



European Commission

European External Action Service
(EEAS)

European Commission

- European External Action Service

Link

GDP (nominal)	\$17.046 billion (2021, IMF est.)
Signatory to Svalbard Treaty (yes/no)	No
Significance of Fisheries (GDP/ Employment)	<0.1% (75.000 employees)
Membership International Organisations	Barents Euro-Arctic Council, NEAFC NAFO

Your position:

For the European Union, the Arctic is of key strategic importance. Three of its member states (Denmark, Finland, and Sweden) are Arctic states, and the EU's ambition to take geopolitical responsibility necessitates engagement in regions close to the EU's external borders. In October 2021, the EU updated its Arctic Strategy and defined a number of key objectives.¹ First and foremost, the EU promotes peaceful and constructive dialogue while asserting its own interests in the region as a major economic actor. Climate change is recognised as serious threat, and the EU pledges to support the eight Arctic states in tackling the corresponding ecological, social, economic, and political ramifications.

The new Arctic Strategy further reaffirms the EU's commitment to uphold and strengthen multilateral governance of Arctic waters on the basis of the UNCLOS but also in full respect of the Svalbard Treaty. Although Norway is an important and long-standing partner in many areas, fishing rights in the waters around Svalbard

continue to be a bone of contention between the EU and the Nordic state. The EU interprets the Svalbard Treaty's provision of non-discriminatory rights for signatories to exploit Svalbard's maritime resources as extending to the 200nm Fisheries Protection Zone established by Norway. Correspondingly, the EU has been setting fishing quotas for its member states exceeding those issued by Norway, including quotas for snow crabs. Part of the dispute concerning i.a. quotas for cod has been resolved in 2022,² but the thornier issue regarding the interpretation of the Svalbard Treaty and fishing rights for snow crabs remain.

Although fisheries make up only a small fraction of the Union's GDP, the allocation of fishing quotas under the Common Fisheries Policy is one of the EU's few exclusive competences and, therefore, an important policy area. The Commission is committed to a principled approach in negotiating a solution for snow crab fishing around Svalbard, emphasising sustainable commercial exploitation and the conservation of

the fragile Arctic ecosystem. The EU's continued involvement and visibility as a responsible partner in Arctic politics shall also provide international recognition in an area dominated by Arctic states. To bolster its geopolitical clout, acting as a regional power in the Arctic is of vital interest to the EU. Ultimately, the EU seeks to be the main agenda setter at the Kristiansand summit, acting on behalf of all 22 of its member states that are also signatories to the Svalbard Treaty. The Commission expects this role to be respected by the EU member states present at the negotiations.

Your objectives:

“Bow before EU regulatory power!”

1. Reach an agreement to revise the Svalbard Treaty in a way that allows the EU Commission to set the quotas under the Common Fisheries Policy for EU member states to fish within the 200nm around the archipelago.
2. Ensure the protection of Svalbard's ecosystem in view of the EU's Green Deal.
3. Prevent any other actors' moves to strike bilateral agreements that could jeopardise a multilateral solution.

Hidden Agenda: Gain influence. The EU Commission's geopolitical interest is to be recognised as a significant actor in its own right with a credible stake in the Arctic. Make sure you are viewed as a dominant, but cooperative and “positive” player.

To do ahead of the summit:

1. Familiarise yourself with the position of the EU Commission.
2. Distribute the different roles of delegates among your group.
3. Draft an opening statement on your position.
4. Identify which other actors share this view and try to find common positions.
5. Develop a strategy on how to reach your objectives in the committee and negotiations phases.

Additional readings

Amelot, A., Canova, E., & Oreschnikoff, A. (2021). The Union's New Arctic Policy: towards an Increasingly Geopolitical Approach? <https://geopolitique.eu/wp-content/uploads/2021/11/GEG-Working-Paper-Arctic-En.pdf>

Henriksen, T. (2020). Snow Crab in the Barents Sea: Managing a Non-Native Species in Disputed Waters. *Arctic Review on Law and Politics*, 11, 108-132. <https://doi.org/10.23865/arctic.v11.2545>.

