a large-scale reloading capacity on land becomes a reality, a super-tanker (the “*Belokamenka*”) operated by Rosneft and lying at anchor in the Kola Bay is the oil terminal. Tankers ship oil from the Timan-Pechora province and western Siberia to Murmansk and load it directly onto the single-hulled “*Belokamenka*”: from there it is shipped further on to international markets.²²¹ This is symptomatic of the situation. The commercial potential of Murmansk and other ports in the region is underutilised, chiefly due to the dilapidated port infrastructure and the poorly developed railway connection between ports and inland areas. Regional and federal authorities are increasingly concerned that too much of the goods shipped out of Russia are exited via foreign ports, such as those in the Baltic states.

At the time of writing, Medvedev has not yet visited Murmansk as president. Putin, accompanied by a large governmental entourage, was the last president to visit on 2 May 2007. The visit was centred on the Kremlin’s interest in developing maritime transport and energy-related infrastructure in the Murmansk region.²²² While unspecific about the start-up of construction projects, Putin said that by 2015 export of petroleum products from Murmansk would increase considerably: he thus indicated a date for Shtokman to go on-stream. Between 2015 and 2025, the development of the Timan-Pechora and Yamal fields will similarly increase the need for modern petroleum export facilities in Murmansk. Putin emphasised the need to upgrade ports to meet international standards and prioritised the port of Murmansk and near-by oil terminals. The strategic vision for the Murmansk region is integration in the global maritime transportation system by meeting the demands generated by petroleum activity off-shore, and by developing port infrastructure to make the Northern Sea Route commercially attractive. Putin ended his visit by reminding those present of the need to secure Russia’s *strategic interests* in the region, and the Arctic as a whole, in particular by reconciling economic, scientific and military interests.²²³

221 The environmental hazards involved in such reloading at sea, instead of from a land-based terminal, are debated. Not all environmental NGOs are worried. The environmental dimension of energy development was addressed by Putin when he visited Murmansk on 2 May 2007; interviews with the Murmansk offices of Bellona and the World Wildlife Fund for Nature (WWF), 19–20 June 2007.

222 Cf. Vladimir Putin, “О развитии инфраструктуры морского транспорта Российской Федерации” [On the development of maritime transportation infrastructure in the Russian Federation], 2 May 2007, *President of the Russian Federation* [online].

223 Ibid.

Energy development could decisively transform the identity of Murmansk from military bastion to petroleum capital. For the military, there are both opportunities and challenges involved in this. As noted above, it is difficult to know how the regional military leadership and the Ministry of Defence in Moscow view large-scale energy development in the Murmansk area: is it a threat or something to be encouraged? The impact of security on political deliberations seems to be as influential as it is difficult to assess. One analytical point of departure is that the military and energy sectors are somehow fated to coexist in the North. The very same reasons that make Murmansk suitable for the Northern Fleet – ice-free ports, waterways deep enough for large surface vessels, direct access to the Atlantic and so forth – explain its attractiveness to the energy industry – in addition to the fact that it is off-shore and on-shore in Northwest Russia that the next generation of important petroleum deposits is located.

The opportunities of the North started to attract the attention of private Russian petroleum companies in the early 2000s. Immediately following the 2002 Houston summit, four Russian companies stated their joint interest in constructing an expensive oil pipeline from western Siberia to Murmansk and the oil terminal there. The price for the oil terminal was an estimated 300 million USD, the pipeline some 3.4–4.5 billion USD according to the route chosen.²²⁴ The fate of some of these companies indicates that their involvement in pipeline policy-making was at a considerable risk. The companies were Lukoil, Yukos, Sibneft and the then TNK. The last of these is now TNK-BP; the others have either been sold, or have been taken over by or coexist in a non-competitive relationship with the state-controlled Russian national champions, Gazprom and Rosneft. The Yukos/Khodorkovsky case is still veiled in mystery, and it is difficult to find trustworthy information about the authorities' deeper motives. However, in a detailed analysis, the Swedish Defence Research Agency concludes that the threat to Putin posed by the political activities of Khodorkovsky was not the essential issue.²²⁵ Yukos was setting priorities for the Russian oil industry that were perceived as intruding on the Kremlin's external energy policy. It apparently came to the point that the federal centre needed to set an example and rein in private economic power, lest others follow in Yukos' tracks. At the time of Khodorkovsky's arrest, Yukos was pursuing several projects which had foreign-policy implications. Of particular importance was Yukos' ambition to tie more of its sales directly to the US oil market and its involvement in pipeline

224 Aatland, *Russisk nordområdepartitt etter den kalde krigen*, p. 18.

225 Larsson, *Russia's Energy policy*, pp. 89–114.

projects to Murmansk (and China) against the wishes of the Kremlin.²²⁶ Both of the pipeline projects have since been adopted as Moscow's policy. This indicates that Moscow was primarily driven by the urge to make a point, namely that "decisions on infrastructure developments are taken by the state, not private companies."²²⁷ Equally worrying to the Kremlin, Yukos was engaged in foreign acquisitions (including in Norway)²²⁸ and was planning to trade off substantial shares of its Russian assets. Figures vary, but estimates are that the proposed sales to ExxonMobil or Chevron Texaco were in the range of twenty-five to forty per cent.²²⁹ Documents to this effect were apparently being drawn up, making it imperative that the Kremlin act before it was too late. The figures are difficult to verify. But the crucial issue is that the foreign shares could very well have exceeded the ceilings stipulated in the legislation planned. Such legislation would regulate the foreign ownership of natural resources and infrastructure for distribution of strategic importance to national security.²³⁰

Although there are vast open areas in the North, much of the new energy infrastructure and many of the facilities will have to be located in areas already occupied by the military. While capitalising on the infrastructure already in place rather than building new facilities is tempting, practical challenges arise from the operational and logistical needs of the Northern Fleet, whose strategic fuel reserves are stored at the facility in Mokhnatkina Pakhta. Since the mid 1990s, Russian oil companies have enjoyed access: for instance, Lukoil's arctic tankers have been able to use the facilities, and a deep-water pier have been constructed to support operations. But opening up the naval terminal to foreign commercial companies would be a big step for the military. As the Russian state has assumed ownership of strategic networks for transportation and distribution, concerns over sovereign control and security on land should be less acute. As to off-shore installations the picture is mixed. The Barents Sea is primarily a transit area for the Northern Fleet's strategic arm. Their deployment areas lie further towards the north, under the ice cap. There is little reason to expect that rigs and sub-sea pipelines would seriously hinder the fleet's movements, although the noise the pipelines generate might affect submarine operations. Due to the generally high level of military control over the area, it seems improbable that such installations could be used for hostile intelligence gathering or surveillance. But security

226 Ibid, p. 106.

227 Ibid.

228 In 2001, Yukos made a bid for a stake in the Norwegian companies Kværner Hydrocarbons and Kværner Process Technology. The deal was never concluded.

229 Olcott, "Vladimir Putin and the Geopolitics of Oil", p. 13. See also Larsson, *Russia's Energy policy*.

230 Cf. Patterson and Morozova, *Russia's Strategic Industries Law*. See supra note 206.

concerns remain important. There is a theoretical possibility of a terrorist attack, but this risk would be low since the waters are constantly patrolled and control easily maintained. But the mere physical existence of installations in the Barents Sea may induce the military to play the security card to strengthen its hold over the energy sector, the FSB and the area as a whole. Formally, the FSB is in charge inside the 200-mile economic zone. The military will be responsible for the security of installations on the Russian shelf outside of the exclusive economic zone, including Shtokman.

Military and energy interests – collision or coincidence?

There seem to be four overall areas of consideration for the military as far as establishing a large-scale petroleum industry in the Murmansk area is concerned.²³¹ They may be grouped according to the following interest variables: business-oriented and partly coinciding with energy interests; rooted in local security concerns and partly colliding; practical and possible to reconcile; rooted in global security concerns and overriding all other concerns. One may expect that solutions at the practical and largely pragmatic end of the scale will push towards desecuritisation. In contrast, solutions lying at the power-political and largely symbolic end of the scale will pull towards securitisation. In all four areas there are push and pull factors. By “boxing” them together according to the real issues being discussed, it may be possible to get a general impression of the direction Northwest Russia is taking in the short to medium term:

First, assets and resources raise questions of actor rationality and of perceptions of economic interest. Business-oriented interests may make the military want to up the market value of their possessions and assets. During Putin’s working visit to Murmansk 2 May 2007, the governor of the Murmansk Region, Yevdokimov, used the occasion to solicit help from the federal centre to speed up the conversion of land areas from military to civilian use, so that a new oil terminal at Lavna in the Kola Bay could be constructed. He lamented the military’s reluctance to release land plots of little military value, but which were needed for energy and development.²³² Evidently, this reluctance is rooted in the military’s problems of status, identity and purpose after the Cold War. But also, one may suspect, the military is becoming aware of the rising value of the territory and facilities under its control and is seeking to optimise the situation.

231 See also Aatland, *Russisk nordområdepolitikk etter den kalde krigen*, pp. 18–19, for a thorough discussion.

232 Interview, Regional Administration, Murmansk, 21 June 2007. Yevdokimov’s pleas were also reflected in the news coverage of Putin’s visit.

