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Russian Lawfare in the High North: European Security Implications of the Svalbard Treaty

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RESEARCH REPORT



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RESEARCH REPORT

Introduction

In February 2026, NATO launched the multidomain military activity Arctic Sentry to strengthen its posture in the High North and reinforce security in the Arctic (NATO, 2026). The initiative reflects a broader transformation of the region. Once described as “High North, Low Tensions”, the Arctic has moved from geopolitical periphery to an arena of strategic competition (Wegge, 2025). This shift is largely driven by the melting of sea ice, which has opened previously unavailable maritime routes and expanded opportunities for resource extraction (Sergunin et al., 2022, p. 4). Such development amplifies an already unstable geopolitical environment in which autocracies are on the rise, Russia increasingly threatens European security, and conflict is increasingly characterised by hybrid threats operating below the threshold of war (Lupulenscu, 2023; Heggstad, 2026; Hooker, 2026). Within this evolving landscape, the Norwegian archipelago of Svalbard occupies a uniquely vulnerable position. The Arctic Council has identified it as the most likely target of potential Russian aggression on NATO territory, precisely because the risks associated with such action are comparatively low (Hooker, 2026, p. 2).

This paper argues that a central reason for this vulnerability lies in the legal framework of the Svalbard Treaty. By combining full Norwegian sovereignty with equal access rights for signatory nations and a demilitarisation provision (The Svalbard Treaty, 1920), the paper argues that the treaty's unique legal system heightens the threshold of war, creating conditions that can be exploited by hybrid actors. In practice, Svalbard has become a testing ground for Russian hybrid threats with significant implications for European security more broadly (Moscioni, 2026). The paper takes a closer look at the Svalbard Treaty, how it creates favourable conditions for Russian lawfare, and how such lawfare can be avoided without renegotiation of the treaty.



The Formation of Svalbard's Legally Unique Regime

Situated approximately 1,000 kilometres from the North Pole and 650 kilometres from mainland Norway, and covering a landmass roughly twice the size of Belgium, the Svalbard archipelago occupies a remote yet geographically strategic position in the Arctic (Østhagen et al., 2023). Despite some debate about the early history of Svalbard, its discovery by Dutch explorer Willem Barents in 1596 is generally accepted as a historical fact (Arlov, 2005). For more than three centuries thereafter, Svalbard remained unclaimed territory. It functioned in practice as “terra nullius”, an international common land where several nations engaged in hunting, mining, and exploring without asserting official sovereignty (Martins, 2022). This legal ambiguity persisted largely because no permanent settlements occurred during this period and declining whale stocks reduced economic incentives (Grydehøy, 2020, p. 269; Koivurova & Holiencin, 2017, p. 2). Moreover, none of the major powers showed any serious strategic interest in the archipelago at this time (Holtmark, 2020).

The situation changed in the late nineteenth century as coal extraction, polar research, and Arctic tourism heightened international interest, sparking a sovereignty debate (Grydehøy, 2020, p. 269; Jensen, 2020, p. 83). Following the dissolution of the Swedish-Norwegian Union in 1905, Norway advanced its sovereignty claim based on geographic proximity, familiarity with Arctic conditions, and the fact that a majority of Svalbard's population was Norwegian. The claim, however, was contested by powers including Russia, Germany, and Sweden, reflecting growing geopolitical interest in the High North. (Sandberg, n.d.). The dispute therefore remained unresolved until the aftermath of World War I, when the balance of power was altered sufficiently to enable a settlement. With Russia preoccupied by revolutions, Germany weakened by defeat in the war, and Sweden having lost previously held influence, the prevailing power vacuum made it increasingly untenable to leave Svalbard - with its emerging coal mining industry - unregulated (Sandberg, n.d.; Koivurova & Holiencin, 2017, p.2). Achieving lasting peace in Europe required a remedy to the inherent lawlessness present on the archipelago, and Norway emerged as the best-positioned state to achieve this (Tamnes, 1991, p. 29; Jensen, 2020, p. 83). The resulting Svalbard Treaty was signed by nine states at the Paris Peace Conference in 1920 (Brode-Roger, 2023, p. 3). As of 2025, the number of parties has increased to 48, reflecting the archipelago's growing global significance (Stortinget, 2025).

The treaty embedded a unique legal status of duality. On the one hand, Norway had full and absolute sovereignty over the archipelago, including everything that was not otherwise regulated in the treaty falling under Norwegian jurisdiction. On the other hand, the treaty preserved elements of the previously terra nullius regime. All signatory nations are granted equal access to resources and accorded commercial rights, and any interested party is allowed to accede to the treaty under the non-discrimination principle (Koivurova & Holiencin, 2017, p.2). This also includes that individuals of all signatory nations have free access to live, work and do business in Svalbard, with no visa requirements (Ledsom, 2025). Another main element of the treaty, governing the security of Svalbard, is Article 9, which provides the basis for Svalbard's demilitarisation and neutralisation status (Koivurova & Holiencin, 2017, p. 3). It states that Svalbard cannot be used for "warlike purposes", and that Norway cannot have any naval bases or fortifications there (Østhagen, 2024).

