

THE LAW OF THE SEA AND THE POLAR REGIONS. Erik J. Molenaar, Alex G. Oude Elferink and Donal R. Rothwell (editors). 2013. The Hague: Martinus Nijhoff Publishers. xxxi + 432 p, hardcover, illustrated. ISBN 978-90-04-25520-3. 166€.

There are books which are just great. They are very rare and it is not easy to find them, but luckily I have been now in the position of getting a hold of such a book. *The law of the sea and the polar regions* is not just a book about the application of the law of the sea. No, it is much more, making it a truly remarkable contribution to the polar research literature: it is a very wisely and very well-compiled compendium on polar governance, polar law and the polar marine environments. True, the title does not necessarily reflect that, which is maybe the only downside of this book, but the reader gains insight into the (geo)political structures of both the Arctic and the Antarctic, a substantial insight into the significance and implementation of international environmental law and the role and functioning of the law of the sea. This book is in fact a follow-up of a 2001 volume by two of the editors entitled *The law of the sea and polar maritime delimitation and jurisdiction* (Oude Elferink and Rothwell 2001) which places primary focus on marine delimitation and jurisdiction, as the title implies, while the current volume places its focus on the polar marine environment.

It is impossible for this reviewer to single out any of the 15 contributions from experts in Arctic and Antarctic affairs. All of them are of such high quality, well researched, well argued and well formulated that it makes them one comprehensive entity that feeds into each other, builds upon one another and creates a highly informative account of the past and current legal status of the marine environment in both the Arctic and the Antarctic. It is thus that issues revolving around the Antarctic Treaty System (ATS) and the law of the sea, continental shelf issues, environmental assessment, migratory species, shipping, fisheries, scientific research or maritime security in the polar regions are discussed. As such, each contribution is a stand-alone article, but they do not appear isolated, as the following paragraphs will show.

In order for the reader to get a better understanding of the high quality of this book, I will try to point attention to some selected chapters of this book. This is not to indicate that they are of higher quality than the others, or *vice versa* that the other chapters are of lesser quality, but rather to pinpoint the nature of this book. For example, let us start with the opening chapter by the three editors of this volume, Elferink, Molenaar and Rothwell, who open up the main issues of their work with *The regional implementation of the law of the sea and the polar regions*. They provide essential and fundamental knowledge on the state and history of (Ant-)Arctic governance, legal statuses, institutions etc. pertaining to the polar seas. Here they also provide three maps, two of the Antarctic and one of the Arctic, and briefly, yet thoroughly, explain the problems of definition (the Arctic) and the problems in application of the legal instruments (the Antarctic). Throughout the book, frequent reference is made to the maps and the reader gains into the 'hows' and 'whats' of all subsequent contributions. Of

course, the information in the first chapter is not necessarily new, but it is so nicely compiled, formulated and presented that it provides wonderful inchoate knowledge on polar governance.

Marine protected areas in the Arctic, written by Suzanne Lalonde, presents different means of nature protection in the Arctic, using the principle of marine protected areas (MPAs). Here, national and international plans, initiatives and activities for the creation of protected areas are presented and the need for circumpolar cooperation is highlighted. This is a crucial element that falls, or would fall, within the mandate of the Arctic Council's working group Conservation of Arctic Flora and Fauna (CAFF). Yet, neither CAFF's nor any other working group's focal points lies entirely on this which is best exemplified by the now dormant Circumpolar Protected Areas Network (CPAN) which was active between 1996–2010, Lalonde dates its collapse to 2006 (page 101), and whose work has now been taken over by other initiatives (CAFF nd.). But also regional initiatives are presented here, namely in the form of the Barents Euro-Arctic Region (BEAR), the EU through its Natura 2000 network or the Convention on the protection of the North-East Atlantic (OSPAR Convention). Especially using the OSPAR Convention as an example of functioning international cooperation, Lalonde shows how also areas beyond national jurisdiction can be effectively protected. Unfortunately, Lalonde does not delve further into regional initiatives, such as in the BEAR, but this may be due to space constraints (see Sellheim 2012 for more information on the Barents initiatives).

In the vein of the bi-polar nature of the book, it then turns to *Marine protected areas in the Southern Ocean* by Karen N. Scott as the geographical counterpart to the previous chapter. Scott presents in a very nice manner the role and significance of marine protected areas in the Antarctic and concludes that within the ATS and sub-Antarctic national waters due to their sheer geographical scope MPAs play a significant role in environmental protection. In the context of the very current issue on commercial or scientific whaling Scott engages in an, unfortunately very brief, discussion on rational use *vis-à-vis* marine protected areas. This is indeed a very interesting and highly relevant issue in which fundamental principles of human-nature understanding could be discussed. But given the focus of the book, Scott abstains, much to my personal dismay, from a deeper discussion.

But readers interested in the hunt on marine mammals in the polar regions will not be disappointed. How could they be? Because two chapters, once again one for the Arctic and one for the Antarctic, deal with the legal statuses of marine mammals, that is whales, seals and polar bears. Mossop's account on *Marine mammals in the Antarctic Treaty System* and Bankes' article on *The conservation and utilization of marine mammals in the Arctic region* both embed marine mammal hunts into the legal contexts in which they occur. Both authors, and that is something often missing in the highly emotional debate surrounding marine mammal hunts, present purely factual accounts on the international legal environments, which gain even more currency given the recent judgement of the International Court of Justice which prohibits Japan from conducting 'scientific' whaling in the Southern Ocean. What for me stood once again particularly out was in how far the

authors have managed to present the interlinkages between international and (sub-) regional arrangements and regimes and therefore make them and their relevance better understandable in a circumpolar context.

Yes, as the reader may have noticed, this review is less of a review, but rather a praise of *The law of the sea and the polar regions*. But it is justifiably so, because this book in all respects stands out of the many polar-relevant books that have been published during the last year or so and I can issue an unfettered recommendation for this book! Yet, unfortunately, as with many great publications, it is difficult to access for students given its high price. So the only thing that students may consider is the e-book version of this volume in which each individual chapter is accessible for a certain

fee: <http://booksandjournals.brillonline.com/content/books/9789004255210>. (Nikolas Sellheim, Faculty of Law, University of Lapland, PO Box 122, Rovaniemi, Finland (nikolas.sellheim@ulapland.fi))

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