

The Politics of Presence: The Longyearbyen Dilemma

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Abstract

The significant presence of Norwegian citizens in Svalbard has subdued the misperception that Norway's northernmost territory has an international or internationalized legal status. Now this Norwegian presence in the archipelago is about to change. Amid tumbling coal prices, the state-owned mining company Store Norske has shrunk to a minimum, and no current or proposed business in Longyearbyen has the potential to compensate for the loss of Norwegian workers, in part due to their international character and recruitment policies. This study argues that the likely further dilution of Norwegians in Longyearbyen may ultimately fuel misperceptions about the legal status of Svalbard and pose new foreign and security policy challenges to Norway.

Keywords: *Arctic; foreign policy; international law; International Relations Theory; Longyearbyen; presence; sovereignty; Svalbard*

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1. Introduction

At 78° North, the settlement of Longyearbyen marks Norway's resolve to assert sovereignty over Svalbard, a group of islands scattered roughly halfway between the Norwegian mainland and the North Pole. The settlement of approx. 2,000 inhabitants is a family-based society and features a 2,200-meter paved airstrip, a deep-sea port, hotels, fine-dining restaurants, cafes, kindergartens, a school, a grocery store, and numerous sports equipment stores.

For decades, the Norwegian government has stressed the importance of having a substantial presence in these islands littoral to the Arctic Ocean.¹ In a policy document issued in 2010, for instance, the government stated that “it is the Government's position that the assertion of Norwegian sovereignty is best served with a permanent presence of Norwegian citizens. Maintaining a Norwegian

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settlement in Svalbard has been, and continues to be, an objective for the Norwegian authorities”.² Similarly, the latest government policy document on Svalbard, issued in 2016, affirms that “one of the objectives of the policy on Svalbard is to maintain a Norwegian society in the archipelago. This objective is achieved through the family-based community of Longyearbyen”.³

In 2014–2016, Longyearbyen was hit by an unprecedented crisis. The cornerstone of Norwegian presence in Svalbard since 1916, Store Norske Spitsbergen Kulkompani (or Store Norske⁴), announced that it would cease most of its coal mining operations. A sharp drop in coal prices, from \$125 per ton in 2011 to less than half this price by the end of 2014, and a political reluctance to maintain subsidized coal mining while combatting sources of global warming internationally, resulted in a closure and discontinuation of the mines, which in turn affected, and continues to affect, the Norwegian presence in the Arctic islands significantly.⁵

The purpose of this study is to explore the effects of the Store Norske crisis on Norway’s ability to imprint its sovereignty over Svalbard. This study explains the Longyearbyen dilemma: To maintain the same level of Norwegian presence in Longyearbyen and Svalbard, the Norwegian government would have to stimulate business alternatives to coal mining. However, these alternatives, being education and research, tourism, and/or a local seafood industry, are likely to attract more non-Norwegians to the islands and hence dilute the share of Norwegian citizens in Longyearbyen and Svalbard.

Either way, given the government’s notion that “the assertion of Norwegian sovereignty is best served with a permanent presence of Norwegian citizens”, the drastic changes in the Longyearbyen population could arguably affect Norway’s assertion of sovereignty over Svalbard in the decades to come.

1.1 Background

Longyearbyen has been a Norwegian settlement ever since Store Norske purchased the mining operations of the U.S. Arctic Coal Company in 1916, while the islands were still considered a no-man’s land.⁶ The Norwegian mining presence in Longyearbyen became relevant when the sovereignty issue was debated at the Paris Peace Conference following World War I. The negotiations resulted in the 1920 Treaty Concerning Spitsbergen,⁷ initially signed by the twelve state parties present in Paris and later acceded to by 32 more (bringing the total up to 44 treaty parties).⁸ Article 1 established that Norway has “the full and absolute sovereignty” over all islands that comprise the archipelago. In 1925, as the treaty entered into force, Norway named Svalbard (hitherto called the Spitsbergen Islands) an inseparable part of the kingdom.

