Navigating Energy Sovereignty: Insights from the Svalbard Continental Shelf

Supervisor(s): Not known as of now
Preferred background of candidate(s): Law students with an interest in international law, energy law, and Arctic governance. Background in maritime law, sovereignty issues, or natural resource law is advantageous.
Number of available projects: 1
Preferred project period: Preferable over the summer.

Project Outline

The Svalbard Continental Shelf (SCS) remains a legally ambiguous area, particularly concerning Norway's sovereignty over its natural resources. While the Svalbard Treaty of 1920 grants Norway "full and absolute sovereignty" over the archipelago, its application to the SCS has been debated. The Norwegian Supreme Court addressed this issue in HR-2023-491-P, ruling that the Treaty applies only to territorial waters, thereby affirming Norway's sovereign rights over the SCS under UNCLOS Article 77.

This research explores the Court's reasoning and its implications for energy sovereignty. A key focus is the Court's absolutist view of sovereignty, which suggests that Norway's authority over resources is unrestricted by treaty obligations beyond territorial waters. However, the study critically examines whether sovereign rights over the continental shelf should be seen as an extension of territorial sovereignty or as a distinct legal category. While the Court sought to establish predictability in legal interpretation, its reasoning could be challenged for overlooking potential limitations embedded in the Treaty.

Beyond the legal analysis, this project will also assess how the ruling affects international relations, particularly among Arctic states. With growing interest in Arctic resources, Norway's position on energy sovereignty could set a precedent for similar disputes in other regions. The research will consider how international actors, including the European Union and Russia, view and respond to Norway's legal stance. Additionally, the project will explore historical cases where sovereignty over natural resources has been contested, drawing parallels to similar legal debates worldwide. This broader context will help frame Norway's legal strategy within global geopolitical trends.

With estimates indicating that a significant portion of Norway's undiscovered hydrocarbon resources lies in the Barents Sea—potentially within the SCS—this issue has substantial geopolitical and economic relevance. The ruling has already impacted fisheries management, as seen in the rejection of Latvia's application to catch snow crabs in the region. Future disputes may arise as global interest in Arctic resources grows, making a clear understanding of energy sovereignty essential for legal and policy considerations. This project will also explore how technological advancements in offshore energy extraction might impact legal interpretations of sovereignty in the coming decades.

Expected Outcomes/Deliverables

- A comprehensive legal analysis of HR-2023-491-P and its interpretation of sovereignty.
- An evaluation of the distinction between sovereignty and sovereign rights under UNCLOS and the Svalbard Treaty.

- A discussion of potential geopolitical and economic implications for Norway and the broader Arctic region.
- An assessment of how the ruling fits into broader international legal debates on resource sovereignty, drawing comparisons with similar cases worldwide.
- A discussion of which experiences and lessons from the ruling can be applied in a broader global context, particularly in relation to contested maritime and resource claims.
- An exploration of how different legal frameworks interact when determining sovereign rights over natural resources, particularly in disputed or sensitive regions.
- A research paper suitable for publication or further academic dissemination.

By analyzing the Supreme Court's approach and contrasting it with academic perspectives, this research contributes to the broader discourse on Arctic governance and international law. It highlights the need for a nuanced interpretation of sovereignty, balancing national interests with international legal obligations in an evolving geopolitical landscape.