The potential sale of valuable land and assets to energy interests probably also leads to some corruption.²³³ The question of status is symbolic to the extent that it illustrates the post-Cold War deterioration of the military sector as a whole. Again, this is why the military is the first to recognise the practical importance of energy development for Russia's great power ambitions, and that the energy industry provides the financial backbone needed to retain strategic naval power. The tragic loss of the K-141 *Kursk* nuclear submarine in August 2000 came to symbolise the "sinking" of the image of the Northern Fleet, which had been neglected and suffered financial cut-backs throughout the 1990s. Thus, status is a practical question too, and opens up a field of coinciding interests. The emerging opportunities of doing business locally represent a way for the military to regain importance, and to situate itself closer to the sources of financial and economic power. As early as 1999, Lukoil and the Murmansk regional administration signed a protocol on the construction of an oil refinery in Mokhnatkina Pakhta.²³⁴ Construction should have started by the year 2000, but the Ministry of Defence succeeded in stalling the project.²³⁵ Military presence in the North may serve the interests of the oil companies too. Apparently Lukoil director Alekperov approached the General Command in Moscow as early as in 2002 with proposals of cooperation. He referred to how the US used its military to defend the commercial interests of US companies. Alekperov may in fact have taken his views to the Duma and the Kremlin to argue for more money for the Northern Fleet.²³⁶ The petroleum industry and the military could thus be engaged in identifying common interests. This process was given added purchase thanks to Lukoil's formal cooperation agreement in April 2007 with the Russian Foreign Ministry. This agreement, which is to remain in force until 2012, could have important foreign-policy connotations. Through Lukoil, the Russian state will be allowed more access to and control over international operations. Reportedly, state-owned Rosneft is poised to take control over Lukoil's national oil resources through a joint venture arrangement, while Lukoil, with the assistance of the Foreign Ministry, will seek to engage further in upstream and downstream activities internationally. Such agreement with the federal centre may, however, be considerably easier to achieve than finding suitable arrangements to resolve concrete local problems.

Second, therefore, there is the instrumental side of local cooperation involving facilities and assets being shared. Terminals, refineries and an LNG

233 See Bukkvoll, *Russian Military Corruption* ...

234 Aatland, *Russisk nordområdepolitikk etter den kalde krigen*, p. 19.

235 Ibid.

236 Ibid, p. 26.

plant close to the naval base and its logistics facilities could hamper the Northern Fleet's freedom of action and even pose a security risk. In addition, military activity and weaponry could pose a risk to shipping, handling, storing, liquefying and refining petroleum products. It might also be difficult to reconcile the navy's need for military secrecy with an international presence and commercial activity. It will prove impossible to turn the region into an important trade outlet for energy and commodities without considerably easing current restrictions on access for foreigners and Russians alike. An issue which may prove decisive in determining who has the last word, the military or energy and regional interests, is the future location of a planned LNG plant. As mentioned above, its economic importance is unquestionable. The location of the liquefaction facility determines the reception point for the pipelines from the Shtokman field. A decision was initially made to place the plant at the settlement of Vidyaevo, situated in the Kolsky district of the Murmansk *oblast*. The problem with this location, however, was that Vidyaevo is situated close to the naval bases of the Ura Bay (*Ura Guba*) and the neighbouring Ara Bay (*Ara Guba*). The bases are still operational, including for nuclear submarines. In the Ara Bay, the most important military-strategic base, there are also nuclear storage facilities. The bay serves several classes of nuclear submarines: the Akula, Sierra and Oscar II classes. Vidyaevo (Ara Bay) was the home base of the K-141 *Kursk* (Oscar II). Preparatory work at Vidyaevo encountered repeated set-backs due to security restrictions, in particular access for foreigners. In 2007 Hydro was suddenly stopped from entering Vidyaevo to conduct work commissioned by Gazprom.²³⁷ The assignment includes the use of sophisticated technological instruments for monitoring conditions in the ground and on the seabed, and is necessary for the construction of pipeline facilities for the liquefaction plant. Other locations would make the large-scale export of LNG by ship cumbersome and impractical: in fact there was only one other realistic location, at a settlement east of the mouth of the Kola Bay, called Teriberka.²³⁸ Teriberka was the military's choice. It was for some time considered a likely candidate for the LNG plant, but had eventually been rejected. The energy interests preferred Vidyaevo, since it is more favourably situated in terms of access from the sea and from Murmansk. An additional factor was that the inhabitants of Teriberka, a small fishing village, had objected to an LNG plant being built there. Finally, however, the decision to go for Vidyaevo was reversed due to the military's objections.²³⁹ While it is risky

237 Interview, Hydro, 30 May 2007.

238 Ibid. Confirmed in interview with the Regional Administration, Murmansk, 21 June 2007.

239 Interview, Murmansk Regional Administration, 21 June 2007.

to generalise from one particular incident, the Vidyaevo case is telling in terms of assessing whose interests are structurally given precedence when military and energy interests collide.²⁴⁰

Third, the military may feel crowded out of a region where it has traditionally been in charge of a whole set of complex civil-military activities, and been recognised as the most influential state institution. It may be loath to let go of its long-standing exclusive rights over land, facilities and infrastructure. It may fear that more supertanker traffic in the approaches to the Kola Peninsula will place practical limitations on the fleet's freedom of navigation in the same waterways. The risk of congestion in the approaches to Murmansk, however, should only be a minor issue for the military, since the Northern Fleet rarely depends on navigating the Kola Bay as all its important bases are located elsewhere. Unproblematic are probably the plans to construct an inter-connector pipeline linking Shtokman gas via Teriberka to the *Nord Stream* gas highway supplying Europe. Gas from Shtokman not intended for liquefaction could then be piped directly to the European market, thereby providing Gazprom with more opportunities for diversifying export. But such plans, although already on the drawing-board, are not known publicly in full detail. Due to the decision to relocate the liquefaction plant and therefore also the gas reception facility for the gas from Shtokman to Teriberka, a new inter-connector trajectory will have to be drawn up. The pipeline must be expected to pass alongside Murmansk city and further to the south. Here the military security problems are minor compared to those involved in laying the pipeline inter-connector further on from the Ara Bay. Another problem, though, is the newly established fifteen-kilometre wide security zone controlled by the FSB (covering the border areas and the coastal belt, including the locations of both Vidyaevo and Teriberka).²⁴¹ Any access to the zone, for Russian nationals and foreigners alike, has to be reported to the FSB in advance. In addition, the military will impose security checks on foreign ships approaching the LNG plant or Murmansk port. None of this augurs well for the commercial attractiveness of Teriberka for foreign LNG tankers. Nei-

240 Representatives of the Murmansk Regional Administration were outspoken and forthright in their frustration over the "conservatism of the military" and the difficulties that the regional authorities consistently met in coming to terms with the leadership of the Northern Fleet on regional development plans and on the conversion of unused military real estate to civilian purposes. Interestingly, this impression was corroborated by FSB officials in a separate meeting, and demonstrates the tight relations between the FSB and the Regional Administration. It was unfortunately not possible to interview officials from the Northern Fleet or other military staff.

241 For a long period, the general impression was that the zone was to be twenty-five kilometres wide. This was rectified by Russian authorities in the summer of 2007. Cf. interview with the FSB in Murmansk 19 June 2007.

ther does it bode well for the economic viability of the terminal at Lavna and a modernised port of Murmansk, unless restrictions are managed in flexible and expedite ways. Taking into account the Russian penchant for securitisation and general administrative sluggishness, this seems unlikely.

A *fourth* overarching security factor is the strained relations between Russia and the United States and how this may impact on the general political climate in the High North. In this respect, the future importance of the Barents Sea to the Russian military should not be underestimated. The relative importance of Russia's strategic submarine capability in the North has increased as a consequence of the federal budget's reduced spending on conventional arms over the last ten to fifteen years. Another reason is that nuclear parity with the US is still fundamental to Russia's self-image as a great power. Russia's nuclear ambition acquired new political significance due to the US's unilateral retraction from the ABM treaty, resulting in Russia's subsequent retreat from START-II. With the introduction of the new nuclear-powered ballistic submarine, the *Borei* class, fitted with the new *Bulava* missiles, and the upgrading of the Northern Fleet, Russia remains a strategic player second only to the US. According to current plans, the first three new submarines will be deployed in 2010, and a total of five are planned for 2015. The *Bulava* programme may, however, be delayed due to a series of test failures. Strategic security considerations will ultimately trump all other interests in the foreseeable future, including lower-level security or economic interests. To the Russian military, the US's plans to deploy interceptor missiles in Europe – i.e. the plans for a radar installation in the Czech Republic and the missile facility in Poland – must have been a decisive factor in its prioritisation of the nuclear capacity of the Northern Fleet, and this influenced the reversal of the original decision to construct the LNG plant at Vidyaevo.

The general impression, then, is that of a gradual securitisation of energy interests in the North. This development is probably partly unintentional, in the sense that it is not part of any grand design. The general lack of an authoritative policy coordination forum for the region as a whole gives the military considerable freedom of action within its local sphere of interest. A policy instrument for the North could, theoretically, follow the call for a Russian Arctic Council, which was meant to shape an overall Russian policy for the North. But it is highly uncertain whether it will ever overcome the first major hurdle, which is to constitute itself in a meaningful way as a coordinating instrument amidst all the regional and federal interests related to energy, security and sovereignty. So far it does not seem to exist even on paper. Events thus vindicate the negative presentiments voiced concerning the future of the council by the Murmansk regional administration. For the time being, therefore, it is the responsibility of the Security Council in Moscow to formulate, coordinate and implement Russia's poli-

cies for the Arctic as a whole. Unless a broad policy forum including regional interests is established, the most likely outcome is a continuation of the present narrowly defined administrative practices. If politico-administrative inertia ultimately prevails, the Russian government's capacity for cohesive policies and the implementation of such in and for the Arctic will be additionally reduced. Who would then be the driving force behind the coordination of Russian policy for the North if not the federal centre itself? The most likely alternative is the energy sector, namely Gazprom and possibly Rosneft in unison. But indecision seems the more realistic option. Most likely the military will still have a foot on the brakes, whoever is in the driver's seat. In this respect, the influence of geopolitical sentiments must be expected to be brought more to the fore.



