

illustrations) of pleasing as well as readable quality, Whitfield addresses his task with four sizeable and well-proportioned profiles: 'Navigation before charts,' 'The sea-chart and the age of exploration,' 'Sea-charts in Europe's maritime age,' and 'Empire and technology: the last two hundred years.' While the first three segments are of undoubted quality, and contain distinct gems from the British Library and the National Maritime Museum (and elsewhere), the last chapter provides a new look at how empire and war shaped map-making, and, conversely, how hydrographic knowledge could be an influence in great battles at sea, such as Jutland or Leyte Gulf. In this section, the great treasures from the Hydrographic Office in Taunton are revealed in miniature. Although some of the hydrographic survey charts are too small to read, with a magnifying glass one can find the location, off North Cape, near where *Sharnhorst* sank; moreover, one can inspect the places of invasion of US Marines at Iwo Jima. Satellite imagery brings map-making into our own time, and two examples are given here.

The author reveals a comprehensive knowledge of the sea-chart in history, and the choice of illustrations is a fine one. High standards of printing, only disadvantaged by a few typographical errors, make this an altogether pleasing as well as informative survey.

Collectors and students of polar material are not likely to find a great deal of unusual value in this work except for one superb part: D1467 from Press 13f in the Hydrographic Office, 'Discoveries of the Arctic Sea, 1854.' Issued by the Admiralty to show the rapidly changing state of knowledge of the Canadian Arctic, this coloured and annotated chart is an updating of the numerous expeditions and their findings while in search of Sir John Franklin. The chart contains virtually no hydrographic information, and was produced for a non-technical, public function. The Royal Navy's contribution to mapping the waters may be the British Empire's most lasting legacy. The Franklin chart, and those of Pitcairn Island, Mombassa, Skagerrak, and James Cook's splendid St Lawrence River, were well worth including in this work. They are indicative of the promise of what still needs to be done for nineteenth-century studies: an illustrated history of the British Hydrographic Office. (Barry M. Gough, Department of History, Wilfrid Laurier University, Waterloo, Ontario N2L 3G1, Canada.)

THE SVALBARD TREATY: FROM TERRA NULLIUS TO NORWEGIAN SOVEREIGNTY. Geir Ulfstein. 1995. Oslo, Copenhagen, Stockholm, Boston: Scandinavian University Press. 572 p, hard cover. ISBN 82-00-22713-8. £62.00; \$US99.00; NOK 598.

The Svalbard Treaty, by Geir Ulfstein of the Institute of Public and International Law, University of Oslo, is a scholarly and comprehensive legal analysis of the 1920 Svalbard Treaty. Svalbard was considered a no-man's land (*terra nullius*) until Norway was granted sovereignty over it by the Svalbard Treaty, negotiated at the Paris Peace Conference after World War I. The Norwegian sov-

eignty was subjected, however, to far-reaching restrictions, the most important being requirements of non-discrimination and peaceful utilization of the archipelago. This very fine book emphasizes four aspects of the Svalbard Treaty: Norwegian sovereignty, non-discrimination, peaceful utilization, and the geographical application of the Treaty on the continental shelf and in the 200-mile zone around Svalbard.

The first half of a rather lengthy introduction provides a useful review of the general characteristics of Svalbard — focusing on its natural and climatic characteristics, resource potential, scientific importance, strategic significance (both during and after the Cold War), population and settlement patterns, political governance, and commercial (especially coal mining) activities. The second half supplies a useful overview of the legal and diplomatic history of Svalbard. A concise analysis of the salient features of both the 1920 Svalbard Treaty and the Mining Code — which was negotiated according to the procedures set out in the Treaty, and adopted by a Norwegian Royal Decree of 7 August 1925 — is also offered. Ulfstein's treatment of the complex labyrinth of the Svalbard Treaty, the Mining Code, and the basic Norwegian legislation on Svalbard, especially from the management point of view, is objective and competent.

