

## Book Reviews

### Marine mammal conservation and the law of the sea.

Cameron S. G. Jefferies. 2016. New York, NY: Oxford University Press. 424 p, hardcover. ISBN 978-0-190-49314-1. £62.00.

doi: [10.1017/S0032247417000328](https://doi.org/10.1017/S0032247417000328)

Whenever I see the term ‘marine mammal’ I am captivated. For I have been fascinated by these creatures for many years and their elegance is truly striking. But my fascination is further boosted when the term ‘marine mammal’ is linked with ‘law’. For this implies human interaction with them, making us enter the extremely controversial hunt for whales and seals, as well as the surprisingly rarely publicly discussed other threats on marine mammals, such as climate change, marine pollution or noise.

Cameron Jefferies does not shy away from these issues. To the contrary, he makes the numerous threats that marine mammals are facing the core issue of his book and proposes the drafting of a multilateral agreement on marine mammals, implemented by an International Marine Mammal Commission. By briefly presenting and analysing the core issues surrounding pre-existing regulatory regimes that in one way or another impact marine mammal species, he rightfully centres his argument around the gap in these regimes to purposefully address issues other than the lethal taking of marine mammals. Based on this, and using the 1946 International Convention for the Regulation of Whaling (ICRW) as a case in point, Jefferies therefore justifies the need for an international regime for marine mammals:

The failure of the future of the IWC initiative to make meaningful progress, coupled with our continually expanding appreciation for the threats and challenges that face marine mammal conservation, renders the present an appropriate time to fully consider the substance and form of an alternative to the ICRW/IWC regime (p. 49).

Of course, one might argue that both the International Whaling Commission (IWC) and the North Atlantic Marine Mammal Commission (NAMMCO) have procedures in place that address more diverse threats to marine mammals than just lethal utilisation. While the former was based on the premise of advancing the whaling industry, the latter was formed as a body to ‘contribute through regional consultation and cooperation to the conservation, rational management and study of marine mammals in the North Atlantic’ (NAMMCO, 1992, article 2). Other bodies, such as the Convention on Migratory Species (CMS), have also taken on threats other than hunting, such as marine tourism. However, the issue of the multitude of different threats to marine mammals has only been tackled rather recently and for the reader to understand what threats marine mammals are exposed to – and why they constitute threats – Jefferies has devoted an entire chapter (Chapter 4) to different problems and the responses of the international legal systems regulating marine mammal conservation. Particularly intriguing in this regard was the utterly concerning presentation of marine pollution, an issue

which, in this reviewer’s opinion, is discursively too little tackled in the context of marine mammals.

In Chapter 5, Jefferies presents several options regarding the improvement of the current regime regarding the management of marine mammals: (1) leaving it as it is; (2) improving the IWC; (3) relying on soft-law agreements; (4) fostering bilateral or regional agreements; (5) relying on national legislation; and finally (6) drafting a new regime. It is especially this option which Jefferies eloquently supports as a means to engage the United Nations, and particularly the United Nations Convention on the Law of the Sea (UNCLOS), and to use UNCLOS’ dispute settlement mechanisms to avoid the stalemates that happen under the IWC. By focusing on the drafting history of UNCLOS articles 65 and 120, as well as international legal rules pertaining to the creation of a new agreement and dissolution of another, Jefferies underlines his analytical skills and his case for a new international implementing agreement under UNCLOS.

In Chapter 6, the eager reader is finally presented with concrete proposals outlining the provisions of a new agreement, the preparatory work of which ‘could occur at a negotiating conference convened pursuant to a United Nations General Assembly Resolution’ (p. 213). And indeed this section is impressive. Jefferies does not stay vague, but presents a concrete outline of what the agreement should entail, how different terms and concepts are to be used and how it is to be implemented. It is once again highlighted that despite ideological differences, it is in the interest of *all* states to conserve marine mammals and Jefferies makes a decisive point: just because of differences in the lethal use of marine mammals, this should be detrimental to their stocks in light of all other dangers they face, which would be tackled with a new agreement. The challenges a new agreement would face are further elaborated upon in Chapter 7, where Jefferies tackles issues of the role of the secretariat of the agreement, its interplay with regional regimes and marine protected areas. He convincingly shows how it is not only possible to enter into a new agreement, but even desirable if states really care for the sustainability of marine mammals, benefitting both non-utilisation and pro-utilisation states – an issue he furthermore discusses in the concluding chapter. And for the legal scholar, Jefferies furthermore includes a concrete draft agreement in Appendix 3 of the book.

*Marine mammal conservation and the law of the sea* is an impressive book. Albeit a legal volume it enters into numerous issues surrounding marine mammal, but primarily whale, hunts: whether or not they have a right to life and associated ethical considerations; issues surrounding animal welfare and killing methods; or indigenous *vis-à-vis* non-indigenous/commercial hunts for marine mammals. The book is very thoroughly researched and convincingly argued and should serve as a guidebook for all parties involved in the debate surrounding marine mammal conservation. One is easily inclined to link ‘conservation’ and ‘lethal utilisation’. But Jefferies shows that this approach, which has brought the IWC to a stalemate, is shockingly narrow.

Of course, in a detailed book like the present, it is the devil that also lies therein. Several smaller mistakes appear in the

book. To name two more prominent ones: on page 35 Jefferies writes: 'As the twentieth century progressed, the commonly held perception that ocean resources were finite eroded.' He in all likelihood means 'infinite'. Also the claim on page 61 that Japan hunts sei, Bryde and sperm whales in the North Atlantic is incorrect. It should be North Pacific, where Japan has hunted these species under the JARP and JAPRN-II programmes.