Paddison, L. (2023). 'A ginormous can of worms': How a fight over snow crabs could lead to a win for oil and drilling access. *CNN* (27 January). <https://edition.cnn.com/2023/01/27/world/snow-crabs-oil-norway-svalbard-climate-intl/index.html>.

¹ European Commission (2021). A stronger EU engagement for a peaceful, sustainable and prosperous Arctic. Available at: https://www.eeas.europa.eu/sites/default/files/2_en_act_part1_v7.pdf

² European Commission (2022). Fisheries: EU and Norway strengthen cooperation for sustainable fishing in the Northeast Arctic. Available at: https://ec.europa.eu/commission/presscorner/detail/%20en/ip_22_2722

Materials

M1 Player information package

The player information package forms the basis to play the game. It should ideally be handed out some time before the game to allow participants to familiarise themselves with the context and their delegations. Every delegation receives the scenario text and their own role card with an incomplete conflict matrix that leaves the boxes indicating the positions of other delegations empty. It is further advisable to provide each delegation with the schedule (M3), the agreement template (M4), and the glossary (M5).

M1-A Scenario

Tensions are mounting between the EU and the Kingdom of Norway. The stage for the confrontation is the icy waters around the Svalbard archipelago, where an invasion is taking place. The invader is a maritime species called *chionoecetes opilio* or better known as "snow crab." It was first recorded in the Barents Sea and around the Svalbard archipelago in the mid-1990s. The story of this invasion as well as its economic and political consequences are closely related to climate change. Global warming is the driving force behind the migration of marine species and the subsequent disruption of eco-systems due to the influx of new predators. At the same time, the melting of the pack ice affects the geopolitical and economic realities in the far north, which has attracted the attention of numerous state actors also from outside the region.

Against this background, controversy erupted about a century-old and rather peculiar piece of international diplomacy: the Svalbard Treaty.³ Signed in Paris on February 9th, 1920, the treaty established Norwegian sovereignty over the Svalbard Archipelago. Originally ratified by 14 states, the so-called "High Contracting

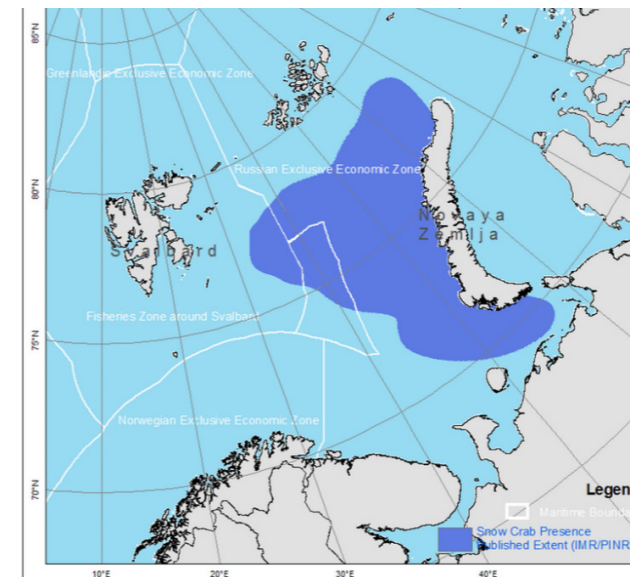


Parties," the Treaty recognizing the sovereignty of Norway over the Archipelago of Spitsbergen now includes 46 signatories. Among these are i.a. Norway, Russia, the US, China, and 22 EU member states – all with the exception of Croatia, Cyprus, Luxembourg, Malta and Slovenia).

Even though the Treaty bestows sovereignty over Svalbard upon Norway, it also grants signatories equal rights and non-discriminatory access to the resources on the islands and in the surrounding waters. The geographical scope of the Treaty has been the cause of dispute between Norway and other signatory states as well as the European Union. Article 2 of the Svalbard Treaty states that "ships and nationals of all the High Contracting Parties shall enjoy equally the rights of fishing and hunting in the territories specified in Article 1 and in their territorial waters." How far exactly these territorial waters extend is debated. The third UN Convention on the Law of the Sea (UNCLOS) in 1976 allowed states to create Exclusive Economic Zones

(EEZ) extending up to 200 nautical miles (nm) – or 370km – from their shores. In these EEZ states enjoy sovereign property rights over marine resources. In 1977, Norway accordingly established what it calls a Fishery Protection Zone (FPZ) around Svalbard (see the map below).