In chapter 2, the nature and scope of Norwegian sovereignty over Svalbard, and the restrictions imposed by the Svalbard Treaty, are analyzed. According to Ulfstein, 'Article I of the Svalbard Treaty changed the legal regime of Svalbard from being *Terra Nullius* to becoming a territory under Norwegian sovereignty' (page 81). Indeed, Article I provides that the 'parties undertake to recognize, subject to the stipulations of the present Treaty, the full and absolute sovereignty of Norway over the Archipelago of Spitsbergen.' But, at the same time, the Treaty imposes certain restrictions on Norwegian sovereignty. Apart from those related to military use of the archipelago, such restrictions relate primarily to protection of the rights of other states to fish, hunt, and mine. The question then becomes whether such provisions or restrictions should be given a restrictive interpretation. Ulfstein concludes, on the basis of his understanding of judicial decisions, doctrinal writings, and state practice, that 'restrictions on sovereignty required a firmer basis at the time of the Svalbard Treaty adoption than at present' (page 119).

Also examined at length in Chapter 2 are the relevant principles for the interpretation of the Svalbard Treaty and the legal status of the Mining Code adopted by Norway in 1925, whereby Norway undertook to provide mining regulations that would apply equally to all nationals. Some of the key questions addressed by the author are: is the Mining Code a treaty or merely an instrument of internal Norwegian regulations? Can Norway amend the code on a unilateral basis? Can Norway transfer its sovereignty to another state or to an international organization? Finally, where does the Norwegian sovereignty stand in relation to non-parties to the Svalbard Treaty? Ulfstein argues quite convincingly that irrespective of whether or not the code is

part of the Svalbard Treaty system, it is well within Norway's discretion to adopt certain mining regulations, particularly when it comes to matters of safety, nature conservation, and social security for workers. As regards the third states or in relation to non-parties to the Treaty, his assessment is that 'Norway enjoys sovereignty based upon customary international law, and that the Svalbard Treaty does not confer either rights or obligations to such states' (page 172).

Chapter 3 discusses the requirement of 'nondiscrimination' in the Svalbard Treaty, which, in order to preserve the *terra nullius* rights of the parties, prohibits discrimination on the basis of nationality. These provisions, and the prohibitions regarding hunting, fishing, mining, and commercial and related activities, apply not only to the state parties but also to their nationals, companies, ships, and aircraft. The Soviet Union's (and now Russia's) position on this issue has been that the Treaty provisions 'not only contain a requirement of non-discriminatory treatment, but also establish a substantive right to conduct certain activities' (page 272). Accordingly, Russia would oppose certain conservation measures, in particular a ban imposed by Norway on mineral activities outside Longyearbyen, Barentsburg, and Pyramiden. Ulfstein, however, supports such restrictions because he feels that 'the general need for nature conservation is an entirely different situation today than in the 1920s.' From the point of view of ecological sustainability, such a conclusion would appear justified.

Chapter 4 deals with the 'substantive issues' of the Mining Code, such as the acquisition of mining rights and the obligations of the mining companies. Ulfstein points out that even though the Mining Code in its present form is comprehensive (providing extensive regulations of mining activities, covering acquisition of mining rights, participation of the land owner, conducting of mining activities, and the protection of workers), 'there is a need for supplementary legislation....Norway may thus establish regulations in such subject matters as safety in mining, nature conservation, and social security for workers, as long as such regulations do not violate the requirement of non-discrimination and the specific provisions of the Mining Code' (page 341).

Chapter 5 addresses itself to the provisions of the Treaty concerning peaceful utilization of Svalbard, in order to 'examine how the peaceful utilization is ensured through Article 9 of the Treaty' (page 343). The key issue here is whether Svalbard is comprehensively or only partly militarized. Ulfstein states: 'Although the end of the Cold War means a reduction in the general tension between East and West, Svalbard and its surrounding waters will, however, especially because of the continued concentration of Russian naval power on Kola, continue to be of strategic significance in the foreseeable future' (page 387). Under Article 9 of the Treaty, 'Norway undertakes not to create nor to allow the establishment of any naval base...and not to construct any fortification...used for warlike purposes.' According to Ulfstein, 'the prohibition against using Svalbard for warlike purposes means that the commence-

ment of war on or from Svalbard is precluded' (page 387), but not all military activities short of war, as the Soviet Union, for example, argued. Moreover, 'Norway either on the basis of an interpretation of art. 9 or by suspending art. 9 in relation to the attacking state would have the right to both individual and collective self-defense' (page 387). In other words, and in contrast to the Antarctic, 'Svalbard is only partly demilitarized' (page 388).

