

Natalie Klein, Joanna Mossop and Donald R Rothwell, (eds) *Maritime Security: International Law and Policy Perspectives from Australia and New Zealand*. Routledge (2009). xxiv, 277 pp.

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The publisher considers that this work 'will be of great interest to scholars of international law, international relations and maritime affairs, maritime industry professionals, private and government lawyers, as well as diplomats, consuls and government officials.'

While I am confident that the book will be well received by the first category and probably also by certain government lawyers and officials, I am less than convinced of its wider value. As a practising maritime and port lawyer, I believe that only certain aspects of the book are of direct relevance to the work of maritime lawyers or maritime industry professionals, who do not usually focus on maritime security on a daily basis. Specifically, I am referring to Stuart Kaye's chapter 'The Protection of Platforms, Pipelines and Submarine Cables under Australian and New Zealand Law,' which is the standout contribution, the discussion of piracy in Don Rothwell's chapter 'Maritime Security in the Twenty-First Century' and the brief discussion of the Container Security Initiative in Shirley Scott's chapter 'Whose Security is it and how much of it do we want?' I am also not quite sure why consuls figure in the publisher's list. When I studied Consular Law at the University of Cologne under Professor (later Federal President) Karl Carstens, I am sure we did not touch on anything covered in this book.

Of course, wearing my hat as a lecturer in both Maritime Law and Law of the Sea, there is much of interest in this work.

In the opening chapter, Natalie Klein Joanna Mossop and Don Rothwell provide a generally good overview of Australian and New Zealand perspectives on maritime security, although I miss an historical perspective. There is, for example, no consideration of the many historical influences on the maritime security of the two countries, such as the French and Russian scares, extensive trade with Chile, colonial interests throughout the Pacific (as far as Tahiti and Easter Island), the visit of the Great White Fleet and even the alliance with the Imperial Japanese Navy. And while an effort is made to explain the term 'maritime security', there is only scant reference to security in ports, which is of real concern to all shippers and carriers, not to mention a range of government agencies in both countries. The two maps showing the maritime zones and continental shelves of both Australia and New Zealand, the extent of which may come as a surprise to some readers, highlights the importance of maritime security to both countries.

As one would expect, Don Rothwell and Natalie Klein have provided a thorough overview of the interplay between the Law of the Sea and maritime security, although I find the abbreviation LOSC instead of the more usual UNCLOS (Churchill and Lowe, amongst others) somewhat grating. Particularly useful is a discussion of marine environmental security, in which field the underlying conventions (Basel, Waigani, SPREP) are less well known.

Don Rothwell and Cameron Moore discuss a number of current developments, including the Australian Maritime Identification System, Torres Strait and Japanese whaling, in their chapter 'Australia's Traditional Maritime Security Concerns and Post-9/11 Perspectives'. However, in my view, the issue of Japanese whaling and, from a maritime security point of view, the actions of the Sea Shepherd Conservation Society, which are also considered in Karen Scott's excellent chapter 'Maritime Security and Shipping Safety in the Southern Ocean,' deserved much greater attention. The same general theme is also treated by Peter Cozens in his contribution 'Maritime Security and Oceans Policy.'

Joanna Mossop has contributed a useful account of 'Maritime Security in New Zealand.' It is important to note the significance of the fishing industry to the New Zealand economy and the efforts of New Zealand government

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agencies to the protection of this resource, Despite the obvious similar problems and issues confronting Australia and New Zealand, there are a number of different practical approaches to maritime security in New Zealand, which Australian readers should note.

I have already referred to Shirley Scott's chapter, the sub-title of which more accurately describes its focus: 'The US Influence on the International Law against Maritime Terrorism.' There is no doubt that the United States has been at the forefront of implementing maritime security measures and encouraging (even dragooning) other countries to follow suit, but not everything has gone to plan. Following the failure by the test ports to achieve 100% screening of US-bound containers, the Department of Homeland Security has been forced to announce a 2 year delay in implementation of scanning of boxes at all foreign ports. There is still no end to piracy, with 406 incidents reported by the ICC International maritime Bureau's Piracy Reporting Centre in 2009, stowaways or underwater threats.