The result is a regime in which Norwegian sovereignty is not exclusive but rather characterised by a duty to administer the area in the common interest of the international community, ensuring openness and restricting militarisation (Tamnes, 1991, pp. 29-30). However, the treaty is controversial in nature, with scholars arguing that it invites different interpretations, has an unclear scope, and that its unique status even subjects Norway to the status of a vassal state for other signatory powers (Berg, 2023, in Van der Wal, 2025; Pedersen, 2006). One reason for this is the lack of a mechanism to address allegations of treaty violations (Koivurova & Holiencin, 2017, p. 9).

In fact, although the Svalbard Treaty was one of many arrangements emerging from the Paris Peace Conference to prevent escalation, it remains one of only a few that continue to operate in their original form today (Gannon, 2024; Holtsmark, 2020).

Nevertheless, the signing of the treaty did not eliminate the historical ties and strategic interest that the Soviet Union and later Russia have had in securing Russian influence and limiting the influence of other powers on the archipelago (Myklebost & Bones, 2025a). While the treaty grants Norway sovereignty, its provisions allow Russia to sustain a presence on the archipelago, which Moscow has repeatedly articulated as a political goal (Moe & Jørgensen, 2025, p. 1). Moreover, the durability of Svalbard's legal system does not resolve the underlying tensions it produces, especially in a geopolitical landscape characterised by competing interests and hybrid warfare.

Repositioning Svalbard in Arctic Geopolitics

Svalbard's renewed global significance within the broader Arctic region is driven by several distinct but mutually reinforcing dynamics, including the melting of sea ice, changes in the character of warfare, and its evolving geographic relevance.

First, climate change is reshaping the Arctic's geography, driving strategic competition and instability. The melting of sea ice and the thawing of permafrost open up new maritime routes and enable the accession of untapped resources. However, these developments function more as amplifiers of existing geopolitical tensions than as causes of instability, as they "increase ambiguity about intentions and utility" (Heggstad, 2026). In a time of strain to the liberal international order of rules, norms, and international institutions (Raspotnik & Østhagen, 2025), such uncertainty increases the relevance of legally ambiguous spaces like Svalbard.

Second, the military methods, tactics, warfare, and the operational environment in which it exists have fundamentally changed since 1920 (Todorov, 2020, p. 114). Threats today increasingly operate below the threshold of war, tailored to exploit vulnerabilities in all domains and levels of society (Hickman et al., 2017, p. 40). For example, interdependence, once used to stop wars, has become a domain of strategic leverage, weaponised through sanctions and subversion (Abid, 2023). Another integral element of such hybrid threats is "lawfare" - the exploitation of legal ambiguity, gaps, and uncertainties by hostile actors - demonstrating how law can be a systematic vulnerability (Mosquera & Bachmann, 2016; Sari, 2021, p.14).

Third, distinct from other Arctic states, is Svalbard's emerging value as a geographic location. For instance, for scientific observation, such as monitoring radioactivity. More importantly, it offers unique capabilities to downlink data from satellites that orbit the Earth from pole to pole (Van der Wal, 2025). Svalbard is therefore home to the world's largest satellite ground station, which downlinks 80% of all space data traffic (Roussi, 2025). Crucially, however, its connectivity relies on two fibre-optic cables for outside communication, as does the entire archipelago. Disruptions, whether physical or cyber, would sever communication and interrupt data flows with implications extending beyond the Arctic (Berge & Bergmann, 2024). Further to this, the archipelago's remoteness from mainland Norway makes awareness of the maritime domain challenging in itself (Baudu, 2023, p.10). In this context, Svalbard's geographic position as a platform for early warning systems through its ground-based radars and satellite communications ground stations make it strategically valuable yet highly vulnerable, where disruptions could impact Arctic and global communications (Berge & Bergmann, 2024). Moreover, given Russia's use of critical infrastructure sabotage as an important element of its strategic operations, such dependencies represent vulnerabilities for European security as a whole (Kofman et al., 2021, in Myklebost & Bones, 2025b, p. 16).

Altogether, the melting sea ice, evolving security practices, and housing of crucial infrastructure have repositioned Svalbard from a peripheral territory to a strategic pressure point. These developments pose the question of whether the existing Svalbard Treaty is fully adapted to contemporary forms of competition and what this implies for European security more broadly.