Chapter 6 is relatively brief and examines the issues of (i) scientific research, (ii) meteorological stations, and (iii) access to Norwegian ports. Ulfstein points out that despite a long-standing interest in research and meteorology (scientific research on Svalbard commenced in the first half of the nineteenth century), the Svalbard Treaty failed to provide specific rights to the Treaty parties as regards such activities. These two issues, therefore, are yet to be covered by a special convention, as envisaged by Article 5 of the Treaty, and continue to be regulated by Norway by virtue of its sovereignty. According to Ulfstein, even though 'it has always been Norwegian policy to grant equal working conditions for scientists from all states...it is thus concluded that on the basis of the wording and the preparatory works of the Svalbard Treaty, Norway has the right to discriminate against foreign research' (page 397). As for the third issue, while access to mainland ports is guaranteed by Article 3 of the Treaty, Ulfstein maintains that Norway has the 'right to regulate access to Norwegian ports by vessels visiting Svalbard in accordance with general international law and treaty obligations' (page 405).

It is against the backdrop of the new maritime jurisdiction of the coastal states that chapter 7 takes up the contentious issue of the geographical application of the Svalbard Treaty and the Mining Code, their application in the territorial sea, and the more complex and controversial questions relating to their application to the continental shelf and the 200-mile zone around Svalbard. Both articles 2 and 3 of the Svalbard Treaty refer to Norwegian rights to control activities in the territorial waters of the islands, subject always to equal treatment between all Treaty parties. Since Article 2 specifies that the fishing and hunting rights of parties extend to territorial waters, Ulfstein concludes without hesitation that both the Treaty and the Mining Code apply to the territorial sea. However, Svalbard not being a state entity, the application to an exclusive economic (fishing) zone (EEZ) and the continental shelf is less certain, also because that type of jurisdiction was non-existent in 1920. Do the islands have a continental shelf and EEZ? If they do, do the provisions of the Treaty concerning Norway's obligations to share resource sovereignty apply to maritime zones beyond the territorial sea? Based on his understanding of international decisions and state practice, Ulfstein concludes that 'Norway is entitled to claim sovereignty rights to the continental shelf around Svalbard and to establish a 200-mile zone' (page 462). But he adds that 'the rights of other states parties under both the Treaty and the Code apply in these maritime areas' (page 462). In other words, this implies that nondiscrimi-

natory provisions in favour of all state parties to the Svalbard Treaty will apply to both the fisheries management in the EEZ and the exploitation of resources of the continental shelf. This stands contrary to the official Norwegian position that 'the Svalbard Treaty does not provide any rights to other Treaty parties beyond the territorial sea' (page 479). In 1970, Norway established a four-nautical-mile territorial sea around the islands and claimed, and continues to do so, that the Treaty's provisions only apply to the territorial sea and not to the maritime zones beyond that. By implication, Norway alone is entitled to uncontested sovereignty over the Svalbard continental shelf and the EEZ, a position strongly contested by Russia (and previously by the Soviet Union), the United States, and the United Kingdom. In short, this dispute remains unresolved and, in Ulfstein's assessment, 'there is no sign that other state parties will accept that their rights under the Treaty and the Mining Code do not apply to these maritime areas' (page 484). The author also recommends that 'Norway should continue to accept that the 200-mile zone around Svalbard is a *de facto* non-discrimination zone regarding fisheries management' (page 484).