Since then, Norway’s sovereignty over Svalbard has only briefly touched the political agenda. During World War II, Soviet Foreign Minister Vyacheslav Molotov demanded that the southernmost island of Svalbard, Bear Island (Bjørnøya), be transferred to the Soviet Union and that the rest of the archipelago come under a Russo-Norwegian condominium.⁹ In the early 1970s, the Norwegian government

took several steps to strengthen its ability to exercise national jurisdiction in Svalbard. The airport in Longyearbyen was built, *Sysselmannen* (the Governor of Svalbard) was equipped with a helicopter, and, in 1975, the government purchased all shares in Store Norske to secure national ownership and control over Longyearbyen.¹⁰ Nevertheless, international newspapers suggested that Norway struggled to maintain its sovereignty over the islands. For example, the *New York Times* claimed that the Soviet Union still sought a Russo-Norwegian condominium,¹¹ and a Danish newspaper asserted that “the Soviet’s grip on Svalbard is as tight as Norway’s”.¹² At the time, the Soviet Union ran two large settlements – Barentsburg and Pyramiden – that were widely perceived as Soviet enclaves in Svalbard. The population of the two settlements outnumbered those of the Norwegian settlements Longyearbyen, Ny-Ålesund and Svea combined until 1998, when Pyramiden was abandoned.¹³

Despite the Soviet Union’s, and later Russia’s, coalmining presence in Svalbard, Norway has established a firm ability to exercise national jurisdiction, which is a vital and central feature of state sovereignty.¹⁴ *Sysselmannen* reigns over two Super Puma helicopters on round-the-clock stand-by, the 88.5-meter ice-reinforced vessel MS “Polarsyssel” and a staff of 37 police officers and other public servants – as well as a stash of snow cats, snowmobiles, light boats and other vehicles.¹⁵ In many ways, Longyearbyen and Svalbard resemble mainland Norwegian towns and counties more than ever before, and *Sysselmannen* hardly hesitates to enforce Norwegian jurisdiction within the remaining Russian settlement.¹⁶ The population of the Norwegian settlements now outnumbers the Barentsburg population fourfold.¹⁷

However, from time to time, Norway’s sovereignty and exclusive jurisdiction is still implicitly questioned or subtly challenged. For example, in 2008 the Russian patrol vessel “Mikula” made a surprise port call in Barentsburg, without prior diplomatic clearance.¹⁸ The move was arguably a violation of Norwegian territory, as foreign state-owned or -operated vessels need to obtain permission through diplomatic channels months in advance. In July 2013, a Russian government commission chaired by Vice Prime Minister Arkady Dvorkovich debated whether to station a Russian government rescue vessel in Svalbard,¹⁹ apparently defying Norway’s sovereignty over the archipelago. Indeed, some Russian government documents still refer to “the international legal status” of Svalbard.²⁰

Important trade partners and close allies of Norway have also implied that the legal status of Svalbard and the surrounding maritime areas are somehow unclear or unsettled. In the 1990s and 2000s, Iceland and Spain made claims that suggested that Norway’s sovereignty over Svalbard did not qualify Norway as a coastal state under international law, although their claims were not further substantiated.²¹ Some European Union (EU) politicians have argued that EU should introduce its own regulations and/or push for the introduction of international treaties for waters surrounding Svalbard, within established maritime areas under Norwegian jurisdiction.²²

1.2 Theories and scholarly work

Explaining the legal status of Svalbard is simple, yet complex. On the one hand, its legal status follows from legal theory and international law. Scholars of jurisprudence interpret and weigh the different sources of international law, notably custom, treaties, judicial decisions and writings, and give qualified opinions on the matter. Scholars of jurisprudence are usually associated with a positivist tradition of scientific research. On the other hand, it seems evident that the *perceptions* about the legal status of Svalbard held by a substantial number of lay policymakers arise from quite different sources than those of jurisprudence. Their perceptions differ from legal opinions and sometimes question or challenge Norway's exclusive jurisdiction and sovereignty over Svalbard. This accentuates a constructivist approach to the social construction of sovereignty and a social theory for how perceptions are shaped.

Most contemporary scholars of jurisprudence agree on one fundamental issue:²³ Norway's sovereignty over the archipelago is firmly established in international law. This legal status follows from international customary law as well as the Svalbard Treaty and is universally recognized through acquiescence.²⁴ Codified by the Svalbard Act of 1925, Svalbard is an integrated part of the Kingdom of Norway. A number of scholars argue that Norwegian sovereignty is restricted by the provisions of the Svalbard Treaty, which covers military utilization, taxation, the equal rights of all nationals to mining, hunting and fishing, and more.²⁵ The Mining Ordinance, laid down by Royal Decree in 1925 in accordance with the Svalbard Treaty, facilitates Russian mining operations in Svalbard. Other treaty provisions inhibit the application of certain parts of Norwegian legislation, including the Immigration Act. However, most scholars of jurisprudence agree that the Svalbard Treaty and the Mining Ordinance do not affect the exclusive competence of Norway, only how it may be exercised.