This was met with protest by the signatories of the Svalbard Treaty who maintain that its provisions concerning equal access to marine resources apply within the 200nm around the archipelago. Norway, in contrast, is adamant that the equal enjoyment of commercial rights expressed in the Treaty is only applicable on land and within the 12nm designated as territorial waters by the UNCLOS. The root problem of this dispute is that the Svalbard Treaty's geographical scope is somewhat opaque. The treaty was conceived at a time when the concept of an EEZs was still unknown and most of the ocean was considered international waters outside the jurisdiction of nation states.



In recent years, this has become an area of dispute between Norway and the EU. The advent of the snow crab has generated new economic opportunities and thus incited the interest of states active in fishery in the arctic waters. In January 2017, the Latvian trawler *Senator* which operated under an EU fishing license was seized and arrested by the Norwegian coast guard. The subsequent lawsuit by the Latvian-based owner company, SIA North Star Ltd., was ruled in favour of the Norwegian Government by the Norwegian Supreme Court in 2019. The argumentation rests on the classification of snow crabs as sedentary species. Dwelling on Norway's continental shelf, their exploitation is not covered by EU fishing licenses for the Svalbard FPZ. According to UNCLOS Article 77 (1) and (4), the coastal state enjoys sovereign rights over natural resources on its continental shelf, including seabed-dwelling creatures like the snow crab. Latvia, however, argues that snow crabs are not to be considered sedentary because they can travel large distances.

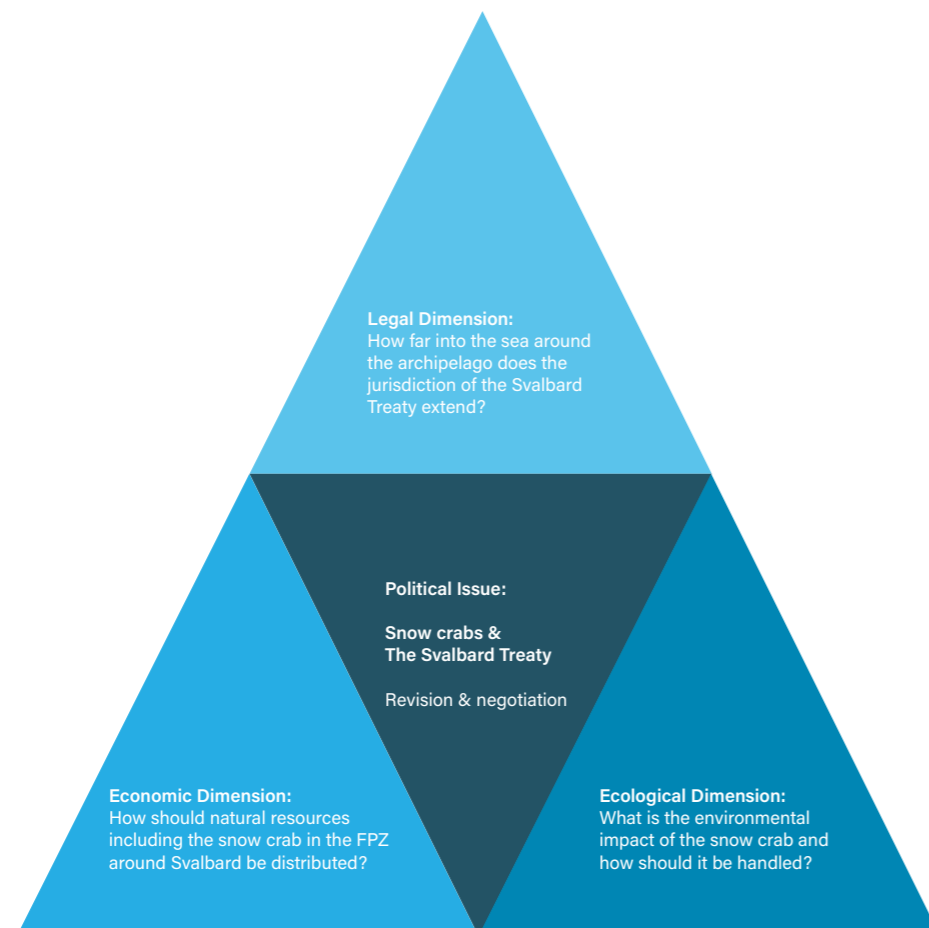
In addition to the legal issue concerning the geographical scope of the Svalbard Treaty and the economic aspects of rights to the exploitation of maritime resources, the snow crab migration raises ecological questions as well. The snow crab is not native to the Barents Sea. It originates from the North Pacific and probably crossed into the Svalbard FPZ via Russian waters. It is disputed whether snow crabs should be considered an invasive species. To date, little is known about their impact on the ecosystem which could be anything from beneficial to posing a serious threat to local species and their natural habitats. This raises the question whether snow crabs deserve protection or whether their status as an invasive species calls for extensive culling.

