

Donald R. Rothwell, *Arctic Ocean Shipping: Navigation, Security and Sovereignty in the North American Arctic* (Leiden: Brill, 2018)

The significance of Arctic shipping has long been underestimated because of difficulties associated with navigating through the hostile Arctic environment. This is bound to change for two reasons. Technological advances are giving ships greater capacity to operate in ice-covered waters. Moreover, the reduction of sea-ice is becoming less of a barrier because the hard multi-year ice gives way to thinner first-year ice as a result of climate change. These changes are creating new shipping routes through the Arctic via the Northeast or Northwest Passages and potentially through the central Arctic Ocean via the Bering Strait and the Denmark or Fram Straits. These emerging routes are up to 5,000 nautical miles shorter than alternative routes through the Panama Canal, which explains the growing interest in trans-Arctic shipping and relevant international law.

Arctic Ocean Shipping is a very well written book on important, contemporary, legal and geopolitical issues. It touches upon issues of security and sovereignty but it focuses primarily on rights and obligations relating to navigation in the North American Arctic, and on two state actors, Canada and the United States. Issues are analysed with reference to the United Nations Convention on the Law of the Sea and other relevant legal instruments.

Arctic Ocean Shipping is logically structured and divided into five sections, beginning with an introduction. Section II provides an overview of the “Arctic Ocean Legal Regime”, discussing the applicable international law, sovereignty, shipping, the “Regime of International Straits” and “Arctic Governance”. This includes a particularly interesting analysis of the special considerations concerning sovereignty in the polar regions and suggests that stricter standards of effective occupation might be applied to territorial claims in the Twenty-First Century, due to increased accessibility.

Section III, entitled “Arctic Navigation”, is very intriguing. It deals with “Arctic Navigation Routes”, the “Northwest Passage”, “Bering Strait”, “Arctic Straits and Trans-Arctic Shipping”, “Navigational Rights within the EEZ and High Seas” and “Canadian and US Arctic Rights and Interests”. This section provides an excellent account of navigational routes through the Arctic and their legal status. The rights, interests and policies of Canada and the US are thoroughly explained, with an emphasis on the Northwest Passage and the Bering Strait. Rothwell addresses a contentious issue in a particularly interesting chapter on “The Northwest Passage as an International Strait” where he explains the different positions of Canada and the US concerning the functional requirement of international straits. Reliance upon recorded number of transits would suggest that the Northwest Passage should not qualify as an international strait but a contemporaneous assessment of potential usage suggests the opposite. Recent transits of US vessels through the passage have been subject to an agreement with Canada, making them consensual rather than an exercise of the right of transit passage. This essentially allows the states to peacefully

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operate without resolving the disagreement. Rothwell does not definitively answer the question, whether emerging routes can qualify as international straits on the basis of potential use. It is an important question which should be relevant for the classification of other routes, such as the Nares strait. However, it will take further usage and involvement of other states to give an unequivocal answer.

Section IV is entitled “Arctic Maritime Security” and it deals with different aspects of “Post 9/11 Global Security Concerns”. This includes chapters on “Terrorism and Counter-Terrorism”, “Port Security”, “Safety of Navigation” and “Maritime Search and Rescue”. The point of this final section is to provide additional context for understanding Arctic policies of Canada and the US. There is not a lot of literature on maritime security in the Arctic so this is a timely contribution. The section gives an overview of the applicable legal instruments but does not consider particular issues in any detail. The monograph ends with “Concluding Remarks” in section V.

Arctic Ocean Shipping is well organised and well written by an exceptionally competent scholar. Yet, two points of criticism will be raised. First, it might have been relevant to include more information on the positions of other states and related issues in the Russian and Scandinavian Arctic for further context and deeper analysis. Second, issues of Arctic sovereignty arguably deserved further attention, given the title of the monograph. For example, it would have been interesting to learn more about the ongoing sovereignty dispute between Denmark and Canada in the Nares Strait.

In conclusion, *Arctic Ocean Shipping* is strongly recommended. It thoroughly explains the main issues concerning trans-Arctic shipping and does so in an accessible manner. The monograph provides an extensive and very useful overview of the field and is a welcome addition to the literature. The chapter on “Arctic Navigation” is particularly well written and it intriguingly sheds light on ongoing developments and contentious issues. The book is indispensable for lawyers involved with trans-Arctic shipping. Furthermore, it is relevant for all those interested in public international law and the Arctic, or navigational rights generally, and it is recommended for students, academics and practitioners alike.

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