The most prominent disagreement among scholars of jurisprudence concerns the application of Svalbard Treaty provisions to areas beyond the territory of Svalbard, i.e. to maritime areas surrounding the archipelago. Weighing different principles of treaty theory, some stress that the provisions explicitly apply only to the land and the territorial waters of Svalbard.²⁶ Others interpret the treaty differently and maintain that the provisions also apply by analogy to the 200 nautical mile zone and the continental shelf surrounding the islands,²⁷ which would provide foreign companies with essentially the same rights as Norwegian companies to utilize fish, oil and gas, while at the same time limiting the Norwegian government's ability to tax them. However, both sides seem to agree that Norway's competence is exclusive. Geir Ulfstein, a prominent representative on one side of the debate, states that Norwegian sovereignty is "sufficiently based upon effective occupation" and "is supported by its undisputed status as well as its express recognition by a number of states through the Svalbard Treaty". Similarly, Carl August Fleisher, a distinguished representative on the other side, finds that "there is no doubt about Norway's sovereignty. Today, the sovereignty also rests on prolonged Norwegian administration and exercise of sovereignty over the area".²⁸

While most scholars of jurisprudence regard the sovereignty issue as determined and recognize Norwegian jurisdiction as exclusive, this study finds that laypeople often tend to perceive the legal status as unsettled, international or internationalized. This divergence in understanding can be related to how subjective and inter-subjective ideas are shaped and constructed (arguably, it is fair to say that legal opinions are also social constructs). As noted by Alexander Wendt, social facts are facts only by human agreement.²⁹

Sovereignty is a key concept for many political scientists and has received considerable attention, particularly from scholars of social theory, in recent years. To some, sovereignty is a prime example of a social construct in international relations.³⁰ Summarized by Paul Viotti and Mark Kauppi, constructivists see sovereignty as an “intersubjectively shared and socially constructed institution or normative structure among states”.³¹ Thomas Biersteker and Cynthia Weber, for instance, assert that sovereignty is “a political entity’s externally recognized right to exercise final authority over its affairs” and add that “by granting and withholding recognition, international society participates in the social construction of sovereign states”.³² They also stress the importance of internal factors, such as cultural practices, and see all aspects of sovereignty, including territory, population and authority, as socially constructed.

Roxanne Lynn Doty highlights the meaning of “the nation” in her discussions on sovereignty. She states that “[w]hen it is no longer clear who makes up the nation, a state’s internal sovereignty and the existence of the state itself is threatened”.³³ Relating this argument to Svalbard, although the archipelago is clearly not a separate nation state, one could argue that demographic changes in its largest settlement, Longyearbyen, which has arguably moved from being a predominantly Norwegian to a more international settlement, could ultimately affect internal sovereignty as the composition of the population changes. Similarly, the presence of a parallel “nation” in Svalbard – the Russian settlement of Barentsburg – also becomes relevant to discussions on internal sovereignty, as does Stephen Krasner’s concept of domestic sovereignty, because each of these factors may reduce the effectiveness of Norwegian control within Svalbard.³⁴ Doty notes that national identity is in a constant process of being constructed and reconstructed. Large shifts in the composition of a given population may have significant effects on its national identity. She argues that massive population movements with an influx of “elements from the ‘outside’” raise questions of “who should be considered on the ‘inside’, that is, the people.”³⁵ Indeed, states where sovereignty is more juridical than empirical have been termed “quasi-states” by Robert Jackson.³⁶

Particularly relevant to this study are the works of Robert Jervis, a constructivist pioneer in the field of foreign policy analysis. He offers a theory of how social facts are maintained and reinforced. In his classic *Perception and Misperception in International Politics*, Jervis accounts for decision-makers’ tendencies to interpret new information in a way that reinforces their perceptions rather than questions them. As for Svalbard, numerous particularities may spike, consolidate and reinforce misperceptions of an international or internationalized legal status of the

archipelago.³⁷ This study names some hallmarks specific to Svalbard that may give rise to social facts, or perceptions, that differ from a widely shared legal opinion (which again is arguably just a different kind of social fact). If you believe that Svalbard has an international legal status, you are sure to find distinctive features and signs that consolidate your view. The tendencies described by Jervis are known within psychology and cognitive science as confirmation bias.