Figure 3: Military and fuel installations on the Kola Peninsula. (Image: Bellona.)

GEOPOLITICS AND SOVEREIGNTY

Bilateral considerations and sovereignty issues

There are, as noted before, two principal issues of sovereignty between Norway and Russia; the question of the status of the 200-mile zone and the shelf around the Svalbard archipelago, and the delimitation of the sea and shelf in the disputed parts of the Barents Sea.²⁴² In the case of Svalbard, Norway stands relatively alone with regard of the other treaty signatories, of which Russia is but one. However, Russia's Arctic history, political weight and physical presence provide it with a special position. In the case of the delimitation of the Barents Sea shelf, Norway is alone in dealing with Russia. Whether there is a connection in Russia's thinking between the delimitation of the Barents Sea shelf and the Svalbard issues is a relatively open question. Legally they are not related; politically they may very well be.

Questions of delimitation and the right to exercise national sovereignty and authority at sea, as on land, basically boil down to the norms of international society and the rules of international law. Sovereignty, although rigorously material in its territorial sense, is in its institutional sense a social phenomenon situated at the centre of the nexus of law and politics in international society. As to Svalbard, there are many interested states and stakeholders to take into consideration. Nonetheless, the Norwegian-Russian axis is central to international cooperation on Svalbard issues. In this section I shall first discuss how aspects of Russia's "sense of self" as an Arctic nation may impact on the prospect of settling outstanding issues of sovereignty in the High North. Then I look at the two cases mentioned above and suggest a political, rather than legal, way forward.

Sovereignty and polarisation

The 1826 border agreement between Norway-Sweden and Russia finally ended the mediaeval system of joint territorial possession in the North.²⁴³ Modern state sovereignty excludes having two sovereigns in the same territorial space. Within the logic of modernity, one state's territorial gain is the other's loss. For all the attention to integrated resource management across borders, ecosystem-based

242 Norway and Russia have decided that one delimitation line shall be common to both zones, cf. Tresselt, "Norsk-sovjetiske forhandlinger ..."

243 Jackson and Nielsen, eds, *Russia-Norway*, p. 63.

approaches to environmental protection and regional impacts of climate change, the High North has not yet reached the age of “late sovereignty”, characterised by advanced and mature stages of modernity.²⁴⁴ This is, in a sense, puzzling, at a time when current (post-modern) challenges seem to depend on the ability of states to turn the zero-sum logic of sovereignty into positive-sum opportunities. The explanation for this is that the social structures of globalisation have yet to acquire their own international spaces, beyond the territorial and functional reaches of states.²⁴⁵ The renewed trend of polarisation will further keep such development in check.

States are the primary subjects of international law; no other international actor holds a similar position in international society. As the international challenges associated with globalisation are becoming more complex, states’ individual and collective repertoires for managing them are slowly but surely enhanced. States change by adaptation, and themselves become more complex, but at different speeds.²⁴⁶ This process is driven by the external demands of particular issue areas, such as energy or climate security. Yet the underlying norms, rules and practices of sovereignty are resilient to change as these are embedded in the system of the international order. Changes need to be evolutionary and incremental lest the harmony of the ordering institutions of international society be unsettled. With global politics turning towards a more multipolar order, the ocean areas of the Arctic take on added geostrategic significance; as a resource area they are not fully developed, and as territorial frontlines they are not fully settled. With so much at stake in the Arctic and so many interests involved, the Barents Sea, broadly defined, emerges as one of Russia’s last geopolitical spaces. When the questions regarding the zone and shelf around Svalbard are finally settled, and the delimitation of the Barents Sea is ultimately achieved, then the last and absolute borderline between the East and the West will in a sense be demarcated too. Stretching all the way to the North Pole, the borderline may carry new symbolic meaning. Will the Russians look at it as a line of cooperation or as an East-West frontline intended to fence them in in Eurasia? The answer probably lies in the quality and character of the future geopolitics of the region.

244 Neil Walker, “Late Sovereignty in the European Union”, in *Sovereignty in Transition*, ed. Neil Walker (Oxford: Hart Publishing, 2003), pp. 14 and 31, 32. The “pooling” of sovereignty characteristic of the EU is, according to Walker, situated within this logic. Late sovereignty equals an advanced and mature stage of modernity.

245 See discussion of “transnational societies” in Buzan, *From International to World Society*, pp. 207–212. See also Bardo Fassbender, “Sovereignty and Constitutionalism in International Law”, in *Sovereignty in Transition*, ed. Neil Walker (Oxford: Hart Publishing, 2003), pp. 115–143.

246 On the development of the state as an international institution, see Holsti, 2004, pp. 28–72, and Buzan, *From International to World Society*.

Nurtured by its zero-sum understanding of sovereignty and geopolitics, Russia tends to suspect the West of encroaching on its spaces with a view to containing it.²⁴⁷ The enlargement of NATO, in particular with the membership of the Baltic States, draws a line between the West and Russia of which the northern part, from the south of the Barents Sea to the North Pole, now constitutes the missing link. It is probably worth noting that Russia feels more tightly encircled now than during imperial times and the Soviet era; in other words, not only smaller, but also more alone.

Cooperation with Norway in the North gives Russia an opportunity to engage in friendly relations in a geographical and resource area that matters much to it. An element of rivalry will exist since not all interests are shared, and since Norway is politically and economically tied to Western structures with which Russia has ambiguous relations. At present they are strained, with time they may stabilise and again become less tense. But some element of rivalry seems to be unavoidable in an international system in which power-balancing and multipolarity are still core mechanisms of the world order. In this context, Norway offers constructive cooperation with which Russia can engage without entering into the kind of integration for which it is not ready. In brief, Norway offers Russia an opportunity for relatively benign bilateral relations in a northern resource area of high strategic importance to it. This may leave Russia with a sense of sovereign comfort, partly due to the power asymmetry and because Norway is generally seen as an honest broker. Russia cannot in the foreseeable future develop its fields on the shelf and bring the necessary infrastructure into place without technologically more advanced foreign partners. This is the instrumental side of the argument, and may provide Norway with a regional edge. But in addition, Russia prefers to consort with other “friends of multipolarity”, such as France and Germany, in a great power management structured to respond to European energy interests. This will further provide Russia with the opportunity to engage in selected activities and arrangements of its own choosing. Norway can also benefit from this opportunity. Not only is StatoilHydro large and competent enough to be of interest to Russia, but through the company the Norwegian state is effectively drawn into a commercial energy partnership with complex political implications.

Russia wants to settle outstanding issues directly with Norway, not via multilateral structures. Practical energy cooperation will have only little potential of redefining Russia’s long-standing positions on issues of sovereignty. On

247 Oleinik, Выступление председателя Комитета (see previous discussion in chapter 5). See also Lavrov, “Сдерживание России ...”: 8–21.

issues of sovereignty and resource jurisdiction, Russia's actions generally follow a pattern that is well known and rehearsed in a bilateral context. Increased international attention to the challenges of the Arctic region, which manifests itself for example in the EU's security strategy for the Arctic, in addition to Norway's more assertive stance in the High North, may constitute a set of factors contributing to Russia's rummaging for a reciprocal and more elaborate policy of its own for the North. In fact, one may ask whether Norway has been so successful in calling international attention to the challenges of the High North that it has inadvertently contributed to setting in motion a race for similar national strategies, if not for the natural resources of the region.

Dealing with a “strong” Russia

The disappearance of the Cold War security logic, one could have hoped, would have made it easier to deal with issues of sovereignty, for instance by replacing interests of security with those of shared responsibility. But in the North, borders have not lost their traditional meaning. As discussed throughout the preceding chapters, Russia's moves to securitise are largely rooted in concerns over sovereignty, internal as well as external. Since the relationship between Russia and the West is seemingly retreating from the threshold of amity, sentiments of rivalry must be expected to impinge on interests related to outstanding issues of sovereignty. What, then, will it mean for regional cooperation that Russia once again regards itself as strong? Will Russia become an even more demanding partner, or will it become more amenable to integration?

Though feeling economically confident, albeit worried about the impact of the financial crisis, one may wonder what it will take for Russia to feel strong and how strong it needs to feel. A clue lies in the paradox that Russia's sense of strength is predicated on external rather than internal factors. Fundamentally, Russia is economically weak in spite of the still relatively stable macroeconomic situation. And politically it may potentially be more unstable than one would think. Russian politics invoke a blurry distinction between myth and reality and the practices of authoritarian perception management. This leads to another question about “strength”: what exactly does Russia need from the outside world to feel strong; that is, what are the visible *external* signs the leadership needs in order to portray Russia *internally* as strong? The answer could lie in the degree to which Russia perceives that its interests and preferences are being recognised, taken into account and substantiated in the policies of the US and the EU. However, with Russia's new assertiveness comes a greater appetite for power. As long as Russia remains comparatively weak inside, irrespective of its internal authoritarianism, its feeling of strength will never really take hold, but

fluctuate with the sense of the way in which Russia perceives it is being treated by its Western “defining other”. Many of the most contentious issues with the West have to do with geopolitical spaces and regional territorial questions. Territories and borders will not become any less important for Russia, since they are so visibly and readily associated with aspects of spheres of interest. Being involved and listened to in ways and degrees commensurate with its self-perceived great power role in the world makes Russia feel strong again. Two assumptions can be made: one – Russia needs to feel strong, not because of what it would like to do outside in the world, but because of how it likes to feel inside: hence the lack of positive strategy to go with the status; two – Russia likes to be involved, but dislikes integration; to be involved is to be visible, to be integrated is somehow to “disappear”.

