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Master Thesis

Svalbard, Influenced by International Regimes and Laws with Increased Chinese Involvement

*How does China influence international laws and regimes in order to gain
access to Svalbard?*

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Abstract

This thesis aims to analyse the increased Chinese interest in the Arctic region and how this increased attention and interactions by China in the established international institutions and regimes governing the region have increased access to the Norwegian archipelago of Svalbard. By applying Robert Keohane's theory of Neoliberal Institutionalism, this thesis will examine the changes in the international regimes and international laws guarding the Arctic region with a special focus on Svalbard as it occupies a special position in international law, only comparable to the Antarctic. The Chinese rise onto the world stage with its increased power and ability to enact and demand changes to the structure of already established international organisations and regimes previously dominated by Western countries. China is demanding changes to the already established intergovernmental system as the global power structure is moving away from a unipolar structure. China has been one of the key actors challenging this structure with the global power structure becoming more multipolar. Moreover, over the last few decades the world has seen the creation of several new Chinese-led institutions and international regimes, which could constitute an alternative to Western regimes and portraying China as a valuable and reliable partner for cooperation.

The rising global temperature over the last two centuries has enabled increased exploration, accessibility and exploitation of the Arctic region, this have also led to heightened cooperation and interdependence between states both in the Arctic Circle and non-Arctic States. However, discussions regarding how this increased cooperation between the Arctic states and all willingly participating states should be structured and the interpretation of already established international laws such as the UNCLOS and the Spitsbergen Treaty governing the Arctic and Svalbard have been challenged by China as they seek greater influence as a stakeholder in the region. Furthermore, the analysis regarding Chinese attempts to change the norms and values in already established Arctic regimes such as the Arctic Council have fostered increased adherence to China both from some Arctic countries and non-Arctic States. The thesis finds China has increased its influence on international organisations and regimes, enabling them to interact and affect changes to international laws further towards Chinese characteristics, which would grant China greater access to the archipelago of Svalbard and by extension the Arctic as a whole.

Keywords: China, Svalbard, Arctic Eight, Neoliberal Institutionalism, International regimes, International laws, Spitsbergen Treaty, UNCLOS, Arctic Council.

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1. Introduction

Over the past few decades, the world has become more accessible with regions such as the sparsely inhabited Arctic gaining increased notoriety in the world community even to non-Arctic States, thus enabling the access to both the Arctic and Antarctic.¹ The Arctic is constituted as the region within the Arctic Circle² with terrestrial territories controlled by the Kingdom of Denmark, Finland, the Russian Federation (Russia), the United States of America (US), Sweden, Canada, Iceland and Norway.³ Despite most of the Arctic region being controlled by these sovereign nations, two exceptions to this sovereignty has enabled opportunities of influence to non-Arctic States. The first being the Arctic Ocean, which constitute the expanding and contracting icesheet as well as the ocean surrounding and underneath, which has been deemed a common heritage of mankind like the Antarctic, with the United Nations Convention on the Law of the Sea (UNCLOS).⁴ Secondly, the archipelago of Svalbard, which is a partially incorporated region in the Kingdom of Norway, with its special position in the changing landscape of Arctic politics pertaining to the international law and the international regimes influencing it. The sovereignty of Svalbard was officially transferred to the Kingdom of Norway with the signing and ratification of the Spitsbergen Treaty, but substantial restrictions to the sovereignty was imposed and great opportunities for exploitation and influence have been granted to other countries participating in the treaty.⁵ The archipelago of Svalbard has been recognised by non-Arctic States as an opportunity for exploitation and influence, as the international laws and regimes surrounding the islands is being challenged, with China already seizing opportunities for involvement.⁶

In the past few decades, China's economy and international footprint have seen impressive growth and development as the country has gained notoriety as a major global power enabling the country to affect practically everything on the world stage. On October 26th 1971, the United Nations General Assembly adopted Resolution 2758, which granted China a

¹ Jansen, Eystein. Christensen, Jens Hesselbjerg. Dokken, Trond. Nisancioglu, Kerim H. Vinther, Bo M. Capron, Emilie. (...). Stendel, Martin. (2020). Past perspectives on the present era of abrupt Arctic climate Change. In: *Nature Climate Change*. Vol. 10. P. 715.

² Burn, Chris. (1996). The Polar Night. In: *The Aurora Research Institute*. Vol. March 1996. P. 4.

³ Which as a collective hereinafter will be referred to as the Arctic Eight.

⁴ United Nations Convention on the Law of the Sea. (1982). From: Oceans and Law of The Sea – United Nations. Available at: https://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm. (Last accessed 03.01.2021).

⁵ The Spitsbergen Treaty. (1920). From: *Library of Congress*. Available at: <https://www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0269.pdf>. (Last accessed 03.01.2021).

⁶ China Arctic Science Research Station - Arctic Yellow River Station. (2019). From: *Polar Research Institute of China*. Available at: <https://www.pric.org.cn/EN/detail/content.aspx?id=3171277c-53b4-435b-b50a-b7588caeab55>. (Last accessed 03.01.2021).

permanent seat in the United Nations (UN).^{7,8} Despite being seated in the UN, China has been hesitant in further participating in international organisations and regimes during the 70's and 80's. However, by the mid 2000's China rapidly increased its participation in international organisations and regimes, with China's accession to the World Trade Bank being one of the key contributors to the fast Chinese development. With China's increased economic growth during the 2000's and beginning of the 2010's the Chinese leverage within the international organisations and regimes grew.⁹ The Chinese rise to the world stage has further increased the discourse regarding how China is allowed to affect international institution and international regimes as well as the international laws created within these structures.¹⁰ With China questioning and criticising how their directives have previously been centred towards the Western world and norms, with less consideration previously given to the rest of the world.¹¹

With the changing international system towards a more multipolar system, new international institutions and regimes has been created, such as Asian Infrastructure Investment Bank (AIIB) primarily focusing on economic development and investment, and the Shanghai Cooperation Organisation focused on defence, with China as one of the spearheads of these new international organisations and regimes.^{12,13} These Chinese-led organisations is in no way as big nor as well supported as their Western counterparts, like the World Bank and the North Atlantic Treaty Organization (NATO), with less participating members and overall cashflows. Nonetheless, China has proven its capability as the catalyst for the creation of competitors to the already establish Western organisations and regimes, disrupting norms and values on an international level, creating new opportunities for bilateral and multilateral treaties and agreements outside the Western regimes.

⁷ Kent, Ann. (2013). China's participation in international organisations. In Zhang Y. & Austin G. (Eds.), *Power and Responsibility in Chinese Foreign Policy*. ANU Press. Pp. 132-133.

⁸ Resolution 2758 – Restoration of the lawful rights of the People's Republic of China in the United Nations. (1971). From: *The United Nations*. Available at:

[https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/2758\(XXVI\)](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/2758(XXVI)). (Last accessed 03.01.2021).

⁹ Kent. (2013). *Ibid*. Pp. 135-137.

¹⁰ Dittmer, Lowell. (2012). China's Global Rise. In: *Americas Quarterly*. Vol. 6, Iss. 1. Pp. 61-63.

¹¹ Guo, Peiqing. (2012). An Analysis of New Criteria for Permanent Observer Status on the Arctic Council and the Road of Non-Arctic States to Arctic. In: *International Journal of Maritime Affairs and Fisheries*. Vol. 4, Iss. 2. P. 38.

¹² Gutner, Tamar. (2018). AIIB: Is the Chinese-led Development bank a Role Model? From: *Council on Foreign Relations*. Available at: <https://www.cfr.org/blog/aiib-chinese-led-development-bank-role-model#:~:text=Today%2C%20the%20AIIB%20has%20the,sixty%2Dseven%20at%20the%20ADB>. (last Accessed 03.01.2021).

¹³ Elmahly, Hend. Sun, Degang. (2019). NATO vs. SCO: A Comparative Study of Outside Powers' Military Presence in Central Asia and the Gulf. In: *Asian Journal of Middle Eastern and Islamic Studies*. Vol. 12, Iss. 4. Pp. 453-454.

However, one of the areas of the world where the Chinese influence has been less successful is the Arctic with its inhospitable landscape, almost permanent icy weather and ice-covered seas, blocking development and trade routes as well as its lack of domestic soil within the region.¹⁴ Alas, the changes in global weather with generally warmer climate throughout the world have resulted in reduced formation of impenetrable sea ice, allowing easier and safer travel through the Arctic. Lastly, this has also removed restrictions and complications when trying to access specific areas within the Arctic, reducing the reliance on specialised tools such as icebreakers which are massive ships created for the sole purpose of creating a pathway through thick sea ice.¹⁵

With China's increased leverage in global institutions and regimes, it would seem likely that China would take actions towards incorporating the Arctic into its sphere of influence, and in January of 2018 the Chinese government published its first official White Paper regarding China's Arctic policies, further outlining the Chinese political goals for the region.¹⁶ The Arctic White Paper presented another extension of an already established Chinese regime, the Belt and Road Initiative (BRI), with the Polar Silk Road (PSR) intended to incorporate the Arctic into this regime. However, China had already established a physical presence in the area prior to their publication of the Arctic White Paper, with a research station called Yellow River Station on the Norwegian archipelago of Svalbard since 2003.¹⁷ Through the structural framework of international law and the associated regimes China could gain access to influence the archipelago of Svalbard. This further raises the question whether China can affect institutions and regimes within the Arctic like the Arctic Council, thus further benefitting its involvement and possible exploitation in Svalbard.

1.1. The Archipelago of Svalbard

The Arctic archipelago of Svalbard, previously referred to as Spitsbergen, has been under Norwegian sovereignty since the February 9th 1920, where the Spitsbergen Treaty was

¹⁴ Beveridge, Leah. Fournier, Mélanie. Huang, Linyan. Lasserre, Frédéric. Têtu, Pierre-Louis. (2016) Interest of Asian shipping companies in navigating the Arctic. In: *Polar Science*. Vol. 10, Iss. 3. Pp. 408-409.

¹⁵ Beveridge, Leah. Et al. (2016). Ibid. P. 406

¹⁶ The State Council Information Office of the People's Republic of China. (2018). China' Arctic Policy. From: *The State Council Information Office of the People's Republic of China*. Available at: http://english.www.gov.cn/archive/white_paper/2018/01/26/content_281476026660336.htm. (Last accessed 03.01.2021).

¹⁷ China Arctic Science Research Station - Arctic Yellow River Station. (2019). From: *Polar Research Institute of China*. Available at: <https://www.pric.org.cn/EN/detail/content.aspx?id=3171277c-53b4-435b-b50a-b7588caeab55>. (Last accessed 03.01.2021).

originally signed in Paris by the US, Great Britain and Ireland as well as the overseas British Territories, Denmark, France, Italy, Japan, the Netherlands, Sweden, and Norway.¹⁸ The original name of the archipelago Spitsbergen is not a Norwegian name, it derives from the area's history with other European countries in this case the Dutch. In 1596 with the never-ending European search for new trade routes to the East, two navigators from the Netherlands Jan Cornelis Rijp and Willem Barents found the southernmost island in the Svalbard archipelago and named it Bear Island. In subsequent expeditions they also found the largest island of the archipelago and named it Spitsbergen.¹⁹ The Dutch name of Spitsbergen persisted until the Norwegians gained sovereignty of the archipelago in 1920 and the name has subsequently not been used in any future agreements or treaties since 1920.^{20,21} Furthermore, until the treaty went into effect in August of 1925, several other countries decided to participate as signatories of the Spitsbergen Treaty which today has more than 40 participating countries.²²

Despite granting Norway absolute sovereignty over Svalbard in its first article, the Spitsbergen Treaty in its subsequent articles limits this absolute sovereignty. The second article grants all High Contracting Parties²³ special privileges regarding the surrounding waters, fjords and harbours on Svalbard, allowing indiscriminatory entry and access to these areas regardless of the reason or objective.^{24,25} The third article shall grant all signatories equal liberty to access and exploit the fishing and hunting opportunities that Svalbard provides, with Norway as the regulator for preserving the flora and fauna. Furthermore, it grants the High Contracting Parties equally rights to mining in the area and allowing industrial and commercial operations on absolute equal footing. The right to trade is also protected with the Spitsbergen Treaty, allowing all signatories to import and export while no restrictions or charges can be imposed on the

¹⁸ Numminen, Lotta. (2011). A History and Functioning of The Spitsbergen Treaty. In: Wallis, Diana MEP and Arnold, Stewart (eds.), *The Spitsbergen Treaty – Multilateral Governance in The Arctics*. Vol. 1. Pp. 7-9.

¹⁹ Brown, R. N. Rudmose. (1919). Spitsbergen, Terra Nullius. In: *Geographical Review*. Vol. 7, No. 5. Pp. 311-312.

²⁰ Churchill, Robin R. Ulfstein, Geir. (2010). The Disputed Maritime Zones Around Svalbard. In: Heidar, Tomas H. Moore, John Norton. Nordquist, Myron H. (eds.), *Changes in the Arctic Environment and the Law of the Sea*. Martinus Nijhoff Publishers. Pp. 552-553.

²¹ Trellevik, Amund (2020) Spitsbergen or Svalbard? The Answer Includes both Politics and History. From: *High North News*. Available at: <https://www.highnorthnews.com/en/spitsbergen-or-svalbard-answer-includes-both-politics-and-history#:~:text=%E2%80%9CWhen%20Norway%20assumed%20sovereignty%20over,Svalbard%20long%20before%20the%201400s>. (Last accessed 03.01.2021).

²² Numminen (2011). Op. cit. Pp. 8-10.

²³ Name referring to the countries which are participating signatories of the Spitsbergen Treaty - Providing opportunities for other countries, such as China that in 1925 together with several other countries became signatories to the Spitsbergen Treaty.

²⁴ The Spitsbergen Treaty. (1920).

²⁵ Lanteigne, Marc. (2014). *China's Emerging Arctic Strategies: Economics and Institutions*. University of Iceland. Pp. 12-13.

goods going through Svalbard. In short, the first article gives Norway absolute sovereignty over archipelago and the second and third articles applies limits on this absolute power also granting none-Norwegian signatories rights and opportunities on Svalbard.²⁶

Furthermore, how Norway is allowed by international law to control the area around the archipelago of Svalbard has been elaborated upon by the Law of the Sea Convention in 1982 and extended with the ratification of the UNCLOS.²⁷ Despite not being mentioned directly in the UNCLOS, Svalbard has also been affected by this international law, regarding the sovereignty of the surrounding waters and maritime zones called Exclusive Economic Zones (EEZ). The UNCLOS has recently been the catalyst for further discussion regarding how the Norwegian archipelago of Svalbard should be governed as its jurisdiction closely adhere to international laws and regimes compared to the Norwegian mainland.²⁸

Moreover, the archipelago of Svalbard is further affected by the Arctic Council, which was established on September 16th 1996 by the founding members Denmark, Finland, Russia, the US, Sweden, Canada, Iceland and Norway, with the Declaration on The Establishment of The Arctic Council.²⁹ In connection with the Arctic Council there is also observer states that must adhere to recognising the sovereignty of the Arctic Eight over their respective territories which all 13 observers, including China, have agreed upon.³⁰ Nonetheless, The Arctic Council is not able to apply any legislative enforceable laws which the member states nor the observer states is legally adherent to and can only declare non-binding soft law recommendations.³¹

China has without a doubt communicated its interest in Svalbard and by extension the Arctic with its ambition to use the already established international system to its full extend, with one of the leading Chinese scholars Peiqing Guo arguing: “There are many roads to Arctic such as UNLOS, FAO, IMO and the Spitsbergen Treaty that offer many opportunities and strong platforms for non-Arctic states participating in Arctic issues.”³²

²⁶ The Spitsbergen Treaty. (1920). Op. cit.

