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Research Handbook on Polar Law

By Karen N. Scott and David L. VanderZwaag (eds)

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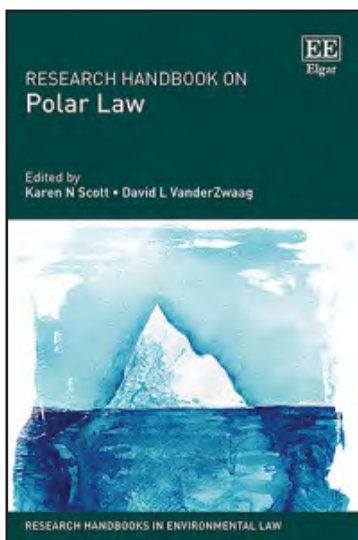
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Climate Change and the Polar Aesthetics

By Lisa E. Bloom

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Reviewed by Feja Lesniewska*

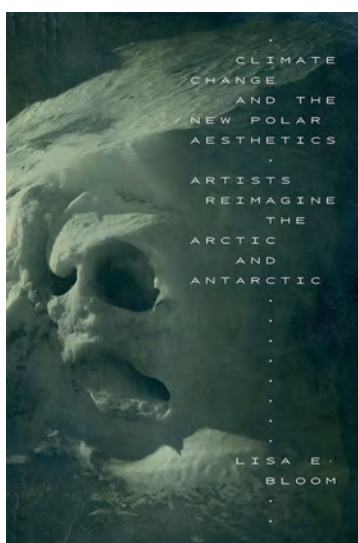


Polar Opposites? Pragmatic vs Aesthetics Based Approaches to Polar Law Research

In 2025, polar law has emerged as a critical field, reflecting the growing urgency of addressing legal, environmental, and geopolitical challenges in the Arctic and Antarctic regions. Once viewed as remote and static frontiers, the polar zones are now dynamic spaces of international interest, largely due to the accelerating impacts of climate change. Melting ice is reshaping coastlines and opening new maritime routes, while exposing previously inaccessible reserves of oil, gas, and rare minerals. These transformations raise complex legal questions regarding sovereignty, environmental protection, indigenous rights, and the equitable use of global commons.

With geopolitical competition intensifying, existing legal frameworks—such as the United Nations Convention on the Law of the Sea (UNCLOS) and the Antarctic Treaty System (ATS)—are being tested in ways their drafters could scarcely have imagined. Major powers, including Russia, the United States, and China, are actively expanding their strategic and economic presence in the Arctic. Meanwhile, indigenous communities face existential threats—not only from environmental disruption but also from emerging commercial and military activities within their territories.

As global interest in the polar regions deepens, the development and enforcement of coherent, fair, and forward-looking legal regimes becomes essential. Polar law is no longer a niche academic topic; it is central to the future of global governance, environmental stewardship, and peaceful international cooperation. It is in this context that I present a critical review of two contrasting but complementary monographs on polar law and governance, exploring their strengths, identifying limitations, and reflecting on their overall contribution to both academic and practical understandings of the field.



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The first monograph is ***Research Handbook on Polar Law*** edited by **Karen N. Scott and David L. VanderZwaag**.

This volume offers a comprehensive examination of the existing legal frameworks governing the polar regions. The collection of essays provides a critical and multifaceted analysis of the evolving field of polar law, albeit primarily from an international legal perspective. Comprising contributions from leading scholars in international law, environmental law, human rights law, and policy, the volume delivers an overview of the challenges and opportunities involved in regulating these unique ecological regions. The editors have structured the book to offer both theoretical and practical insights, making it a valuable resource for scholars, practitioners, and policymakers.

The Research Handbook is organized into several thematic sections, each addressing a distinct aspect of polar law: environmental governance, the rights of Indigenous peoples, the role of international organizations, the legal status of the polar regions, the impact of climate change, and the protection of biodiversity and natural resources. A notable strength of the book is its inclusion of both Arctic and Antarctic legal regimes. While much of the existing literature tends to focus on the Arctic—due to its rapid environmental changes and intensifying geopolitical competition—this volume offers a valuable comparison with the Antarctic, a region governed by the unique framework of the ATS. The editors and contributors highlight the contrasts between the two regions, particularly in terms of governance structures, scientific cooperation, and the role of international law in preserving them as zones of peace and cooperation. Indeed, a central objective of the Research

Handbook is to interrogate whether a distinct field of ‘polar law’ exists. This epistemological legal question is addressed by most contributors in their respective chapters, enriching the broader discourse on the coherence and legitimacy of polar law as a standalone legal field.