For these reasons, Russia is apparently trapped in the logic of zero-sum coexistence, and not inclined to positive-sum cooperation with the West. The underlying question then is whether Russia, following its current trajectory, is ever going to feel “sufficiently” strong, given that its policies of securitisation so clearly feed on and simultaneously reinforce feelings of insecurity. If Norway hopes to reach agreement on issues of sovereignty with Russia any time soon, it must take into account that Russia’s current sense of strength may be short-lived, and is in any case tenuous. Currently, Russia’s strength rests on its capacity for an economisation of foreign policy. Russia’s self-confidence has, in a certain sense, been “pegged” to the price *per* barrel of oil. Likewise, it has depended on the political leadership’s ability to create and manage credible images of a new economic and social reality. In sum, this amounts to an unfortunate liaison between the concrete and the abstract; similarly, it makes the validation of the self-image fluctuate with the oil market. Now that oil prices have slumped dramatically, maintaining confidence in the economy takes a great deal of effort, reminding one of the perennial unpredictability of Russia’s development, and, in turn, why Norway needs to have political backing from Western partners and allies in issues of sovereignty with Russia, now as before. But more importantly, it hints that Russia will be cautious about concluding any final deals on sovereignty in the North, and there are certain historical parallels here to draw on. Interestingly, the 1826 border with Norway is sometimes remembered as a deal forced on a weak Russia. Alaska is lamented as a sell-out by a cash-strapped Russian Tsar. Svalbard is remembered in a similar way, as the Svalbard Treaty was concluded at a time when the USSR was still not internationally recognised. Soviet leaders were not even invited to the negotiations in Paris. Russia may to some extent rightly claim that its hand was forced when the USSR later uncon-

ditionally accepted the treaty.²⁴⁸ It is likely that the negotiations would have unfolded differently and led to a different text if the Soviet Union had been present. The point here is not to make a counterfactual argument, but to draw attention to the potent meaning of borders to Russia and to its collective recollections of periods of greatness and weakness in terms of territorial space. To overlook this factor could be to ignore an important politico-cultural circumstance, irrespective of its legal irrelevance.

A “strong” Russia arriving at a compromise is probably the only recipe for any sustainable settlement in the North. But throughout history Russia has made territorial concessions only at times of weakness.²⁴⁹ This does not rule out that a Russia which feels strong and which settles into this idea of itself will be able to conclude a compromise with Norway in the Barents Sea. But any realistic course of action to resolve Norway’s outstanding issues concerning Svalbard has to depart from an analysis of the interests of Russia *and* of the interests of the West regarding Russia and the North. In the future, Svalbard may become an even more important factor in defining Norway’s political, military and interest-based fields of action in the North. Norway’s interests may be best served by the ability to communicate a realistic and convincing reading of Russia’s interests to Western partners and allies. It is reasonable to make two general assumptions about Russia’s interests in sovereignty issues in the High North. The first is that Russia will resist piecemeal and selective settlements and maintain a holistic view on interlinkages with its other interests elsewhere and in the Arctic. Moscow will take care not to enter into any agreement that could prejudice other outcomes or jeopardise its future interests in the Arctic as a whole. Russia is preparing to make considerable territorial claims in the Arctic and expects these to overlap with future claims from Canada, the US and Denmark. Norway’s future claims regarding the extension of its continuous shelf will not overlap with Russia’s in the area. The second assumption is that Russia, irrespective of the larger picture, is looking at Svalbard and the delimitation in the Barents Sea as interlocked issues, and will seek to deal with them as comprehensively as the

248 Fleischer, “The New International Law of the Sea and Svalbard”, p. 3. It may be recalled that the Soviet Union only turned from opposing the Svalbard Treaty, to which it was not a signatory until 1935 (following the US’s formal recognition of the USSR), to declaring bilaterally to Norway its intention of becoming a signatory on the existing treaty terms in 1924. This was a “package deal” whereby Norway agreed, the very first state to do so, to fully recognise the Soviet Union. The Soviet Union needed the ‘first’ recognition to make a breakthrough and gain formal recognition from other (Western) states, cf. Sven G. Holtsmark, *Høyt spill. Svalbard-spørsmålet 1944–47* [High stakes. The Svalbard question 1944–47], Forsvarsstudier, no. 1 (Oslo: Norwegian Institute for Defence Studies, 2004), pp. 12–24.

249 Rieber, “How Persistent are Persistent Factors?” p. 226 ff.

situation allows. To Russia, it must be reasonable to expect that Svalbard issues are more uncertain, and considered more precarious than agreement on the Barents Sea shelf. Thus, what are legally two separate issues, could for political reasons merit closer consideration as a whole. So far, Norway and Russia have had relatively more to gain from managing the *status quo* than from forcing through an early resolution. Perhaps Russia is more at ease with the situation than is Norway. Consequently, Norway has focused on establishing practical arrangements and policies intended to manage the situation “as it is”, without precluding any outcomes. The point here is that Russia and Norway, each in its own way, for slightly different reasons and with varying enthusiasm, have somehow specialised in living with the current situation; they have learned to live without a settlement.

Maritime zones

Over time, Norway and Russia have developed institutionalised, entrenched national positions. When looking for continuity in Russian interest formation, a general pattern is discernable. This is normal in such negotiations, as any signs of discontinuity with earlier patterns could signal the advent of new priorities. In the end, it takes more political and administrative effort to decide to change a line of policy than it does to decide to stick to an existing one. As the focus shifts from security to energy, new interests may infuse the negotiations with a sense of pragmatism, though only slightly, as the strategic interests of securing sovereign control over resources and territory remain fundamental.

The argument in the following has two main points: first, regarding Svalbard; applying the treaty in the maritime zones, and in particular on the shelf around Svalbard, would open up many problems with which the treaty and the Mining Code are ill equipped to tackle. And reinterpreting or rewriting these would be a daunting task. Second, and concerning delimitation in the Barents Sea; it can hardly be Russia’s agenda to make concessions on the Svalbard issue so as to gain on the delimitation issue. The Grey Zone Agreement provides Russia with most of the opportunities it needs in the Barents Sea, except for access to the oil and gas deposits in the disputed areas. But these deposits are small compared to the ones Russia is already developing on its undisputed shelf. Moreover, they are almost as technologically demanding, and would in any case not be up and running before Shtokman. A sensible trade-off would instead be for Russia to get something on Svalbard or in the maritime zones around for agreeing on the delimitation issue. The problem is that even if Norway *were* to consider offering something of this kind to Russia unilaterally, which in theory could be envisaged since Norway argues that the shelf around Svalbard is part

of the continuous mainland shelf, this would most probably raise a commotion among the Svalbard Treaty's other contracting parties and lead to accusations of disrespect for the treaty's principle of non-discrimination. Admittedly, the observations above may seem self-serving and supportive of Norway's positions. In addition, they build on a premise, which cannot be conclusively confirmed: that Russia is seeking some kind of comprehensive settlement involving aspects of issues related to Svalbard and the Barents Sea shelf (i.e. a package deal). With these caveats in mind, an attempt shall be made to explore the argument further. If the observations can be argued convincingly then it would seem that Norway could have good reason to include considerations regarding the zone and shelf around Svalbard more firmly in its diplomatic dialogues on the High North with its Western partners and allies in NATO and the EU. With the current Russian record of securitised sovereignty, the geostrategic significance of the Barents Sea will increase rather than decrease with the advent of large-scale energy production.

SVALBARD'S MARITIME ZONES

Article 1 of the Svalbard Treaty accords "full and absolute" sovereignty over the Svalbard archipelago (and its territorial waters) to Norway.²⁵⁰ From a legal point of view, the first question to ask is whether the Svalbard archipelago may generate its own maritime zones; i.e., a 200-mile exclusive economic zone and a continental shelf. Provided that Svalbard does legally generate its own zones, the second question is whether the Svalbard Treaty should indeed extend to, and its provisions apply in, its maritime zones.²⁵¹ There is nothing in the treaty itself that restricts Norway's competence to claim such zones under the sovereignty accorded to Norway by the treaty. However, the official Norwegian position is that the Svalbard shelf, according to geological criteria, is not a distinct and separate shelf, but part of the continuous continental shelf extending from the Norwegian mainland.²⁵² The right to claim the 200-mile fisheries zone comes from the principle that "the competence of a state to claim maritime zones (..) derives from its sovereignty over [the] territory".²⁵³ When the Soviet Union formally recognised Norway's sovereignty over Svalbard in 1924, it did so unconditionally.

250 But subject to certain stipulations defined in the treaty. Norway is obliged to accord certain rights to the other contracting parties, cf. Fleischer, "The New International Law of the Sea and Svalbard", p. 2.

251 MFA, "Svalbard and the Surrounding Maritime Areas ...", pp. 18–26.

252 Ibid.

253 Churchill and Ulfstein, *Marine management ...*, pp. 38–40.



Figure 4: *The maritime zones off the Norwegian coast and around Svalbard. (Image: Norwegian Military Geographic Service.)*

Neither Russia nor any of the other signatories have questioned Svalbard's legal ability to generate maritime zones.