²⁷ United Nations Convention on the Law of the Sea. (1982).

²⁸ Churchill, Ulfstein. (2010). Op. cit. P. 554.

²⁹ Declaration on The Establishment of The Arctic Council – Joint Communique of The Governments of the Arctic Countries on The Establishment of The Arctic Council. From: *Arctic Portal Library*. Available at: http://library.arcticportal.org/1270/1/ottawa_decl_1996-3..pdf. (Last accessed 03.01.2021).

³⁰ Sas, Blanche. (2015). Arctic Ocean Oil Rights: International Law and Sovereign Title. *University of Sydney*. Pp. 21 and 283.

³¹ Wegge, Njord. (2011) The Political Order in the Arctic: Power Structures, Regimes and Influence. In: *Polar Record*. Vol. 47. Iss. 2. Pp. 171-172.

³² Guo. (2012). Op. cit. P. 21.

With the increased importance of the Arctic during the past few decades and the Chinese rise to become a major player within the established Western and newly created international institutions and regime, combined with the currently internationally disputed circumstances regarding the archipelago of Svalbard, has led to the following problem formulation.

1.2. Problem Formulation

How does China influence international laws and regimes in order to gain access to Svalbard?

2. Literature Review

In order to create a thorough narrative and precise analysis, this thesis will use scholarly literature as a strong proponent to answer the problem. This following chapter will therefore outline some of the important works that have focused on the development in the polar regions and especially the Arctic. It will also additionally describe literature important to the development of Chinese influence on international organisations, institutions and regimes.

In 2017 Professor of Politics and International relations Anne-Marie Brady at the University of Canterbury in New Zealand, published her book *China as a Polar Great Power*.³³ Brady's book focuses on the rising power of China within the polar regions and its increased capability and willingness to try and participate in the current global governance in the regions. She is also examining the Chinese overall goals for entering the Arctic, and what activities and politics China is engaging with and how that pertains to their overall global maritime strategies. Furthermore, Brady analyses how China tries to affect international politics and its international relations and the challenges China faces with regards to entering the current Arctic regime structure. She further discusses what tools China could use for enacting its own long-term goals for the region, if this could mean Chinese demands for upheaval of the Arctic Council, to try and gain a stronger voice in how the Arctic should be governed. Brady further examines whether China would adhere to previously accepted bilateral agreements or if the state would also pursue goals of changing these to help facilitate Chinese interests in the Arctic. The strengths and weaknesses of the Chinese polar capabilities is also examined by Brady, and how this is leveraged to affect the key positions China is taking on policy issues in the Arctic

³³ Brady, Anne-Marie (2017). *China as a Polar Great Power*. Cambridge: Cambridge University Press.

region. The sovereignty of individual countries and how China positions themselves on issues relating to individual state's rights to exploitation of resources in the Arctic is also examined. In extension of this, Brady also discusses whether China's actions could drive other non-Arctic States to claim stakes in the region. Brady concludes: "*China's push into the polar regions encompasses maritime and nuclear security, the frontlines of climate change research, and the possibility of a resources bonanza.*"³⁴ As Brady's work clearly outlines Chinese goals and ambitions within the Arctic region and its emphasis on the growing Chinese influence on the changing of structural cohesion of the region as well as its focus on norms *China as a Polar Great Power* appears well suited for usage in this thesis.

December of 2012 professor Peiqing Guo published his article *An Analysis of New Criteria for Permanent Observer Status on the Arctic Council and the Road of Non-Arctic States to Arctic*.³⁵ Guo is professor at the School of Law and Political Science at the University of China, he is also one of the founding members of this university and is one of the leading Chinese researchers in the Arctic. Guo provides a Chinese angle to the analysis and following discussion, to further increase the diversity of thought presented in this thesis. In Guo's article, he analyses opportunities and avenues for cooperation by non-Arctic States within the structural framework already implemented regarding the Arctic. Moreover, Guo criticises the structure of the Arctic Council and how it tries to force non-Arctic States to conform to the will and acknowledge the sovereignty of the Arctic states in order to gain ascension as an observer state. The opportunities and rights of non-Arctic States should be recognised by the Arctic states according to Guo and the adoption of practical and open policy making, where balance should be created through mutual respect and mutual understanding. He also advocates for non-Arctic States to circumvent the Arctic Council in order to realise their own interest and goals in the Arctic, Guo argues that access to the region for non-Arctic States should be gained by the Spitsbergen Treaty or the UNCLOS. The article made by Guo clearly portrays opportunities for a country such as China to greatly increase its effectiveness of gain a foothold in the Arctic and the tools that should be utilised. As this is also some of the approaches that will be further analysed in later segment, Guo's article therefore seems well suited for application in this thesis.

In the 2018 *Arctic Yearbook*, Danish Associate Professor Camilla T. N. Sørensen, from the Institute for Strategy at the Royal Danish Defence College in Copenhagen, released her

³⁴ Brady. (2017). Ibid. P. 15.

³⁵ Guo. (2012). Pp. 21-38.

article titled *China is in the Arctic to Stay as a Great Power: How China's Increasingly Confident, Proactive and Sophisticated Arctic Diplomacy Plays into Kingdom of Denmark Tensions*.³⁶ Sørensen's article focuses on the opening of the Arctic and how there is a growing presence and engagement by non-Arctic States specifically in her article regarding Greenland. Furthermore, the changing landscape of power balance and decision-making within the Kingdom of Denmark, as Greenland is one of the countries in this kingdom, and how the ambition of Greenland to act independent with regards to how it engages with foreign policy actors. Sørensen is examining how Greenlandic politicians are trying to attract foreign direct investments from China in sectors such as energy, resource extraction and infrastructure, while there is a growing concern and scepticism in Copenhagen towards these investments. The analysis by Sørensen also factor in the pressure by the US and Washington towards the Kingdom of Denmark, as they already have long-standing cooperation agreements and the US has security interest and a military presence in Greenland in the form of the Thule Air Base. The article also attempts to tackle one of the biggest problems for foreign non-Arctic States with regards to who they should negotiate with, Copenhagen or Nuuk, in order to gain agreements and apply for permissions when it comes to Arctic collaborations on projects of any scale. Greenland, like Svalbard, present difficulties for China because of its special international status. With this in mind, Sørensen's article seem well suited for application within this thesis as uses a different theoretical approach to untangle diplomatic hurdles China is facing in order to gain a further presence in the Arctic.

Lastly, the article *Is this the End of the Arctic Council and Arctic Governance as we Know it?* by Professor Timo Koivurova, which is a researcher and Director of the Arctic Centre at the University of Lapland in Finland, was released in 2019 by the Polar Research & Policy Initiative.³⁷ The article attempts to analyse the problems facing the cooperation within the Arctic Council and how the fundamental principles that the council was founded upon is being challenged. One of the major pillars of the Arctic Council according to Koivurova is what he calls Rovaniemi Arctic spirit, which he explains as the sentiment that it is in the Arctic region that the Arctic states can foster peace and international cooperation, despite some states that

³⁶ Sørensen, Camilla T. N. (2018). China is in the Arctic to Stay as a Great Power: How China's Increasingly Confident, Proactive and Sophisticated Arctic Diplomacy Plays into Kingdom of Denmark Tensions. In: Lasse Heininen, & Heather Exner-Pirot (eds.). *Arctic Yearbook 2018*. (Special Section: China and the Arctic). Pp. 43-58.

³⁷ Koivurova, Timo. (2019). Is this the End of the Arctic Council and Arctic Governance as we Know it? from: *Polar Research & Policy Initiative*. Available at: <https://polarconnection.org/arctic-council-governance-timo-koivurova/>. (Last accessed 03.01.2021).

have disagreements or tensions in their overall relations. Rovaniemi is a Finnish city where the Arctic Environmental Protection Strategy was signed in 1991 and according to Koivurova is one of the cornerstones, by which the Arctic Council was built upon in 1996. The article asks whether this is still a reliable approach for multilateral cooperation in the Arctic Council or if the changes in states approach to international cooperation has changed drastically since the conception of the Arctic Council. One of the new major disruptions to the cooperation in the Arctic Council has been the new approach to international cooperation by the US and how they are openly challenging Russia in the Arctic and the global “war” the US is having with China similarly in the Arctic. As Svalbard is also affected by the decisions made within the intergovernmental framework of the Arctic Council as the norms generated by this regime affect the Norwegian approach to Svalbard. As concerns examined within Koivurova’s article also impact Svalbard’s status, the article seems to be well applicable in the structure of this thesis as it attempts to analyse a structural change in an international organisation with large influential impact to the Arctic.

All these literary works and several others have been used as the backdrop by which this thesis attempts to further develop a more nuanced and balanced understanding of the unique interstate dynamics that is playing out in Arctic affairs. Moreover, they will further provide the basis of the subsequent discussion of this thesis as to try and give a diverse and inclusive set of opinions on the matter of the Arctic, as the subject have become more contested throughout the last few decades. This will especially be done in an attempt to have both a Western point of entry into the debate regarding China encroachment into the region, as well as an entry point from a Chinese perspective, further strengthening the analysis and discussion of this thesis.

3. Methodological Approach

This subsequent Chapter of the thesis will provide a comprehensive overlook of the methodological approaches that has been taken within this paper to achieve a thorough analysis of the previously stated problem formulation and seek to find a satisfying answer to this problem. This segment will also attempt to give a concise overview of the selected theory which will be applied for the upcoming analysis and how this theory can be applied to the problem outlined. The relevant selected data will be presented in the section regarding choice of data, afterwards this together with the choice of theory will help outline the analytical approach of

this thesis. Furthermore, the limitation of scope within this thesis will be outlined as to give further clarity to the exclusions made.

3.1 Choice of Theory

In order to analyse the changing landscape of the international laws and regimes surrounding Svalbard and the increased interest by China regarding the archipelago, this thesis will therefore apply Robert O. Keohane's theory of Neoliberal Institutionalism also known as Regime Theory. The Neoliberal Institutionalism theory is well suited for the problem previously outlined, and it provides a framework in international relations that can help analyse Svalbard's international position and how the international regimes combined with changes in norms and values within the Arctic can shift due to Chinese influence.³⁸

3.1.1 The Approach of Neoliberal Institutionalism

In order to analyse possible changes in international laws and regimes affecting the archipelago of Svalbard, and how China could influence changes in norms and values, reflections regarding how participating actors within this specific international region interact with each must be narrowed down in order to further understand their intend. In his book, *After Hegemony: Cooperation and Discord in the World Political Economy*, one of Keohane's prevailing arguments is that states are rational egoists. Rational implying that states have consistent and ordered preferences and they judge the cost and benefit relative to alternative actions in order to understand how to maximise their utility in accordance with their preferences.³⁹ Egoistic referring to how states' interdependence towards one another does not affect their individual utility functions, meaning states' utility does not have to fluctuate because of another actor's gains or loses.⁴⁰ When trying to explain what defines international regimes in the sense Neoliberal Institutionalism, Keohane argues that regimes can be a broad variety of things that can help shape norms, values and expectations of states in order to maintain channels of cooperation.⁴¹

³⁸ Keohane, Robert O. (1984). *After Hegemony: Cooperation and Discord in the World Political Economy*. New Jersey: Princeton University Press.

³⁹ Keohane. (1984). Ibid. Pp. 27-28.

⁴⁰ Keohane. (1984). Ibid.

⁴¹ Keohane. (1984). Ibid. Pp. 35-36.

With international regimes' importance for the problem at hand it will be further explain in the following section 4.1, as their ability in shaping norms and values can change the future of Svalbard.⁴² Furthermore, China's rapid rise in the world system and their increased ability to provide an alternative to previously establish regimes, enables Keohane's theory of Neoliberal Institutionalism to provides a well suitable tool for further understanding how Chinese alternative regimes and influence on international law affect Svalbard. With China having increased engagement within international organisations such as the UN and with almost 50 years of experience with international institutions and regimes, China has gained the knowledge of how to shape and interact with these international mediators for cooperation.⁴³ With the knowledge of how to influence international regime, established and previously dominated by the Western world with a liberal agenda, the Chinese encroachment into the Arctic and Svalbard through various means could concern the Arctic Eight.⁴⁴ With seven out the eight countries being considered Western democracies⁴⁵, the differing Chinese norms, values and goals could be seen as troublesome for these states. Furthermore, Svalbard could give China the leverage and access point to gain greater influence in shaping these norms as the archipelago is as previously mentioned heavily influenced by international law. China have also started to shape its own international policies towards the strengthening of its own international regime through the creation of institutions such as the AIIB or infrastructure projects like the BRI.^{46,47} Part of Keohane's theory of Neoliberal Institutionalism also hinges on the concept of cooperation despite each actors' policies being different, and the pursuit of a cooperated joined goal might elevate the outcome for all participators.⁴⁸ A joined international vision for the future of Svalbard could be realised with joint ventures by several actors including China and the creation of norms and policies with wide cooperation across state lines. This thesis will also use the Neoliberal Institutionalism theory of cooperation and regime development, as it provides guidelines and structures to analyse why actors behave in certain way and tools for analysing the approach of China in the region and how it pertains to

⁴² Keohane. (1984). Ibid. P. 65.

⁴³ United Nations General Assembly. (1971) Op. cit.

⁴⁴ Sun, Yun. (2020). Defining the Chinese Threat in the Arctic. From: *The Arctic Institute*. Available at: <https://www.thearcticinstitute.org/defining-the-chinese-threat-in-the-arctic/>. (Last accessed 03.01.2021).

⁴⁵ Denmark, Norway, the US, Canada, Sweden, Iceland and Finland.

⁴⁶ Daksueva, Olga. Yilmaz, Serafettin. (2018). The AIIB and China-ASEAN Relations – Shaping a New North-South Paradigm. In: *China Quarterly of International Strategic Studies*. Vol. 4, Iss. 1. Pp. 106-110.