2. Longyearbyen is Changing

The composition of the Longyearbyen population is changing. The settlement, which was virtually an all-Norwegian company town before local public services spun off from Store Norske in January 1993,³⁸ has experienced a significant and steady influx of non-Norwegians in recent years. The share of non-Norwegian citizens has risen, from negligible in the early 1990s,³⁹ to 26 percent of the population in 2016.⁴⁰ In 2015 alone, the net immigration of non-Norwegians was 47, whereas the net emigration of Norwegians was 89.⁴¹

The population change is rather easy to explain: During the company town years, most of the Svalbard population was comprised of employees of Store Norske, which recruited its staff mainly from the North Norwegian counties of Nordland and Troms. Naturally, Norwegian was the only working language in Longyearbyen. The current and far more diverse employers in Longyearbyen, however, hire workers from all over the world. For instance, the staff at the University Center in Svalbard (UNIS), which was established in 1993 and has grown into one of the single largest employers in the settlement, has an equal share of Norwegians and non-Norwegians. Its student mass is even more international. In 2014, only one in three students was Norwegian.⁴² The teaching language at the institution is English.

As the mining industry has shrunk and other activities have grown, the English language has entered new social and cultural arenas. Local clubs and associations have switched from Norwegian to English as more non-Norwegian speakers have joined.⁴³ Illustratively, SvalbardGuideOpplæringen (SGO), a training program for local guides, changed from Norwegian to English in 2016.⁴⁴ In order to reach more of the Longyearbyen population, which currently consists of citizens from more than 40 nations, the Local Council has made its official webpages available in Norwegian, English, French, Russian and Thai. Users of social media often post in English on popular local Facebook pages, such as the Longyearbyen Buy & Sell and Info pages.⁴⁵ Since 2016, *Sysselmannen* has released most of its news in both Norwegian and English.⁴⁶

As English and other languages spread to new public arenas, it becomes even easier and more attractive for non-Norwegian speakers to settle in Longyearbyen. Thus, the trend of a rising share of non-Norwegians in the Norwegian settlement is likely to be self-reinforcing. A scenario of an accelerating trend, pushing the share of Norwegian citizens down to, or even below, 50 percent, is no longer far-fetched.

These changes in the Longyearbyen population contribute to the international atmosphere of the settlement. Of course, there are also other contributing factors as

well. Since Svalbard is outside the Schengen Area, flights from the Norwegian mainland to Svalbard depart from international rather than domestic mainland terminals. Visas are not required by anyone traveling to the archipelago,⁴⁷ but travelers must present their passports both at check-in and at the gate, unlike other domestic flights. Institutions like *Sysselmannen* and the Local Council diverge from institutions found on the Norwegian mainland. National legislation is only partly applicable to the Svalbard islands. Taxes are low if levied at all, and beer and liquor rationed. The Norwegian military is virtually absent. So, how can Svalbard be an inseparable part of Norway when it is so different from the mainland?

The international atmosphere of Longyearbyen is likely to become even more striking as Store Norske, the main employer of Norwegian citizens, tumbles. The ramifications could be profound. A 2008 report to the Ministry of Justice concluded that coalmining continued to be of paramount significance to the Norwegian presence.⁴⁸ It estimated that 40 percent of all jobs in Longyearbyen and Svea would be lost if coalmining were discontinued. The number of children in Longyearbyen would be roughly halved, which would threaten Longyearbyen as a family-based society. The report also argued that public and private services would deteriorate.⁴⁹

As of September 2016, the company, which once counted almost 1200 employees,⁵⁰ had reduced its staff to 118.⁵¹ The mining operations in Svea Nord, the largest-ever mine in Svalbard, closed in 2016, and the development of the Lunckefjell mine was discontinued the same year, before production even started. The remaining staff will produce a modest amount of coal from Gruve 7, the only Norwegian coalmine still in production, maintain company properties, provide logistical services, and invest in tourism.⁵²

The current crisis in Store Norske may not have the same ramifications as those envisaged in the 2008 report, but it has nonetheless resulted in a significant and sudden loss of Norwegian employees in Svalbard. Following the crisis in Store Norske, the population of Longyearbyen, an explicit objective in the assertion of Norwegian sovereignty over Svalbard, will have the smallest share of Norwegian citizens present in the archipelago in the past hundred years.