Ultimately, the snow crab question around Svalbard is a complex political issue spanning across three closely related dimensions (illustrated below). These include

³ The Svalbard Treaty. Available at: <https://www.jus.uio.no/english/services/library/treaties/01/1-11/svalbard-treaty.xml>

1) legal aspects related to contradictory international law based on the UNCLOS and the Svalbard Treaty; 2) economic questions concerning the exploitation of marine resources in Svalbard's surrounding waters; 3) ecological issues related to snow crabs' effect on the ecosystem in the Barents Sea. The stakes are high. The Arctic is increasingly becoming a geopolitical playfield where actors including the US, the EU, Russia, and even China are vying for power in view of new opportunities arising as a result of climate change. The melting of the ice opens up valuable trade routes connecting the continents, and below the seabed might lurk resources deemed far more valuable than snow crabs...

In 2023, interested parties have come to Kristiansand in Southern Norway to solve the snow crab dispute. The Norwegian Ministry of Foreign Affairs is hosting delegations from the European External Action Service, the Russian, British, and Latvian foreign service. The aim of the Kristiansand Summit is to reach a multilateral agreement that shall serve as the basis for a new Svalbard Treaty eventually to be signed by the delegations' Heads of State and Government. While none of the invited delegations question Norway's sovereignty of the Svalbard Archipelago, each delegation has their own agenda and interest in mind. Moderated by observers from North-East Atlantic Fisheries Commission (NEAFC), the negotiations can have far-reaching consequences.



Conflict matrix (EU)

The Conflict Matrix is designed to help players to get an overview of the broader conflict and to reach compromise. It maps the positions of each delegation in the three areas of conflict spanning legal, economic and ecological considerations as well as their general stance during the summit. YES indicates support for the statement in the left column, NO stands for opposition, and MAYBE shows a degree of flexibility that could sway either way. The delegations receive an incomplete

matrix which only marks their own preferences. Their task is to collect information on other delegations' preferences during the game in order to form alliances and identify areas where compromise seems possible. The Conflict Matrix does not assign weight to any of the positions. The delegations determine their own priorities on the basis of their role cards and estimate those of others along the way during committee work and negotiations.

	Conflict areas	Delegations	European Commission	Kingdom of Norway	Russian Federation	United Kingdom	Republic of Latvia
general	The Arctic, Svalbard, and fisheries have high political salience		MAYBE				
	The status quo is tolerable		NO				
	Acts as agenda setter		YES				
legal dimension	The Svalbard Treaty extends only to the 12nm of territorial waters around the archipelago		NO				
	The Svalbard Treaty applies to land, sea, seabed, and beneath within its jurisdiction		MAYBE				
	Snow crabs are sedentary species and, therefore, excluded from fishing licences		NO				
Economic dimension	The Treaty establishes a multilateral regime regulating fishery quotas		YES				
	Snow crab and similar (sedentary?) species can be harvested under regular fishing licences		YES				
	The Treaty provides equal access also to other natural resources (oil, minerals) within its scope		MAYBE				
Ecological dimension	The snow crab is an invasive species		YES				
	The snow crab deserves environmental protection under the Treaty		YES				
	The new agreement must contain sustainability clauses		YES				