⁴⁷ Kirchner, Stefan. (2018). Greening Arctic Cruise Shipping Through Law & technology: A Role for China? In: Lasse Heininen, & Heather Exner-Pirot (eds.). *Arctic Yearbook (2018)*. (Special Section: China and the Arctic). P. 76.

⁴⁸ Keohane. (1984). Op. cit. Pp. 51-55.

international law. Despite economy playing a significant role in Keohane's theory of Neoliberal Institutionalism, this thesis will not use that as its most important analytical tool. However, the aspects of regime creation and revision together with international law will be the driving force in the pursuit of answering the previously stated problem, thereby not dismissing the importance of economic incentives as a tool for affecting international regime and international law. Therefore, with further elaboration in the upcoming theory section, Keohane's Neoliberal Institutionalism will be used as the guiding theory for understanding the international interactions that are playing out regarding Svalbard and the Arctic.

3.2 Choice of Data

The subsequent paragraphs will aim to provide a short preview of the selected data that will be taken into consideration and used for the examination, in order to thoroughly analyse the changes surrounding Svalbard and the tensions in the region and how Chinese influence might precipitate.

Firstly, to elaborate the understanding of the special position Svalbard resides in world politics, international treaties, policies and laws will be examined in this thesis. The Spitsbergen Treaty as the first multilaterally agreed upon legislation regarding the sovereignty of Svalbard to Norway and the future use of the islands' resources will be consolidated in this thesis as it provides the first and general guidelines not only for the use of the archipelago by Norway, but all signatories.⁴⁹ Furthermore, the UNCLOS that Norway has agreed upon as well as policies from the Arctic Council regarding the Arctic and Svalbard will be taken into consideration in this thesis to provide knowledge of the institutional legislation that Norway and Svalbard is adhering to.⁵⁰ With Svalbard's special status, the archipelago also has some special laws separate from the general Norwegian legislation which also will be consolidated within this thesis.⁵¹

Secondly, empirical research related to this thesis' topic will be incorporated as it provides knowledge, tendencies and potential development in Svalbard, and how Chinese influence can become a factor in this region.⁵² This will include scientific journals, books

⁴⁹ The Spitsbergen Treaty. (1920). Op. cit.

⁵⁰ United Nations Convention on the Law of the Sea. (1982). Op. cit.

⁵¹ Laws and Regulations. (2020). From: *Governor of Svalbard*. Available at: <https://www.sysselmannen.no/en/laws-and-regulations/>. (Last accessed 03.01.2021).

⁵² Beveridge. Et al. (2016). Op. cit.

relating to the governance of Svalbard, empirical data relating to the economic development in the region and the climate conditions enabling this economic growth will also be advised in the analysis process.⁵³

Thirdly, individual states' relevant laws, policies, international participation and statements regarding Svalbard and the Arctic will be drawn in, to display the current approach by relevant states towards the problem, thereby giving this thesis the suitable substance regarding important actors in Svalbard. This will be analysed from statements such as the Chinese White Paper regarding the Arctic or Norwegian special laws to protect their perceived rights as it pertains to the sovereignty of Svalbard.^{54,55}

Lastly, to further outline the advancements in the chosen problem of the thesis, the current press releases regarding Svalbard will be added for consideration from both Norwegian and Chinese publications as well as other international publications, as to provide a contemporary knowledge of current events in Svalbard. Furthermore, acknowledged Norwegian, Chinese and international magazines and newspapers and online publications regarding politics such as High North News, The Diplomat, etc. will be consolidated. When using sources of this nature, like High North News, considerations has to be made in regard to their affiliation and how they can be complicit in framing contested issues that could help facilitate changes in international regimes.

3.3 Analytical Approach

Furthermore, following the previously described theory that will be applied for the thesis and the selected data for examination, this section of the thesis will propose the analytical approach that has been used in order to analyse the Chinese strategies for changes within international regimes surrounding Svalbard in order to get a stronger foothold within the region as well as how China can through cooperation within regimes change norms and values in the region.

Throughout the analysis Keohane's Neoliberal Institutionalism theory will be applied. This will be done in order to analyse some of the basic power structure that are within the region and how Svalbard in particular is situated within these power dynamics with its special

⁵³ Jansen, Et al. (2020). Op. cit. P. 715.

⁵⁴ The State Council Information Office of the People's Republic of China. (2018). Op. cit.

⁵⁵ Committee on Fisheries. (2018). Subject: EU-Norway dispute over snow crab fishing in Svalbard. From: *European Parliament*. Available at: https://www.europarl.europa.eu/doceo/document/G-8-2017-000011_EN.html. (Last accessed 03.01.2021).

international laws. Keohane's theory also allows for the examination in the analysis of the development of politics surrounding Svalbard and the international power balance that is affecting the region, here Svalbard is a special case as it falls within the jurisdiction of Western powers, despite having a somewhat large Russian presence on the islands. One of the main focuses with Keohane's theory is also the shift within this power structure, not just regarding a physical and military force, but most importantly for this thesis opportunities for creating cooperation and interdependency within an anarchic system. Furthermore, the Neoliberal Institutionalism theory allows for a comprehensive analysis of previous and ongoing changes in norms and values regarding the legality, sovereignty, jurisdiction and opportunity for other contributors to the Spitsbergen Treaty. The analysis will therefore use this framework as the analytical approach to help answer the previously stated problem regarding the Chinese influence on Svalbard.

The analysis will be closely adhered to the theory as described in the theoretical approach and the subsequent chapter 4.1 in order to analyse certain actions by China that in particular have influenced the debate regarding the Chinese within the Arctic. Firstly, in order to establish a thorough understanding of Chinese influence upon Svalbard, the development within international organisations and regimes must be outlined, as the legal jurisdiction and sovereignty of Svalbard to Norway is derived from decisions and treaty made within international organs. As these international institutions such as the UN are major factors in deciding over the archipelago of Svalbard, they will form the basis of the analysis, as they prescribe rules and norms that further could affect which direction the development of Svalbard will take and as previously stated China have gained further knowledge of how to operate within these systems and how to create their own, as well as political power to change the structural norms constituted from these institutions.

Secondly, the analysis will examine Chinese statements, policy proposals, initiatives and the work of Chinese scholars in order to analyse ambitions and goals by China for the future of Svalbard and the Arctic. This will be done to analyse what the aims of China in Svalbard could be and how the Chinese government is trying to further increase its influence in this region which is growing in importance. The importance of this in accordance with the Neoliberal Institutionalism is the removal of political uncertainty between countries in order to increase the likelihood of cooperation, which can increase adherence to a regime or interdependence.

Lastly, the analysis will investigate specific cases by which China has tried to gain a foothold on Svalbard. This could be in terms of the scientific research station China have built on the archipelago, and other plans they have for development on the island that could increase the cooperation between China and Norway or China and other non-Arctic States. Furthermore, the analysis will incorporate political disagreements and changing sentiment towards Chinese participation on circumstances regarding the jurisdiction and development in the region.

These findings within the analysis regarding Svalbard's institutionally shifting landscape will be further discussed and superimposed onto the wider Arctic as a whole, and whether Chinese influence could change regimes in the region. This discussion will try to argue whether the measures and influence on institutions and regimes by China could further solidify its positions as a strong contender and partner in the Arctic as a force that could generate cooperation in the region. With this widened perspective on the Arctic, other Arctic states could thereby draw from whether they see opportunities from the Chinese influence or whether it comes to interfere with their own domestic sovereignty.

3.4 Limitations of the Project

The following section will describe some the limitations set for the thesis as to give a thorough analysis and precise answer to the problem of the thesis, thus the scope of the thesis has been set accordingly. The thesis will only examine certain segments of the changes and development within the Chinese involvement on Svalbard and its associated institutions and regimes, meaning some incidents have minor implications on the problem and have been deemed to not be impactful enough.

The analysis is focused on Chinese involvement in international laws and regimes as well as its described plans for its involvement within the Arctic as major player for establishing cooperation and interdependence in the region. The UN and the Arctic Council are international organs and regimes with several treaties, agreements and international laws pertaining to the Arctic region with only a few singling out Svalbard, thus specific cases and treaties have been selectively sourced as they are some of the most impactful to the governance and opportunities given to countries and Norway regarding the exploitation of Svalbard, such as the Spitsbergen Treaty⁵⁶ or the UNCLOS⁵⁷.

⁵⁶ The Spitsbergen Treaty. (1920). Op. cit.

⁵⁷ United Nations Convention on the Law of the Sea. (1982). Op. cit.

The treaty has several asterisks regarding to its sovereignty to Norway, and how Norway is allowed to implement laws that affect the archipelago has to be separate from its own domestic policies because of the Spitsbergen Treaty. Therefore, the domestic laws created within Norway will not be considered for this thesis as for how China affect those could be a thesis on its own. The normal jurisdictions that a foreign country must comply with in order to do business with a country is also different in the case of Svalbard as well as the permission for entry and taxation is separate from the mainland.⁵⁸ Regardless of whether Norway have implemented domestic policies for diminishing foreign interference on Svalbard, it will not be seen as influential to the problem at hand, as most important policies and international laws for the analysis within this thesis is agreed upon within international organisations. However, Norwegian participation within these international organisations and regimes, such as the UN or Arctic Council, will be considered within the thesis.

Despite economics being a major topic both for the future of Svalbard and regimes surrounding it and its importance to Keohane's theory, numbers regarding the economic growth of the islands will not be analysed within this thesis as the opportunities for economic growth through material extraction or industry on the island seem minimal.⁵⁹ Furthermore, what constitute Svalbard as a special case in a Chinese perspective would not be the opportunities for extraction of raw materials or other minerals, rather its strategic position in the Arctic and the special legal stature regarding international law the archipelago is bound by, thus specific plans by China for developing extraction plans of raw material or other such industries will not be considered. Furthermore, as Norway is not a developing country and therefore would not necessarily be inclined to accept Chinese foreign direct investment into the development of Svalbard, the prospect of Chinese establishment of industries such as coal mining on Svalbard might also be opposed by other countries such as Russia, which is already established on the islands with their own mines.⁶⁰

Moreover, due to the situation and circumstances of the world regarding the global pandemic of Covid-19 and the subsequent stagnation of global development and cooperation,

⁵⁸ Nikel, David. (2020). Living on Svalbard. From: *Life in Norway*. Available at: <https://www.lifeinnorway.net/living-on-svalbard/#:~:text=As%20a%20general%20rule%2C%20income,much%20higher%20cost%20of%20living>. (Last accessed 03.01.2021).

⁵⁹ Statistics Norway. (2020). Industry Statistics for Svalbard. From: *Statistics Norway*. Available at: <https://www.ssb.no/en/sts>. (Last accessed 03.01.2021).

⁶⁰ Strange, Rolf. (2020). Barentsburg: a Russian coal mining settlement in Spitsbergen. From: *Spitsbergen / Svalbard*. Available at: <https://www.spitsbergen-svalbard.com/photos-panoramas-videos-and-webcams/spitsbergen-panoramas/barentsburg.html>. (Last accessed 03.01.2021).

the creation and collection of newly relevant information regarding Svalbard might have diminished. This will also set limitations upon the thesis as almost all normal global interaction has either been severely restricted or completely halted due to the pandemic. This has also affected normal life regarding the economy and the politics of all the countries in the world and even regarding culture and social lives of the individual. This thesis will therefore mostly analyse events prior to the outbreak of the pandemic, this is not to insinuate no events after the outbreak will be taken into consideration. However, the fact is that global interactions between countries have decreased since the beginning of the pandemic. The outbreak of Covid-19 has also forced Norway to make specific restrictions for travel to and from Svalbard, as countries outside the Schengen Area and European Economic Area has to undergo a mandatory quarantine upon entry to the archipelago, which has to happen on the mainland of Norway.⁶¹ This in turn could have further decreased the Chinese ability for interaction with Svalbard and its surrounding regimes as they are not part of any of the aforementioned areas or treaties, and therefore halted their opportunities and willingness for cooperation.⁶²

Lastly, the thesis as a whole has been situated with a time restraint, which also have further limited the scope of analysis. Nonetheless, despite these omissions in the thesis, they provide ample opportunities for further research in the future, as if the population of Svalbard in the future could grow to an extent where real industries could be created on the islands. Furthermore, research when the global pandemic of Covid-19 has ended could focus on how the international system and regimes has changed due to the shockwave and subsequent ripples it created in their channels of cooperation. Moreover, another theoretical approach to the problem at hand could be proposed such as a realist approach as an alternative to the Neoliberal Institutionalism approach taken within this thesis. With these limitations this thesis will attempt to provide an in-depth and satisfying conclusion to the problem at hand despite its multiple restraints.

⁶¹ Visit Svalbard. (2020). Svalbard is open for tourists from countries within the Schengen Area and the EEA with sufficiently low transmission. International visitors from other countries have to undergo a mandatory quarantine upon entry in Norway and Svalbard. From: *Visit Svalbard*. Available at: <https://en.visitsvalbard.com/visitor-information/visit-svalbard-refrain-from-travelling-covid-19>. (Last accessed 03.01.2021).

⁶² ElBaradei, Mohamed. (2020). What COVID-19 could mean for international cooperation, according to a Nobel Peace Prize Laureate. From: *World Economic Forum*. Available at: <https://www.weforum.org/agenda/2020/06/coronavirus-covid19-international-cooperation-peace>. (Last accessed 03.01.2021).

4. Theoretical Framework

Following the presentation of the methodological approach of this thesis, this following section will provide a thorough representation of the Neoliberal Institutionalism Robert O. Keohane has developed. The following section 4.1 will further elaborate and succinctly present Keohane's understanding of what constitute institutions, regimes and how individual state actors work within these dynamics of international power distribution. Moreover, the concept of cooperation, interdependence and issue-linkage within the Neoliberal Institutionalism described by Keohane will also be elaborated with its terms regarding anarchistic cooperation.

4.1 Robert O. Keohane's Neoliberal Institutionalism

Neoliberal Institutionalism was first developed in 1984 by professor of international relations Robert O. Keohane with his book *After Hegemony: Cooperation and Discord in the World Political Economy*⁶³. He further developed his theory in a subsequent article *International Institutions: Two Approaches*⁶⁴. Lastly, he further elaborated the theory of Neoliberal Institutionalism in 1989 with his colleague Joseph S. Nye in their cooperated book called *Power and Interdependence*⁶⁵.

The theory of Neoliberal Institutionalism constitutes that countries acting within its framework will behave on the encouragements and agendas provided by international institutions and regime and also by the restrictions they generate. Keohane argues that there is a close alignment between states as rational actors and the international systems they are part of and changes or alterations in this system will affect the incentives guiding states' actions.⁶⁶ Furthermore, within the theory of Neoliberal Institutionalism Keohane and Nye argues for the importance of interdependence, where states behave as a reaction to their shared interdependence and the individual state' actions can also vice versa change the structure of the shared interdependence.⁶⁷ Within Neoliberal Institutionalism states are seen as rational actors by which they are acting in accordance with their own self-interests, and that states through the creation of institutions and regimes attempt to shape certain rules, norms and issue-

⁶³ Keohane. (1984). Op. cit.

