

SOFT-LAW COOPERATION IN INTERNATIONAL LAW. THE ARCTIC COUNCIL'S EFFORTS TO ADDRESS CLIMATE CHANGE. Md Waliul Hasanat. 2012. Rovaniemi: Lapland University Press. xv + 305 p, soft cover. ISBN 978-952-484-560-1. 30€

There is no doubt that the Arctic is changing, both environmentally and, not least, politically. Arctic international institutions that flourished in the early 1990s by dint of detente after the cold war have been studied by political science and legal scholars since their inception due to unique features, design and role(s). They have drawn even more attention since climate change has brought the Arctic into the political limelight and fuelled a boom of interest in these bodies.

In *Soft-law Cooperation in International Law*, a doctoral article-based dissertation defended at the University of Lapland in Rovaniemi, Finland, Md Waliul Hasanat offers a comprehensive and detailed examination of a set of Arctic soft-law forums selected as fulfilling the criteria of circumpolar participation, capability for protection of the Arctic environment and enhancing the wellbeing of its inhabitants (page 189). Particular focus is on the Arctic Council (AC) and its efforts to handle climate change in the region. Constituting a pure legal study of institutions, this book is not only an account of work that has already been done to address climate change, but also an attempt to identify gaps and possible ways to bridge them in the pursuit effectively to govern the region. And this is a really good attempt.

The title and in particular the subtitle may be a little misleading as the book examines also the Barents institutions and the Northern Forum (NF). The dissertation consists of 6 parts that amount to 305 pages. The core chapters are four peer-reviewed articles examining the concept of soft-law, Arctic Environmental Protection Strategy (AEPS) and its successor, the AC, Barents Euro-Arctic Council (BEAC) and Barents Regional Council (BRC) as well as the NF respectively. Drawing upon incredibly rich empirical material and diverse sources, Hasanat provides an excellent foundation for exploring key mechanisms and performance of these institutions as to what type of international body they represent and what their essential character is. Each article follows a similar pattern starting with highly detailed account on organisational, structural and legal aspects of the three forums, seeking for their merits and drawbacks in facilitating regional cooperation, not only confined to climate change.

Initially created to face environmental, development and confidence-building challenges, the institutions discussed have evolved into central venues for handling complex issues with involvement of various actors. In recent years, however, these bodies have been criticised for being impotent in the face of the changes occurring in the Arctic, partly due to their soft-law nature. By juxtaposing various institutional designs and codes of conduct and explaining the essential logics of the Arctic institutions, the author analyses the operational capability of soft-law institutions. The study highlights the increasing complexity of this component of international law and enriches our understanding of factors that make states enter into such agreements and ensure their compliance.

The dissertation is a valuable source of information on how the member states have used these institutions to promote cooperation endeavours and their national policies. It is partic-

ularly pertinent given that Arctic institutions have contributed with many original and innovative solutions that might be found useful in other parts of the world. Hasanat goes further in his effort to persuasively and carefully ponder pros and cons of this solution for problem solving (for example pages 183–188). The general conclusion suggests that even though soft-law proved to be propitious for mitigation of some minor climate change effects, it is insufficient appropriately to address the overarching problem that requires global solutions and mandatory commitments with compliance procedures. Thus, the author devotes plenty of space to determine and offer his continually pertinent and valid recommendations on how to improve the existing institutions, not only in relation to combating climate change, but also in a more general sense.

Since most legal scholars have focused on hard-law foundations for Arctic governance, such as the UN Convention on the Law of the Sea, a clear need has arisen to understand better how the voluntary institutions' design may foster vertical and horizontal cooperation on circumpolar and sub-regional levels. This book fills this gap adequately by identifying key factors affecting the nexus of emerging and traditional structures of international law (page 39). The author tells us that there is place for both types of institutions as there are different ends to which they serve. In some cases, using one option over another might be more advantageous and suitable. However, as Hasanat concludes, there is a continuing need for a clear and precise definition of the status of soft-law cooperation under international law. Collaboration endeavours in the Arctic provide us with illustrative examples of how difficult it is to conceptualise this novel type of institutions that go even beyond the notion of soft-law. Accordingly, Arctic cooperation projects suggest that the international system is not confined to rigid frameworks and when the situation requires, actors demonstrate innovation and adaptation to the circumstances. This is probably one of the most compelling reflections encouraged by this book.