The contentious issue is whether the treaty's provisions should extend to and apply in the maritime zones around Svalbard, which has been debated by international lawyers and the contracting parties to the Treaty.²⁵⁴ Nothing in the text evokes the application of the treaty outside the territorial waters of

254 Ibid; Geir Ulfstein, *The Svalbard Treaty*. Carl August Fleischer, *Petroleumsrett* [Petroleum Law] (Oslo: Universitetsforlaget, 1983); Fleischer "Svalbards sokkel og sone"; Fleischer, "The New International Law of the Sea and Svalbard". Cf. also Report to the Storting Nr. 30 (2004-2005).

Svalbard. To counter the argument that the drafters of the treaty could not reasonably have later foreseen developments in the international Law of the Sea, Norway argues that it is futile to hypothesise about the possible intentions of the drafters, and that even when the treaty was drafted there was a well-established principle of treaty law that treaties pertaining to sovereignty are not interpreted dynamically, but restrictively. To Norway, the question is not about the geographical extension of the non-discrimination rule and of the Svalbard tax regime and other relevant stipulations, but *how* Norway chooses to exercise national authority in the ocean areas under its jurisdiction.²⁵⁵ Norway could decide to let treaty-like provisions apply if it so chooses, and is indeed doing just this in the fisheries zone, but the treaty does not bind one to this. Russia and other treaty signatories reject the legal validity of the 200-mile Fisheries Protection Zone. Since Norway's view is contested, jurisdiction in the Fisheries Protection Zone is on a non-discriminatory basis. Escalation of the controversy over the geographical scope of the Svalbard Treaty has been avoided so far.²⁵⁶ Though Norway was guided in 1976 by prudence when it chose to establish the protection zone instead of an exclusive economic zone, the question is whether Norway today, by continuing this practice, is causing confusion.

Related to the question of whether the treaty extends to the two maritime zones around Svalbard, is the question of whether the same regime ought to apply to both zones. The Norwegian position is that they are different, since the shelf around Svalbard is geologically part of the continuous continental shelf of mainland Norway. If there were no Svalbard archipelago the question would not even arise, since the extension northwards of the seabed (beyond the location of Svalbard) meets all legal qualifications as a continuous shelf. The 200-mile fisheries zone, however, must legally derive from Norway's sovereignty over Svalbard, since Svalbard is located beyond the 200-mile economic zone extending from mainland Norway. Norway has chosen to claim sovereignty over the shelf independently of the treaty. This is an issue with lawyers who argue the need for legal clarity and "*integration* of sovereign rights to the continental shelf and the waters within 200 miles."²⁵⁷ The integration aspect makes it difficult, they maintain, to claim two maritime zones in the same ocean area from different territo-

255 MFA, "Svalbard and the Surrounding Maritime Areas ...", p. 23.

256 Robin R. Churchill, "Claims to Maritime Zones in the Arctic – Law of the Sea Normality or Polar peculiarity?", in *The Law of the Sea and Polar Maritime Delimitation and Jurisdiction*, eds, Alex G. Oude Elferink and Donald R. Rothwell, Publications on Ocean Development (The Hague: Martinus Nijhoff Publishers, 2001), pp. 105–124, 118. See also MFA, "Svalbard and the Surrounding Maritime Areas ..."

257 Churchill and Ulfstein, *Marine management ...*, p. 40. (Emph. added.)

rial standpoints. Whether legally debatable or not, this is where the politically charged contention with other contracting parties to the treaty really emerges.

I shall not consider the legal debate any further, but try to formulate a political argument. Most treaty signatories, including Russia, maintain that Svalbard “has the ability under international law to generate a continental shelf”.²⁵⁸ This makes it possible for them to argue that Svalbard has its own continental shelf, and to claim that the treaty provisions should apply. Understandably, no Norwegian government has wanted to press the matter by opening up for any exploration or extraction activities on any part of the seabed that could possibly be regarded as belonging to Svalbard’s continental shelf.²⁵⁹ Russia’s exact thinking is difficult to assess. Rejecting Norway’s right to claim the Fisheries Protection Zone, Russia is still vague about which regime should apply instead. Vylegzhanin mentions two possibilities: *either* zones and a legal regime “(a) similar to the regime of the territorial waters of Spitzbergen; [or] (b) a different regime.”²⁶⁰ With the latter, he seems to have in mind a bilateral condominium-like arrangement for the maritime zones, inspired by the pre-1920 Svalbard regime. On the one hand, Russia argues in favour of applying the treaty in both maritime zones around Svalbard, on the other it is mindful not to preclude a more favourable outcome, i.e. based on the recognition of historical and special Russian rights.²⁶¹ Russia already enjoys preferential treatment in the fisheries zone, although this is hard to reconcile with a strict application of the non-discrimination principle enshrined in the Svalbard Treaty.

Why has this practice been allowed to become institutionalised, so that it may today be difficult to change? There are several reasons, some linked to the advantages of managing straddling stock together with Russia. But the main reason at the time was that of security. The lesson from the political and diplomatic handling of Svalbard right after World War II was that the Soviet Union was easiest to placate if its interests were taken seriously by Norway and recognised as such by Western powers – not unlike the situation today. For this reason it may not be desirable for Norway to ignore Russia’s claims altogether, just as

258 Ibid, p. 41.

259 Churchill “Claims to Maritime Zones”, p. 114. Churchill and Ulfstein, *Marine management ...*, p. 50.

260 Vylegzhanin, “Future problems of International law ...”, p. 40.

261 Also in the 1970s the Soviet Union argued along the lines of applying the treaty on the ‘Svalbard shelf’, see Traavik and Østreng, “Security and Ocean Law”: 364. See also Alex G. Oude Elferink, “The Law and Politics of the Maritime Boundary Delimitation of the Russian Federation: Part 2”, *International Journal of Marine and Coastal Law*, vol. 12, no. 1 (1997): 5–35.

before.²⁶² The political significance of the legal issues resides not least in the interests generated by the petroleum resources. Churchill and Ulfstein point to the general insufficiency of treaty provisions and the “unsuitability of the Mining Code” as regulatory frameworks for the extraction of hydrocarbons, taking into account the “strategic implications of large-scale activity on Svalbard’s continental shelf”.²⁶³ They draw the conclusion that from a “political point of view a solution based on full Norwegian sovereignty (i.e. non-application of the [Svalbard] Treaty (...)) is to be preferred.”²⁶⁴ This conclusion is based on a concern about the risk of tension and conflict caused by a lack of clarity in the application of the treaty and the Mining Code on the shelf. Only application of Norwegian law, they maintain, would enable an effective regulatory and enforcement regime. Otherwise one would end up with a legal and regulatory environment that the treaty was not cut out to handle. This, in turn, could lead to an enforcement and security environment that Norway would be ill equipped to deal with alone. One may assume that national environmental regulations, having already been the object of political controversies with Russia on Svalbard proper, may cause renewed controversy.²⁶⁵ To be sure, the shelf demands a regulatory framework of a different calibre than the treaty can offer. If the level of Russia’s protest against the new environmental regulations for Svalbard is indicative of what Norway is potentially up against, were the shelf subject to treaty application, the task is overwhelming. Thus, there are sound arguments why the treaty cannot apply on the shelf. It is possible that a majority of the other signatories could find them convincing too.

There is, as argued above, little reason to believe that Russia’s geopolitical reflexes have changed significantly. Guided by its zero-sum thinking on sovereignty, Russia will jealously guard its current privileged position in the fisheries zone and strongly object if Norway were to transform it into an exclusive economic zone. Russia also claims non-discriminatory rights on the shelf around Svalbard. But in this instance, it can claim no historical rights. In the hypothetical case of Norway joining the EU in the future, the Svalbard regime would remain outside of the European Union. Thus, a regime for the zone and shelf incorporated into the legal scope of the treaty would be in Russia’s interest. If promising

262 Vylegzhanin warns that Russia may engage in “retaliatory measures directed towards a return to the position reflected in the [Swedish-Norwegian and Russian] 1872 Agreement”, Vylegzhanin, “Future problems of International law ...”, p. 42.

263 Churchill and Ulfstein, *Marine management ...*, pp. 43, 159 and 59, 60 referring to Fleischer, *Petroleumsrett*, pp. 223–224.

264 Churchill and Ulfstein, *Marine management ...*, pp. 53.

265 The new environmental legislation (Law of 15 June 2001 nr. 79) entered into force on 1 June 2002.

deposits are found in the structures extending into the shelf around Svalbard, the stakes of the legal debate over how to interpret the Svalbard Treaty will rise. The principal explanation why the other contracting state parties have not yet made specific claims or brought a case against Norway before the International Court of Justice (ICJ) is probably that there is as of yet no clarity as to what the seabed holds and no clear position among them, either legally or politically. A meeting, initiated by the British, in London on Svalbard issues in 2006 was inconclusive in this regard.²⁶⁶ The signatories do not form a united front, but meet with national preferences. In addition, history more than suggests that Russia does not consider itself an equal partner among the signatories, but sees itself in a position to make special claims.