M3: Game schedule template

The game is designed for approximately five hours of effective playtime. While this appears long at first, towards the end of the game players tend to wish they had more time to reach or finalise an agreement. The playtime can certainly be extended. Individual phases can be stretched, and additional rounds of negotiations and committee work can be added. It

is also possible to spread the game across shorter intervals held in multiple sessions to fit it into regular timetables. Although this changes the dynamics of the game, it still provides for an excellent learning outcome. The following table exemplifies the typical five-hour schedule.

Round	EU Delegation	Norwegian Delegation	Russian Delegation	UK Delegation	Latvian Delegation	Schedule 09:00 – 15:00
Introduction	Instructor goes through rules and procedures / introduces subject of the simulation / opens the summit					09:00 – 09:15
	Delegations read through materials / coordinate strategy / prepare the opening statement					09:15 – 09:45
Opening of Plenary	Opening statement	Opening Statement	Opening statement	Opening statement	Opening statement	09:45 – 10:00
Committee work						10:00 – 11:00
BREAK						11:00 – 11:10
Negotiations						11:10 – 11:55
Plenary session	Statement	Statement	Statement	Statement	Statement	11:55 – 12:00
LUNCH BREAK						12:00 – 13:00
Committee work						13:00 – 13:30
Agreement Negotiations						13:30 – 14:00
Plenary session	Resolution Statement	Resolution Statement	Resolution Statement	Resolution Statement	Resolution statement	14:00 – 14:10
BREAK						14:10 – 14:15
Conclusion						14:15 – 15:00

M4: Agreement template

Depending on how the negotiations go, the heads of delegation may be able to formulate an agreement in writing. The template below can help participants to produce a result that mimics the tone and shape of international treaties. Red letters indicate suggestions participants of the game can and often should change according to the outcome of their negotiations. Blue letters offer some more advice on the contents expected in some of the subsections. The following paragraphs explain the two main sections of the template in some detail.

The first part of the agreement template is the so-called preamble. In this part of a treaty, the contracting parties lay out their intentions, the problem at hand, and their proposed solution. Notice that each sentence begins with a verb or adjective describing the sentiment or action invoked by the content of the sentence. It is advisable to stick to this admittedly odd looking format for an authentic outcome. You find an extensive list of appropriate words at the end of this document.

Following this is the substantive part of a treaty. Here, the delegations basically define in clear terms

what was agreed upon. Depending on how far the negotiations went, concrete solutions for how certain things should be implemented can be specified there. Say, for example, it was decided that snow crabs deserve protection. The question then might arise who is responsible for this. For example, a contracting delegation was convinced or offered to take charge of this, or – not uncommon – the responsibility may be outsourced to third parties. The wording in this section is formal, but no longer confined to the structure used in the preamble. In red text, the template offers samples in terms of structure or content. For guidance, participants may use the items on the conflict matrix and go through them step by step.

Using this template contributes to the immersion and may provide a rewarding conclusion to the game. It should be noted, though, that reaching an agreement and putting it in writing can be time consuming. If time is running out, participants of the game should deprioritise the preamble and focus on the substantive part of the agreement which defines how the individual issues are going to be solved.

Kristiansand, 13.03.2023



Recommendation for a revision of the Svalbard Treaty

To address the legal, economic, and ecological issues related to the invasive snow crab species between Norway and the other contracting parties

The 2023 Kristiansand summit,

Comprising high representatives from the Kingdom of Norway's Ministry of Foreign Affairs, the European External Action Service, ... (note that some might find the order in which the delegations appear important)

Having regard to the specifics of the Svalbard Treaty (originally the Spitsbergen Treaty) signed on 9 February 1920,

Having regard to the United Nations Convention of the Law of the Sea (UNCLOS),

Recognising the full and absolute sovereignty of the Kingdom of Norway over the Archipelago of Svalbard as guaranteed by Article 1 of the Svalbard Treaty,

Reaffirming the shared rights and obligations of all contracting parties concerning the exploitation of resources, import and export of goods, regulation of national properties, and the protection of Svalbard's biosphere as specified by Articles 2 and 3,

...