Maritime security in the Pacific is considered by Sam Bateman and Joanna Mossop in their contribution 'New Zealand and Australia's Role in Improving Maritime Security in the Pacific Region.' The authors look at a number of maritime security issues, including illegal fishing, illegal movement of peoples, environmental insecurity (due to sea level rises, which could devastate Kiribati, the Republic of the Marshall Islands and Tuvalu) and even piracy and terrorism, which although not significant now, requires monitoring. It is always easier to identify problems rather than to propose solutions. Fortunately, the authors have suggested a number of *practical* measures to improve maritime security in the region. These range from better coordination and capacity building projects to a number of joint initiatives, some of which are already under consideration.

Karen Scott's chapter, to which I have already referred, looks at the whole gamut of issues affecting maritime security in the Southern Ocean. There are, of course, a number of practical problems encountered when operating in the Southern Ocean, reflecting the extreme nature of the environment, as well as issues relating to search and rescue, pollution prevention and protected areas, all of which are also present and currently dealt with in a much more coordinated way in the Arctic, for example, under the auspices of the Barents Secretariat.

Much shipping to and from New Zealand and Australia passes through the chokepoint of the Strait of Malacca. It is therefore timely to examine the security of shipping in this region. Caroline Foster's chapter deals with 'Counter-Terrorism and the Security of Shipping in South East Asia,' including the roles of various international groupings, such as APEC and ASEAN, and the strategic response. Strangely, no contributor to this work has focussed on the other great ocean impacting on Australia security, namely, the Indian Ocean.

The naval and intelligence aspects of maritime security are well covered in Cameron Moore's chapter 'Act of State Doctrine in the Antipodes,' Chris Rahman's contribution 'Maritime Domain Awareness in Australia and New Zealand' and Natalie Klein's 'Intelligence Gathering and Information Sharing for Maritime Security Purposes under International Law.' Cameron Moore discusses a very important issue: if the RAN and RNZN are to continue to be engaged in 'constabulary operations,' such as those both navies are currently undertaking in the Arabian Gulf, their rights and powers need to be much more carefully defined and the present uncertainties about the Act of State doctrine need to be resolved. The military acronym MDA (maritime domain awareness), is a term that adds nothing to the awareness of the sea that has always been the responsibility of ships' captains (whether naval or merchant) and intelligence officers. Chris Rahman does, however, provide a useful overview of how New Zealand and Australian keep track of their very extensive maritime spheres of influence. Natalie Klein discusses various multilateral arrangements for intelligence gathering and sharing, particularly in relation to piracy and armed robbery (which are not the same, since piracy only occurs on the high seas), people smuggling and fisheries management.

The already mentioned chapter by Stuart Kaye deals with real issues of practical concern to maritime lawyers and those in the shipping industry, as well as issues of utmost strategic importance - energy security and communications security. Both Australia and New Zealand have offshore oilfields, with their platforms and pipelines, and although the Maui oil and gas field is much closer to land than many Australian fields and also further from potential sources of attack, its platforms and FPSO are also vulnerable. Both countries are, of course, at the end of long undersea cables and, although satellites can now pick up much of the slack, there are still communications which only pass by submarine cable.

The final chapter in this book, entitled 'Maritime Security in the Twenty-First Century,' is a summary by Don Rothwell of current and anticipated maritime security challenges for the two countries. The author examines the well-known issues of piracy and transnational crime, but also the important topic of creeping jurisdiction as coastal states seek to extend their jurisdiction - a somewhat ironic situation given Australia's purported extension of jurisdiction off a frozen territorial claim in Antarctica. Finally, Don Rothwell suggests that climate change and marine environmental issues in general are likely to pose maritime security challenges into the future.

This book contains a wealth of factual information as well as many insightful ideas and comments. My earlier comments about the usefulness of the work to practising maritime lawyers and maritime industry professionals aside, I am confident that this work will be well received.