MARITIME BOUNDARY DELIMITATION IN THE BARENTS SEA

Originally initiated by Norway in the late 1960s, formal negotiations, in the guise of “consultations”, commenced in the mid-1970s and have continued since with varying rhythm and progress.²⁶⁷ Security was always the dominant factor in the Barents Sea. But security interests never played a role in Norway’s argument about where to draw the delimitation boundary line.²⁶⁸ Norway has consistently conducted a strictly legal argument. The Soviet side, however, at an early stage introduced security as one of the “special circumstances” relevant to where the Barents Sea should be delimited, in addition to the shape and length of the coastline, geological conditions, ice, size of population, economic interests related to fisheries, shipping and transportation.²⁶⁹ Generally, the impression was that the Soviets used security to prop up their legal argument. The legal grounds for special circumstances derive from the 1958 UN Continental Shelf Convention (CSC). The convention was from the very beginning agreed upon as the basis for the negotiations concerning delimitation. Article 6 states that “unless another boundary line is justified by *special circumstances*, the boundary is the median line.”²⁷⁰ These circumstances, the Soviet Union argued, implied that a delimitation boundary line would need to follow the “sector line”, i.e. the line

266 Interviews, FCO, London, 9 November 2006 and 23 May 2007. Norway was not invited, which provoked a sharp diplomatic reaction from the Norwegian foreign minister. No follow-up meeting has been arranged or is being planned (at the time of the latest interview, 23 May 2007).

267 Tresselt, “Norsk-sovjetiske forhandlinger ...”: 79.

268 Churchill and Ulfstein, *Marine management ...*, p. 83.

269 Tresselt, “Norsk-sovjetiske forhandlinger ...”: 79–80. Elferink, “The Law and Politics ...”: p. 6, also makes particular mention of the USSR’s strategic interests.

270 CS Convention citation from Ingrid Kvalvik, “Assessing the Delimitation Negotiations between Norway and the Soviet Union/Russia”, *Acta Borealis*, no. 1 (2004): 55–78, 56 (emp. added).

demarcating the Western boundary up to the polar point.²⁷¹ The “psychological and political significance” of aspects of the Svalbard Treaty and the sector line’s particular standing in Soviet legal and administrative practice were also advanced by the USSR as special circumstances.²⁷² For many years negotiations mostly went nowhere.

At the end of 1988, a Soviet envoy on an informal visit to Oslo signalled that Moscow could consider a modified sector line in the northernmost part of the disputed area. These were the first steps towards reconciling the two principled approaches, thereby making it possible to work for a compromise boundary line. Today, only one third of the boundary line remains to be settled. It is in the southern, and most complicated, part, involving the fisheries, hydrocarbons and military security. A small step forward was taken in the summer of 2007, when agreement was reached on how to delimit the shelf all the way from land to the outer extension of the territorial waters. Symbolically this was important, and demonstrates that progress is being made. Apart from that, this particular agreement does not mean much, as it apparently does not prejudice where and how the boundary line will finally be drawn. In parallel with the consultations on where to draw the line, an equally important discussion is being conducted on how to regulate issues and cooperate *across* the future line. Principal agreement may already have been reached as to how to deal with straddling fish stock and access to historical fishing banks, as well as how to deal with hydrocarbon deposits that would straddle a future delimitation line. In fact, military security concerns may constitute the single most important explanation why a delimitation agreement is not yet in place.²⁷³ However, military concerns are difficult to isolate, and they have the ability to expand, blend in with and blur other concerns. This may be part of the problem. Residual effects of the lack of trust during the Cold War is still a factor, but difficult to measure with any certainty. Yet another, security-related, factor lies in the inherent opportunities that such open-ended situations provide for the stronger to the detriment of the weaker.

The Norwegian vision of the future delimitation line between Norway and Russia as a “line of cooperation” communicates a pragmatist approach to a difficult aspect of the delimitation negotiations: how to deal with the oil and gas

271 The sector line was used by the Soviet Union in 1926 to claim islands to the west and the east of the Arctic Ocean, to prevent similar claims from Norway and the US respectively, see Elferink, “The Law and Politics ...”: p. 8. Churchill and Ulfstein, *Marine management ...*; Churchill, “Claims to Maritime Zones”.

272 Tresselt, “Norsk-sovjetiske forhandlinger ...”: 81.

273 Other delimitation cases in which the Soviet Union has not claimed security concerns have as a rule been settled. Cf. Churchill and Ulfstein, *Marine management ...*, p. 90, and Elferink, “The Law and Politics ...”: 6.

deposits that run across a future boundary demarcation line. A practical solution seems to be joint exploitation based on a “unitisation clause”.²⁷⁴ This is not tantamount to a condominium-like arrangement. But entering into any such arrangement will represent a further turn towards creating interdependence structures in Norway’s Russia-politics. The general understanding, however, is that cooperation on energy exploration and exploitation cannot start before the legal fundamentals are in place. Overall, the Norwegian position has been to prevent petroleum considerations from influencing the negotiation process. At present, focus is on energy cooperation in the undisputed areas. Whether this may help to redefine the problem and break the deadlock remains to be seen. Probably it will prove difficult to bring in new elements as a strategy to “define away” the central issues. Russia’s interests and preferences can be deduced from the preceding discussion. Not least the aforementioned “psychological and political significance” of the sector line should be granted some interest. This legally dubious term echoes in security terms the wider meaning that Russia attaches to its geopolitical entitlements in the North. All of the Barents Sea is important for the position Russia envisages for itself in the Arctic.

Svalbard in the diplomatic dialogue

Disputes over issues of sovereignty in the North are fundamentally political. Legal approaches can provide solutions to the extent that they support the problems’ political resolution. In all probability, negotiations on the delimitation of the Barents Sea shelf will run their bilateral course for some time yet. Chances of progress are best when Russia feels confident. But presumably a strong Russia will seek to make a strong bargain. A Russian push for a package deal for Svalbard is not wholly unthinkable, and Norway’s ability to resist would partly rely on political support from the other contracting parties to the Svalbard Treaty.

The argument made here is that Norway’s diplomatic dialogue on the High North with Western partners could possibly be opened up for discussions of a wider set of Svalbard issues, including related political aspects of the Barents Sea shelf and delimitation issues in the Arctic as a whole. It is, for instance, in Europe’s and the US’s interest that outstanding sovereignty issues of the entire

274 Arild Moe, “Oil and Gas: Future Role of the Barents Region, in *The Barents Region. Cooperation in Arctic Europe*, eds Olav Skram Stokke and Ola Tunander (London: Sage, 1994), pp. 131–144, 133. Cf. interview with former Minister of Petroleum and Energy Einar Stensnæs in *Dagens Næringsliv*, 14 March 2003: The parties may be working on schemes through which licences will be awarded on a reciprocal 51/49 per cent basis on either side of deposits that straddle a future delimitation line.

Barents Sea are settled, so that regional energy cooperation can be developed further. As to Svalbard issues, it is important to keep in mind the interests of the EU and Norway regarding a possible future EU membership. Conversely, it is in Russia's interest to make sure that Svalbard's maritime zones are formally tied to the treaty provisions lest it has to deal not with Oslo, but with Brussels over future disputes over sovereignty rights and questions of jurisdiction and enforcement. Irrespective of the EU dimension, Russia's security needs and concerns in the Barents Sea need to be taken into account, while attempts at institutionalisation of privileged rights in the maritime zones around Svalbard should be discouraged. As long as Svalbard is perceived by Moscow as a relatively "open" issue, the chances of reaching agreement on delimitation of the Barents Sea shelf is probably slim. Since it is in the northern part of the Barents Sea, for instance north of Svalbard, that the potentially large unproven fields are supposedly located, this area could very well be economically and politically more significant than the seabed and subsoil under the disputed "Grey Zone". Thus, there are good reasons for maintaining a regime involving national law to govern Norwegian as well as international interests in the maritime zones around Svalbard.

CONCLUSION

While the advanced economies of the world are turning towards new forms of economic production, it is important to recognise that this development is largely enabled by stable access to energy at affordable prices. Energy cooperation between Russia and the West faces two paradoxes. First, energy presents favourable interdependence opportunities to Russia, which, however, the Russian leadership is reluctant to seize. Second, if it continues to reject integration, Russia will be turning away from its only certain way of reconstituting itself in the world as a power of global significance. Russia's choice, or more precisely, its reluctance to make a binding choice, is nonetheless understandable.

When rejecting integration, Russia is turning its back on the very path towards cooperation that Norway wishes to advance in the North. One may therefore ask; if cooperation leading to functional and institutional integration is not part of a realistic solution, then what is? If energy cooperation only enables Russia to turn further away from integration, what new forms of relations are advisable and indeed available? What kind of interests should they be premised on; those of security or sovereignty alone? And are such uncertainties what the resort to "pragmatic realism" is ultimately for? Such questions are increasingly acute now that energy cooperation is changing gear and the Shtokman project is starting up with French and Norwegian participation. But it is difficult to say exactly how it may affect the quality and robustness of relations. Norway may be heading into an unprecedented degree of bilateralism with Russia. It now seems that this development is coming at an awkward moment, as it coincides with strained relations between Russia and the West and with increasing concern over domestic developments in Russia. In both respects, it reignites nervousness about where Russia may be heading and about Russia as international partner. Russia will remain an unpredictable partner and dominant power in the North. Now, another set of unpredictable factors accompanies the financial crisis and the expected downturn in global economic development. Oil prices will probably remain low for some time, and so will Russia's ability to attract foreign investments. Both factors will crucially impact on Russia's ability to develop new and the existing fields in the North.

