

**POLAR LAW TEXTBOOK II.** Natalia Loukacheva (editor). 2013. Copenhagen: Nordic Council of Ministers. 301 pages, softcover. ISBN 978-92-893-2550-9. 338 DKK.

The Nordic Council of Ministers (NCM) is promoting a much fuller understanding of Arctic issues through valuable publications, such as *The European Union and the Arctic* booklets (Airoldi 2008; Airoldi 2010). In addition to hard copies, the diffusion of knowledge is helped by electronic copies made available for free on the NCM website. Three years after the first *Polar Law Textbook* (Loukacheva 2010), the NCM now publishes a second, more voluminous opus: still edited by N. Loukacheva, it contains 15 contributions by academics and other experts.

The 15 chapters, the length of which varies greatly (from 5 to 26 pages), address a large scope of questions such as: Polar law as a discipline, security, the Arctic Council's search and rescue agreement, biodiversity and wildlife, climate change, the continental shelves, tourism, renewable energy, good governance. While most issues are examined on a circumpolar level, some of them focus on a national or regional level, to question oil and gas offshore regulation, Faroese governance, Nunavut devolution, and indigenous peoples' rights.

In the first chapter, polar law is defined by Natalia Loukacheva as a 'field of law that deals with the international and domestic legal regimes that are applicable to the Arctic or the Antarctic, or both' (page 17). She clearly explains the various aims of polar law that reflect the diversity of the field: a corpus of law instruments that intersects with various branches of law, an educational tool and discipline, and a practical tool in resolving current and emerging legal issues.

Reminding us that the Arctic is currently highly stable thanks to international cooperation, Lassi Heininen discusses the broad meaning of security, which encompasses environmental, human, energy, and traditional security and offers a useful insight into the broad meaning of 'security' in its political, economic, environmental and social context.

Anton Vasiliev proposes an excellent perspective - from the inside, as a negotiator - on the background, premises, context, process, outcomes, limitations and legacy of the historical search and rescue agreement. The next two chapters present a convincing comparison of both polar regimes. Focusing on climate change, Timo Koivurova stresses that the Antarctic Treaty System has seen less ambitious policy responses than the Arctic Council has. He shows that nevertheless climate change in general does not figure prominently in the climate policies of the Arctic Council member states, and that both polar regimes do have the opportunity to raise the profile of their climate change policies.

The historical background provided by Ted L. McDorman on the international legal regime of the continental shelf allows for a deeper understanding of the Arctic states' position *vis-à-vis* the Law of the Sea Convention (UNCLOS). Beyond the description of the provisions of UNCLOS, the author offers an interesting perspective on the construction of a legal definition of geography: in that regard, the comparison of the issue of definition of 'continental' in Antarctica and Arctic is enlightening.

On the contentious issue of biodiversity, Malgosia Fitzmaurice provides a comprehensive assessment of existing law instruments and sees as a positive point the increase in awareness of the issue, and the inter-state cooperation: she ascribes the Arctic Council working group Conservation of Arctic Flora and Fauna (CAFF) groundbreaking results. Including state policies in his analysis, Koivurova however proposed a more contrasted conclusion on the effectiveness of the Arctic Council's scientific production in tackling climate change.

On the issue of conservation of the Polar Bear, a short account is provided by Nigel Bankes who analyses the limits of the Agreement on the Conservation of Polar Bears and their Habitat (ACPB), successful in maintaining hunting to sustainable levels, but less successful in dealing with climate change and habitat protection, and with the overharvest of shared populations of polar bears. Following a historical approach, Kees Bastmeijer shows that it is a long process to implement regulations on tourism in Antarctica, an activity that has grown rapidly since the early 1990s, whereas consultative parties have adopted a proactive approach in respect to mining activities before they began.

The chapter by Maria Pettersson explains how the development of renewable energy could benefit from appropriate regulation in order to contribute to overcoming obstacles such as economic attractiveness, opposing interests, licensing, grid and system integration, and facilitating public participation and local self-governance.

Betsy Baker focuses on oil and gas regulation in the US offshore and gives insight into state and federal jurisdiction, and the state of Alaska's legal framework. The author shows how, contrary to the Exxon Valdez oil spill, the Deepwater Horizon disaster did not lead to a real regulatory or legal response, but rather to a structural response.

With a concept of good governance that Gudmundur Alfredsson links to the themes of human rights and democracy, the author proposes a holistic approach of governance in the Arctic, and builds a strong argumentation to point to the weakness of Arctic states' compliance to principles of good governance.

Tony Penikett examines the question of devolution with regard to the relation of the central power in Canada with the northern territories, which he deems unlikely to be granted provincial status. The author points to the exceptional situation in Nunavut in comparison with Yukon and shows that the process of land and resources devolution in Nunavut has not evolved since 2008, a situation he calls an injustice.

The Faroe Islands had so far received little attention in Arctic literature and Kári á Rógvi's chapter fills this gap by giving a long account of Faroese history and an analysis of current challenges of an 'often perplexing' (page 217) model of governance. The analysis of the distinctiveness of Faroese economic, political and cultural dimensions is of great interest in the context of the Arctic region and of the relationship of a self-governing country with a central power to the south.

Marianne Lykke Thomsen's long chapter attests to the commitment of Greenland to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and explains the importance for the autonomous island to continue to support and implement UNDRIP: a detailed account that could have been more condensed but raises interest for approaching the question also from inside Greenlandic society.

The last chapter by Øyvind Ravna, also adopts a historical approach to examine how the recognition of Sami rights have progressed under national law, under the pressure of international customary law, and through case law. The author lastly draws attention to the extent of rights to both non-renewable and renewable natural resources on land that have not yet been resolved.

The second opus of *Polar Law Textbook* does not fail to prove its great potential usefulness. Regarding polar law, the concept of a bipolar approach is well supported by Koivurova and McDorman's analyses which give the Arctic/Antarctic comparison a real heuristic function. Since one of the aims of the book is to promote inter-disciplinary education, it might have been worthwhile to place greater emphasis on inter-disciplinary approaches.

The selection of topics, as well as the choice of overview presentations, meets the primary educational purpose of this book, but nevertheless the option of including very few references is debatable, even for a book intended for

a wide audience. Unquestionably, this is a very valuable publication that introduces us to a large number of issues and their recent developments, and raises interest for further readings and analysis – and for the next opus. The book can be downloaded for free on the Nordic Council of Ministers website at [www.norden.org/en/publications/publikationer/2013-535](http://www.norden.org/en/publications/publikationer/2013-535) (Cécile Pelaudeix, Sciences Po Grenoble, 14 Avenue Berthelot, 69365 Lyon Cedex 07, France (cecile.pelaudeix@sciencespo-lyon.fr)).

### References

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