⁶⁴ Keohane, Robert O. (1988). International Institutions: two Approaches. In: *International Studies Quarterly*. Vol. 32, Iss. 4.

⁶⁵ Keohane, Robert O., Nye, Joseph S. (1989). *Power and Interdependence*. New York: Harper Collins Publishers.

⁶⁶ Keohane. (1984). Op. cit. Pp. 6-7.

⁶⁷ Keohane, Nye. (1989). Op. cit. P. 5.

linkage as well as international laws that govern the interstate relations, this is some of the aspects which according to Keohane and Nye constitutes an international regime which will be elaborated further in a subsequent paragraph.^{68,69}

In accordance with Neoliberal Institutionalism theory the individual states are acting on self-interest and their own rational incentives, this drives some states to seek cooperation with other states or even form coalitions of several states if it is seen by the states as beneficial to their own goal seeking.⁷⁰ Within this framework the international institutions can help facilitate an agenda and also create arenas within which even the weaker states are enabled to attempt issue-linkage and pursue their own goals despite relatively stronger states opposing them.⁷¹ Within Keohane's Neoliberal Institutionalism the concept of international institutions is one of the key concepts of his theory. However, what he defines as an international institution or regime is only ever vaguely and broadly defined. Keohane defines international institutions as either hard formal institutions with physical structures, multilaterally agreed jurisdiction and participating members, or as common understandings between people, that could be defined as sets of agreements and other norms. According to Keohane these are human-constructs and arrangements that can be classified as formal or informally organised, and carried patterns of behaviour such as marriage, religions, sovereign statehood, diplomacy and neutrality are sometimes referred to as institutions.⁷²

What Keohane argues constitute an international regime in the Neoliberal Institutionalism sense are international arrangement which can be created by international organisations, such as the UN, or created by international cooperation between multiple states. According to Keohane this could be arranged by signing or adherence by several states to multilateral agreement, regarding subject such as trade or international financial cooperation, where states act and try to coordinate their policies to align more closely to one another. Keohane further elaborated: "These arrangements, which we call 'international regimes,' contained rules, norms, principles, and decision-making procedures."⁷³ Meaning these policies and agreement made within an international framework generate or shift the norms and principles individual states and actors would follow. Furthermore, Keohane argues that these

⁶⁸ Keohane, Nye. (1989). *Ibid.* P. 6.

⁶⁹ Keohane. (1984). *Op. cit.* Pp. 8-9.

⁷⁰ Keohane. (1984). *Ibid.* Pp.10-11.

⁷¹ Keohane. (1984). *Ibid.* P. 91.

⁷² Keohane. (1988). *Op. cit.* Pp.381-384.

⁷³ Keohane. (1984). *Op. cit.* Pp. 8-9.

international regimes do not solemnly constitute formal organisations with a ridged structure, confined to headquarters within building and controlled by an unmalleable staff, but they are more broadly the creators of recognised patterns to practice and where the states expectations converge. These patterns of convergence are within the Neoliberal Institutionalism significant as they generate expectations from participating states that other states will behave in accordance to these internationally created practices.⁷⁴ Through Keohane's theory he attempts to counter the realist notion that power is one the sole creator of order as he argues since the decline of US hegemonic regime, the creation of more symmetrical patterns of cooperation could evolve after a transition period giving more states the ability to change these norms and values.⁷⁵

The Neoliberal Institutionalism theory have three distinct variation of transnational cooperation in international relations which are harmony, cooperation and lastly discord.⁷⁶ The most idealistic form of international cooperation within the Keohane's theory is harmony, according to Keohane if an actor's own policies automatically facilitate the attainment of others' goals, thus enabling harmony and no adjustments by the actors' cooperation strategies have to be made. Harmony is according to Keohane a rarity, as harmony is reliant on a situation where one state's goals are, without changes, realised through other states' policies. Furthermore, this is also contingent on the lack of intergovernmental coordination or cooperation and as cooperation is reliant on coordination, the harmonistic approach can therefore not coexist with coordination.⁷⁷ Discord is, according to Keohane, when one state seek to realise its own policies and goals and these pursuits interfere or even stifle another's goals. When discord is present in international politics, for both states' goals to be realised they are inclined to seek the approach of cooperation.⁷⁸ Lastly cooperation is the situation where actors such as states or international organisations is incentivised to pursue goals of common interests through policy coordination and adherence. These common goals under the umbrella of cooperation can entail different topics from political alignment to economic concerns.⁷⁹

⁷⁴ Keohane. (1984). Ibid.

⁷⁵ Keohane. (1984). Ibid. Pp. 57-58.

⁷⁶ Keohane. (1984). Ibid. Pp. 52.

⁷⁷ Keohane. (1984). Ibid. Pp. 51-52.

⁷⁸ Keohane. (1984). Ibid.

⁷⁹ Keohane. (1984). Ibid.

In Keohane's theory Neoliberal Institutionalism the likelihood of harmony is undoubtedly very small, and discord is seen as disruptive and likely to generate less desirable outcomes and damaging to the realisation of a state's interests. Keohane therefore argues the approach of cooperation is the form of international relations by which when pursued is the most beneficial provider of advantageous results for most if not all participating actors.⁸⁰

In Keohane's collaborated book with Joseph Nye they further elaborate their view on the governing arrangement of regime. Interdependence is one of the key aligning factors which can change states' international politics, this is most associated with economic interdependence. However, Keohane and Nye argues interdependence also affect world politics and the behaviour of states regardless of economic incentives and governmental actions also influence the pattern of interdependence between the states. Furthermore, through the creation or acceptance of procedures, rules, norms and certain institutions and regimes instigate certain activities, states and governments can control, influence and regulate other nations and their transnational and interstate relations.⁸¹ In a realist interpretation of interdependence, states are also heavily influence by power structures, and according to Keohane and Nye as the level of interdependence are skewed towards the issue of military security and the mutual antagonism which both have been central for previous traditional analytical realist approaches to world politics.⁸²

According to Keohane and Nye in this traditional realist framework the military and by extension security issues take precedence over others and will therefore determine the subsequent power structure. The traditional realist view singles out powerful states are the creators of rules, where the strong do as they desire, and the weaker states endures their losses. This would work in bilateral relations where a realist view would expect the stronger of two states usually will dominate the other when issues arise between them.⁸³ One of the single biggest sources for dramatic change in a realist system is through warfare. Keohane and Nye argues the traditional realist theoretical approach does not have a well-defined and thorough explanation for shift in international regimes. However, one of the interpreted structures for regime change from Realist theory Keohane and Nye is using within Neoliberal Institutionalism which is a deciding factor for changes in a regime could be derived from a

⁸⁰ Keohane. (1984). *Ibid.* P. 53.

⁸¹ Keohane, Nye. (1989). *Op. cit.* Pp. 5-6.

⁸² Keohane, Nye. (1989). *Ibid.* Pp. 42-43.

⁸³ Keohane, Nye. (1989). *Ibid.*

strong state making rules.⁸⁴ In order for strong states to make lasting regime changes without the use of military power, there must be a willingness to forego short-term gains as one of the bargaining tools in order to preserve or create a desired regime. Furthermore, derived in Realist theory to Neoliberal institutionalism is that an international regime should have a strong leader in order to preserve stability within the regime.⁸⁵

One of the ways in which a strong state can achieve a coordinated regime, according to Keohane's Neoliberal Institutionalism is through hegemony, where the state on its own can establish its desired world order or to a lesser extent the order in a particular region where its own goals are favoured. According to Neoliberal Institutionalism such a hegemon has to be willing to lead intergovernmental affairs, institutions and relations, also is the facilitator of both economic and military power, to foster multilateral cooperation.⁸⁶ Furthermore, Keohane and Nye draws from traditional realist theory, that a potential hegemon is more inclined to provide the necessary leadership for international organisations and regimes if as they argue: "(...), and that an actor is most likely to provide such leadership when it sees itself as a major consumer of the long-term benefits produced by the regime."⁸⁷

As cooperation is one of the essential driving forces among actors in the Neoliberal Institutionalism theory, Keohane describes several points of contention which must be overcome to facilitate smoother cooperation between states and creation of regimes. One of these points of contention could be the period of start-up cooperation, where actors have limited or no prior cooperation between one another, where there could be a mutual distrust from the participating states within a newly formed cooperation.⁸⁸ Secondly, according to Keohane and Robert Axelrod some players within a cooperation may seek to be a 'free-rider' in a system where they seek the willingness of others to enforce the rules agreed upon.⁸⁹ However, they argue that within a developing cooperation emphasis should be placed on the potential reciprocity at different levels, which should help alleviate the tendency for smaller states to act as free-riders, as there should be incentives to participate where they on the other hand know they might lose more in the cooperation if they stay inactive.⁹⁰ Lastly, Keohane and Axelrod

⁸⁴ Keohane, Nye. (1989). Ibid. P. 44.

⁸⁵ Keohane, Nye. (1989). Ibid.

⁸⁶ Keohane. (1984). Op. cit. Pp. 34-36.

⁸⁷ Keohane, Nye. (1989). Op. cit P. 44.

⁸⁸ Axelrod, R. Keohane, R. (1985). Achieving Cooperation under Anarchy: Strategies and Institutions. In: *World Politics*. Vol. 38, Iss. 1. Pp. 244-245.

⁸⁹ Axelrod, R. Keohane, R. (1985). Ibid. P. 236.

⁹⁰ Axelrod, R. Keohane, R. (1985). Ibid. Pp. 246-247.

in this specific instance of cooperation building argue international regime building is important as they also can protect participating states against sanctions as the regime can provide norms and values which actions can be measured against and these international regimes should diminish the problems of mistrust in cooperation start-ups and free-riding states.⁹¹ This is according to Keohane and Axelrod by the international regime providing information about the particular actors' compliance and they can be further incorporated into the actors' own rules of thumb on how to respond to others' action and they can apportion responsibilities for decentralisation enforcement into the regime.⁹² However, for the upkeep of international regimes, continuation of cooperation between actors has to be a key objective for the regime's survival as the monitoring of states to prevent defection can be costly.⁹³

Furthermore, Keohane and Nye derive the term of issue-linkage, which is normally considered a Realist approach to international politics, into their thought of Neoliberal Institutionalism.⁹⁴ In the thought of Realist, the strong states would try to linkage their issue using their powers in areas of world politics, most likely through their stronger military, in order to coerce the weaker states in this case and other matters.⁹⁵ Keohane and Nye further develop this concept of issue-linkage to be used by weaker states in order to further analyse how weaker states try to handle their own concerns. They give the example of how Canada tried to link their problem with contaminated waters for their farming of salmons with the air pollution of the American city of Detroit.⁹⁶ By decoupling the term of issue-linkage from both Realism and military power, Keohane and Nye argue it can also be used as a tool in a Neoliberal approach, where all states can try without the use of force to change regimes for their own benefit. Keohane have also previously argued when a hegemon erodes there is a chance international regimes may even increase in power.⁹⁷ The issue-linkage can then be controlled by international regimes which according to Keohane create more favourable institutional environment for states to cooperate compared to if they did not exist.⁹⁸ These regimes are important as they create orderly multilateral negotiation conditions both for legitimate and delegitimate types of states. Regimes in their structure can also facilitate the linkages among issues within a particular regime as well as between regimes. By issue-linkage regimes can

⁹¹ Axelrod, R. Keohane, R. (1985). Ibid. P. 237.

⁹² Axelrod, R. Keohane, R. (1985). Ibid. P. 237, and P. 250.

⁹³ Axelrod, R. Keohane, R. (1985). Ibid. P. 249.

⁹⁴ Keohane, Nye. (1989). Op. cit. Pp. 122-124.

⁹⁵ Keohane, Nye. (1989). Ibid.

⁹⁶ Keohane, Nye. (1989). Ibid. Pp. 210-211.

⁹⁷ Keohane. (1984). Op. cit. P. 244.

⁹⁸ Keohane. (1984). Ibid.

increase the symmetry between states and improve the quality of information a particular state receives regarding the issue at hand.⁹⁹ If a state attempts to combine its pursued issues and present them within a regimes forum for a longer period of time, Keohane argues this could help bring governments into continuing interaction with one another, thereby reducing the likelihood of cheating from governments and increase the adherence to the issue presented in the regime's forum.¹⁰⁰

5. Analysis

To examine how Chinese influence affects the international laws and regimes in order to increase their access to Svalbard, the subsequent analysis of this thesis will firstly focus on the international framework and regimes that Chinese influence have increasingly affected over the last few decades and how Chinese institutions and regimes are moving in on the previously Western and Russian dominated Arctic. These changes instigated by China's international policies and initiatives will be analysed through the lens Keohane's Neoliberal Institutionalism in order to determine whether shifts in international regime and law could threaten Western dominance of the Arctic region and by extension Svalbard with regards to norm and values and the creation new institutions and regimes with more Chinese characteristics which could generate a shift in the interpretation of international law as it pertains to Svalbard. The notion of Chinese influence driving changes in international law and regimes will be the further driving force of the analysis into how Svalbard's international status could be changing. To analyse these changes the thesis will first go in-depth into the nuances of the Chinese White Paper regarding the Arctic. Second, how the internationally agreed and signed law of the Spitsbergen Treaty is interpreted, applied and exploited by not only Norway, but also important to this thesis China as a tool for greater access to Svalbard. Third, the international law of UNCLOS will be further analysed to see whether it can facilitate the proposed Chinese intentions and goals for the Arctic. Lastly, the Chinese participation as an observer state in the Arctic Council will also be examined as a tool for China to change the international norms and values and further accentuate the Chinese interpretation of the international law regarding Svalbard, as Chinese Arctic specialists argues that China has a legitimate right to participate in

⁹⁹ Keohane. (1984). Ibid.

¹⁰⁰ Keohane. (1984). Ibid. Pp. 244-245.

the governance in the Arctic due to climate changes.¹⁰¹ As the Arctic is becoming a more contested area of interest not just for the Arctic Eight, but also non-Arctic States such as China, the way in which all interested stakeholders in the region act in accordance to norms and international law will be key in the pursuit to influence the future access to Svalbard.