There is reason to believe that Russia's policies of centralisation and (re)securitisation will continue in the short to medium term, as there are no liberal political or economic forces left to challenge them. The voice of moderate political opposition has been muted. Attempts to promote democracy and human rights are regarded with suspicion and have been rendered largely impotent. This is tied to the concept and practices of sovereign democracy, and has

up to now been sustained by Russia's energy-driven economic up-turn. As long as most Russians experience some measure of economic and social progress, democracy, market economics, the rule of law and political and human rights will struggle. But in the long run, Russia's centrally managed sovereign democracy model will prove unmanageable in its present form. Either there will be a reversal towards more democracy, or authoritarianism will run its course to a logical end. As Russia is sliding towards securitisation at the risk of stagnation, stifling stabilisation will sooner or later (again) undermine the system's power base and authority. At the same time, internal securitisation plays into the sphere of foreign policy. It is inconceivable that securitisation of internal sovereignty should not be similarly reflected in perceptions of external sovereignty. In fact, the borderline between internal and external sovereignty is blurry, except by very formal criteria. Through a combination of inner compulsion and perceptions of external threats, attention is drawn towards securing Russia's "rightful" place in the world. This means that Russia's interests will be less focused on the High North as a region of energy cooperation *for the sake of cooperation*, but more on how the resources of the region may contribute to the economisation of its great power designs. Russia's interests are overall statist, and as such tightly interlinked with the most profound purposes of security and territorial sovereignty.

One must expect that Norway is regarded as something between partner and pawn in the North. Where does this leave Norway's interest-based approach to cooperation with Russia? The study has sought to develop this question by splitting it in three: *first*, how relations with Russia in the High North are shaped by interests of energy cooperation; *second*, how certain value-based interests seem to sustain a security-driven sovereigntism in Russia; *third*, how interests and identity may fuel the High North with geopolitical significance for Russia, and the scope for bringing questions of sovereignty into a more political and less legalistic dialogue between Norway and its Western partners and allies.

Interest or value-based cooperation?

An interest-based policy must depart from a fairly clear understanding of one's own and other states' goals and strategic preferences. What states seek is generally some combination of security, power and wealth. Gaining prestige is also considered an interest of the state. But it is unclear *how* states know what they want, or if what they want is really in their own best interest. While having just shed its Soviet skin, Russia has not changed its address – reasons of power and wealth are persistently argued in the language of security.

Russia's energy-driven economic upturn since the turn of the millennium has largely coincided with a qualitative downturn in relations with the West in general and the US in particular. With the EU, relations are partly strained because of Russia's inclination to deal bilaterally with EU countries and a disinclination to take the European Commission seriously. Just when energy is propelling it to the centre stage as a world economic and political power, Russia seems unable to seize the moment. Russia insists on being involved, but shies away from integration. Just as the rising importance of energy and the opportunities of interdependence should be making institutional convergence a welcoming option, the opposite may in fact be happening. Energy seems to charge Russia's determination to resist structures of dependence. Polarisation, not globalisation, is winning the day. Cooperation is nominally welcomed, but largely seen in a zero-sum perspective. Mindful of this gap in the meaning and purposes of cooperation, one may argue that relations with Russia must be interest-based and pragmatic rather than founded on common values. The level of commonality of values between Russia and the West is in itself too "thin" for robust cooperation, according to this way of thinking. It is inferred that cooperation with Russia, if it is to succeed, must rest on selectively defined, reciprocal interests.

Russia has never contested the core principles of international society, embedded in the institutions of sovereignty, non-intervention and the territorial integrity of states. Although the recognition of South Ossetia and Abkhazia is messy in this regard, Russia, as the Soviet Union before it, is traditionally one of international society's staunchest supporters of these very institutions. But Russia's apparent desire for an international security order stands in the way of its adherence to the more advanced conceptions of sovereignty stemming from the opportunities and challenges of globalisation. One may understand the political gap (re)opening between Russia and the West thus: the most basic, pluralist, norms of international society are shared, but the more advanced, solidaristic, ones are not. This explains the still fairly modest capacity for interaction and disappointing level of convergence in the system of states as a whole. Moreover, it shows that the West and Russia are moving at different speeds, if not in different directions. An important point though, is that Russia is in the mainstream if world trends are considered. Vanguard liberal institutions are not equally shared by all, and are by some, Russia included, looked upon with a measure of suspicion. This brings me to the questions that have structured the inquiries of the study.

1. *How are relations with Russia in the High North shaped by energy cooperation?*

In chapters four and five I sought to explore the conditions for energy cooperation in the High North. The vision of an emerging energy province seeks

to replace security concerns with petroleum reserves as the rationale for cooperation with Russia and for Western political attention to the Barents Sea. But if the vision is Norwegian, the resources are largely Russian. It is Russia that holds the key to deeper interdependence through energy cooperation. My findings indicate that the institutional foundation for an energy community across the former security divide is shaky. Not all interests are geared towards those on which the premise of cooperation is predicated. Some interests, intertwined with the interests of security and sovereignty, point in other directions. This, I find, is linked to political and historical circumstances particular to the region. Another finding is that Norway is not only facing Russia in the North, but is also in need of soliciting Western political and security support that it cannot take entirely for granted. The uncertainty related to unsettled delimitation issues and the status of maritime areas in the Barents Sea, including the zones around Svalbard, stands in the way of deeper, positive-sum, energy cooperation. The emerging international cooperation on developing the Shtokman field is a marriage of convenience, necessitated by Russia's lack of indigenous advanced technology and project managerial and organisational skills.

Norway's relations with Russia in the North are also shaped by international political circumstances. It is barely surprising that national interests are now resurfacing and manifesting themselves in discussions about natural resources and property rights. The precursors to such sentiments are known from long-standing disagreements over sovereign rights in the ocean areas of the region. Given the current strained relations between Russia and the West, chances are that the energy province will have only limited chances of being restructured around a novel, shared interest in energy and climate security. Norway may, thus, remain "alone with Russia" in the North for a long time still. First, the sense of community between Norway and Russia is still weak. The idea of a Russo-Norwegian "Pomor" community of the north is largely talked up and politically (re)invented. Moreover, the people-to-people aspect of cooperation, although much celebrated, is of little consequence to the unfolding of significant matters of state, such as energy and the related interests of security and sovereignty. Second, the security community of the West may not be as robust as one might think now that the security dimension is less acute. Urgent global challenges are brought together in the geographically close context of the north. Bilateral energy relations between Norway and Russia do not evolve in a vacuum. Norway is struggling with redefining its policies towards a Russia busily redefining its role in world politics and national sense of self with regard to the West as a whole.

2. How do national interests and values affect securitisation and sovereignty in Russia?

In chapters six and seven I looked into domestic circumstances in Russia, particularly at how developments intrinsic to Russian society may define Russia's approaches to cooperation with individual states in the West. Resurgent security awareness accompanies a greater assertiveness in Russian external politics. Russia is living through a period of political centralisation and tightening control over the state's strategic resources and assets, leading irrevocably to (re)securitisation. Securitisation of natural resources is running parallel to similar securitising control over human resources. This dual development is encapsulated in the state-sponsored policy of sovereign democracy. The two strands of the policy seem mutually reinforcing. What this signifies is a gradual securitisation of all things sovereign – and even of the concept of sovereignty itself. It also implies a blurring of the internal and external dimensions of sovereignty, making all things Russian into one sovereign space – distinctly delimited from the world outside. Rather than functioning as a facilitator of cooperation geared towards greater interdependence, energy feeds interests of this securitisation of sovereignty. Essentially, the vast energy revenues have made it possible for Russia to hold the forces of interdependence at bay. This has taught Russia how to ignore the bindings of institutional integration. Russia no longer needs to comply, but can define the rules. The situation has played into the hands of securitising agents and institutions. Since the institutional decision-making system is beyond public deliberation and popular control, the easily communicable “triad of national values” – sovereign democracy, economic strength and military power – effectively crowd out policies requiring greater refinement and complexity.

It is doubtful whether the general economic downturn and falling petroleum revenues will do much to make the current leadership change their politico-economic ways. In fact, it is hardly conceivable that system change can come about without changes at the top. As there are no built-in checks and balances at the top, the system is prone to letting domestic and foreign security urges influence economic and commercial considerations. Economic policy is employed to serve internal and external power-political purposes through what may be perceived as an economisation of politics. This is also the case in Northwest Russia, where diverse interests of security, energy and sovereignty meet and have to be reconciled. It may in part explain the prolonged decision-making process over the Shtokman project, before the French and Norwegian partners were finally designated. In the Russian north, the military seems to have regained some of its former influence and power, not least due to its quasi-monopoly on defining external threats. The military's situation is reinforced by current tensions in the global security environment and strengthened further by the rising significance of oil and gas as a foreign policy-tool. While the military and federal security

personnel have much in common, they nonetheless compete for position, status and influence in the federal centre and in the regions. Sovereignty provides meaning and substance to the concept of security. Prioritisation between security and cooperation in the North will in all likelihood continue to be characterised by shifts and arbitrariness. Security will remain a factor in the High North although the strategic security overlay from the Cold War has shifted altogether. Instead of having a de-securitising effect, the presence of natural resources may generate another security agenda rooted in considerations of sovereign and territorial rights.

3. How may energy fuel the High North with geopolitical significance and what is the scope for bringing questions of sovereignty onto a more political track?

