

FOREWORD

This is the fourteenth book in the series *International Straits of the World*, organized and edited at the Graduate College of Marine Studies of the University of Delaware. It is of special interest because the first book of the series, published in 1978, was entitled *The Northeast Arctic Passage*, a study written by the distinguished scholar Dr. William E. Butler.

Twenty-six years have past since the publication of that pioneering study. At the time negotiations over a new convention for the law of the sea had been proceeding languidly toward the resolution of many issues of maritime boundaries, access and exploitation of marine resources, environmental degradation, and the settlement of disputes. Crucial to the signature of the convention by the great maritime States was a rule to allow free sea and air passage through key chokepoints of the ocean that might be subjected to coastal State jurisdiction as territorial seas widened from three to twelve nautical miles.

In 1982 the UN Law of the Sea Convention was signed (since ratified by more than 140 States) with explicit provisions in Articles 37–44 for transit passage through international straits which are used for international navigation between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone. Generally there is to be no interference by coastal States with the expedient passage of all vessels through a designated corridor. During the later negotiations of the text of the convention, however, more attention was paid to environmental considerations in the uses of sea. In consequence, a special Section 8, Article 234, provided that coastal States had the right to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction, and control of marine pollution in ice-covered areas within the limits of the exclusive economic zone. This might include ice-covered straits.

Dr. Brubaker in this book has addressed the status of law and State practice in the Russian Arctic straits, particularly since the legal issues involved have been contentious between Moscow and Washington. First he has described the Northern Sea Route, which could provide a shorter commercial sea passage between Western Europe and Asia, carefully identifying each of the straits and the ports along the way. Not only has he examined the Russian legislation and evidence of State practice for its ice-covered areas, but he has also compared the legislation and State practice of the United States and Canada. In essence, there seems to be emerging a customary international law for the passage of vessels through the Arctic area in general and particularly for international straits. Due to the risks inherent in the geographic and strategic position of the Russian Arctic, Dr. Brubaker recommends some steps that might be taken to reduce international conflict over this sensitive region.

This study originated from an academic dissertation for a Doctoral Degree in Juridical Science in the Department of Law, Stockholm University. It seemed to me that Dr. Brubaker had made a rather long but unique analysis of the Russian Arctic Straits,

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which was backed by extraordinary research. His notes indicate his use of original documents and a wide ranging literature as well as personal communications. After several months of editing, I believe his work will be a distinguished contribution to policy analysis for the Russian Arctic Straits.

The series on international straits of the world was launched with a grant from the Rockefeller Foundation. Although the funds for the project were exhausted many years ago, I still wish to thank the Foundation for its initial encouragement and largesse in facilitating these studies of the straits of the world. Few geographic features of our planet are so vital to commerce and international security. My gratitude also goes out to Annebeth Rosenboom at Martinus Nijhoff, the publisher, and to my secretary, Jacqueline Bijansky, who suffered with me innumerable amounts of edited pages on her computer.

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Gerard J. Mangone