3. The Politics of Presence

Svalbard is arguably a land of misunderstandings: Even Norwegian legislators stumble, having passed a law that regulates the shipment of firearms “between Norway and Svalbard”,⁵³ as if the archipelago were separate from Norway. The international atmosphere of Svalbard, which includes the Russian coalmining settlement Barentsburg and the “international research village”⁵⁴ Ny-Ålesund, may reinforce a misperception that Svalbard is something different or separate from Norway.

Solid support in jurisprudence offers only limited comfort to Norway. Sustained misperceptions about its international status represent a formidable foreign and security policy challenge. The more ambiguous and unsettled the legal conditions in Svalbard are perceived to be, the more likely it is that foreign governments will look for opportunities and explore their interests in the archipelago and the surrounding

waters. No matter how strong Norway's sovereignty stands in legal theory; the mere conception of a political vacuum or dispute over sovereignty could certainly tempt others to assert more influence here. Illustratively, some Chinese researchers precondition a "sovereignty dispute" in their plans to conduct research in Svalbard.⁵⁵

In a region of significant military-strategic as well as economic interest, a scuffle for political influence would serve neither Norwegian interests nor the stability in the region. Episodes, such as the unannounced port call of the Russian state vessel in 2008 or the initiative to establish a Russian SAR presence in Svalbard in 2013, are more likely to occur when perceptions of Svalbard as an international or internationalized area stand strong.

In jurisprudence, presence matters, but only so much: A government must exercise effective control, or effective occupation, over its entire territory. But this does not imply the need for permanent settlements in every nook and cranny. A claim to sovereignty could be based "merely upon continued display of authority", which involves the "intention and will to act as a sovereign, and some actual exercise or display of such authority", the Permanent Court of International Justice (PCIJ) ruled in the *Eastern Greenland* case in 1933. Hence, all it would take for Norway to assert sovereignty in Svalbard is a Governor and a few deputies, one scholar of jurisprudence has argued.⁵⁶

In politics, presence arguably matters in more ways. Presence communicates an interest, signals a commitment, ensures effective monitoring and influence, and/or deters interference from others. Size also matters. In Svalbard, a substantial and permanent presence of Norwegian citizens has been a means to address international misperceptions about Svalbard among laypeople. It also aligns "the nation" with the sovereign and strengthens internal as well as domestic sovereignty, to borrow terms from constructivist scholars. As argued above, the differentness and unique hallmarks of Svalbard may already have fueled notions of the archipelago as an international or internationalized territory. Such misperceptions, in turn, could arguably precede situations and episodes that may escalate and ultimately threaten peace and stability in the region.

Therefore, the crisis that has hit Store Norske has security ramifications. At the same time, maintaining the presence of Norwegian citizens in Svalbard may prove easier said than done. To maintain the same level of Norwegian presence in Longyearbyen and Svalbard, the Norwegian government would have to succeed in stimulating business alternatives to coal mining. However, these alternatives, identified as education and research, the tourist industry and/or seafood processing,⁵⁷ are likely to attract even more non-Norwegians to the islands and hence dilute the share of Norwegians in Longyearbyen and Svalbard even further.

As already noted, the steady growth in research and higher education in Svalbard is one of the most important drivers for the population changes in Longyearbyen in recent years. UNIS, the largest actor in this field, recruits its staff internationally, as the pool of competent national candidates is limited.⁵⁸ Only one in three students is a Norwegian citizen. An increased national commitment to research and higher

education in Svalbard seems to be the fastest way to dilute the Norwegian presence further and to substitute Norwegian with English in even more social and cultural arenas in Longyearbyen. Norwegian research funds earmarked Svalbard, such as the Research Council of Norway's Arctic Field Grant and Svalbard Strategic Grant,⁵⁹ have increasingly stimulated foreign research activities as well. Without a more targeted recruitment policy for UNIS and/or Svalbard research funding policy, research and higher education will continue to add an international sheen to Longyearbyen and Svalbard.