5.1 Growth of Chinese Influence and Changes in International Regimes

The Chinese development through the last few decades have seen an incredible growth rate comparatively to the rest of the world. This started with the former leader of the Chinese Communist Party (CCP) Deng Xiaoping in 1978 which started a program of reforms in China with his opening up policy acknowledged as one of the most significant.¹⁰² With these political changes, spearheaded by Chinese President Deng Xiaoping, China was able to develop itself with astounding pace not merely in regards to its economic impact on the world, the reforms also allowed China to strengthened its impact on international organs, global international institutions and the structure of global order and regimes.¹⁰³ However, changes in the Chinese approach today compared to those of former President Deng's have been made. Former President Deng famously coined the phrase of the Chinese global political diplomatic approach as 'Keep a Low Profile'¹⁰⁴ where China, in these early years from the 1970's and 1980's up until the 2000's, would slowly integrate themselves in the established global system abiding by norms and rules and keeping a low profile understanding its own capabilities thus slowly developing itself domestically.¹⁰⁵ Despite this previously passive approach to global politics, China have in recent years taken more proactive steps in enacting its foreign policies with China have attempted to be a changing force while actively positioning itself to influence the changes in the global system and in norm and rule creation.¹⁰⁶ China has during the last 40 years developed itself from a passive rule complying state influenced by and adhering closely

¹⁰¹ Jakobson, Linda. Peng, Jingchao. (2012). China's Arctic Aspirations. In: *SIPRI, Stockholm International Peace Research Institute*. Vol. 34. Pp. 12-13.

¹⁰² Morrison, Wayne M. (2019). China's Economic Rise: History, Trends, Challenges, and Implications for the United States. From: *Congressional Research Service*. Pp. 4-9.

¹⁰³ Yunling, Zhang. (2010) *Rising China And World Order*. Singapore: World Scientific Publishing Company. Pp. 177-178.

¹⁰⁴ Youyi, Huang. (2011). Context, not history, matters for Deng's famous phrase. From: *Global Times*. Available at: <https://www.globaltimes.cn/content/661734.shtml>. (Last accessed 03.01.2021).

¹⁰⁵ Burja, Samo. (2020). China's rise and the legacy of Deng Xiaoping – Xi is haunted by the fall of the Soviet Union but his inflexible approach won't let new leaders adapt to change. From: *Asia Times*. Available at: <https://asiatimes.com/2020/06/chinas-rise-and-the-legacy-of-deng-xiaoping/>. (Last accessed 03.01.2021).

¹⁰⁶ Lairson, Thomas D. (2018). The Global Strategic Environment of the BRI: Deep Interdependence and Structural Power. In: Alon, Ilan. Lattemann, Christoph. Zhang, Wenxian (eds.). *China's Belt and Road Initiative, Changing the Rules of Globalization*. Cham: Springer International Publishing AG. Pp. 37-40.

to the international governmental norms of the global system, then transforming itself into a competitor able to contribute to the global society and enabling itself to be a strong rule-maker in most global organisations and regimes.¹⁰⁷ Moreover, this segment of the analysis will be used as a showcase of the approach China has taken in order to influence and change the structure of the international system and how the Chinese approach could be an alternative to already established regimes.

With China's increasingly stronger international position in the global order during the last two decades, the country have positioned itself as force willing and able to define and shape the rules and norms of global interactions, thus being a strong competitor in the previously Western dominated arena. One of the significant decisions China made in its rise to being a global superpower was its 2001 ascension to the WTO, one the most important international trade regimes, formed mainly by the Western powers, with its core values including norms and rules designed by Western ideologies with little to no consideration for Chinese values during its conception.¹⁰⁸ Nonetheless, China's meteoric rise and modernisation has demanded some level of acceptance by, and adaptation of, the already established Western system towards Chinese norms and rules such as the concept of a 'harmonious world'.¹⁰⁹ This Chinese concept of a harmonious world was presented back in 2005 by the former Chinese President Hu Jintao at a UN Summit and encompasses multilateralism which is to enable international cooperation based on mutually benefitting participant in order to realise common prosperity, thus constructing a harmonious world based more closely on Chinese values.¹¹⁰ Moreover, with this speech from 2005 China made strides towards outlining some of their own blueprints of how the general structure of the international system could operate. Previously during the Cold War, it could be argued that China was one of the most powerful countries outside the two fighting camps, despite this the Chinese ability to directly enact its own designs was negligible outside the attempt to stall or block the other great power's ideals.¹¹¹ As China was not able to influence the norms and rules established during the formation of the international organisation, meaning China joined these organisations such as the UN, with the adoption of Resolution 2758 in 1971, which was primarily Western controlled and operated. Considering Keohane's theory China

¹⁰⁷ Wang, Hongying. (2018). China and International Financial Standards – From “Rule Taker” to “Rule Maker”? In: *Centre for International Governance Innovation*. No. 182 – August 2018. Pp. 8-11.

¹⁰⁸ Cheng, Joseph Yu-Shek. (2016). China's Foreign Policy: Challenges and Prospects. *New Jersey: World Scientific*. Pp. 139-140.

¹⁰⁹ Cheng. (2016). pp. 5-6.

¹¹⁰ Cheng. (2016). pp.13-14.

¹¹¹ Cheng, Joseph Yu-Shek. (2008). China's Asian policy in the early twentyfirst century: adjusting to its increasing strength. In: *Journal of Asian Public Policy*. Vol. 1, No. 3. Pp. 239-240.

would adhere to the already established norms, thus further perpetuating the Western dominance.¹¹² However, China have in recent years, with its realised global status as a superpower, started criticising the Western build global structure for international cooperation and the regimes it encompasses within its system.¹¹³ The criticism has been based on the hegemony and power politics the US have attempted to uphold, without the consideration of non-Western values and a reluctance to embrace cultural diversity and a more balanced approach to cooperation with a focus on the wider human society.¹¹⁴ While Keohane's theory argues the established international regimes perpetuate rules and norms, thus can be a tool to regulate other states behaviour.¹¹⁵ However, the rules and norms of an international regime is malleable and subject to change, and China with its stronger power internationally is able to change these previously Western dictated values.¹¹⁶

With China's approach to international relation changing from their previously passive wait-and-see approach and adhering to the rules and norms set by the Western countries to a more proactive builder of new international institutions and regimes created on a foundation of values more closely adhering to its own norms. These newly created Chinese-led and created organisations, such as the AIIB, could constitute an important tool used by China in order to change other countries' approach to act within already established international organisations.¹¹⁷ This newly founded Chinese interest in establishing international regime has further manifested itself in tangible initiatives such and the Silk Road Economic Belt, later rebranded as the Belt and Road Initiative¹¹⁸, announced in 2013 by current Chinese President Xi Jinping during a state visit to Kazakhstan.¹¹⁹ This new international regime the BRI could facilitate could also shatter bonds created through issue-linkage in already established international organisations like those created in the Bretton Woods system at the end of World War II.¹²⁰ The BRI as a new international regime could in accordance with Keohane and Nye's

¹¹² Keohane. (1984). Op. cit. P. 63.

¹¹³ Cheng. (2016). Op. cit. Pp. 169-171.

¹¹⁴ Cheng. (2016). Ibid.

¹¹⁵ Keohane, Nye. (1989). op cit. Pp. 18-20.

¹¹⁶ Keohane. (1984). Op. cit. Pp. 57-58.

¹¹⁷ Cheng. (2016). Op. cit. p. 14.

¹¹⁸ Shepard, Wade. (2017). Beijing To The World: Don't Call The Belt And Road Initiative OBOR. From: *Forbes*. Available at: <https://www.forbes.com/sites/wadeshepard/2017/08/01/beijing-to-the-world-please-stop-saying-obor/?sh=4c669a8b17d4>. (Last accessed 03.01.2021).

¹¹⁹ Ministry of Foreign Affairs of the People's Republic of China. (2013). From: *Ministry of Foreign Affairs of the People's Republic of China*. Available at: https://www.fmprc.gov.cn/mfa_eng/topics_665678/xjpfwzysiesgjtfhshzzfh_665686/t1076334.shtml. (Last accessed 03.01.2021).

¹²⁰ Megmed, Bahtiyar. (2020). Chinese Economic Policy Strategy after the Global Financial Crisis: A pseudo Bretton Woods in the Making? From: *Modern Diplomacy*. Available at:

Neoliberal Institutionalism be an arena where states could create alternative avenues for issue-linkage contrasting the Western dominated regimes.¹²¹ The ability by China to create an international regime and a compelling structure for international cooperation is further emphasised by the willingness by 138 countries to join the BRI in some capacity by signing a Memorandum of Understanding.¹²² Despite the seemingly significant success China has had in linking several countries together through the BRI, the Arctic Eight countries have been more reluctant in joining the Chinese initiative. Currently none of the Arctic Eight countries have publicly announced nor acknowledged their participation in the BRI's Memorandum of Understanding, this is not to say that these countries have not in other ways connected themselves to parts of the initiative.¹²³ However, the reason for the Arctic Eight's absence from the BRI's Memorandum of Understanding might have been two-fold. Firstly, the original proposal of the initiative which made restrictions for entry was put into place so only countries located within a certain proximity to the proposed corridors of the initiative could participate, this would preliminarily exclude all the Arctic Eight countries except Russia.¹²⁴ Secondly, as the global economic and political network has been built by Western norms and values, the notion of joining a Chinese regime constructed not only on the notion of economic exchange with Chinese characteristics, but also the goal of connecting people across countries with China calling it people-to-people bond might be seen as threat to the already established international regimes.¹²⁵ As according to Keohane's Neoliberal Institutionalism theory an international regime or organisation is a tool for perpetuating the dispersion of the leaders' norms and values to other weaker countries, the BRI could be seen by Western countries in the Arctic Eight as a threat to the current world order which they have been benefitting from.¹²⁶ Moreover, China has become a country with revisionist tendencies, when it comes to its approach to the international system. China has through the last several years used its increased power in the

<https://moderndiplomacy.eu/2020/06/11/chinese-economic-policy-strategy-after-the-global-financial-crisis-a-pseudo-bretton-woods-in-the-making/>. (Last accessed 03.01.2021).

¹²¹ Keohane, Nye. (1989). Op. cit. P. 91.

¹²² Nedopil, Christoph. (2020). Countries of the Belt and Road Initiative. From: *IIGF Green BRI Center*. Available at: <https://green-bri.org/countries-of-the-belt-and-road-initiative-bri>. (Last accessed 03.01.2021).

¹²³ Nedopil. (2020). Ibid.

¹²⁴ China's Belt and Road plan 'open' to all nations. (2015). From: *The State Council The People's Republic of China*. Available at: http://english.www.gov.cn/news/top_news/2015/04/18/content_281475091262006.htm. (Last accessed 03.01.2021).

¹²⁵ Chunsheng, Liu. (2018). People to people bond: A booster to the Construction of BRI. From: *China Global Television Network*. Available at:

https://news.cgtn.com/news/3d3d414d3241444d7a457a6333566d54/share_p.html. (Last accessed 03.01.2021).

¹²⁶ Keohane. (1984). Op. cit. Pp. 34-35.

international system and has realised it can use the tool of regime building in order to facilitate its own rise in the world order, with the BRI being an example of this.

With the announcement of China's Arctic policies in January of 2018 the concept of the Polar Silk Road was proposed to be another extension of the BRI and another encroachment upon maritime territories which previously has been solely controlled by the pervasive ice masses and the Arctic Eight.^{127,128} China, with its currently stronger position in the international system, directly proclaimed its rights as an important stakeholder in the affairs surrounding the Arctic with China now directly inserting itself in the matters of the Arctic by stating:

*“China is an important stakeholder in Arctic affairs. Geographically, China is a “Near-Arctic State”, one of the continental States that are closest to the Arctic Circle. The natural conditions of the Arctic and their changes have a direct impact on China’s climate system and ecological environment, and, in turn, on its economic interests in agriculture, forestry, fishery, marine industry and other sectors.”*¹²⁹

With this China is arguing the country cannot ignore the event unfolding within the Arctic region, especially regarding global warming and the consequences that could follow, as they in their own term is a ‘Near-Arctic State’ who should be consulted as China’s close proximity to the Arctic would heavily impact the state. In accordance with Keohane and Nye’s theory of Neoliberal Institutionalism, China is attempting issue-linking to the situation and regional changes which are ongoing in the Arctic with concerns regarding the impact it could have to its own domestic ecological environment.¹³⁰ Furthermore, it is argued within the Neoliberal Institutionalism theory that issue-linkage is an effective tool for even less powerful nations to perpetuate interdependence and thereby create the desire or need for coalitions. With the Near-Arctic State status China is attributing itself together with the environmental concerns it could face if not consolidated on the issues facing the Arctic, China has positioned itself as a competitor with rights to affects the norms and values of the region in accordance with its own goals despite the US rejecting China’s Near-Arctic State claim.¹³¹

¹²⁷ The State Council Information Office of the People’s Republic of China. (2018). Op. cit.

¹²⁸ Jian, Yang. Nielsson, Egill Thor. Henry Tillman. (2018). The Polar Silk Road – China’s New Frontier of International Cooperation. In: *China Quarterly of International Strategic Studies*. Vol. 4, Iss. 3. Pp. 360-361.

¹²⁹ The State Council Information Office of the People’s Republic of China. (2018). Op. cit.

¹³⁰ Keohane, Nye. (1989). Op. cit. Pp. 36-38.

¹³¹ Fang, Alex. (2020). US rejects China's 'near-Arctic state' claim in new cold war. From: *Nikkei – Asia*. Available at: <https://asia.nikkei.com/Politics/International-relations/US-rejects-China-s-near-Arctic-state-claim-in-new-cold-war>. (Last accessed 03.01.2021).

China is with its PSR expansion to its BRI attempted to move the newly formed initiative, which constitute a Chinese formed international regime, into the predominantly Western controlled region of the Arctic and it has garnered a negative reception.¹³² Furthermore, the only countries of the Arctic Eight which have explicit stated their intentions of connecting themselves in some capacity to the Chinese Maritime Silk Road, is Russia and Finland, with Russian President Vladimir Putin during the Fifth International Arctic Forum in 2019 signing the first scientific treaty with China.¹³³ With a bilateral agreement made between China and Russia with a goal stated as the creation of the joined Sino-Russia Arctic Research Center as a central component in the Arctic as extension of the PSR. The objective pertaining within this joint effort by China and Russia regarding Arctic marine science research, which is expected to be used as a tool to promote further efforts into the construction of the PSR with the Russian calling it the Silk Road on Ice.¹³⁴ Arguing along Keohane's theory China is able through the PSR to persuade other states, in this case it is beneficial for Russia to align themselves with a Chinese international regime in order to fulfil their own goals.¹³⁵ Moreover, Keohane and Axelrod argue during the start-up face of a newly formed international regime individual state, in this case some of the Arctic Eight countries, are reluctant to fully commit to cooperation within the regime as the actors have limited information relating to other participating states' incentives and actual goals which could sow distrust to the regime.¹³⁶

Finland has decided to establish a new international regime with China in the Arctic, with Finland and China publishing their *Joint Action Plan between China and Finland on Promoting the Future-oriented New-type Cooperative Partnership 2019-2023*¹³⁷, with set goals such as cultural cooperation, research cooperation on the Arctic and people-to-people bond.¹³⁸ The case of Finland illustrate the Chinese ability to convince even perceived Western countries to join new international institutions and regimes as an alternative to the already

¹³² Woon, Chih Yuan. (2020). Framing the "Polar Silk Road" (冰上丝绸之路): Critical geopolitics, Chinese scholars and the (Re)Positionings of China's Arctic interests. In: *Political Geography*. Vol. 78, April 2020. Pp. 5-7.

