

Governing the Antarctic

The Effectiveness and Legitimacy of the Antarctic Treaty System

edited by Olav Schram Stokke and Davor Vidas; Cambridge University Press; Cambridge 1997; 464 pp; \$155.00 hardcover.

Like Antarctica's natural environment, the international regimes which have evolved for its governance are unique. It is the coldest, driest, highest, and most remote of the continents. Its ecosystem and abundant biota, make it unique. So does the international commitment to demilitarisation of Antarctica, the banning of nuclear weapons, the 'freeze' on sovereignty claims, and its preservation for its environmental and scientific values. *Governing the Antarctic* offers a fascinating and useful overview of the history to the development of the Antarctic Treaty System (ATS) and the legal and political influences on the effectiveness and legitimacy of this unique international regime.

A number of countries have made claims to territorial sovereignty over parts of Antarctica: the United Kingdom (1908), New Zealand (1923), France (1924), Australia (1933), Norway (1939), Chile (1940) and Argentina (1942). While there have been a number of disputes over sovereignty, none of those claims has ever been recognised. The United States and the Soviet Union, while expressly reserving their own rights, have expressly refused to recognise claims. Central to the analysis presented in *Governing the Antarctic* is the persistence of the need to continually manage the sovereignty issue and prevent it from turning into open conflict.

The Antarctic Treaty was the first international agreement to be concluded in the Cold War period which introduced a complex system of mutual unilateral inspections of parties' activities (Article VII) — including inspections between the United States and the Soviet Union. The Treaty went even further to preserve Antarctica for peaceful purposes only (Article I) and establishing Antarctica as the first internationally agreed area where nuclear explosions and disposal of radioactive waste material were banned (Article V).

Article IX of the Treaty provided for periodic meetings of representatives of the Consultative Parties to the Treaty for the purpose of exchanging information, consulting and recommending to their governments various measures to further the principles and objectives of the Treaty. Antarctic law and politics have evolved through these Consultative Meetings to produce a complexity of procedures, practices and instruments which became known and later formerly adopted as the Antarctic Treaty System (ATS). While there is some disagreement on definitions of ATS which enumerate its normative components, generally, the ATS may be defined to include: the Antarctic Treaty, the 1972 Convention for the Conservation of Antarctic Seals, the 1980 Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR), the 1988 Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA), and the 1991 Environmental Protocol.

The 42 states which have become parties to the Antarctic Treaty are divided into two main groups, the Consultative and Non-Consultative Parties. Twelve Consultative Parties comprising the original signatories of the Antarctic Treaty retain their consultative status unconditionally, while the remaining (14) Consultative Parties — that have subsequently acceded to the Antarctic Treaty and whose consultative status has been recognised on the basis of their demonstrated interest in Antarctica — retain that status conditionally as long as they continue to demonstrate such interest. Since 1983 Non-Consultative parties have been eligible to attend the Consultative Meetings, albeit without any formal decision-making power. The increased number of Consultative Parties and the greater role of Non-Consultative Parties arose through criticism of the ATS system in the UN by a group of developing countries led by Malaysia. That critique targeted the lack of participation available in the ATS

consultative process which was seen as limited to an 'exclusive club' of rich and powerful states.

The increased openness and participation allowed for in the ATS reflects the need to establish the regime's legitimacy at the international and domestic levels. The authors of *Governing the Antarctic* identify four basic problems the ATS regimes must address to establish its legitimacy (ability to adapt when applicability or acceptance is challenged by changing circumstances or actors) and its effectiveness (the impact of the regime on solving problems which motivated its formation). They must:

- accommodate various external challenges to the ATS in the international community;
- uphold the ATS compromise on sovereignty;
- protect Antarctic science from inappropriate disturbances from other activities; and
- balance resource-utilisation concerns with those of conservation and preservation.

The book singles out for scrutiny four major issues areas relevant to the governing of the Antarctic: fisheries, minerals activities, environmental protection, and tourism. Part I provides an introduction to the theoretical basis for assessing the legitimacy and effectiveness of the international regimes. Part II provides background to the international legal and political context in which the ATS operates including its interaction with the law of the sea and the role of non-government organisations in the ATS. Part III is concerned with the effectiveness of the various ATS regimes. The impact of the existing and emerging regimes is assessed in terms of problem solving in the four above mentioned issues areas, focusing on CCAMLR, CRAMRA, the Environmental Protocol and the regulation of Antarctic tourism activities. Part IV assesses the legitimacy of those regimes in terms of applicability and acceptance, those criteria having been identified as forming the core of the regime legitimacy concept.

