

FOREWORD

In recent years, the attention of the international community has centered on the Antarctic, when an attempt to arrange for the exploitation of the mineral resources led to great concern over the danger to the fragile environment in that area. The book written by Professor Dr. Erik Franckx deals with the much neglected other polar area, the Arctic. There is no continent there, but an ocean rich in fisheries, a seabed containing minerals, and an environment requiring maximum protection. There are also important navigational interests, military and commercial, as the circumpolar and transpolar routes provide the shortest passage between the northern continents. While several countries border on the Arctic, Canada and Russia have the most extensive shorelines and have shown keen interest in ensuring that their proper share of this area is not encroached by other countries. This book thus is generally restricted to examining what maritime boundaries these states are claiming, and to what extent other states have recognized them. It also explores the need for greater international cooperation in this area, not only between the two main contenders but also with other countries that have shown a special interest in Arctic navigation and in the exploitation of resources of this area.

The author, already well-known for his meticulous research of other maritime boundary topics, presents separately a detailed picture of the evolution of the claims of first Canada and then Russia, taking into account in particular several incidents in which Canada or Russia's predecessor, the Soviet Union, reacted strongly to attempts by United States ships and icebreakers to navigate through waters claimed by those countries. He notes that by a step-by-step approach, enlarging their jurisdiction on a variety of grounds, the two states, through parallel but independent governmental actions, acquired a sizeable spectrum of different areas of competence. Pointing out the danger of further such unilateral steps in this area, the author concludes that international cooperation by all Arctic Rim countries is necessary to safeguard the security of these countries and their common interests in protecting the Arctic environment, promoting scientific research in the area, and regulating navigation through this ecologically fragile area.

One of the most important steps in this direction was the acceptance by all the states concerned (including the United States) of Article 234 of the 1982 United Nations Convention on the Law of the Sea which allows a coastal state to adopt special regulations to control pollution from vessels in ice-covered areas that are within the limits of that state's exclusive economic zone which may extend 200 nautical miles into the sea. Another multilateral agreement established an International Arctic Science Committee; and a joint

Canadian-Russian scientific expedition crossed successfully the Arctic Ocean on sea and ice. Agreements on Arctic scientific cooperation were concluded between Canada and the United States in 1988, and between Canada and the Soviet Union in 1989, which was replaced in 1992 by a Canadian-Russian agreement.

Both Canada and Russia also indicated in recent years their intention to open the Northwest and Northeast passages to foreign shipping. For the moment such shipping is, however, not economically viable, especially as long as the oil prices are too low to justify braving the hazards of such passage. Nevertheless, it is encouraging that the issue of opening an International Northern Sea Route, which would require building in the Russian Arctic an expensive infrastructure as a part of the proposed Arctic Marine Transit Management Regime, was put on the agenda of the new International Arctic Science Committee.

The author considers this possible, provided that the parties to an agreement on this subject follow the Antarctic example by putting aside their maritime jurisdiction claims. The Antarctic Treaty might also provide a solution with respect to the membership in the Arctic cooperation agreement by distinguishing between the original parties, the countries of the Arctic Rim (Canada, Denmark (Greenland), Norway, Russia and the United States), and other countries interested in Arctic shipping which may later become parties by making an appropriate contribution to the maintenance of the necessary infrastructure. It is also expected that such an agreement would include sufficient provisions to protect adequately the Arctic environment. The transition from the Soviet Union to the Russian Federation, which now controls the Northeast passage, may expedite the cooperation among the countries of the Arctic Rim, and the important but at the same time moderate suggestions made in this book are likely to receive careful consideration.

Louis B. Sohn

Washington, D.C., U.S.A.

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