¹³³ Ehret, Matthew J. L. (2019). Silk Road expands to Arctic and Beyond – With Russia Committed to linking the Northern Sea Route with China's BRI, the 'Silk Road on Ice' is well under way. From: *Asia Times*. Available at: <https://asiatimes.com/2019/05/silk-road-expands-to-arctic-and-beyond/>. (Last accessed 03.01.2021).

¹³⁴ China and Russia Launch Scientific Cooperation in Arctic. (2019). From: *TASS Russian News Agency*. Available at: <https://tass.com/press-releases/1053930>. (Last accessed 03.01.2021).

¹³⁵ Keohane. (1984). Op. cit. Pp. 51-55.

¹³⁶ Axelrod, Keohane. (1985). Op. cit. P. 236.

¹³⁷ Joint Action Plan between China and Finland on Promoting the Future-oriented New-type Cooperative Partnership 2019-2023. (2019). From: *Valtioneuvosto – Statsrådet*. Pp.1-38.

¹³⁸ Joint Action Plan between China and Finland on Promoting the Future-oriented New-type Cooperative Partnership 2019-2023. (2019). *Ibid.* pp. 17-33.

established Western institutions such as the UN and could be used by China in order to further spread the Chinese norms and values deeper into the Arctic, thereby shifting the constellations of interstate relations.¹³⁹

In recent years China has started seizing the opportunities it has deemed fitting and beneficial to its own goals and ambitions to take a leading role in the international system, in contrast to its previous strategy of keeping a low profile. China has not just with its role-out of the BRI, but also their aim of establishing bilateral and multilateral agreements and treaties, proven itself capable of being responsible for the creation and preservation of international organisations and regimes with Chinese characteristics. Also proving China's willingness to be a country demanding reform in the Western built world order, thus focusing on the international laws these international organisations and regimes have perpetuated during the last century. The international laws constituting the jurisdiction surrounding Svalbard have more recently been invoked by China, pertaining to the Spitsbergen Treaty and UNCLOS, with China arguing it is major stakeholder who should be considered when addressing the affairs surrounding the Norwegian archipelago of Svalbard.¹⁴⁰ These Chinese claims will be further analysed in the subsequent segments of the analysis.

5.2. The Spitsbergen Treaty and Chinese Influence Through International Law

With the Chinese ability to instigate changes within the structure of international organisations and regimes, China has started asserting and demanding the rights it has been granted through international law, such as through the Spitsbergen Treaty. Furthermore, with the Chinese White Paper concerning the country's intended approach toward the Arctic, the Spitsbergen Treaty and how non-Arctic States, such as China, should be respected and granted the rights and freedom in accordance with international law to fulfil their desired activities in the Arctic region.¹⁴¹ The first signing of the Spitsbergen Treaty in 1920 together with the second signing in 1925 was to be the end of the uncertainties of the Svalbard archipelago. However, the new possibilities presented by global warming and increased globalisation have sparked global

¹³⁹ Keohane, Nye. (1984). Op. cit. Pp.4-6.

¹⁴⁰ The State Council Information Office of the People's Republic of China. (2018). Op. cit.

¹⁴¹ The State Council Information Office of the People's Republic of China. (2018). Ibid.

dispute, especially from china as they claim their positions as a Near-Arctic State, in regards to how the international law presented by the treaty should be interpreted.^{142,143}

As previously stated, the first article of the Spitsbergen Treaty grants sovereignty to Norway over the Archipelago of Svalbard, as it claims, “The High Contracting Parties undertake to recognise, subject to the stipulations of the present Treaty, the full and absolute sovereignty of Norway over the Archipelago of Spitsbergen, (...)”¹⁴⁴. However, the subsequent articles of the Spitsbergen Treaty, provide restrictions to this proclaim Norwegian absolute sovereignty as well as provide opportunities for the High Contracting Parties to encroach on the Norwegian sovereignty and grant themselves avenues of opportunities on the archipelago of Svalbard provided by the international law, which Norway in some instances would not grant on their mainland.¹⁴⁵

The second article provides all High Contracting Parties the opportunities to employ their own ships as well as people in order to lay claim to their rights for fishing and hunting within the archipelago of Svalbard and the territorial waters surrounding.¹⁴⁶ Fisheries have also been one of the key points China has used, in their pursuit of gaining greater access and fulfilment of the country’s goals in the Arctic. With the Chinese Arctic White Paper devoting a whole section of the paper for outlining their goals for continued exploitation of the fish population in the Arctic Ocean as well as the desire by China to create a new international regime to control this ecological balance and by extension new international laws.^{147,148} Nonetheless, the segment concerning Chinese interest in fishing and the ecological aspects of fishery in the region of the Arctic and Svalbard, will be further analysed in the upcoming segment of the analysis in relations to the UNCLOS.

¹⁴² Bailes, Alyson. (2011). Spitsbergen in a Sea of Change. In: Wallis, Diana MEP and Arnold, Stewart (eds.), *The Spitsbergen Treaty – Multilateral Governance in The Arctics*. Vol. 1. Pp. 34-35.

¹⁴³ Xinzhen, Lan. (2019). Defending China’s Rights in the Arctic – China will not be absent from trans-regional and global issues related to the Arctic. From: *Beijing Review*. Available at: http://www.bjreview.com/Opinion/201905/t20190524_800168964.html. (Last accessed 03.01.2021).

¹⁴⁴ The Spitsbergen Treaty. (1920). Op. cit.

¹⁴⁵ Danilov, Peter Bakkemo. (2020). “This is not just about business in Svalbard; this is also about Norwegian sovereignty. From: *High North News*. Available at: <https://www.highnorthnews.com/en/not-just-about-business-svalbard-also-about-norwegian-sovereignty>. (Last accessed 03.01.2021).

¹⁴⁶ The Spitsbergen Treaty. (1920). Op. cit.

¹⁴⁷ The State Council Information Office of the People’s Republic of China. (2018). Op. cit.

¹⁴⁸ Coffey, Luke. (2020). Russia’s and China’s Interest in Cold Svalbard Heats Up. From: *The Heritage Foundation*. Available at: <https://www.heritage.org/defense/commentary/russias-and-chinas-interest-cold-svalbard-heats>. (Last accessed 03.01.2021).

The third article of Spitsbergen Treaty allows all nationals from the High Contracting Parties to travel and enter the archipelago of Svalbard for any reason.

*“The nationals of all the High Contracting Parties shall have equal liberty of access and entry for any reason or object whatever to the waters, fjords and ports of the territories specified in Article 1 ; subject to the observance of local laws and regulations, they may carry on there without impediment all maritime, industrial, mining and commercial operations on a footing of absolute equality.”*¹⁴⁹

This combined with segments from article five, which grants the High Contracting Parties the ability to conduct scientific investigations on the Svalbard, have enabled China to open the Arctic Yellow River Station on July 28th 2004, which has focused on researching glaciology, upper atmospheric physics and most importantly to China’s new arctic goals, marine biology and environmental science.¹⁵⁰ The Yellow River Station also provides China with a physical presence on Svalbard which they have been able to gain through the exploit on international law. Through their presence on Svalbard China now has more than 16 years of Arctic research.¹⁵¹ In accordance with Keohane’s Neoliberal Institutionalism theory a state which desires to create a regime has to be willing to forego short-term gains as a tool for bargaining for the further stability of the regime.¹⁵² As China’s borders are far from the shores of Svalbard the need for research concerning marine life around archipelago for China seems minimal, it could be argued China is willing to forego short term gains in order to gain further knowledge for later exploitation. The Chinese funded Yellow River Station has also been home for other countries to enable their own desired research, this could be another instance of China foregoing their own short-term goals by funding the research station, thereby enabling the framework within which other states act.¹⁵³ This would in term also increase interdependence between China and the countries doing research on Svalbard, as they would be reliant on the Chinese research centre unless they create their own. As argued by Keohane and Nye within the Neoliberal Institutionalism theory, countries behave as a reaction to their shared interdependence, meaning countries are more likely to align themselves with other countries they have strong interdependence toward.¹⁵⁴ By having countries tied to China through

¹⁴⁹ The Spitsbergen Treaty. (1920). Op. cit.

¹⁵⁰ China Arctic Science Research Station - Arctic Yellow River Station. (2019). Op. cit.

¹⁵¹ The State Council Information Office of the People’s Republic of China. (2018). Op. cit.

¹⁵² Keohane, Nye. (1989). Op. cit. P. 5.

¹⁵³ China. (2020). From: *The Arctic Institute – Center for Circumpolar Security Studies*. Available at: <https://www.thearcticinstitute.org/countries/china/>. (Last accessed 03.01.2021).

¹⁵⁴ Keohane, Nye. (1989). Op. cit. P. 5.

interdependence, it could give the Chinese government the ability to enact changes towards already established international institution in order to further their own goals. This could be a tool for making structural changes to the international laws constituting the sovereignty of Svalbard. However, this seems less likely as the dispute surrounding the Spitsbergen Treaty derives from interpretations of the specific articles of the treaty.^{155,156} Nonetheless, within the Neoliberal Institutionalism theory interdependence can be used as a tool by states to persuade other countries in international regimes to align themselves with the others desired norms and values. This could also be a strategy by the Chinese for furthering their influence and presence on Svalbard. With China already established with the Yellow River Station as a possible partner for academic research on Svalbard and by extension the Arctic, China could present itself as an alternative to Norwegian or Russian cooperation on the archipelago.¹⁵⁷

The increased focus of China being a key player in the struggle against climate change has also given China strong incentives for establishing itself on Svalbard.¹⁵⁸ As previously stated, the Yellow River Station has facilitated Chinese research into the environment and climate change. With China's ability to be a provider of environmental data regarding climate change in the Arctic, the Chinese could position themselves as an important cooperative partner and further solidifying its presence on Svalbard as invaluable.¹⁵⁹ The fight against climate change has also recently become an even greater concern for the CCP with Chinese President Xi stating during an United Nations General Assembly in September of 2020: "*China will scale up its Intended Nationally Determined Contributions by adopting more vigorous policies and measures. We aim to have [carbon dioxide] emissions peak before 2030 and achieve carbon neutrality before 2060.*"¹⁶⁰ By attempting to situate themselves in the international institution of the UN, China could use this in combination with their already established

¹⁵⁵ Danilov, Peter Bakkemo. (2020). Op. cit.

¹⁵⁶ Qin, Tianbao. (2015). Dispute over the Applicable Scope of the Svalbard Treaty: A Chinese Lawyer's Perspective. In: *Journal of East Asia and International Law*. Vol. 8, Iss. 1. P. 3.

¹⁵⁷ Kelman, Ilan; Sydnes, Kristoffer; Duda, Patrizia Isabelle; Nikitina, Elena; Webersik, Christian. (2020). Norway-Russia disaster diplomacy for Svalbard. In: *Safety Science*. Vol. 130, 2020. Pp. 5-6.

¹⁵⁸ Nengye, Liu. (2020). Why China Needs an Arctic Policy 2.0 – It is time for China to shed light on which kind of order it would like to construct in the Arctic using its rising power. From: *The Diplomat*. Available at: <https://thediplomat.com/2020/10/why-china-needs-an-arctic-policy-2-0/#:~:text=The%202018%20Arctic%20Policy%20has,China's%20interests%20in%20the%20Arctic.&text=In%202020%20during%20the%20United,move%20for%20tackling%20climate%20change..> (Last accessed 03.01.2021).

¹⁵⁹ China Arctic Science Research Station - Arctic Yellow River Station. (2019). Op. cit.

¹⁶⁰ Tooze, Adam. (2020). Did Xi Just Save the World? - In a little-noticed speech this week, China permanently changed the global fight against climate change. From: *Foreign Policy*. Available at: <https://foreignpolicy.com/2020/09/25/xi-china-climate-change-saved-the-world%E2%80%A8/>. (Last accessed 03.01.2021).

position in Svalbard as a demonstration without restrictions, due to the archipelago's special position in international law, of the Chinese norms and values concerning climate change in order to guide other countries to associate with China.¹⁶¹ As China is only a Near-Arctic State, Svalbard is the only place within the Arctic Circle where the Chinese is able to access solid ground without having to negotiate bilateral agreements with any of the Arctic Eight. China has also realised this, as they have somewhat struggled establishing bilateral agreements with most of the Arctic Eight and free trade agreements with Norway collapsing before getting signed due to colliding norms and value.¹⁶²

It could further be argued China through its increased focus on climate change is attempting to issue-linkage themselves to the melting sea ice in the Arctic.¹⁶³ Both the CCP with their release of the Arctic White Paper and Chinese scholars argue China is especially vulnerable to the increased sea-levels as most of the industrialised major cities of China is located on the eastern coastline, therefore they argue the melting glaciers poses a substantial risk to the economic security of China.^{164,165} However, an important distinction must be made regarding how China is attempting to issue-link itself to the Arctic, China is not only linking itself to the Arctic Eight, but also incentivising and issue-linking other non-Arctic States to participate in the fight against climate change with the Arctic White Paper proclaiming, "The international community faces the same threat and shares the same future in addressing global issues concerning the Arctic."¹⁶⁶ The Spitsbergen Treaty combined with the surrounding international law are argued by China as tool which allows non-Arctic States to respectfully proceed in a sustainable way within the framework of its international laws, contingent on non-Arctic States properly protect the eco-environment of the Arctic.¹⁶⁷ By being a progenitor for the exploration of the boundaries and opportunities provided by the international law of the Spitsbergen Treaty, China could be the originator of norms for others who would attempt to generate an Arctic presence. With China's proclaimed utilisation of their lawfully given right by the Spitsbergen Treaty, the attempts to affect the climate debate through the treaty and attracting other countries to follow the Chinese approach. This could destabilise the already established regimes in the Arctic or enable China to be a founder or co-founder of new

¹⁶¹ Keohane. (1984). Op. cit. Pp. 8-9.

¹⁶² Peng, Jingchao. Wegge, Njord. (2015). China's bilateral diplomacy in the Arctic. In: *Polar Geography*. Vol. 38 Iss. 3. Pp. 243-244.

¹⁶³ Keohane. (1984). Op. cit. P. 244.

¹⁶⁴ The State Council Information Office of the People's Republic of China. (2018). Op. cit.

¹⁶⁵ Qin. (2015). Op. cit. Pp. 3-5.

¹⁶⁶ The State Council Information Office of the People's Republic of China. (2018). Op. cit.