The first section of the preamble (above) lists all the things of the old Treaty the delegations agree with and wish to preserve. Delegates may add any other aspects they deem worth mentioning.

Concerned about mounting international disputes regarding fishing rights and the territoriality of Svalbard's surrounding waters,

Noting that the original Svalbard Treaty omits a clear delineation of the Kingdom of Norway's territorial sea surrounding the Archipelago,

Acknowledging that exclusive economic zones (EEZ) in accordance with the UNCLOS agreements and, by extension, the Svalbard Fishery Protection Zone (SFPZ) were enacted long after the original Svalbard Treaty was ratified,

Mindful of the increasing urgency to address these issues caused by the arrival of the invasive species (note: this is debatable!) *Chionoecetes opilio* (colloq. snow crab),

...

This second section of the preamble (above) lists the problems the new agreement addresses. Note that written in red are only examples that can be changed, and others can be added according to what was agreed upon between the delegations.

Taking into consideration legal, economic, as well as ecological aspects related to the above,

Faithful to the general provisions of international law (this should be a given),

...

In this third block of the preamble, the delegations state their good intentions and what the concrete proposals listed in the substantive part below seek to achieve.

Proposes the following resolution:

Title 1 – Legal provisions

1. The provisions of the UNCLOS fully apply to the archipelago of Svalbard.

- The Kingdom of Norway's Fisheries Protection Zone (FPZ) expanding 200 nautical miles around Svalbard shall be recognised under international law.
- Norway retains full sovereignty over fishery rights etc. in the FPZ...

2. Snow crabs shall be considered a sedentary species.

- Snow crabs pose no threat to Svalbard's ecosystem and deserve protection from exploitation.
- The Kingdom of Norway undertakes full responsibility for the preservation of this species and has pledged to provide appropriate resources.

3. ...

Title 2 – Economic provisions

4. ...

Title 3 – Ecological provisions

5. ...

Useful words for the preamble text

Acknowledges	Acknowledges with deep gratitude	Acknowledging
Affirming	Again requests	Alarmed
Alarmed and concerned	Also bearing in mind	Appealing
Appreciating	Appreciating highly	Approving
Aware	Basing itself	Bearing in mind
Believing	Calling attention	Cognizant
Concerned	Confident	Conscious
Considering	Contemplating	Continuing to take the view
Convinced	Declaring	Deeply alarmed
Deeply appreciative	Deeply conscious	Deeply convinced
Deeply disturbed	Deeply regretting	Deploring
Desiring	Desirous	Determined
Dismayed	Distressed	Emphasising
Encouraged	Expecting	Finding
Firmly convinced	Fulfilling	Fully alarmed
Fully aware	Further believing	Further deploring
Further recalling	Gravely concerned	Guided
Having	Having adopted	Having considered
Having constituted	Having devoted attention	Having examined
Having heard	Having met	Having received
Having received and examined	Having regarded	Having studied
Inter alia (among other things)	Keeping in mind	Looking forward
Mindful	Noting interest	Noting alarm
Noting also	Noting appreciation	Noting approval
Noting concern	Noting deep concern	Noting further
Noting gratitude	Noting regret	Observing
Paying tribute	Profoundly concerned	Reaffirming
Realising	Recalling further	Recognising
Reconfirming	Reemphasising	Referring
Regretting	Reiterating dismay	Reiterating appreciation
Reiterating conviction	Resolving	Seeking
Seriously concerned	Solemnly declaring	Stressing
Strongly emphasising	Supporting fully	Taking into account
Taking into consideration	Taking note	Taking note also
Taking note with satisfaction	Underlining	Underscoring
Urging	Viewing with appreciation	Welcoming also



M5: glossary

Arctic Council

Founded in 1996 and headquartered in Tromsø (Norway), the Arctic Council is an intergovernmental organization that addresses issues faced by the member state governments and the various indigenous people of the region. Membership of the organization is restricted to the eight states with territories in the Arctic circle and representatives from indigenous communities; there are currently 13 observer states. Decision-making power lies exclusively with the eight member states, on the basis of consensus.