The book begins with an introduction by the editors, who outline the historical development of polar law and its contemporary relevance. They discuss key international agreements and treaties that shape the governance of the Arctic and Antarctic, such as the ATS and the United UNCLOS. This introduction effectively sets the stage for the subsequent chapters, which delve deeper into specific legal issues affecting the polar regions.

Given the significant environmental challenges facing the polar regions—ranging from climate change to resource exploitation—a central focus of the Research Handbook - several chapters explore how international legal instruments, such as the 1992 Convention on Biological Diversity and the 2015 Paris Agreement on Climate Change, apply to the polar regions. These include chapters on marine mammals (Cadell), climate change (Rayfuse) and chemical pollution (Khan and Romppanen) amongst others. The chapters offer clear well written explanations of the issues and the relevant laws, but are limited when it comes to critical analysis.

The book also addresses the role of international institutions in polar governance, particularly the United Nations and the Arctic Council. The book examines both the successes and limitations of these frameworks, highlighting the challenges of balancing economic interests, national

sovereignty, and environmental preservation. Barrett's chapter on the ATS was particularly insightful, providing a thorough analysis of how the treaty has helped to preserve Antarctica as a demilitarized zone dedicated to scientific research. It underscores the importance of the ATS as a model for international cooperation in governing global commons, offering valuable lessons for Arctic governance.

The changing maritime landscape and its implications for polar governance are covered by several chapters. Erik Franckx discusses the legal status of the Arctic Ocean under UNCLOS, examining how maritime claims are being contested as climate change opens new shipping routes and access to natural resources. Franckx's chapter illustrates the shifting dynamics of international law in the polar regions and the potential for conflict over jurisdiction and resource extraction. Other maritime issues such as the growing demand for polar cruise tourism, which Liggett and Stewart discuss in their chapter highlight the negative impacts of pollution and waste. Fishing rights and the establishment of marine protected areas also contribute to tensions in a changing polar legal landscape, as noted by Lalonde and Hoel in their respective chapters.

An important theme explored throughout the Research Handbook is the protection of Indigenous rights in the polar regions, particularly in the Arctic. Seck and MacLeod set out how Indigenous peoples face distinct legal challenges related to land rights, cultural preservation, and participation in decision-making processes. In their chapter, Timo Koivurova and colleagues examine the development of Indigenous rights in Arctic legal instruments, such

as the 1996 Agreement on Cooperation in Aeronautical and Maritime Search and Rescue in the Arctic and the 2007 Arctic Council Declaration on Indigenous Peoples. They argue that while these instruments are significant, they fall short of fully protecting Indigenous communities from the negative effects of industrial development, such as critical mineral extraction, and climate change. This chapter offers a nuanced critique of the legal frameworks governing Indigenous rights and calls for stronger enforcement mechanisms and more robust legal recognition of Indigenous sovereignty. However, Liu highlights the complications for Indigenous peoples face confronted by increasing number of commercial non-traditional actors who are not parties to existing legal agreements. Meanwhile Svein Jentoft examines the implications of climate change for Indigenous communities in the Arctic. Jentoft emphasizes the importance of incorporating Indigenous knowledge and perspectives into environmental governance, and he highlights the tension between state-driven legal frameworks and the rights of Indigenous peoples. These chapters underscore the necessity of adopting more inclusive and adaptive legal regimes to address the dynamic and interconnected environmental challenges in the polar regions.

The Handbook provides a comprehensive review of international legal cooperation in addressing the challenges of polar law. However, the Handbook offers relatively limited attention to the domestic legal systems of Arctic and Antarctic nations. For example, the legal systems of countries like Canada, Russia, Norway, and the United States, which have significant territorial claims in the Arctic, are not thoroughly examined. These

national legal systems are critical for understanding how states implement and interpret international law in the context of their own domestic priorities. An expanded analysis of how national legal frameworks interact with international treaties and how countries balance domestic and international obligations would have enriched the book. Such an analysis could provide insights into the challenges faced by states in aligning their national interests with broader international legal norms, particularly in areas such as resource exploitation, indigenous rights, and environmental protection. This is an important limitation given that readers adopting a more critical perspective may question whether existing international legal and governance frameworks are capable of effectively managing the complex realities of 21st-century geopolitics.