Tourism, subject to great seasonal variation, will not provide for a significant and permanent presence of Norwegians in Longyearbyen either. Seasonal and short-term contracts tend to appeal less to generally well-off Norwegians, and employers favor staff whose first language skills reflect their international clientele. The Norwegian government will find it at least as hard to change the recruitment practices of the multi-national tourism industry, composed of numerous private enterprises, as those of UNIS. Although Norwegian companies still outnumber foreign companies in Longyearbyen, government incentives to increase the influx of tourists are just as likely to stimulate the growth of foreign operators, as they have the capability to reach and tap new markets.

Some, including the Longyearbyen Local Council, have suggested that establishment of a local seafood industry could compensate for the decline of *Store Norske* in Longyearbyen and Svalbard. However, a seafood business would do little to substitute the loss of Norwegian workers in Svalbard. The industry struggles with poor profitability and depends on cheap labor. To stay competitive, Norwegian seafood businesses – already faced with the highest wages in the world⁶⁰ – recruit mostly foreign workers to their factories. “A significant share of the employees in the seafood industry comes from abroad,” concludes a Norwegian Official Report from 2014. Although the exact share is difficult to estimate, the report refers to a 2011 study that puts the share of non-Norwegians in the industry at more than 30 percent. Seasonal work, short contracts, hard and manual work, and low wages make the industry unattractive to most Norwegian workers.⁶¹ Rune Myrseth, the CEO of *Eterni Norge*, confirms that the mainland seafood industry “usually recruits employees outside Norway”.⁶² The Norwegian Official Report concludes that the Norwegian government has little opportunity to influence or change the recruitment policies of the seafood industry on mainland Norway. In Svalbard, where work and residence permits are not required, this could prove even harder.

Ultimately, if the objective of the Norwegian government is to strengthen the presence of Norwegian citizens in Longyearbyen, it faces a “damned if you do, damned if you don’t” conundrum. Herein lies the Longyearbyen dilemma: Doing nothing could result in a dwindling population, where the share of Norwegians most likely would continue to decline. Putting effort into stimulating other activities and businesses, such as research and higher education, tourism, and seafood processing, would incentivize population growth, but the share of Norwegians in Longyearbyen would most likely be diluted even faster. Either way, Longyearbyen and the presence

of Norwegians will most likely play a lesser role in Norway's assertion of sovereignty over Svalbard in the decades to come.

More positive for the government, a more diverse population in Svalbard makes the Russian presence in the archipelago less special. The presence of citizens from across the world dilutes the "special status" that Russia claims to have had in Svalbard. Given the archipelago's international atmosphere, Russia will be less likely to repeat previous attempts to turn Svalbard into a bilateral matter, and Norway will be better positioned politically to resist Russian advances.

Furthermore, the presence of Norwegian citizens in Longyearbyen is not the only tool in the Norwegian government's toolbox. Previous studies have already concluded that the government's rule on Svalbard is becoming incrementally firmer.⁶³ Compensating for a reduced dominance of Norwegian citizens in Longyearbyen, the government could lean more heavily on other instruments to deflect misperceptions and assert its sovereignty over Svalbard, including resorting to a more active and noticeable exercise of prescriptive, enforcement and judicial jurisdiction. Reducing the differentness of Svalbard, arguably a source to misperceptions about its legal status, could ultimately avert foreign governments from prodding for opportunities or asserting influence in the archipelago.

4. Conclusions

Concerning the legal status of Svalbard, (at least) two sets of "realities" co-exist. One follows largely from international law and legal theory and deems the status as settled and final. Scholars of jurisprudence find Norway's sovereignty over the archipelago to be firmly established and Norwegian jurisdiction to be exclusive, although they still debate, at least to some extent, whether Norway's sovereign rights in adjacent maritime areas are conditional on the provisions of the 1920 Svalbard Treaty. A different "reality" feeds on other sources than international law. This study finds that some policymakers and laypeople seem to assume the legal status of Svalbard to be unsettled, international or internationalized. This study argues that one source of this perception is the international atmosphere of the archipelago, including liberal immigration regulations, tax-free shopping, and the departures to Svalbard through international gates – hallmarks that at least to some extent are consequences of the said Svalbard Treaty, which paradoxically also recognize Norway's "full and absolute sovereignty" over Svalbard. Those who perceive the legal status as unsettled, international or internationalized, are likely to have their views consolidated by Svalbard's international hallmarks, in accordance with the logic described by Robert Jervis and the cognitive tendency of confirmation bias.