Russian Lawfare and Hybrid Tactics in Svalbard

The Svalbard Treaty's unique combination of absolute sovereignty, equal access, and demilitarization - together with the archipelago's growing strategic significance - creates conditions that may facilitate hybrid activity below a relatively high threshold of armed conflict. Russia exemplifies this logic, having repeatedly employed lawfare against Svalbard to achieve its strategic objectives.

By creating ambiguity, uncertainty, and even strategic paralysis or internal conflict within NATO and Norway, Russia aims to reduce Western autonomy in the archipelago. Simultaneously, Svalbard is used as an arena for testing Europe's capacity to detect, monitor, and respond to such hybrid threats (Myklebost & Bones, 2025b, pp. 34-35). A central element of their strategy to achieve their strategic objectives is through bilateralisation - engagement one-on-one with Norway rather than through international bodies involving its allies (Myklebost & Bones, 2025a). This is because a situation where other Western states become more involved in the archipelago will disrupt the currently favourable bilateral status quo that enables Russia to comfortably monitor developments without the involvement of many other states. Although the treaty's equal access provision allows other states to establish a presence, this bilateral dynamic has persisted because, so far, only Russia and Norway have demonstrated a significant interest in doing so (Moe & Jørgensen, 2025, p. 9). The two following examples demonstrate Russian hybrid activities on Svalbard.

In 2015, the Russian Deputy Prime Minister Dmitry Rogozin visited the archipelago, despite being subject to Schengen sanctions that restricted his entry due to his role in destabilising Eastern Ukraine. Given that Russia is a signatory party to the Svalbard Treaty, it used the non-discrimination provision to test Norway's willingness to align with the Western sanctions and their applicability in Svalbard. When Norway responded by characterising the visit as provocative, Russia framed the response as a treaty violation. Similar episodes in the following years demonstrate a pattern of Russian instrumentalisation of Norwegian reactions, in which Russia frames its actions by undermining Norway's credibility as a good-faith implementer of the Svalbard Treaty and questioning the legitimacy of the sanctions (Myklebost & Bones, 2025b, pp. 12-14).

In addition to political pressure, Svalbard has also been subject to incidents affecting its critical infrastructure. In 2022, one of its two fibre-optic undersea cables connecting the island to the mainland was cut, making the entire archipelago temporarily reliant on a single cable for reserve capacity. This was not an isolated event. Earlier, in 2021, a substantial section of this undersea cable infrastructure disappeared off the Norwegian coast (Berge & Bergmann, 2024). Although attribution remains contested, the Svalbard incident strongly resembled the Nord Stream Pipeline sabotage, an event widely discussed in connection with potential Russian involvement (Berge & Bergmann, 2024; Brown, 2024). Regardless of responsibility, the strategic logic is clear: critical infrastructure sabotage creates ambiguity, tests detection and response mechanisms, and demonstrates capability without crossing any threshold of military attack (Brown, 2024).

The Norwegian response to these actions has consistently been a low-key administrative reproach for violations of rules, and not reacting to other actions like the placement of Russian war-glorifying symbols on the archipelago (Myklebost & Bones, 2025b, pp. 23, 26). The examples thus demonstrate how Svalbard serves as a low-risk arena for hybrid experimentation, with limited repercussions when ambiguous laws are violated, and how Russia exploits this to advance its strategic objectives.

Structural Constraints of the Svalbard Treaty

The above-mentioned examples reveal several structural challenges that the Svalbard Treaty faces in the contemporary security environment. One such challenge concerns the continued relevance of its demilitarisation provision. Bailes (2011, as cited in Koivurova & Holiencin, 2017, p. 9) questions whether the treaty's demilitarisation provision, created in a time when militaries and wars defined security problems, can remain legitimate in a time where this has fundamentally changed. She argues that in a modern environment, at least in the Northern Hemisphere, security challenges increasingly arise within state borders, including internal conflict, infrastructure breakdown, and terrorism. In this context, traditional ideas of demilitarisation and neutralisation may be less aligned with contemporary security challenges. Instead, what such problems demand is "a clear and legitimate sovereign power that obeys international (and its own) laws".

This tension is exemplified in Svalbard by Norway's legally constrained ability to project conventional military deterrence. An imbalance emerges: Norway must avoid measures that could be interpreted as militarisation, whereas a hybrid actor willing to operate in legal grey zones, below the threshold of armed conflict, can exploit precisely these constraints. While this does not necessarily imply a lack of sovereignty, it limits deterrence potential and signals uncertainty about the consequences of hybrid activity. Because hybrid threats are designed to operate below the threshold of military response, employing such means in an environment like Svalbard, where military response is not an option, results in a relatively large operational environment for hybrid threats. Combined with limited civil responses, this creates an environment where provocations face minimal consequences.