To conclude, *The Svalbard Treaty* is well researched, coherently structured, and, by and large, well written (notwithstanding that it suffers occasionally from awkward expressions); it is highly recommended as essential reading for all those interested in Arctic studies in general and the legal regime of Svalbard in particular. (Sanjay Chaturvedi, Department of Political Science, Panjab University, Chandigarh 160 014, India.)

A LEGACY OF ARCTIC ART. Dorothy Jean Ray. 1996. Seattle: University of Washington Press. xix + 196 p, illustrated, soft cover. ISBN 0-295-97507-5. \$US24.95.

Dorothy Jean Ray, the undisputed authority on Alaskan native art in all its decorative and sculptural forms, uses the long-established term 'Eskimo' to include both the Inupiat people of the north and the Yup'ik from the south. In Canada, the term Inuit suffices, as all speak the same language. The word 'art' is used in its broadest sense: the product of creativity, ingenuity, and good craftsmanship.

Ray was one of the few scholars who recognised from the first the artistic merit and intrinsic interest of market art, objects made for sale. Such artifacts first emerged in historic times (since western contact, around 1750) and became a flood in contemporary times (since 1890 and the Nome gold rush). Her research began before the subject became acceptable for serious academic study and before any of the artifacts were accepted as fine art.

Before western contact, Eskimo art was a vital activity intimately connected with all aspects of physical and spiritual life and done for specific purposes, whether utilitarian or religious. This aesthetic drive has continued unbroken, but the forms and styles have changed in response to historical and cultural events. Much of the vast body of Ray's research has concerned these changes. It is

grounded on an encyclopaedic knowledge of museum and private collections and extended by exhaustive fieldwork, observation of artists at work, and conversations with them, their friends and families, and anyone with memories or knowledge of the historic past.

This latest book by Ray is a welcome addition to her scholarly output. It was published as a catalogue to accompany an exhibition of nearly 100 examples of contemporary Eskimo art in a wide range of materials and dating from around 1866 to the present. These were generously donated by the author to the University of Alaska Museum, Fairbanks, and exhibited there from June to November 1996. The artifacts are beautifully photographed (some in colour) by Barry McWayne and meticulously documented, but the book is as much a memoir as a catalogue. Through the story of her search to find out as much as possible about Alaskan natives and their art, we learn much about her own life, her friendships with these remarkable people, how she came to be given or buy the pieces, and what makes them so special. We are given an insight into a culture that few are lucky enough to experience. Her wide knowledge of and empathy with the people have enabled her to appreciate the effects of a rapidly changing environment on the Eskimo's perceptions of the world and its manifestation in their art. In this way, *A legacy of Arctic art* complements with a personal dimension the wealth of information painstakingly gleaned through some 50 years of research and already published in numerous books and articles.

The first section, on contemporary graphics, discusses the lives and works of early professional artists. They include George Ahgupuk and Kivatoruk Moses with drawings and paintings of folk tales, as well as depicting the realities of Eskimo life, and Robert Mayokok, a fine illustrator. Bernard Katexac of King Island began as an ivory carver (for which King Islanders are famous) but turned to print making, as did Peter Seeganna. Picture writing and its interpretation was a speciality of Ruth Ekak, Katherine Toots, and Lily Ekak Savok, who also features in the appendix.

'Mainly women's work' (although there are women carvers now) includes coiled grass basketry and an extraordinary example of the ability to adapt a technique to a non-native form: a paraffin lamp! There are examples of sewing techniques and the variety of skins used to make parkas, applique work, and dolls, including the popular 'activity' dolls. The design and execution of an Athabascan chief's coat is illustrated in a later chapter.

Whilst wood is not immediately thought of as an Eskimo medium, it was 'manna from upriver' for those living on the coast, where fallen trees were deposited from rivers. Many wooden objects were carved and some decorated with graphics, probably by people who had never seen a living tree. Bentwood containers are illustrated along with dolls, masks, and animal figures.

The origins of pictorial engraving or Eskimo scrimshaw were possibly in Siberia, but linear and geometric decorations incised into ivory or bone with a metal point were