How deeply frozen the IWC has become is probably best exemplified by the US/New Zealand spying activities of the Japanese delegation at the 59th meeting of the IWC in 2007, which impacted a vote regarding the lifting of the whaling moratorium (Gallagher, 2017). This once again underlines the need and urgency for a renewal of our thinking of marine mammals. Jefferies' proposal is a much-needed and crucially important step in that direction. I would therefore like to see this

**Imagining the supernatural north.** Eleanor Rosamund Barraclough, Danielle Marie Cudmore and Stefan Donecker (editors). 2016. Edmonton: The University of Alberta Press. xxiii + 328 p, softcover. ISBN 978-1-77212-267-1. CA\$29.95.

doi:10.1017/S0032247417000341

In 1993, Professor Bernd Henningsen wrote:

Cardinal points are all a matter of perspective. Standing on the North Pole, everything else is south. Standing on the South Pole, everything else is north (Henningsen, 1993, p. 4).

These few words perfectly summarise the discussion surrounding imaginations of the north and the Arctic: it is truly relative and dependent on the time and space specific narratives have been created in.

The present volume engages in the study on the cultural construction and representation of 'the north' – a key element in the understanding of narratives circulating in the 'non-north' about the 'north'. But the editors have not focused on merely a central European and rather contemporary conception of the north (such as in Hecker-Stampehl & Kliemann-Geisinger, 2009), but in Part I, *Ancient roots*, have included chapters which present captivating insight into Jewish and ancient Greek lore and traces on how 'the north' is understood and embedded into the cultural construct of these ancient societies (see Varis' and Votsis' chapters, respectively). Part II, *From the Middle Ages to the early modern period*, focusses on races, such as pygmei and anthropagi, that were believed to have been created in the ancient world. Simek shows how prevailing understandings on the existence of these races were adopted in the early Middle Ages by map makers and writers about the north, yet without, unsurprisingly, having any empirical ground for their existence. Simek's brief description of medieval maps of the world and Scandinavia, much more elaborated upon in, for example, Simek (1991), and the reflection of this understanding of northern races and monsters indeed makes even contemporary common discourses of the north and its peoples, either as the antidote to medieval images or as reproducers, much better understandable. Barraclough, on the other hand, lays out how in Norse (Icelandic) society of the Middle Ages the somewhat realistic perception of Greenland had shifted to include the supernatural after Viking societal collapse on the island. Once again, we gain insight into geographical and environmental conditions charged with

book or a summary of its main points made widely available to the members and observers of the IWC. (Nikolas Sellheim, Polar Cooperation Research Centre, Graduate School of International Cooperation Studies, Kobe University, 2-1 Rokkodai-cho, Kobe 657-8501, Japan ([nikolas.sellheim@people.kobe-u.ac.jp](mailto:nikolas.sellheim@people.kobe-u.ac.jp)))

## References

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narratives and imagination. In fact, Viking voyages are at the core of Barraclough's monograph that her chapter is based on (Barraclough, 2016). The Middle Ages are furthermore touched upon in Walter's chapter on the then contemporary understandings of witchcraft inspired by the north wind *Septentrio* and understandings of the female body. While being a short chapter, the reader starts to understand the disturbing logic of inquisition worldview. In spite of this, Kepler's *Somnium* paints a rather 'good' picture of a witch, located in Iceland, which, as Donecker shows, is rather a culmination of Middle Age perceptions on the supernatural north – most notably inspired by Olaus Magnus – than corresponding to Iceland-specific narratives.

With this chapter the book leaves the Middle Ages and enters Part III, *The 19th century*, the era of Enlightenment and Romanticism. Byrne enables the reader to understand the discursive link between Gaelic/Celtic peoples and northern peoples such as the Finns and the Sámi as applied in Great Britain. Moreover, McCorristine adds another dimension to the emerging modern scientific method by analysing the role of clairvoyance in the search for the lost Franklin mission, conducted by 'young and naive' women dealing with a geographical region contextualised with masculinity – an issue which adds wonderfully to Adriana Craciun's analysis of Arctic explorations (Craciun, 2016). Michaels shows how the travel account by Austrian travel writer Ida Pfeiffer was an important contribution to breaking with the stereotypical and supernatural connotations with Iceland of the mid-19th century. Her article in this book should be read in conjunction with Guðmundur Hálfðanarson's *Iceland perceived: Nordic, European or a colonial other?* (Hálfðanarson, 2014), which looks at the post-colonial dimension of travel accounts such as Pfeiffer's. The north, it seems, had therefore left its supernatural 'other' realm by the 19th century. This, of course, is a purely Eurocentric, non-northern perspective. Habulinec shows how also within the north 'otherness' was created. By referencing the rich oral history of Greenlandic Inuit as recorded by Knud Rasmussen and Hinrich Rink it becomes clear that similar processes were prevalent in contemporary Inuit society and used narratives followed the same logic as in ancient Greek or Biblical myths. This, I dare to say, is a truly understudied phenomenon and serves as an inspiration for further comparative research.

In Part IV we enter *Contemporary perspectives* or, as the subtitle suggests, the *Desire for a supernatural north*. Walter, for instance, shows how during the Soviet period the 'north' remained a 'blissfully cloudy realm of tantalizing possibility, a home for the literally exiled but incorrigibly exuberant artistic imagination' (p. 215). This is furthermore elaborated upon in