

Fulbright Symposium

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Abstracts and Biographies

Multilateralism, U.S. Oceans Policy, and Law of the Sea Professor Harry Scheiber

This paper deals with the several faces of U.S. oceans policy today, especially with respect to the often ambiguous results of America's stated commitment to multilateralism. During World War II, and in the very different context of the post-war years and the Cold War, "multilateralism" was a major theme in U.S. oceans policy as it was in America's foreign policies more generally. Ironically, however, in the matter of ocean law the Truman Proclamations of 1945, issued just after the defeat of Japan, served as a precedent for a distinctly unilateralist approach to international law and oceans policy in the environmental and resources fields. This paper will offer a discussion of the historical development of directions in U.S. ocean policy since that time - both with regard to the evolving question of sustainable management of marine resources, and with regard to the present crisis of global security and other main issues facing the international community today and challenging the aspirations long held for achievement of a stable legal regime for the world's oceans.

Professor Harry Scheiber is Stefan A. Riesenfeld Professor of Law and History; Director of the Earl Warren Legal Institute; and Director of the Sho Sato Program in Japanese and U.S. Law at the University of California, Berkeley. Formerly a Distinguished Fulbright Lecturer in Australia, Prof Scheiber has conducted numerous projects on aspects of environmental law, especially Law of the Sea and ocean resources policy. His other research has been in the fields of modern judicial reform, Japanese-U.S. relations and ocean policy, and Japanese fisheries law and development.

Coordination and Capacity in Ocean Governance Associate Professor Marcus Haward

The last decade has seen increasing attention to institutional arrangements and policy outcomes (governance) affecting the management of seas and oceans at national, regional and international levels. At the international level Australia has made important contributions to, inter alia, the moratorium on commercial whaling, ballast water management and related problems of introduced marine pests, illegal, unreported and unregulated fishing, and (through APEC) regional support for 'integrated ocean management'. Australia's international actions have been matched by the development of national oceans governance initiatives including a national Oceans Policy framework. Governance is clearly linked to policy capacity. While policy capacity can be conceptualised in different ways, two key elements are first the ability to make decisions—a process or procedural dimension and second the quality of policy decisions—the substance of policy. Both elements of policy capacity are linked to developing effective ocean governance. Key agencies need to be able to maintain and extend their own capacity, and be able to display leadership in this area, but they also need to be able to work effectively with the range of other actors engaged in work that will contribute such responses. This presentation examines coordination and capacity as significant variables in national and international ocean governance.

Associate Professor Marcus Haward is currently Head, School of Government at the University of Tasmania, and is Program Leader, Policy Program, Antarctic Climate and Ecosystems Cooperative Research Centre University of Tasmania, Hobart. Marcus Haward's research interests include fisheries management and marine and oceans policy and governance. He has authored, co-authored or edited 7 books and over 75 papers and book chapters. He has been a member of Australian delegations to the Commission for the Conservation of Antarctic Marine Living Resources and to APEC Fisheries and Marine Resource Conservation Working Groups.

Legal Frameworks for Integrated Marine Environmental Management **Associate Professor Gregory Rose**

Australia, in common with the United States, has undertaken a wide range of marine environmental management obligations by ratifying international environmental treaties. In common again, various responsibilities for marine environmental management are distributed across levels of a federated nation in a manner determined by history rather than plan. Fulfilment of marine environmental treaty obligations becomes a diffuse and difficult task for each country, hampered by the vertical disconnections between national and regional jurisdictions.

Patterns of horizontal coordination across agencies at the same level of government may also display disconnections. Despite the natural connectivity of elements, processes and activities in the marine environment, each government agency has its own respective legal framework and decision-making is disparate. Efforts in Australia to coordinate Commonwealth government decision-making across management agencies have produced an overarching policy but its implementation seems to be foundering.

The Australian federal government is rethinking its policy-based approach and a national environmental group is promoting legislation. Does effective coordination of oceans management activities require an overarching legislative framework? Should legislation operate to enforce horizontal coordination? Can it also enforce vertical coordination? This paper explores possible answers to these questions, considering options for a legal framework for integrated marine environmental management in a federal context.

Gregory Rose is an Associate Professor with the Faculty of Law at the University of Wollongong where he is a member of the Centre for Maritime Policy. He is also currently also member of the National Oceans Advisory Group to the Commonwealth Minister for Environment and Heritage and has advised the National Oceans Office on legal matters related to the development of its South East Regional Marine Plan. Gregory holds Bachelors degrees in Arts and Laws and a Master of Laws degree from Monash University and is admitted to practice as a Barrister and Solicitor (ACT, Vic & High Courts). His research specialises in international law relating to the environment, the marine environment and to terrorism. He has substantial practical experience in international lawyer, as Head of the Trade, Environment and Nuclear Law Unit in the Legal Office of the Australian Department of Foreign Affairs and Trade; and previously as Director of the Marine Resources Program at the Foundation for International Environmental Law and Development (FIELD) at the University of London.