Longyearbyen, the administrative capital of Svalbard, has been one of the most important instruments in the assertion of Norwegian sovereignty over Svalbard. The Norwegian government has explicitly stated that the presence of Norwegian citizens in Longyearbyen serves this purpose. However, the Norwegian presence is changing, at it is changing fast. The current crisis in Store Norske, the main employer of Norwegians in Longyearbyen since 1916, has reduced the share of Norwegians and

altered the composition of Longyearbyen significantly. Using the terms of Roxanne Doty, the current influx of elements from the “outside” may raise the question as to who should be considered “insiders”, affecting what she refers to as “the nation” and ultimately what constructivist scholars describe as internal or domestic sovereignty.

The Norwegian government will find it hard to reinvigorate the Norwegian presence. The alternatives to Store Norske, widely regarded to be research and higher education, tourism, and a local seafood industry, will most likely expand the number of non-Norwegians who settle in Longyearbyen due to the nature and recruitment policies of these businesses. This study has shown that government incentives and policies aimed at strengthening the Norwegian presence in Svalbard seem deemed to attract more foreign workers to Svalbard and hence give the settlement an even more international atmosphere, contrary to the intention. Making matters worse for the government, doing nothing to compensate for the loss of Norwegian workers amid the Store Norske crisis does not solve the Longyearbyen dilemma, since *laissez-faire* is likely to consolidate the current trend of a falling share of Norwegians settled in Longyearbyen and Svalbard. The dilemma seems impossible to escape with the policy alternatives under consideration by the Norwegian government.

Due to the Longyearbyen dilemma, a stronger international atmosphere in Longyearbyen seems inescapable. Isolated, the declining trend in the share of Norwegians in Svalbard is likely to fuel misperceptions about its legal status. Misperceptions, which in turn, could tempt other governments to assert more political influence in Svalbard, which may ultimately affect peace and stability in the region.

