
Andrea Scassola*

“The Legal Regime of the Arctic: A New Frontier for International Law” is a unique undertaking in the legal research context. Although similar contributions had been made in the past years (e.g. “The Development of International Law in the Polar Regions”, by Donald Rothwell, 1996 & “Who Owns the Arctic?” by Michael Byers, 2009) and several specific researches have been conducted on polar-relevant issues, this book compensates the lack of up-to-date publications entirely devoted to the Arctic legal status as it appears today. This book is mainly addressed to academics who want to gain comprehensive and at the same time detailed insight into the world of legal issues in the High North. However, it can also be a useful guide to independent researchers with specific interests in polar law and Arctic cooperation.

Borgia’s work provides a broad understanding of the international legal framework applicable to the Arctic through a nuanced analysis of the major legal issues relevant for the region: land and maritime border disputes, the regulatory framework for the use of the sea, the protection of the marine environment, multilevel cooperation and the role of scientific research. The overall objective is to assess the existence of an Arctic-specific legal regime and to set the prospects of future cooperation in the region.

Through the last twenty years, navigation and resource development have been driven by economic globalization and facilitated by the melting of Arctic sea ice and by the new favorable conditions laid by the fall of the USSR. These conditions have facilitated states’ interaction and promoted new joint activities in a climate of peaceful cooperation. Increased international cooperation is now evident in several key areas in which international law will play a major role by orienting states’ behavior. Indeed, the biggest stake for Arctic-wide cooperation today is the sustainable development of the region.

This book dispels the myth that portrays the Arctic as a legal vacuum and the author successfully manages to research and explain the complex set of norms today applicable to the region. In this context, the law of the sea plays

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a central role, as it provides the main framework of reference to understand the Arctic legal regime and will increasingly do so as polar sea ice melts. Borgia analyzes with particular attention those aspects of the law of the sea that will be most affected by climate change: continental shelf developments, navigation, pollution threats and ecosystem stability. States’ practice and compliance with UNCLOS are analyzed alongside maritime disputes.

In the first part of the book, the author gives an exhaustive account of the current status quo from a normative, institutional and stakeholders perspective. This aspect allows the reader to grasp a recurring feature characterizing Borgia’s research in the first part of her work: the tension between interstate competition and cooperation. In a region where land contentions have almost completely been settled, the persistence of disputes in border delimitation issues shows the peculiar interplay between these two behaviors. The tension between competition and cooperation in regard to the delimitation of marine areas becomes stronger as the possibilities to exploit previously untapped resources increase. Through a careful legal analysis of specific state interactions, the author is able to reconstruct the entire legal framework that characterizes international cooperation in the Arctic region.

Secondly, a systematic analysis of Arctic cooperation is carried out by assessing the results obtained, the shortcomings and future prospects. In this context, regional and international instruments are examined alongside states’ unilateral actions. By adopting an inductive method, Borgia carefully puts together the pieces of a complex mosaic which shapes the following sections of the book. The goal was to show the existence and the efficacy of an Arctic legal regime in the fields of navigation, marine environment, resource development and scientific research.

The ultimate objective of Borgia’s research was to verify whether the Arctic is characterized by a complete, uniform and systematic legal regime. The sui generis status of the Arctic is finally discussed in the conclusions by drawing hypotheses and scenarios related to its evolution. Given the fragmented nature of the arctic legal framework, the author discards the idea to create an ad hoc Arctic regime, both with the establishment of a specific Arctic treaty, and through the strengthening of soft law cooperation. The author finally identifies the progressive creation of a mixed regime made of both hard and soft law instruments. Indeed, while binding norms are necessary to ensure state compliance with relevant instruments, soft law instruments have the potential to shape state practice by means of connecting and integrating the existing binding norms.

Although the book is structured around the purpose to assess the legal regime of the Arctic, each chapter can be read independently and can be the subject of specific analyses and insights. Thus, while forming a logical sequence of themes, the chapters of this work can also inform a more nuanced research. “The Legal Regime of the Arctic: A New Frontier for International Law” is a fundamental