¹⁶⁷ The State Council Information Office of the People's Republic of China. (2018). Ibid.

international institutions or regimes, where China with its increased importance in the international system and proven willingness to be a strong leader to ensure stability in accordance with Neoliberal Institutionalism.¹⁶⁸

The Spitsbergen Treaty has provided several avenues for High Contracting Parties, not only China, to exploit the Norwegian archipelago of Svalbard comparatively to the normal procedures a state would have to follow in order to gain access to another country's territories or resources. However, China has been unique in their foresight into the increasing importance of Svalbard and the avenues of international cooperation and issue-linkage it could provide to individual High Contracting Parties. China has in its attempt to increase its importance in the affairs of international regime and institutions in the Arctic been successful in utilising the international law of the Spitsbergen Treaty in order to establish a consistent presence with its Yellow River Station. China has also utilised its increased wealth to facilitate the Yellow River Station as an alternative for non-Arctic States to join the Near-Arctic State China in the pursuit of Arctic research and experience. Moreover, the Chinese approach of utilising their rights through international law could further inspire other non-Arctic States to value the Arctic higher domestically and incentivise them to follow the Chinese norm and establish themselves in the Arctic through Svalbard. The increased concern of global warming has also been used as a tool by the Chinese to attempt to influence the norms and values in the international regimes in the Arctic and further legitimise its continued presence in Svalbard as an important stakeholder. The fact that China has a presence in the Arctic through Svalbard for almost two decades has reversely enabled the legitimisation of the increased Chinese demands for influence in the international institutions and regimes in the Arctic. Furthermore, the right to exploitation of the natural resources of Svalbard and the sovereignty of the Norwegian government to control the ecological system in accordance with international law such as UNCLOS and certain sections of the Spitsbergen Treaty have also been questioned by China and will be examined in the subsequent section.¹⁶⁹

5.3. UNCLOS

With increased naval mobility and the importance of the surrounding coastal waters to almost every country with direct access to a large body of water, more states realised there had to be

¹⁶⁸ Keohane, Nye. (1989). Op. cit. P. 44.

¹⁶⁹ The State Council Information Office of the People's Republic of China. (2018). Op. cit.

created regulations in order to appease tensions between these coastal states.¹⁷⁰ The international law which today is implemented to regulate the maritime boundaries between states known as UNCLOS was first requested after WWII by the international community, several reiteration throughout the mid-1900's. The final iteration was ratified in 1982 with 168¹⁷¹ countries currently having approved the treaty.¹⁷² The goal of the UNCLOS was to appease tensions between states regarding their shared waters and how they were allowed to outline their individual EEZ, by extension the waters surrounding Svalbard is strongly disputed because of the special stature the archipelago is occupying within international law.¹⁷³ Moreover, the Chinese rise in the international system as well as their increased participation in international regime, combined with their stated goal of exploiting the rights granted to them through the international law of the UNCLOS¹⁷⁴, the debate surrounding the jurisdiction of Svalbard's maritime zones has been disputed by non-Arctic States.¹⁷⁵

The EEZ provided by the UNCLOS allows states to create a 200 nautical mile zone as an extension around their coastal waters where they are allowed to be the exclusive beneficiary of the gains available provided by the waters. The EEZ further extends to not only fishing, but also extraction of any raw material, natural gasses or useful sediment which is extractable within this 200-mile exclusive zone.¹⁷⁶ Norway has seized this as an opportunity to increase its sovereignty over Svalbard through the interpretation of international law as the Norwegians created not an EEZ but the Fishery Protection Zone (FPZ) around the archipelago.¹⁷⁷ However, both the Norwegian government and Norwegian scholars¹⁷⁸ have for years attempted to shift the perceived norms surrounding Norway's attempted exclusive acquisition and exploitation

¹⁷⁰ Background to UNCLOS. (2014). From: *GRID – Arendal*. Available at: <http://www.continentalshelf.org/about/1143.aspx>. (Last accessed 03.01.2021).

¹⁷¹ Chronological lists of ratifications of, Accessions and Successions to the Convention and the related Agreements. (2020). From: *Oceans and Law of The Sea – United Nations*. Available at: https://www.un.org/Depts/los/reference_files/chronological_lists_of_ratifications.htm. (Last accessed 03.01.2021).

¹⁷² Levy, John-Pierre. (2000). The United Nations Convention on the Law of the Sea. In: Cook, Peter J.; Carleton, Chris M. (eds.) *Continental Shelf Limits: The Scientific and Legal Interface*. *Oxford University Press*. Pp. 8-10.

¹⁷³ Churchill, Ulfstein. (2010). *Op. cit.* pp. 557-560.

¹⁷⁴ The State Council Information Office of the People's Republic of China. (2018). *Op. cit.*

¹⁷⁵ Qin. (2015). *Op. cit.* Pp. 16-18.

¹⁷⁶ United Nations Convention on the Law of the Sea. (1982). *Op. cit.*

¹⁷⁷ Regulation No. 6 on Fishery Protection Zone around Svalbard (1977). From: Food and Agriculture Organization of the United Nations. Available at: <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC118326/>. (Last accessed 03.01.2021).

¹⁷⁸ Ulfstein, Geir. (1995). The Svalbard Treaty: from terra nullius to Norwegian sovereignty. *Oslo, Copenhagen, Stockholm, Boston: Scandinavian University Press*. P. 436.

of the FPZ with the exclusion of the High Contracting Parties of the Spitsbergen Treaty.¹⁷⁹ Norway argues the UNCLOS and the Spitsbergen treaty overlap in the 12 nautical miles which the UNCLOS describe as coastal waters which is upholding to the Spitsbergen Treaty and all High Contracting Parties are allowed without discrimination to exploit article two of the treaty, thus the 200-mile zone is counted as Norwegian EEZ circumventing the treaty.¹⁸⁰ The biggest opponents to the Norwegian attempt to affect the interpretation of the international law UNCLOS have been Russia and the European Union (EU) though for different reasons. However, with Russia disputing the Norwegian claim as they see the FPZ overlapping with the Russian EEZ¹⁸¹ and the EU have argued they are allowed through the cooperation of the European Economic Area to send ships from other countries to the area for fishing.¹⁸² Norway has consistently denied other parties' claims of equal rights to exploitation of what Norway argues as Norwegian sovereignty through international law as the UNCLOS, despite facing pressure from both international institutions and regimes. This is also in accordance with Keohane's theory where the international framework can create arenas where even weaker states are able to fight against a stronger opposition, whereas Norway is the weaker state against Russia and the EU.¹⁸³

China is the newest opponent to challenge the norms and values Norway has attempted to get other countries to adopt in their interpretation of the international laws of the UNCLOS and Spitsbergen Treaty. China would also be one of the biggest beneficiaries of breaking the Norwegian monopoly on the waters surrounding Svalbard, as it possesses the largest commercial fishing fleet and account for 40% of the "distant-water fleet" in the world.¹⁸⁴ China has already expressed its desire to use the international laws of the UNCLOS and Spitsbergen Treaty as tools for furthering their maritime exploration into the Arctic region and use them to

¹⁷⁹ Misund, Ole Arve. Heggeland, Kristin. Skogseth, Ragnheid. Falck, Eva. Gjørseter, Harald. Sundet, Jan. Watne, Jens. Lønne, Ole Jørgen. (2016). Norwegian fisheries in the Svalbard zone since 1980. Regulations, profitability and warming waters affect landings. In: *Polar Science*. Vol. 10. Pp. 312-313.

¹⁸⁰ Ulfstein. (1995). Op. cit. P. 436.

¹⁸¹ Trellevik, Amund. (2020). Norwegian MFA is Crystal Clear: Will Not Enter Into Dialogue with Russia About Norwegian Territory. From: *High North News*. Available at: <https://www.highnorthnews.com/en/norwegian-mfa-crystal-clear-will-not-enter-dialogue-russia-about-norwegian-territory>. (Last accessed 03.01.2021).

¹⁸² Subject: EU-Norway dispute on snow crab fisheries in Svalbard. (2017). From: *European Parliament*. Available at: https://www.europarl.europa.eu/doceo/document/G-8-2017-000011_EN.html. (Last accessed 03.01.2021).

¹⁸³ Keohane. (1984). Op. cit. P. 91.

¹⁸⁴ Yozell, Sally. (2019). Distant-water fishing operations must become more transparent - Reform would ensure the long-term sustainability of commercial fishing, tackle illegal activity and improve the seafood supply chain. From: *China Dialogue Ocean*. Available at: <https://chinadialogueocean.net/12101-distant-water-fishing-operations-transparent/>. (Last accessed 03.01.2021).

become an important stakeholder to the maritime ecosystem, further stating “As fish stocks have shown a tendency to move northwards due to climate change and other factors, the Arctic has the potential to become a new fishing ground in the future.”¹⁸⁵ Moreover, China is arguing the increased migration of fish to the north and the Arctic is going to be the new place for exploitation and they should also be a participant alongside the Arctic Eight.

China has within its Arctic White Paper called for the creation of a legally binding international agreement which would supersede the already established international laws on the high seas in the Arctic Ocean.¹⁸⁶ Through its already established position on Svalbard, China has further argued it would be able strengthen surveys on and research into the ecosystem of the Arctic Ocean and further use this information to strengthen cooperation on a sustainable approach to conservation of the Arctic Ocean.¹⁸⁷ The Chinese approach to creating an international regime or international law as an alternative to the already established laws of the Spitsbergen Treaty and UNCLOS, could further incentivise the Arctic Eight to adhere to this newly created Chinese regime.¹⁸⁸ Furthermore, if China is able through its already established Yellow River Station on Svalbard to be the progenitor of maritime research further strengthening the interdependence between the Arctic Eight and China regarding sustainable exploitation of the high seas, coastal waters and EEZ enabling it to position itself to shape the norms and values of the region and the values restricting its exploitation of the Spitsbergen Treaty.¹⁸⁹ If China would be able to create an alternative international regime in the form of multilateral agreement as proposed, thereby further circumventing and expanding the UNCLOS in the Arctic Circle, this could present the Chinese with the opportunity to reshape the rules of the Norwegian FPZ surrounding Svalbard, and strengthen its foothold beyond the 12 miles of the archipelago’s coasts. China’s approach as a revisionist within already established frameworks will be further examined in the subsequent segment by analysing how China is changing the norms and values of the international regime of the Arctic Council since its ascension to permanent observer state in 2013.¹⁹⁰

¹⁸⁵ The State Council Information Office of the People’s Republic of China. (2018). Op. cit.

¹⁸⁶ The State Council Information Office of the People’s Republic of China. (2018). Ibid.

¹⁸⁷ The State Council Information Office of the People’s Republic of China. (2018). Ibid.

¹⁸⁸ Keohane. (1984). Op. cit. Pp. 6-7.

¹⁸⁹ Keohane, Nye. (1989). Op. cit. P. 5.

¹⁹⁰ Observers. (n,d). From: *Arctic Council*. Available at: <https://arctic-council.org/en/about/observers/>. (Last accessed 03.01.2021).

5.4. The Arctic Council

As humanity becomes more connected and the interactions between states becomes more complicated with increased interdependence, the importance of strong international organisations and regimes to regulate the rules and norms by which the state must adhere, have steadily increased.¹⁹¹ This was also realised by the Arctic Eight as the Arctic Ocean slowly melted and the accessibility of the region has increased, thus contention between the countries pertaining to the management of the now more hospitable region and how individual countries could fulfil their own domestic plan for exploitation of the region.¹⁹² Moreover, there was a desire by the Arctic Eight to create an international body, which was to facilitate the creation of a peaceful environment for the Arctic countries and later observer states to discuss their shared goals and interest for the region as well as the shared challenges of the area such as climate change.¹⁹³ This led to the creation of the Arctic Council in 1996, an international regime which holds the permanent members of Arctic Eight, six permanent participants which is representing the approximate 500,000 indigenous people of the region¹⁹⁴, and lastly the 13 non-Arctic States¹⁹⁵ which is recognised by the Arctic Council and have received observer status in the regime. With the global community recognising the increased importance of the Arctic region, the Arctic Council has become a tool for shaping the norms and values guarding the region as well as a regime which facilitates bilateral and multilateral agreements to increase interdependence not just between the Arctic Eight, but all countries attempting to raise their concerns for the region. China has further seen an opportunity to be a leading contributor to this relatively newly formed regime and aspires to be a major stakeholder in the future decisions and endeavours of the Arctic Council.¹⁹⁶ If China is able to meaningfully affect the norms and values created within the Arctic Council and its increased independence with other affluent observers and the Arctic Eight, it could be a tool for China to increase access to Svalbard.

The Arctic Council has for several years since its establishment been severely reluctant to let non-Arctic States in the main web of its structures, and most of the coastline within the Arctic Circle is further guarded by Canada and Russia.¹⁹⁷ However, Chinese officials such as

¹⁹¹ Keohane, Nye (1989). Op. cit. p. 5.

¹⁹² Jansen, et al. (2020). Op. cit. Pp. 715-716.

¹⁹³ Declaration on The Establishment of The Arctic Council – Joint Communique of The Governments of the Arctic Countries on The Establishment of The Arctic Council. (1996).

¹⁹⁴ Permanent participants. (n,d). From: *Arctic Council*. Available at: <https://arctic-council.org/en/about/permanent-participants/>. (Last accessed 03.01.2021).

¹⁹⁵ Observers. (n,d). Op. cit.

¹⁹⁶ Woon. (2020). Op. cit. P. 7.

¹⁹⁷ Bailes, Alyson. (2011). Op. cit. Pp. 36-37.

Qu Xing, head of the China Institute of International Studies, emphasised the increased influence China would gain within the Arctic Council stating: “Although it has no voting power, China can cast its influence through bilateral means and increase the transparency and equality of issues concerning the Arctic region.” Further arguing: “That being granted observer status shows that China's activities in and opinions about the region have been recognized by all member states.”¹⁹⁸ China has been able to use the ascension to observer state, to create stronger bilateral ties, especially with other Asian observer countries such as South Korea and Japan, through an event made by China called ‘Trilateral High-Level Dialogue on the Arctic’.¹⁹⁹ China uses this smaller international regime they have created with South Korea and Japan to influence the norms and value within the Arctic Council and subsequently Svalbard.²⁰⁰ Japan is one of the countries together with China, which already has an established research presence on Svalbard, with this in mind China could affect Japan to align themselves as both observer states in the Arctic Council, increasing their interdependence and ability to pressure the Arctic Council to grant them further influence in the future of the archipelago.²⁰¹ This would further be an opportunity for China to issue-linkage themselves to both Japan and South Korea to affect interstate relations, as both countries in their ascension to the Arctic Council stated their key interest in the Arctic is the environmental aspects and the global impact caused by climate change, which as previously described has been a significant reason for the Chinese involvement in the region.^{202,203,204}

The Chinese argument of being a near-Arctic State has also been exploited as a tool in order to portray themselves as an important cooperative partner in the framework of the Arctic Council. With China highlighting the contributions it has made in order to firstly solidify the country’s proclaimed position as a near-Arctic State, secondly to get other stakeholders to view the Chinese as an accredited partner with China attempting to be recognised as the mediator of multilateral cooperation also in the Arctic Council. Chinese scholars such as Professor Guo Peiqing has argued that despite their position in the Arctic Council, China should also seek

¹⁹⁸ Xinhua Insight: Arctic Council observer status guarantees China's legitimate rights. (2013). From: *Qiushi – Organ of the Central Committee of the Communist Party of China*. Available at: http://english.qstheory.cn/opinion/ChinaVoice/201305/t20130517_231795.htm. (Last accessed 03.01.2021).