In Svalbard, where the strategic relevance is growing due to the emerging accessibility of maritime transportation routes, the potential for minerals extraction, and critical satellite infrastructure, these legal constraints create a vulnerability that extends beyond Norway. The hybrid activity on the archipelago not only tests Norwegian detection, monitoring, and responses, but also NATO's, making it an area where Russia can refine its tactics against Europe more broadly. Therefore, in a contemporary security environment where, as Bailes (2011) argues, legitimate sovereignty and adherence to legal systems are prerequisites to deterrence, Svalbard's unique combination of sovereignty, equal access, and demilitarisation demonstrates a structural vulnerability. This is further amplified in contexts where accountability mechanisms are limited.

Recommended Measures to Mitigate Legal Vulnerabilities

In 2025, the Norwegian Minister of Justice Astri Aas-Hansen stated that "The (Svalbard) treaty is not something that is brought up for renegotiation or discussion." (Jonassen & Hansen, 2025). Accordingly, while preserving the treaty's legitimacy, efforts should focus on limiting incentives and opportunities for its exploitation, given that certain provisions create vulnerabilities for Europe's security. Myklebost & Bones (2025b, p. 35) propose two overarching strategies to achieve this: strengthening deterrence and increasing resilience. Based on the analysis and existing literature, this paper highlights three measures that would strengthen deterrence and increase resilience without affecting the treaty's legitimacy.

First, a central vulnerability of the legal framework in Svalbard emerges in the absence of a formal mechanism for dispute settlement and accountability in accordance with international law. As Koivurova and Holiencin (2017, p. 3) and Myklebost and Bones (2025b, p. 35) note, the treaty provides limited pathways for addressing treaty violations. Therefore, implementing such a mechanism could lower the high threshold of what is considered legally acceptable, holding states accountable for violations while simultaneously possibly deterring future attacks. As a result, this could significantly lower the use of lawfare

on the archipelago while leaving the treaty valid. Such a mechanism would also serve to multilateralise the archipelago, rather than the bilateralisation that favors Russian monitoring of the area. Increasing NATO's presence on Svalbard reduces the leverage of such a bilateralisation, and is therefore the second measure. While the demilitarisation provision limits military presence, this could be done through enhanced situational awareness and intelligence-sharing, possibly also deterring future hybrid activity. Third, strengthening the detection and monitoring of critical infrastructure would increase both resilience and deterrence. Because the attribution of hybrid activity to critical infrastructure on the archipelago is contested, increased detection could therefore undermine an actor's ability to create ambiguity, while also deterring attacks in the first place. Investing in the strengthening of the undersea cables and the monitoring of them can, as such, reduce both the probability and the impact of sabotage. Altogether, these three measures can significantly increase deterrence and resilience according to the analysis. Successfully deterring hybrid activity on Svalbard has implications beyond the archipelago. Because Svalbard functions as a testing ground for hybrid threats, denying success and deterring such actions in the first place reduces opportunities for experimentation that can be applied elsewhere in Europe.

Conclusion

The growing tensions in the Arctic's geopolitical climate reveal structural vulnerabilities within the Svalbard Treaty. By combining full and absolute Norwegian sovereignty with equal access rights and demilitarisation provisions, the treaty creates a unique legal framework that, in the contemporary security landscape, generates ambiguities that hybrid actors, such as Russia, exploit. This paper has demonstrated that the Svalbard Treaty's security provisions constitute a vulnerability not only for Norway but for European security as a whole.

Russia's use of lawfare in the archipelago illustrates how hybrid actors can exploit the law to advance strategic objectives without crossing the threshold of armed conflict. Because Norway's deterrent options on the archipelago are constrained by demilitarisation, Svalbard becomes a relatively low-risk area for testing European detection, monitoring, and response mechanisms against hybrid threats. However, as Svalbard's geographic and infrastructural importance increases, so does the significance of these vulnerabilities for Europe. Lack of detection and response to such activities risks reinforcing the perception that similar tactics can be replicated elsewhere at manageable cost. Increasing resilience and deterrence in Svalbard must therefore be understood as a collective European security interest.

Given that renegotiation of the treaty is unlikely, mitigation of such activity must occur within the existing legal framework. The paper therefore identifies three measures to reduce the systematic vulnerability of Svalbard for European security, including (i) the installment of a dispute settlement mechanism to increase accountability of treaty violations, (ii) increasing NATO's presence on the archipelago, not through militarisation but through intelligence sharing and situational awareness, and (iii) improving the resilience and monitoring of critical infrastructure.

More broadly, the case of Svalbard illustrates how, while the 1920 treaty successfully ended centuries of 'lawlessness' in the archipelago, its preservation in the 21st-century security environment now serves as a reminder that the very frameworks designed to maintain peace can, if left unadapted, be weaponized to undermine the security they were built to protect.

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