The second monograph reviewed here provides a critical lens through which to assess polar law and policy, with a primary focus on climate change. **Lisa E. Bloom's *Climate Change and the Polar Aesthetics*** explores the intersection of environmental law, representations of the polar regions, and the role of aesthetics in shaping both public consciousness and legal responses to climate change. Bloom argues that visual representations of the polar regions—often portrayed as isolated, pristine and vulnerable—do not merely reflect environmental concerns but actively shape them. While such imagery has played a role in raising awareness about climate change, it also risks reinforcing a narrow, aestheticized view that obscures broader political and legal challenges. For instance, the dominant focus on melting ice caps can overshadow the lived realities of Indigenous peoples

and local communities who are already disproportionately affected by climate change and who lack adequate legal protections.

Bloom engages feminist, Black, queer, Indigenous, and non-Western perspectives—rarely included in polar law scholarship—to examine ecosystem failures, rising sea levels, and climate-induced migrations affecting all species. In contrast to mainstream depictions of apocalyptic spectacles featuring distant melting ice and desperate polar bears, Bloom curates the work of artists and activist art collectives to adopt a more complex, poetic, and political lens through which to frame polar law, policy, and governance narratives. Her critique extends to the role of visual culture in environmental law, questioning how aesthetic representations can sometimes overshadow the pressing political and legal challenges that must be addressed to protect the polar regions. For instance, Bloom reflects on the implications for the collective legal imagination in Katja Aglert's *White Event-Antifreeze* installation, which depicts pristine polar wildernesses defiled by debris from expeditions and scientific research camps—including abandoned snow ploughs, oil spills, and antifreeze. Meanwhile, compelling work by Anne Noble, a New Zealand photographer, highlights the dominance of polar white masculinities and the exclusion of women in visual representations, especially as explorers and scientists.

From a legal perspective, Bloom interrogates the frameworks that govern climate change, particularly in polar regions. Her analysis highlights the inadequacies of current international law in addressing the rapidly escalating environmental crises in the Arctic and Antarctic. While

international agreements such as the Paris Agreement aim to mitigate climate change, Bloom argues they often lack enforceable mechanisms and are undermined by a gap between political will and meaningful legal action. Bloom places particular emphasis on the environmental justice dimensions of these challenges, especially the disproportionate impacts of climate change on Indigenous peoples living in the Arctic. She critiques the legal structures governing the polar regions for their failure to address the cultural and social dimensions of climate change as experienced by vulnerable communities.

Moreover, the legal and political landscapes of the polar regions are complicated by issues of national sovereignty. Bloom examines the tensions arising from growing interest in resource extraction and navigation routes among Arctic nations, questioning whether existing legal structures are sufficient to balance the urgent need for environmental protection with competing economic and political interests. She discusses the impact of oil extraction through analysis of Brenda Longfellow's cinematic installations *Offshore Interactive* and *Global Offshore* to document the precarity of the polar environment.

Bloom's *Climate Change and the Polar Aesthetics* is a thought-provoking contribution for legal scholars, calling for a more nuanced understanding of the role of aesthetics in environmental law—not only in the polar regions but globally. Her approach challenges traditional boundaries between law, art, and politics, urging scholars and policymakers to recognize the power of visual culture in both environmental

advocacy and legal reform. Ultimately, her work serves as a call to action to undertake an interdisciplinary approach to understanding environments and informing the legal imagination.

Overall, Both Lisa E. Bloom's *Climate Change and the Polar Aesthetics* and the edited volume by Scott and VanderZwaag, *Research Handbook on Polar Law*, make significant contributions to the field of polar law. While both works engage with questions of polar governance, they diverge in their approaches, scope, and focus.

Bloom's work blends legal analysis with aesthetics and visual culture, offering a critique of the ways polar regions are represented and the implications of these representations for climate policy and legal responses. Her analysis is theoretical and reflective, grounded in interdisciplinary critique. In contrast, Scott and VanderZwaag's *Research Handbook* is more solution-oriented, focusing on international legal frameworks and governance structures that directly impact the Arctic and Antarctic. It offers a comprehensive review of polar law, featuring case studies and analyses of legal agreements with a view toward practical application and legal reform.

The primary contrast between these two works lies in Bloom's culturally and politically critical lens versus the Scott and VanderZwaag's pragmatic and policy-focused approach. Together, they offer complementary insights into the past, present, and future directions of polar law. Legal scholars would benefit from reading both, as each provides distinct and valuable contributions to the evolving discourse on law and governance in the polar regions in a time of rapid change.

