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By Alex Oude-Elferink



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The climate and other characteristics of the polar regions have been major factors in shaping the legal regime applicable to the polar oceans. In Antarctica, states have had to grapple with the question of how to account for developments in the law of the sea, while preserving the compromise over sovereignty contained in the Antarctic Treaty. The Arctic also has presented challenges for the law of the sea, as illustrated by the continued attention given to special rules for polar shipping. The 1982 United Nations Convention on the Law of the Sea has led to substantial agreement on the legal regime of ocean spaces. The present volume explores the impact the Convention has had on the polar regions in this respect, including after its entry into force in 1994. To this end, it looks at a number of issue areas in the field of maritime delimitation (baselines, maritime zones, delimitation of maritime zones between neighboring states) and jurisdiction (environmental protection, navigation and fisheries) from a bipolar perspective. It is strongly suggested that the legal regime of the polar oceans will be further elaborated to more effectively deal with existing activities or to accommodate new activities. It is likely that the United Nations Convention on the Law of the Sea will continue to provide the basic legal framework for this exercise and that states will be careful not to unravel the delicate balance contained in it.



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