In chapter eight I returned to the unsettled issues of sovereignty in the region. My approach to the question of the status of the maritime zones around Svalbard and the delimitation of the Barents Sea shelf is political, and looked at interests not easily perceived in positive-sum perspectives. Due to the imperatives of security, Norway's bilateral relations with Russia have traditionally been kept on a practical level and within the scope of selectively chosen issue areas. Emphasis on international law has been used to de-politicise issues. Bilateralisation of security was to be avoided. In so doing, Norway has consistently insisted that the modern Law of the Sea is broadly enough conceived to tackle present and future challenges to the international order and rule of law in ocean areas. It is not the body of law itself which is in need of revision and modernisation. Rather, it is the enforcement and compliance structures that need to be addressed. By playing the cards of law and pragmatism, it has proved possible for Norway to carefully tailor relations with a view to edging cooperation forwards and solving even the most complex problems in modest, but workable ways. The prudent mix of pragmatism and principled approaches has, not least, made it possible for Norway to stay the course in dealing with the still unsettled issues of sovereign rights and enforcement of jurisdiction in ocean areas. This balancing act, echoing the earlier practice of mixing reassurance and deterrence, is still employed and is dubbed "pragmatic realism". It is a low-key incremental approach allowing for gradually deeper and broader cooperation, with energy as the latest and most important issue area. Energy embraces both external pillars of the High North strategy, and may actually build bridges between them. On the other hand, energy impinges on matters of sovereignty and geopolitics and ties one more firmly to the other. If the exact success criteria of pragmatic realism remain vague, it still denotes a policy that is flexible yet predictable and has achieved results over the years.

One may expect that Russia's positions in the Arctic will be guided by conservatism and is inspired by long-standing preferences (including from the Soviet period), and that these are only minimally mitigated by commercial urgencies or other sudden needs of the moment. Radically changed positions on issues of sovereignty are unlikely. The influential actors will have Russia's long-term interests in mind. In the global context, these include ensuring a multipolar order in the international state system. For this, Russia needs to retain its territorial greatness and cannot afford to become "smaller" than it is, and certainly not in the North. Having established the geopolitical significance of the High North to Russia, I find that sovereignty is an overriding interest on the Russian side, and that energy cooperation is relegated to second place. Most likely it is therefore not capable of spearheading a breakthrough on outstanding issues of delimitation and sovereign rights. Russia's interests in Svalbard and its coinciding geopolitical interests in the Arctic may further reduce the scope for settling disputed issues. This is based on the assumption that the Russian leadership may fear that a delimitation agreement in the Barents Sea would weaken its position regarding Svalbard and, by extension, in the Arctic as a whole. Russia's interest is most probably directed towards securing a political hold over Svalbard and the maritime zones around it. The reason for this is that a foothold on Svalbard secures Russia's presence in the western Arctic.²⁷⁵ Moreover, Russia's interests are comparably more precarious regarding the unresolved issues pertaining to Svalbard than the Barents Sea shelf delimitation, which, seen in isolation, is probably within reach. This leads me to ask whether Norway ought to include Svalbard issues more broadly in the High North dialogue with Western countries, and whether it should consider bringing the question out of its legal confines and onto a more politicised track.

Interests of security, sovereignty and cooperation

A central aspect of future cooperation in the North is the relative rise of Northwest Russia. An important variable is *how* Moscow will allow Murmansk to progress and develop. There are, on the one hand, no visible signs that Medvedev is about to revise the centralisation process that has accompanied Putin's reign since the very start and bolstered it since. But, on the other hand, with the energy of the North and with the Murmansk area becoming a strategic energy and

275 In the words of former Russian Deputy Prime Minister Sergey Naryshkin, cf. the visit to Svalbard of the delegation headed by Naryshkin in October 2007, *supra* note 147.

commodities export hub, Moscow cannot allow itself to ignore the potential of the region.

A big *if*, however, is whether the Russian authorities will be able to reconcile energy interests with the interests of the military in the North. This question will in all probability be decisive for the future aspects of international cooperation in the region. It looks, however, as if the military is gradually regarding with less hostility the presence of the energy sector, and has become more accommodating with regard to the construction of infrastructure and the localisation of facilities. In part, this softening of the military's stance must be attributable to the political significance of Russia's great power ambitions, behind which energy is the main force. But one may also ask if this sense of reconciliation is a sign that energy development is increasingly being premised on the needs of the military. If this is the case, one must expect a gradual securitisation of the energy sector, along the whole chain of petroleum activities in the region: from exploration to construction, extraction and production, distribution and export. This will not only affect energy cooperation, but spill over to aspects of sovereignty regarding the Northern Sea Route and questions of the status of ocean areas and resource management. As a trend, it is reinforced by the combination of military might and energy as instruments of international political power.

During the Cold War, Norway's most serious challenges in the north were provoked by forces exogenous to Norway itself. Geographical coincidence and the bipolar order positioned Norway on a strategically important flank, so to speak in the middle of the East-West divide of the North. Security policy provided the interpretive framework within which interests of sovereignty were defined and the scope for practical solutions identified. Either by tacit consent or political arrangement, Norway's positions regarding the status of ocean areas in the Barents Sea or Svalbard had as a rule Western backing. But take away the Cold War and the accompanying security imperative, and certain "persistent" aspects of sovereignty seem to re-emerge. Norway has traditionally kept the unsettled issues of sovereignty strictly within a legal context in order not to politicise or unnecessarily securitise matters in the High North. By bringing political aspects of sovereignty to the fore today, Norway could possibly construct a political argument that Western states (with an interest in Svalbard) would find more convincing than the legal ones. Within the framework of the political High North dialogue, Norway should look again at the arguments for keeping the Svalbard and the Barents Sea delimitation issues separate from each other. Whereas they are legally different cases, politically they could still be linked. Norway considers itself to be on firm legal ground as to Svalbard's maritime zones and the delimitation of the Barents Sea shelf. This seems plausible, since no one has so far seriously sought to bring Norway before the court in Haag on either count.

But the legal argument may now gradually be getting in the way of a more convincing political argument. To lift the issues out of their legal confines, Norway probably needs to identify how the two issues may interrelate in the Russian perspective, and to communicate and discuss this within the framework of the broader High North dialogue.

International institutions and law have taken regulatory relations between Norway and Russia important steps forward, while the execution of authority and stewardship under the new regimes of the Law of the Sea have at times strained bilateral political relations. The overall effect has, however, been positive. Multilateral and bilateral regimes of resource management have as a rule enjoyed authority and respect. They have in turn gained cooperative momentum and spread to new areas, checked only by security concerns. As such, one may in fact speak of the international Law of the Sea as a gentle civiliser of the North.²⁷⁶ Revolutions in technology have contributed to the restructuring of the international Law of the Sea. It grants considerable rights to individual coastal states, but forces them to act collectively through cooperation. Two acknowledgements are essential: first that the riches of the ocean areas are *not* inexhaustible, and second that the sea can be ruined by the activities of man. The onus is on coastal states to give the necessary attention to the environment, since the sea is part of humankind's common heritage. The regimes, and the practices and institutional arrangements that they embody, have contributed to shifting the logic of relations in the North from coexistence towards cooperation. Yet, they still fall short of a convergence of interests.

Norway's main political challenge in the High North continues to be Russian, as do the main opportunities. Norway's national challenges in the North are strongly affected and influenced by Russia's global challenges and those it faces in the Arctic region as a whole. Norway's bilateral and regional policy orientations, and Russia's global ambitions and intentions regarding the North, cause differences in policy that create challenges of their own. Internal developments in Russia constitute an important set of factors. Another is the increasing urgency of enabling international society to put in place effective regimes for responsible and integrated resource management. Consequently, the practical question is how closer cooperation with Russia should be organised and to what degree it should be bilateral or linked to European institutions and trans-Atlantic dimensions. Bringing Europe's attention to the High North and embedding cooperation in the High North with Russia in European structures are possible ways to go. Russia's interests in security and sovereignty in the Arctic could provide

276 Borrowed from Martti Koskenniemi, *The Gentle Civilizer of Nations*.

Norway with good reasons to use this course. The domestic condition of Russia, and the present strain on relations between Russia and the West, may assist in creating a broader international understanding for the multifaceted complexities of Norway's position. With Russia at its side in the High North, Norway may on the one hand succeed in filling the region with practical cooperation, and on the other in preventing its own marginalisation. Energy cooperation is not in itself sufficient to ease the tensions of security and sovereignty in the High North, but an indispensable ingredient in any such endeavour. Variables rooted in identity and value-related aspects of interest do play a role. Fine-tuning the High North policy to the propositions of an informed understanding of the social structuring of material interests is thus, indeed, (just) foreign policy – no more, no less. Modern meanings of the purposes and legitimacy of sovereignty and sovereign rights, including the responsibilities such invoke, represent a convincing political argument that will probably gain in significance and international adherence, driven by developments in the High North, in the years to come.

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Interviews

To honour the requests of anonymity by several – but not all – interviewees, I have chosen to treat all equally. The full list of interviewees and date of interviews is deposited with the Norwegian Institute for Defence Studies.

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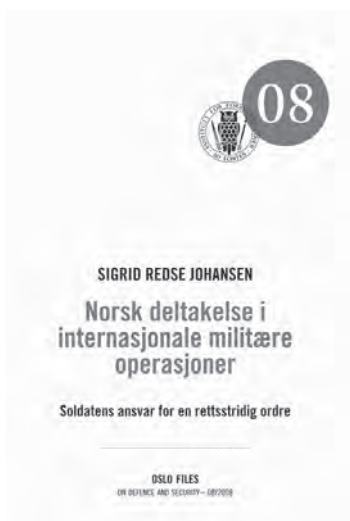
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