Arctic states

The eight states with territory in the Arctic are Canada, Denmark (representing Greenland), Finland, Iceland, Norway, Russia, Sweden, and the United States.

Common Fisheries Policy (CFP)

As part of the EU treaties, the CFP regulates member states' fishery activities, i.a. by setting quotas on specific types of fish. This policy affects all member states' exclusive economic zones, making the EU's combined EEZ the largest in the world.

Continental shelf

A continental shelf is a portion of a continent submerged under relatively shallow water that extends to the outer edge of the continental margin. The UNCLOS bestows coastal states the right of exploration and exploitation of the seabed and natural resources on or beneath it. The outer limit of a state's continental shelf is limited to 350 nautical miles (650km).

European Economic Area (EEA)

The EEA agreement was signed in 1992 in order to extend the EU's single market to member states of the European Free Trade Association (EFTA). The EEA today comprises all EU member states as well as EFTA members Liechtenstein, Iceland, and Norway. Concerning the single market, the three states enjoy the same rights as EU member states but must implement EU legislation in that area and respect the obligations that come along with it. Agriculture and fisheries, however, are not covered by the EEA.

Exclusive economic zone (EEZ)

The UNCLOS defines an EEZ as an area of the sea in which a sovereign state has special rights concerning the exploration and use of marine resources. Most notably, this includes energy resources as well as fish stock. Unlike territorial sea, an EEZ does not confer full sovereignty over the concerned waters. In general, a state's EEZ extends over 200 nautical miles (370km) from the shore. If two states are separated by less than 400 nautical miles, the maritime boundaries are to be negotiated bilaterally.

Svalbard Fishery Protection Zone (SFPZ)

Pursuant to the UNCLOS agreements, Norway unilaterally created the SFPZ around Svalbard in 1977. The SFPZ functions in the same way as the EEZ created by UNCLOS, thus bestowing upon Norway special rights over the resources within a radius of 200 nautical miles around the archipelago. As the original Svalbard Treaty only recognises sovereign rights over the mainland and territorial waters of the islands, this act led to international disagreement and brought the Svalbard issue back on the map.

International waters

International waters or the high sea describe the waters beyond EEZs. These areas are not subject to any state's jurisdiction, providing all states equal right to fishing, navigation, overflight, research, etc.

Invasive species

Species that are not native to a certain habitat and pose a threat to native species and biodiversity are commonly termed invasive species.

North East Atlantic Fisheries Commission (NEAFC)

Founded in 1959 and headquartered in London, the NEAFC is a regional fisheries management organisation that regulates fishing-related issues in international waters in the north east Atlantic. Contracting parties are Denmark, the European Union, Iceland, Norway, Russia, and the United Kingdom.

Nordic Council

Founded in 1952 and headquartered in Copenhagen, the Nordic Council is an interparliamentary organisation focussing on cooperation among the Scandinavian and Nordic states. The five member states Denmark, Finland, Iceland, Norway, and Sweden are complimented by the three autonomous regions Åland, Faroe Islands, and Greenland, which hold associate membership. The Council's 87 representatives are delegates from the member states' national parliaments.

Sedentary species

According to the 1958 Convention on the Continental Shelf, the term sedentary species applies to all living organisms which, at the harvestable stage, are either immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

Territorial waters

As defined by the UNCLOS, territorial waters describe a slim belt of sea extending at most 12 nautical miles (22km) from the shores of a coastal state. This area is regarded sovereign territory of the state, including the airspace above and seabed below.

United Nations Convention of the Law of the Sea (UNCLOS)

Concluded in 1982, UNCLOS is an international agreement that defines the rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources. As of today, 167 states and the European Union have ratified the agreement. Notable non-parties are the United States and Turkey.

UN P5

The abbreviation UN P5 stands for the five permanent members of the UN Security Council: China, France, Russia, the United Kingdom, and the United States.