Nevertheless, Hasanat's treatise is rather demanding for the reader. One may quickly be inundated with detailed description, background information or digressions that are unnecessary for the discussion and only make it inconclusive and obscure. Redundant threads may cause confusion and misunderstanding of the author's intentions when introducing additional information which, instead of bringing closer to the solution, rather moves the reader away from it. Consequently, reading may be tedious and causes losing sight of the dissertation's problems to solve. Hasanat does not assist in getting back on the right track as he does not revisit objectives and research questions throughout the content. Moreover, at some point it becomes repetitive as, for instance, much of the factual information from the introduction is duplicated in conclusions, making the book unnecessarily prolix.

Perhaps the major difficulty one may experience when reading this book is a dearth of a clear analytical framework that could help in delineating the central line of analysis and navigating through the main threads. The study implicitly complements the existing theoretical literature on regime effectiveness that has been used to examine Arctic institutions, but it does not explain how the notion of soft-law fits into that concept. Readers seeking for more methodologically sophisticated approaches will also feel somewhat disappointed: the treatise is written in a schematic and unduly simplistic manner. The basic pattern of analysis that may be retrieved from

the book (as it is not stated explicitly) is how soft-law operates in relation to climate change in the Arctic context.

Yet another issue is the definition of the term 'soft-law'. Although it is introduced in the *Introduction*, there is no explanation on how the author understands it. The first article discusses definitional constraint in this respect, but the proposed definition does not refer to the Arctic institutions and is hardly applicable to them. In consequence, the reader does not know whether and to what extent Arctic soft-law bodies fulfil it. The author sheds more light on the concept in the *Conclusion* part, but throughout the thesis one wonders against what backdrop the Arctic examples are being examined. With regard to the notion of soft-law one may also feel unsatisfied with the author's discussion on relationships between this type of cooperation and the hard-law. Hasanat does not touch upon a puzzle of how the soft-law complements and/or facilitates creation of the hard-law. Then the AC might provide an excellent example of how a soft-law institution may serve as a platform for different hard-law arrangements in a regional perspective. Questions whether it is more desirable for them to co-exist or rather to evolve from soft- to hard-law and how (if at all) soft- and hard-law can be combined for common ends also remain unaddressed. Moreover, the dissertation does not conceptualise these efforts as a broader Arctic governance structure, which might have proved to be a particularly important contribution of such an analysis, extending it to whether and how the examined institutions interplay and develop synergy for a more effective response to climate change.

The very form of the article-based dissertation further amplifies these issues. In many respects the study better conveys its argument read as separate articles (parts) rather than as a cohesive whole. For instance, the central term 'the Cooperation' is somewhat confusing throughout the book. The author does not keep it consistent and, subsequently, in some places it denotes Arctic governance (encompassing a wide array of institutions and agreements), while in others it designates either the AC or the Barents cooperation. When Hasanat describes the possibility of the Arctic framework treaty to 'replace the Cooperation', here meaning the AC, the AC seems to be confused with the Arctic governance system. Such a treaty would refer rather to the entire international structure in which the AC plays an increasing, but still relatively modest role. The use of the term 'Cooperation' is also inconsistent with the broader literature, what may mislead the reader, especially when employed differently on various occasions.

Despite this criticism, the book is indispensable reading for students of Arctic institutions. It is probably the most comprehensive and insightful study on the three key Arctic soft-law bodies and their role in regional architecture. Hasanat's dissertation is therefore an important contribution to not only legal, but also general, debate on the (future) shape of Arctic governance. (Piotr Graczyk, Department of Sociology, Political Science and Community Planning, University of Tromsø, 9037 Tromsø, Norway (piotr.graczyk@uit.no)).