NOTES

1. The relevant White Papers, or reports to the Parliament, are St.meld. 39 (1974–75) *Svalbard*; St.meld. 40 (1985–86) *Svalbard*; St.meld. 9 (1999–2000) *Svalbard*; St.meld. 22 (2008–2009) *Svalbard*; St. meld. 32 (2015–2016) *Svalbard*.
2. St.meld. 9 (1999–2000) *Svalbard*, 160–161.
3. St.meld. 32 (2015–2016) *Svalbard*, 6, 37.
4. Store Norske refers to Store Norske Spitsbergen Kulkompani AS and its subsidiaries, including Store Norske Spitsbergen Grubekompani AS, which runs the mining operations and employs most of the company’s workforce.
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23. Other views on the legal status of Svalbard have certainly been voiced, but rarely by scholars of jurisprudence. See e.g. Geir Ulfstein, *The Svalbard Treaty: From terra nullius to Norwegian Sovereignty* (Oslo: Scandinavian University Press, 1995), 123–124.
24. See e.g. Morten Ruud and Geir Ulfstein, *Innføring i folkerett* (Oslo: Universitetsforlaget, 2011), 135.
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- Molenaar, “Fisheries Regulation in the Maritime Zones of Svalbard”. For an overview of legal positions expressed by governments, see Torbjørn Pedersen, “The Dynamics of Svalbard Diplomacy,” *Diplomacy & Statecraft* 19 (2008), 236–262, and Torbjørn Pedersen, *Conflict and Order in Svalbard Waters* (Tromsø: University of Tromsø, 2008).
28. Fleischer, *Petroleumstrett*, 180; Carl August Fleischer, *Svalbardtraktaten: En utredning hvor også nye styreformer på Svalbard vurderes* (1997).
 29. Alexander Wendt, *Social Theory of International Relations* (Cambridge: Cambridge University Press, 1999), 121.
 30. Thomas J. Biersteker and Cynthia Weber, “The Social Construction of State Sovereignty,” in *State Sovereignty As Social Construct*, ed. Thomas J. Biersteker and Cynthia Weber, (Cambridge: Cambridge University Press, 1996); Paul R. Viotti and Mark V. Kauppi, *International Relations Theory* (Essex: Pearson, 2014), 318–319; Daniel Philpott, *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations* (Princeton and Oxford: Princeton University Press, 2001).
 31. Viotti and Kauppi, *International Relations Theory*, 318.
 32. Biersteker and Weber, “The Social Construction of State Sovereignty”, 2–6.
 33. Roxanne Lynn Doty, “Sovereignty and the Nation: Constructing the Boundaries of National Identity,” in *State Sovereignty As Social Construct*, ed. Biersteker and Weber, 122. Also see Anthony D. Smith, “National Identity and the Idea of European Unity,” *International Affairs* 68 (1992), 55–76; and Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999).
 34. Krasner, *Sovereignty*.
 35. Doty, “Sovereignty and the Nation”, 127.
 36. Robert Jackson, *Quasi-States: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge University Press, 1990)
 37. By *explaining* social phenomena, this study embraces scientific realism. This approach is shared by some constructivists and challenged by others. Alexander Wendt is perhaps the most prominent champion of combining positivism with constructivism. See Wendt, *Social Theory of International Relations*, Chapter 2.
 38. Sverre Høifødt, “En slags kommune: Organisering og utvikling 1989–2001,” in *Fra company town til folkestyre: Samfunnsbygging i Longyearbyen på 78° nord*, ed. Arne O. Holm and Thor B. Arlov (Longyearbyen: Svalbard Samfunnsdrift, 2001); Amund Solend, “Det lille hamskiftet: Svalbard Samfunnsdrift blir til,” in *Fra company town til folkestyre*, ed. Holm and Arlov.
 39. The number or share of Non-Norwegian citizens in Longyearbyen was not registered until the 2000s. Not even a 16-page statistical overview of Longyearbyen from 1989 to 2001, “Fakta om Longyearbyen”, does report on nationalities. In Holm and Arlov, ed, *Fra company town til folkestyre*, 214–229.
 40. “Befolkningen på Svalbard,” Statistics Norway.
 41. *Ibid.*
 42. UNIS no longer reports on the share of Norwegian citizens among its students. Rather, it only reports on the share of students from Norwegian institutions, which remained roughly the same in 2015 as in 2014 (approx. 50 percent). These numbers include a fair share of Non-Norwegians.
 43. Personal communication, June 2015.
 44. Personal communication, June 2015.
 45. “Kjøp/salg/gi bort Longyearbyen” and “Ros & info Longyearbyen”, Facebook.
 46. “The Governor of Svalbard,” Sysselemanden, accessed 30 January 2017 <http://www.sysselemanden.no/en/>.
 47. The Immigration Act of 2008 has not been made applicable to Svalbard.

48. Hilde-Marte Bjørnsen and Steinar Johansen, "Kulldriften betydning for utviklingen av Longyearbyen," *NIBR-rapport* 2008, 22.
49. Ibid.
50. Ibid.
51. Store Norske Spitsbergen Kulkompani, *Rapport 3. kvartal 2016*, 4.
52. Wenche Ravlo, *Store Norske – En hjørnesteinsbedrift i omstilling*. Presentation. Longyearbyen: UNIS, 10 May 2016.
53. Arms Act of 1961, §32 (2).
54. "Ekspedisjoner i Arktis," Store Norske Leksikon, accessed 25 November 2016 https://snl.no/Ekspedisjoner_i_Arktis.
55. Ocean University of China, "Research on Marine Conservation Areas in Arctic", *Research in Svalbard* (ID 6799) 2014.
56. Geir Ulfstein paraphrased in Thor Bjørn Arlov, "Juvelen i kronen: Linjer i norsk Svalbardpolitikk", in *Fra company town til folkestyre*, ed. Holm and Arlov.
57. Bjørnsen and Johansen, "Kulldriften betydning for utviklingen av Longyearbyen", 80–89.
58. Ibid., 85.
59. "Svalbard Science Forum," The Research Council of Norway, accessed 30 January 2017 <http://www.svalbardscienceforum.no/>.
60. NOU 2014:16 *Sjømatnæringen: Utredning av sjømatnæringens rammevilkår*, accessed 30 January 2017 <https://www.regjeringen.no/contentassets/b8395c5e287846c281e434173d733511/nou/pdfs/nou201420140016000dddpdfs.pdf>.
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63. Pedersen, "Norway's Rule on Svalbard", 147–152.