

makes it equally suitable as a reference text, the most comprehensive yet available on the role of skin clothing in Inuit culture.

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QUO VADIS, ARCTICUM? THE INTERNATIONAL LAW REGIME OF THE ARCTIC AND TRENDS IN ITS DEVELOPMENT. By LEONID TIMTCHENKO. Kharkiv, Ukraine: State University Press 'Osнова,' 1996. xiv + 361 p., maps, notes, bib., index. Softbound. US\$45.00.

International law has been slow to develop distinctive responses to Arctic problems. This is not to suggest that the Arctic has been devoid of international law. Given the nature of the polar environment, international law has been of some significance in the Arctic since the eighteenth century, when countries began to compete with each other over their Arctic claims. A number of these claims were not finalized until the twentieth century, while in the case of the Spitsbergen Archipelago, sovereignty was eventually dealt with in 1920 by way of a treaty between Norway and a number of other interested countries. Arctic sovereignty became a hot issue once again in the mid twentieth century following the development of the Law of the Sea, which allowed Arctic countries to assert a range of maritime claims. The Canada-United States dispute over the status of the waters of the Northwest Passage and disputes over Arctic maritime boundaries, which have found their way before the International Court of Justice, illustrate how contentious sovereignty remains in the Arctic.

While international law has played a pivotal role in allowing Arctic countries to assert their various territorial and maritime claims, it has also worked in a variety of ways to resolve these disputes. Notwithstanding this impact of international law, the question remains whether the law treats the Arctic as a separate and distinctive region, or whether it considers the Arctic to be no different from temperate or even tropical lands. This is the question which Timtchenko sets out to answer in *Quo Vadis, Arcticum?* In the process, the author identifies three main topics for the study: 1) the history of the formation of the Arctic legal regime; 2) the modern international law regime of the Arctic, and 3) the trends in the development of the international law regime of the Arctic. The book's three chapters broadly reflect these topics.

Chapter 1 reviews the core elements behind the doctrine of the acquisition of territory in international law that are relevant to the Arctic. Some emphasis is given to the acquisition of "no-man's land," also often referred to as *terra nullius*. This doctrine is particularly relevant in the

polar regions, which are uninhabited or sparsely inhabited. In the past, international law has not required territorial claims over these territories to meet the same standards that apply to occupied territories. It is disappointing that more mention was not made of the 1933 decision of the Permanent Court of International Justice in the Eastern Greenland Case between Denmark and Norway. That judgement is significant not only because it dealt with the Arctic, specifically whether Denmark or Norway had territorial sovereignty over Greenland, but because the Court discussed the international law standards necessary to prove sovereign rights over polar lands.

The following chapter provides an extensive review of the contemporary international law regime of the Arctic. An exhaustive analysis is undertaken of the Spitsbergen Treaty, the Arctic sector concept, and the legal status of Arctic waters under the law of the sea. The Spitsbergen Treaty is especially interesting, as it sought to resolve an Arctic sovereignty dispute by recognizing certain sovereign rights in Norway, but also granting certain sovereign rights to other states interested in the archipelago. This "shared sovereignty" concept is unique; however, with the exception of Russia's interests in Spitsbergen coal, it has never been fully tested. The review of the "sector theory" with which Canada and Russia have from time to time sought to assert their territorial and maritime claims in the Arctic and that of the status of ice in international law are particularly detailed; the author undertakes a comprehensive review of both Western and Soviet scholars.

The third chapter reviews proposals for the further development of the international law regime of the Arctic and their legal consequences. Considerable attention is given to the development of an Arctic nuclear weapon-free zone and the consequences of such a zone for the United States and Russia. Also reviewed are developments in the Arctic since the late 1980s following General Secretary Gorbachev's Murmansk initiative in 1987, the Finnish initiative of 1989, and, more recently, proposals for an Arctic Council. The author is at a disadvantage in these reviews, as the Arctic Council proposal was in the midst of being refined during the mid 1990s and was eventually adopted in 1996, the year of the book's publication. Nevertheless, the chapter follows the debate with accuracy and identifies the issues.

Timtchenko is not a native English writer, however, notwithstanding the occasional grammatical errors, the book is well written and assesses some of the legal issues in considerable detail. A feature is its extensive reference to published literature not only in the notes but also in the text, where the author weighs the views of numerous commentators. Importantly, this research effort allows for a balanced assessment of commentators from throughout the Arctic, and the author is to be commended for that approach. A major weakness, however, is the structure of the chapters, which are rarely broken down by headings or subheadings: major blocks of text can run over many pages without adequate direction for the reader on the content.

A positive feature, however, is the summaries provided not only after each chapter, but also at the end of each major section.

Any work dealing with the legal regime of the Arctic needs to address what the Arctic actually is. The preface identifies the area as encompassing Canada, Denmark, Norway, Russia, and the United States. No justification is given for this until part way into Chapter 1, when various other Arctic definitions are considered. Eventually, while accepting that no uniform and all-embracing definition exists, the author adopts the Arctic Circle for the purposes of the study (p. 27). While this choice is perfectly justifiable because, as the author notes, there is no legal definition of the Arctic, the exclusion of Finland, Iceland, and Sweden is at odds with the now commonly accepted notion of the "Arctic Eight" used in the 1991 Arctic Environmental Protection Strategy (AEPS) and by the Arctic Council.

A major disappointment of *Quo Vadis, Arcticum?* is that the author fails to develop any comprehensive review of the AEPS process and the impact that it is having upon international law in the Arctic. While it is true that the AEPS does not represent hard international law in the form of a treaty, the level of cooperation that it is engendering amongst Arctic states on environmental matters that have legal consequences cannot be ignored. This oversight is even more difficult to understand given the importance the author attaches to environmental issues as a basis for enhanced cooperation amongst Arctic states. He correctly refers to the 1973 Agreement on the Conservation of Polar Bears as a major breakthrough in circumpolar cooperation on environmental matters. Why, then, has the potentially more significant AEPS been marginalized in this assessment of international law in the Arctic?

Overall, *Quo Vadis, Arcticum?* is a solid legal work, which comprehensively explores the traditional international law issues that confront the Arctic. It may not be preferred reading for a non-lawyer; however, for lawyers, political scientists, and those interested in Arctic cooperation, this work provides a basis for understanding some of the important developments that have begun to take place in the Arctic legal regime in the late twentieth century.

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