Part V of the book provides an analysis of the rarely explored impact of domestic law and politics on an international regime such as the ATS. The

chapters in Part V examine the distinctive features of Antarctic policy making in four selected countries — Australia, Chile, Norway and the United States — and examine whether those features affect the ability of the Consultative Parties as a group to cope with differences among themselves as well as external pressures.

Governing the Antarctic presents a wide ranging and comprehensive argument on the effectiveness and

legitimacy of the Antarctic Treaty System. The book traces the change in focus of the central principles of the ATS from peaceful use to environmental protection. The focus on Australia's central role in the ATS and the insights into Australia's foreign and domestic policy making on Antarctica provide added interest to a valuable study of the effectiveness and legitimacy of the Antarctic Treaty System.

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Measuring Immorality

Social Inquiry and The Problem of Illegitimacy

by Gail Reekie; Cambridge University Press, Melbourne, 1998; 215 pp; \$29.95 softcover.

While the titles of so many books promise much and deliver far less, this title holds true to the book's content. In this scholarly text, Gail Reekie identifies a need for an unravelling and repositioning of illegitimacy. In her view, the persistent negative reaction by politicians, moral crusaders, the media and the public, to out-of-wedlock pregnancies is in conflict with current more liberal sexual and reproductive views and practices. These many voices of authority associate single parenthood with a plethora of social ills that include the breakdown of the family unit, the rise of crime, juvenile delinquency and spiralling welfare costs. The author sees social-scientific discourse, through its historical accreditation, as being responsible for these distorted views.

Measuring Immorality explores the many layers of illegitimacy drawing on psychological, ethnographic, economic, historical, sociological, and eugenic conceptualisations that have existed from the Middle Ages to the present day. In the first four chapters Reekie traces the discourse of illegitimacy as a social phenomenon encased in immorality. This moves from the attachment of moral meanings to official illegitimacy statistics in France during the 19th century, through the assertions of the demographic significance of illegitimacy by population growth theorists, to the assumed connections between racial inferiority and illegitimacy.

Having identified the historical positioning of illegitimacy within social inquiry as 'socially destructive', the author moves to deconstruct this location and in the remaining six

chapters attempts to expose the supposed truths. Some of the more popular perceptions of the causes and effects of this social phenomenon are examined in this second half of the book. These include the social acceptance of out-of-wedlock childbearing within white working class communities, that infants born out-of-wedlock are at a much greater risk of death or physical harm, that unmarried teenage motherhood denotes low intelligence and immaturity, that two parent families with the father continually present are essential to social wellbeing and that white, middleclass and mature women who choose to bear children out-of-wedlock are selfish.

Although the author concludes that the depth and diversity of disparaging voices within the discourse is 'powerfully cumulative' and leaves little room for dissent, this does not exclude the need for a redefining of illegitimacy if those within the social sciences gave different shape and meaning in their analysis of out-of-wedlock births. The voices they have employed in the past have unequivocally contributed to the perpetuation of an ideal legitimate culture, which favours particular classes, genders, races and sexualities. Reekie argues that a repositioning would serve to deflect the use of social science facts to support the 'illegitimacy equals immorality' conclusion fostered by politicians, bureaucrats and others.

Measuring Immorality provides a very convincing illustration of how, through the measuring of immorality, these 'truths' have become ingrained within the social sciences. If readers are expecting to ultimately be rewarded

with a blueprint for the separation of immorality from out-of-wedlock births in future debate then they will be disappointed. The book's ultimate value is in its consolidation of an extensive range of theoretical material postulated on the subject of illegitimacy. While the language style and theoretical content is often very dense, this book is intended by the author to be a scholarly exposé of illegitimacy and as such is probably more suited to an academic audience.

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Turnaround

How America's Top Cop Reversed the Crime Epidemic

by William Bratton; Random House 1998; \$49.95 hardcover.

Bratton is famous for being put in charge of the New York subway system and introducing a policy of 'zero tolerance'. His success in 'cleaning up the subway' led to him becoming a media personality and later (after a short stint in charge of the Boston Police) being put in charge of the New York Police. He was forced to leave that job after a fight with Republican Mayor Giuliani.

In America, crime is no longer seen as a social problem. It is seen as phenomena brought about by the greed or evil of criminals. The answer to crime, according to the authorities, is to have tough laws and tough police. Moreover, criminals deserve no compassion. Compassion should be reserved for the victims.

Bratton's approach to policing the New York subways has been regarded as a shining model for what is known as 'zero tolerance policing'. Although statistics show the incidence of crime fell in New York when Bratton ran the Police Department, other possible causes include a decrease in unemployment and a fall in drug use. Nevertheless, it would seem that Bratton was responsible for achieving some positive reduction in crime.

Turnaround is in its own way fascinating. This is not because the book is especially well written or because Bratton is necessarily someone to admire or even to take seriously. However, the book remains an exposé of how things work in America, though a