

International Law and the Antarctic Treaty System by Arthur Watts. Cambridge: Grotius Publications, 1992. Pp.xiii + 469; index. £58 (hardback). ISBN 1 85701 007 8

A book going into considerable detail on the law relating to Antarctica, with 150 pages devoted to treaty documents alone, might not appeal to a wide audience. The often dry style of this book's legal presentation will also be off-putting. For example, the section on constitutional development (pp.9-87) would be improved by graphics illustrating the institutional structures. This is unfortunate as there is much in this book of general interest (for example, liability for icebergs of 50 by 55 miles; p.146) and of great concern (for example, environmental protection and resource management of a continent). In addition, the legal history of human intervention in Antarctica provides a basis from which those interested in political, economic and ethical questions will have to work.

Since the Antarctic Treaty (1959) a legal framework has evolved which has achieved agreement among many nations with diverse interests. The controversy over the Convention on Mineral Resource Activities (1988) exemplified the difficulties of achieving a consensus. Scepticism concerning the system has several root causes including environmental concern, a desire of non-participants for a share of the resource rents, objection to the system as a 'rich states' club, a view of Antarctica as part of the global common heritage, and a belief that the United Nations is the appropriate institution for regulating the continent (pp.223-4). The success of this book lies in guiding the reader through the intricate legal framework through which control of the conflicting desires of self-interested states has been attempted.

The author shows how a 'gentleman's agreement' (p.4) has developed into an extensive system of regulation by good faith. Although such a framework might appear weak, the treaty system has managed to tread a careful path through issues of disputed sovereignty and maintain the peaceful scientific use of the continent with innovations such as random on-site inspection. Significantly, the Falkland/Malvinas War did not spread to Antarctica, a point absent from the chapter on non-militarisation.

Extensive coverage is given to difficult problems which have been overcome, such as defining the extent of Antarctica, and the rights of coastal states when coastlines as such are non-existent due to the extent of ice sheets (300 miles long) and state sovereignty is not recognised. The author argues that the approach has been forward-looking and so aims to control problems before they arrive: 'prophylactic provision for resource management is clearly established as one of the hallmarks of the Antarctic Treaty system' (p.224). Thus the Protocol on Environmental Protection (1991) recognises the Antarctic ecosystem as a concept extending beyond artificial human boundaries and interacting with other global systems.

On the negative side, the constitutional detail could have been better integrated with later chapters where regulatory committees take on their full importance. There is little analysis of the direction that the Treaty system has followed - for example, the priority of scientific research and values. The introduction to the protection of the environment almost suggests a cost-benefit approach with the need to balance values (pp.253-4) and later there is mention of 'the intrinsic value of Antarctica' (p.277) but neither topic is pursued. While there are separate chapters on the environment and resources the separation is

never clearly defined and there is some repetition as a result. Despite these points the book is an in-depth guide to the Antarctic Treaty system which generally conveys its material well.

CLIVE L. SPASH
University of Stirling