¹⁹⁹ Woon, (2020). Op. cit. P. 8.

²⁰⁰ Keohane, Nye. (1989). Op. cit. Pp. 5-6.

²⁰¹ Rowe, Elana Wilson. (2018). Arctic Governance – Power in Cross-Border Cooperation. *Manchester University Press*. P. 47.

²⁰² Keohane. (1984). Ibid. P. 91.

²⁰³ Rowe. (2018). Op. cit. P. 47.

²⁰⁴ The State Council Information Office of the People’s Republic of China. (2018). Op. cit.

bilateral agreement with individual Arctic States and non-Arctic States alike.²⁰⁵ This has also been one of China's approaches creating regimes like the Trilateral High-Level Dialogue on the Arctic, bilateral dialogues on the law of the sea and polar issues with the US. Furthermore, China and Russia have been conducting dialogues on Arctic issues since 2013 and China and Iceland signed the 'Framework Agreement on Arctic Cooperation'.²⁰⁶ This approach of bilateral agreements would also circumvent a major issue China has in order to increase its impact on affecting the norms and values in the Arctic Council. The fact that the structure of the regime was made before Chinese involvement designates China to a position where it has not been granted the rights to vote on certain questions in the council.²⁰⁷ By creating separate regimes to increase cooperation and interdependence allows China to bilaterally increase its influence to affect Svalbard and fulfil its goal to be a stakeholder on the Archipelago.²⁰⁸ By influencing other countries and incentivising them to pursue goals of common interests within these smaller regimes through policy coordination and adherence, China could increase its influence on the norms created in the Arctic Council, thereby circumventing Norwegian opposition to Chinese access to Svalbard.²⁰⁹ If China is able to affect the norms and values held by other non-Arctic States or even more importantly the Arctic Eight, with the exception of Norway, China could due to the special circumstances presented by the Spitsbergen Treaty, use the Arctic Council as support for its environmental goals despite Norway arguing their sovereignty.²¹⁰

The Arctic Council presents several avenues for China to affect the already established regime with further opportunities for China to create its own bilateral agreements and regimes generating a secondary tool for affecting the norms and values of the wider regime. Nonetheless, the Arctic Council is limited in its ability to directly create changes to the international laws which could be perceived as limiting to Chinese goals for Svalbard, as the Spitsbergen Treaty and UNCLOS is protected within the UN. Despite this, with strong international players participating in the Arctic Council such as the US and Russia, China could use the environmental and cooperation framework presented in the council as a vessel for promoting Chinese goals for exploitation of Svalbard, with strong allies supporting them in circumventing Norwegian sovereignty. The opportunities provided by the ascension of China

²⁰⁵ Guo. (2012). Op. cit. P. 34.

²⁰⁶ The State Council Information Office of the People's Republic of China. (2018). Op. cit.

²⁰⁷ Xinhua Insight: Arctic Council observer status guarantees China's legitimate rights. (2013).

²⁰⁸ Keohane, Nye. (1989). Op. cit. P. 5.

²⁰⁹ Keohane. (1984). Op. cit. Pp. 51-52.

²¹⁰ Keohane. (1984). Ibid.

as an observer state in the Arctic Council might seem relatively insignificant to the future of Svalbard. However, as argued by Keohane in his *Neoliberal Liberalism*, issue-linkage, regime building and interdependence are strong tools in international politics for a state to achieve its goals, and the Arctic Council provides these opportunities for China.²¹¹

6. Discussion

The significant increase in China's influence on the international system since the rise of China with the reforms in the late 1970's through the opening up times, and the increased political involvement, have led to international interest and awareness by the global coalition towards the Chinese. The increased Chinese power has evoked international discussion regarding a perceived power transitions between already established hegemony into a new era of increased bipolarity in the international system. China has in recent years sought to strengthen its influence on international institutions and regimes in order to affect norms and values within developing and already established structures. The Western response to the rise of China in the international system has in recent years been met with scepticism and distrust as China has with some success attempted to shift the balance from a unipolar Western controlled hegemony with the US at its centre to a more multipolar international system.²¹² With the rise of China and their increased ambitions in the international organisations and regimes with former Chinese President Hu Jintao and the harmonious world envisioned by China in 2005 the country has positioned itself as a revisionist.²¹³ This has been the strategy pursued by the Chinese government, in order to not alienate the already established system, thus further integrating and situating as an important and key stakeholder in international institutions and regimes. However, China has attempted to toe the line between participating in already established Western regimes and institutions, and enabling the use gained from its development to establish Chinese led institutions and regimes to attain China's goals and increase the world's interdependence towards China.²¹⁴ The Western concerns and criticism of China's goals was again raised as China increased its involvement in international organisations and regimes

²¹¹ Keohane. (1984). *Op. cit.* P. 244.

²¹² Tromfimov, Yaroslav. Hinshaw, Drew. O'Keeffe, Kate. (2020). How China Is Taking Over International Organizations, One Vote at a Time - China's decadelong campaign to secure more clout at the United Nations is now helping shield Beijing from international scrutiny. From: *The Wall Street Journal*. Available at: <https://www.wsj.com/articles/how-china-is-taking-over-international-organizations-one-vote-at-a-time-11601397208>. (Last accessed 03.01.2021).

²¹³ Cheng. (2016). *Op. cit.* Pp. 5-6.

²¹⁴ Nye Jr., Joseph S. (2020) Power and Interdependence with China. In: *The Washington Quarterly*. Vol. 43, Iss. 1. Pp. 16-18.

pertaining to Arctic affairs such as the ascension to the Arctic Council in 2013, further culminating with the release of the Arctic White Paper and the near-Arctic State nomenclature.

Some Western countries, especially the US, perceived the Chinese Arctic White Paper as disconcerting, with the US arguing the Chinese government's aspirations in the Arctic was to be compared with their expansionist behaviour in the South China Sea.²¹⁵ This would further escalate with the US stating they would have to reorganise their Arctic strategy based on increased pressure on the international regime within the region by both China and Russia, arguing China is attempting to access important sectors in the Arctic and hurt the NATO allies in the region.²¹⁶ Moreover, the criticism towards the Chinese Arctic goals is whether the issues and opportunities presented by melting sea ice should be controlled within the sovereignty of the Arctic Eight, or as argued by Chinese scholars such as Guo Peiping that the issue presented should be treated as common heritage of mankind.²¹⁷ Guo further argues the Arctic Eight have a stronger interest in the region's future, but the Arctic states should realise the legitimate interest by non-Arctic States and adopt practical and transparent policies. Furthermore, the legitimate jurisdictional right by non-Arctic States through treaties and dialogue within regimes should be recognised by the Arctic Eight in situations such as the Arctic Ocean and Svalbard.²¹⁸

The Chinese approach has been further discussed by Western scholars such as Anne-Marie Brady, who recognises the Chinese approach in both the Arctic and Antarctic as Chinese opportunities for increasing its global capability and the use of regime building and reformation as a tool for pursuing their own goals.²¹⁹ Nonetheless, Brady argues China has been quick to put forth several of its plans for both Arctic and Antarctic cooperation on environmental issues in the regions, and China would forego current problems for the its own future exploitation down the line.²²⁰ Danish scholar Camilla T. N. Sørensen, has further emphasised the Chinese approach in the Arctic with special focus on Greenland, as she argues China has started a careful diplomatic offensive and Denmark should also increase its diplomatic goals towards Greenland.²²¹ With the Chinese involvement being halted by the special and complex relation between Greenland and Denmark, Sørensen still argues: "the Chinese are coming" to the Arctic and how the already established regime between Denmark and Greenland should

²¹⁵ Fang. (2020). Op. cit.

²¹⁶ Fang. (2020). Ibid.

²¹⁷ Guo. (2012). Op. cit. P. 38.

²¹⁸ Guo. (2012). Ibid. Pp. 33-35.

²¹⁹ Brady. (2017). Op. cit. P. 200.

²²⁰ Brady. (2017). Ibid. P. 212.

²²¹ Sørensen. (2018). P. 6.

attempt to prepare its legal and institutional framework. Discussions regarding how the Chinese interest in the Arctic should be managed further depends on how the optics regarding China's goals, the US is arguing it is a question of "securitisation", on the other hand, Sørensen argues:

"The key focus behind China's enhanced diplomatic and economic activities in the region is to establish strong and comprehensive relationships with all the Arctic states and stakeholders and gradually increase China's presence and influence in Arctic governance institutions."²²²

The Chinese involvement in international regimes is also a point of contention, with Sørensen arguing it is an important tool for the realisation of the Chinese goals in the Arctic, while other scholars such as Timo Koivurova argue China's march towards the Arctic could be the end of already established regimes such as the Arctic Council.²²³ Moreover, he argues the dissolution of the Arctic Council would not come from the Chinese interest in participating as a contributor to the creation of norms and values, but from the continued distrust from the US administration towards Chinese intend.²²⁴ Koivurova argues the Chinese participation and involvement in the Arctic Council could substitute the US as a frontrunner in environmental protection and sustainable development in the Arctic, thus increasing Chinese influence.

How the Arctic governance is going to progress through international institutions and regimes, and the utilisation of already established international laws have during the last several decades been widely discussed. With opinions wide ranging from China being criticised as an opportunist, meddling in affairs which should be of concern to the individual Arctic countries' sovereignty and their shared coastal ties, with others arguing the shared global common heritage of mankind justifies the Chinese endeavours into the Arctic. One thing agreed upon is the importance of Arctic regimes such as the Arctic Council and international laws like the Spitsbergen Treaty and UNCLOS. Nonetheless, opportunities for settling disagreements regarding the common future of the Arctic could be diffused by enabling revision of the already established international institutions and regimes which constitutes the systems for cooperation in the Arctic. The revisions would further enable the discussion and possibly the construction of a new normal, which could further counteract the distrust from the Western Arctic countries

²²² Sørensen, Camilla T. N. (2019). China as (Near-) Arctic Great Power – Drivers and Perspectives. From: *ThinkChina.dk*. Available at: https://www.thinkchina.ku.dk/documents/ThinkChina_Policy_Brief_China_as_Near-Arctic_Great_Power_Drivers_and_Perspectives.pdf. (Last accessed 03.01.2021).

²²³ Koivurova. (2019). Op. cit.

²²⁴ Koivurova. (2019). Ibid.

towards China, this would ensure both parties beneficial cooperation strengthening their bilateral and multilateral relations. But with the US still revisioning its Arctic strategy and the change in administration looming in January 2021, the current international structure and regimes surrounding Arctic affairs seems stagnant for the time being.

7. Conclusion

With the increased Chinese power and participation in the international system, the revision and creation of new international regimes with more Chinese influence to counter the established Western norms and values, Chinese Arctic endeavours have proven successful in accessing Svalbard, thus enabling China to situate itself as an important stakeholder to the archipelago's international laws and regimes despite opposition to the countries involvement.

The findings in this thesis argue, despite China's previously limited involvement in the creation, implementation, development and preservation of international institutions and regimes, the last two decades of Chinese involvement in the international system have sparked debate surrounding old international laws like the Spitsbergen Treaty and their interpretation.

Keohane's theory of Neoliberal Institutionalism has provided a well-suited framework for analysis throughout the thesis, with its thorough analytical toolkit for analysing changes in interdependence between states through the changes made to already established international regimes or by the creation of new regimes. With the analysis of this thesis further helping to solidifying Keohane's theory as a useful tool in international relations for analysing a state's approach to international cooperation and regime adherence and reduce scepticism by individual state in instance of both bilateral and multilateral cooperation.

Furthermore, China has in recent years through initiatives like the BRI and by extension the PSR encroached upon the surrounding areas close to Svalbard, creating bilateral cooperation towards a Chinese regime with important countries like Russia and Finland increasing their interdependence with China. With the nomenclature of a near-Arctic State and the continued Chinese emphasis on the receding ice in the Arctic as equally important to non-Arctic States, thereby linking China and other non-Arctic States to the issue, pressuring already established Arctic norms and values with the goal of shared governance and opportunities.

With China becoming a signatory to the Spitsbergen Treaty in 1925 as a High Contracting Party, avenues for influence and cooperation have presented itself through the last

few decades with the changing political landscape with a multipolar power division and greater accessibility to Svalbard. China has had foresight in the increasing importance of Svalbard and utilising the opportunities granted by the Spitsbergen Treaty to establish a presence on the archipelago with the Yellow River Station, these rights have currently only been utilised to create scientific cooperation with strictly economic opportunities in the treaty not yet being pursued with China considering economic exploitation in the Arctic White Paper. The waters surrounding Svalbard and the international laws governing them have been further contested especially due to the Norwegian interpretation, thus China has through participation in the UN and by extension the UNCLOS attempted to shift the norms and values with regards to the Norwegian interpretation of the laws. With China attempting to generate cooperation in order to circumvent or demand reassessment of the currently established international laws, China is positioned to change these norms and values of the international laws as there is widespread dissatisfaction with the Norwegian interpretation of the UNCLOS, further enabling China to access Svalbard.

With China gaining the status of observer state to the Arctic Council new opportunities for influencing the Arctic was enabled, thus allowing the Chinese to oversee and voice concerns regarding the future of the region within an already established regime. Despite the lack of abilities of the Arctic Council to directly enact new or changes to international laws constituting Svalbard's sovereignty, the council has proven useful in the creation of both bilateral and multilateral Chinese agreement and cooperation, thereby allowing changes in general norms and values in the Arctic also affecting Svalbard.

The issues and opportunities in the Arctic are increasing in global importance, thus the ways which the global regimes tasked with the administration should be aimed towards wider global cooperation with both Arctic and non-Arctic States consolidated in order to find common solutions which could reduce tension concerning rights in the region by creating increased shared opportunities. An increased Chinese involvement as a near-Arctic State in the affairs of Svalbard could provide the tools for increasing cooperation in and surrounding the archipelago, easing already contentious subject and future disagreements. The future of the international laws and regimes affecting Svalbard is yet to be seen. However, China is positioned as a strong and influential stakeholder in the future issues concerning Svalbard.

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