Australian Intervention in the South Pacific: Assessing its Rationale and Effectiveness **Associate Professor Derek McDougall**

Australian intervention in Solomon Islands in 2003 has raised the question of the circumstances in which Australia should intervene in South Pacific island countries and how effective that intervention is likely to be. This paper begins by discussing these issues in relation to Solomon Islands, and then asks whether Australian intervention in that situation provides a precedent for similar action in relation to other island countries. The argument is that the particular circumstances of Solomon Islands need to be taken into account and do not necessarily provide a precedent for further interventions. At the same time Australia faces an environment where many of its island neighbours face major problems and intervention could become an issue. Much hinges on the form that intervention might take. This paper suggests that the emphasis should be on enhanced regional cooperation, particularly through the Pacific Plan.

Derek McDougall is Associate Professor in the Department of Political Science at the University of Melbourne. McDougall's research interests focus upon Australia's role in the international politics of the Asia-Pacific, with particular reference to humanitarian intervention, regionalism, and regional security issues. He was educated at the University of Melbourne (BA Honours, MA) and Duke University, USA (PhD). He is the author of numerous articles in his area of expertise, and his recent books include the Historical Dictionary of International Organizations in Asia and the Pacific (2002), and Australian Foreign Relations: Contemporary Perspectives (1998).

Regionalism and Australia's Post-9/11 Posture in the Pacific Islands **Associate Professor Richard Herr**

Australia has developed and promoted regionalism in the Pacific Islands since 1944 as a contributor to its own national security. The intensity of this commitment has varied over the years from "modest" to "significant". Canberra's approach to the Pacific Islands region and to regionalism as a policy in this area has appeared to be

“opportunistic” since 9/11. It is difficult to locate any coherence or broader strategic vision in dealing with this region over the past five years although regional mechanisms are still employed for time to time.

Richard Herr is Associate Professor in the School of Government, University of Tasmania. Richard is one of Australia’s leading experts on the South Pacific. He has a particular interest in oceans management and Pacific regionalism, having published extensively on environmental issues such as sea fisheries regulation and Pacific Islands’ economies and foreign policies. He has also worked as an expert advisor performing quality assurance functions for the Australian Agency for International Development. He is also an authority on Antarctica and legal regimes designed to protect natural resources in the southern oceans.

Foresight or Folly? RAMSI and Australia’s Post-9/11 South Pacific Policies **Mr Christian Hirst**

Australia’s contemporary policy approach to the South Pacific has in some ways mirrored Australia’s broader strategic policy response to the September 11 attacks. The conceptual underpinnings of Australia’s post-9/11 strategic posture have altered in fundamental ways. However, this conceptual and declaratory shift has not yet fully filtered through to the hard end of Australian strategy. The ADF’s force structure remains fundamentally unchanged and an alternative set of strategic organising principles have not yet emerged. The opposite has occurred in Australia’s approach to the South Pacific. Despite contentions that the 2003 Regional Assistance Mission to the Solomon Islands (RAMSI) and the 2004 Papua New Guinea Enhanced Cooperation Program (PNG ECP) represented fundamental shifts in Australian South Pacific policy, the conceptual origins of both decisions can be traced to policy shifts that occurred in the late 1980s. However, the PNG ECP and particularly RAMSI do represent an important methodological shift in Australia’ approach to the region. This shift has been underpinned by a number of factors, not least of which has been the changes to Australia’s post-9/11 strategic environment. This paper assesses Australia’s post-9/11 South Pacific policies in the context of both enduring policy themes and goals and shifting policy methods.

Christian Hirst is a PhD candidate at the University of Queensland's School of Political Science and International Studies. His doctoral thesis is concerned with assessing change and stability in Australian strategic policy since 11 September 2001. He recently completed a four-month internship with the Australian Strategic Policy Institute in Canberra.

The Threat of Maritime Terrorism: What Are We Dealing With? **Dr Sam Bateman**

This paper provides a critical assessment of the threat of maritime terrorism with a particular focus on Australia and Southeast Asia, and the threat to port infrastructure. It considers the effectiveness of the new international and regional security measures that have been introduced in recent years to deal with these threats. It also includes consideration of the threat and net impact of piracy, including the possibility that a high incidence of piracy in a particular area might increase the risk of a maritime terrorist attack. Based on a proposition that there may have been rather too much emphasis on highly remote and speculative “doomsday” scenarios in assessing the risks of maritime terrorism, the paper supports the need for balance and equity in managing the threat of terrorism. It attempts to introduce some reality into consideration of the risks and likelihood of a serious maritime terrorist attack occurring in the future. The economic impact of the counter-measures to the threat of maritime terrorism may well be larger than the costs of an actual attack, although undoubtedly the attribution of costs and benefits varies widely between different countries and industries.

