

THE YEARBOOK OF POLAR LAW, VOL. 2. Gudmundur Alfredsson, Timo Koivurova and Natalia Loukacheva (editors). 2010. Leiden/Boston: Martinus Nijhoff Publishers. 346 p, hardcover. ISBN 978-90-04-18787-0. €161

The Yearbook of Polar Law is a recently established series of annual publications dealing with different aspects of legal topics relevant for the polar regions. By and large the contributions are based on the annual Polar Law Symposium that was first held in 2008 in Akureyri, Iceland. The yearbook aims at presenting new angles to the complex and emerging field of polar law and is aimed at academics and policy-makers alike. This volume's contributions are to a large extent based on the 2009 symposium and include one speech and ten research contributions, followed by a section on recent developments in the subject as well as book reviews.

Opening with the reproduced presentation of the President of Iceland at the 2009 Polar Law Symposium in Akureyri, the book raises immediately a major thread that can be found in all subsequent contributions: complexity forms polar legal environments and polar governance which calls for innovation. For example, the President suggests the formation of an Arctic-Himalayan forum in order to address common challenges pertaining to melting ice – in the Arctic and in the Himalayas. His clear-cut political and inspiring speech is followed by Brubaker's very complex and extremely detailed analysis of the legal regime in the Arctic relating to navigation. It is certainly of high relevance to understand the complexity of the legal regime, and therefore for seafarers and analysts, but it is not very suitable as an opening article for the volume. Its details and length, which amounts to 98 pages, make it a tiring read and difficult to follow.

Contrarily, Koivurova presents a nice overview of the Arctic Environmental Protection Strategy (AEPS) *vis-à-vis* the Arctic Council, how both function and their characteristics. He continues by placing the Arctic Marine Shipping Assessment (AMSA 2009) into a climate change and governance context, making it a very timely article to understand the challenges the Arctic Council, with its structure, faces. Hossain continues by addressing the very timely issue of continental shelf delineation and the processes for doing so. He maintains that although there are institutional and legal rules, due to the rules' structural design it is after all the states themselves that decide upon the delineation. He then proceeds to the environmental dimension in the Law of the Sea Convention (LOS) and its mechanisms for environmental protection. A very good feature of this article is that Hossain presents different alternatives for protection of the Arctic marine environment in light of the LOS' weak environmental provisions.

MacNab's contribution deals with Article 76 of the LOS which regulates the outer continental shelf beyond 200 nautical miles. He presents and analyses areas in the Arctic Ocean that are under investigation by the littoral states as regards claims to the outer continental shelf. His analysis is backed by several maps, which, although sometimes difficult to interpret due to their black-and-white colouring, are well explained.

Pauly leaves the Arctic Ocean and turns to the political poles. He opens the door for globalisation and internationalisation and presents an overview of these concepts. He highlights that the complexity of problems demands complex and innovative institutional responses. While not exclusively dealing with the polar regions, he embeds these into his article. Bailes follows the governance context and opens the door for a very interesting discussion on non-Arctic entities within Arctic security and governance. She picks NATO and the EU as two examples and concludes that it is rather unlikely that NATO will become a prominent Arctic actor due to a limited need of a military dimension in Arctic governance, which primarily deals with non-traditional security threats such as pollution or environmental degradation. The EU on the other hand may become a more influential actor due to its economic leverage, research and encompassing decision-making structure.

Nuttall shifts to the indigenous peoples of the Arctic and their challenges in relation to resource extraction. He embeds this into a context of the Arctic being a resource frontier *vis-à-vis* a resource periphery by presenting resource projects in the circumpolar regions. He writes that Arctic indigenous communities, though to different degrees and in different ways, are affected by these projects, face challenges in making their interests heard and to be involved in the decision-making process. Ultimately their cultural sustainability is under pressure. However, on the other hand, different modes of indigenous participation also contribute to the revenues staying in the area, rendering the Arctic as a resource periphery obsolete.

Abruptly, the book turns back to the maritime legal system with a short note again by MacNab, who presents the differences between the Arctic and Antarctic legal regimes. He shows, again supported by maps, that the Antarctic Treaty model is not transferrable to the Arctic, because of the geographical and legal differences and the associated ways states behave with regard to sovereignty and the outer continental shelf. While certainly very relevant, this note seems to be rather out of context and would have fitted better in the earlier, 'marine' section of the book.

Fitzmaurice delves into the contentious issue of whaling and aboriginal whaling in the context of intergenerational equity and environmental ethics. She presents how aboriginal whaling is placed within the International Whaling Commission and continues by analysing different ethical and philosophical angles toward human-animal relations. She further explains the concept of intergenerational equity, which, in essence, states that resources are in a trust, passed on from our ancestors to us, who hand them down to our descendants. These aspects are then related to a normative discussion on whaling, in which she evaluates an article supporting the notion of a right to life for whales (D'Amato and Chopra 1991). The difficulties in ascribing a right to life for whales is exemplified in the context of the Makah people calling for their resumption of small-scale whaling on grey whales. Fitzmaurice concludes that internationally whaling for cultural reasons does not suffice to reinstate it, but that it further needs linkages to nutritional and subsistence needs. She asserts that it should be the

indigenous people themselves who decide this as a way of defining themselves as indigenous and as a means 'of redeeming past injustices' (page 275).

Hasanat's contribution is the last research contribution in this volume. He gives an overview of the Barents Euro-Arctic Region (BEAR) and its functioning in the context of international law. Although its two bodies – the Barents Euro-Arctic Council and the Barents Regional Council with their respective working groups – do not produce legally binding documents, they nevertheless produce commitments for the member states and member regions. Since these apply these commitments in their practices in accordance with international law, the BEAR with its 'soft-law' working structure has gained weight under international law.

The following section of the book deals with recent developments in polar law, in which scholars present continuing and future projects and initiatives relating to the topic. This is truly unique as it provides a timely snapshot not only of current research, but also of the developing process that establishes polar law as a research discipline. The book concludes with four book reviews on legal and political books relating to the polar regions.

This reviewer has truly enjoyed this book and the narrative that spins through most articles: innovative and inclusive governance benefits both polar regions as regards security, stability and sustainability. Apart from Brubaker's contribution, which due to its complex and detailed analysis as well as its length is difficult to digest, the articles open up food for thought and further investigation. Unfortunately, the articles do not build or refer to one another which would have contributed to bridges between the different, complex themes. Publications like the *Yearbook of Polar Law*, however, are increasingly relevant towards the understanding of the different facets of law and legal developments in the polar regions. This book is a remarkable contribution to embedding the polar regions into a discourse of rule of law and good governance (Nikolas Sellheim, Faculty of Law, University of Lapland, PO Box 122, 96101 Rovaniemi, Finland (nikolas.sellheim@ulapland.fi)).

References

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