Dr Sam Bateman retired from full-time service in the Royal Australian Navy with the rank of Commodore in 1993 and became the first Director of the Centre for Maritime Policy at the University of Wollongong. His naval service as a surface warfare officer included several postings in the force development and strategic policy areas of the Department of Defence. His current research interests include regional maritime security, the strategic and political implications of the Law of the Sea, and maritime cooperation and confidence-building. He is Co-Chair of the Council for Security Cooperation in the Asia Pacific (CSCAP) Working Group on Maritime Cooperation and a member of the International Sea Lines of Communication (SLOC) Study Group, as well as a member of the National Oceans Advisory Group (NOAG) established by the Australian Government to advise on the implementation of Australia’s Oceans Policy.

Sustainment and Support Models for Terrorists and Extremists

Dr Chris Flaherty

The terrorist sustainment and support model needs to be considered when analysing Terrorist Operations. For instance, Threat Assessment models tend to identify capability as a key factor, but most considerations of capability focus on whether or not the terrorists who will undertake the attack have the capability to do so i.e. access to weapons/explosives, training, etc. However, the logistics of a terrorist attack covers as we can see, in the example of the terrorist sustainment and support model, a lot more than just that. For instance, financial support from expatriate communities. Another example of this type of indirect support is the case of one of the persons jailed in Indonesia following the Bali bombings. His sole role in the attack was to rent safe houses; he claimed 'he was renting flats for friends of friends in the religious community'. As these examples demonstrate, terrorist networks, whatever their structures are a lot larger than the Active Service Unit and its immediate logistical circle, and more research needs to look at this wider network, its shape, structure and dynamics.

Dr Flaherty is Network Administrator for the Research Network for a Secure Australia (RNSA), administered by the Department of Civil and Environmental Engineering at The University of Melbourne. His main areas of research interest include counterterrorism, national security strategies, and special forces strategy. Within the RNSA Dr Flaherty is also the leading researcher and convener of the Counterterrorism (CT) Research Unit. He is the author of numerous articles and papers (for publications such as the Defence Force Journal and the Journal of Australian Studies) on topics such as the weaponisation of buildings, the role of command and influence in Australian Multidimensional Maneuver theory, the concept of Homeland Security, and Australian and US pre-emption theory and practice.

The Role of Intelligence in the War on Terrorism

Dr Carl Ungerer

Although several years have passed since the 2001 terrorist attacks on the United States (U.S.), those events have unleashed an intellectual and practical crisis within the Western intelligence community that has yet to subside. This continuing crisis presents itself as a failure of anticipation; the inability to predict, let alone prevent, the emergence of transnational forces that have ultimately reshaped global politics. Put simply, the intelligence community failed to 'connect the dots' concerning the intentions and operations of Osama bin Laden's al-Qaeda network during the 1990s. More recently, the intelligence community's failure has been compounded by the fact that pre-war intelligence assessments on Iraq's nuclear, biological and chemical weapons programmes were, in the words of at least one U.S. Presidential Commission, 'dead wrong'.

Stung by the domestic political fallout from these apparent intelligence failures, governments in Canberra, London, Ottawa and Washington have responded in similar and predictable ways. Attempting to address the immediate task of 'fixing' the intelligence apparatus, all four countries have injected new funding and human resources into the intelligence agencies and declared intelligence to be the frontline against the new global terrorist threat. New legislative and operational powers have been given to both the analytical and collection agencies. The enduring paradox at the centre of the global war on terrorism, therefore, is that while confidence in the intelligence services is perhaps at its lowest ebb since many of these agencies were first established at the end of the Second World War, it is to the intelligence community that governments have turned to lead the fight against transnational terrorism.

This reorganisation of intelligence and its place in the official hierarchy of policy tools has not been accompanied by a similar level of critical analysis about the actual role of intelligence in the war on terrorism. This paper addresses that question along with the broader issue of the growing intersection between intelligence and foreign policy. It argues that despite the renewed emphasis on reform, the structure and operations of Western intelligence agencies remain ill-suited to the current task of countering the threat from radical Islamic terrorism. In particular, the current proposals for improving intelligence sharing between and among agencies are inadequate and, in some cases, could be counter-productive. Moreover, intelligence cannot and will not be a panacea for policy makers in the global fight against terrorism.

Prior to joining the University of Queensland in 2004, **Dr Carl Ungerer** was the Foreign Affairs and National Security Advisor to the Leader of the Federal Opposition. He has worked previously in Australia and overseas with the Department of Foreign Affairs and Trade. From 1999-2002, he was a senior Strategic Analyst in the Office of National Assessments. Dr. Ungerer has lectured and tutored at the University of Queensland and Griffith University. He has published widely on foreign policy and national security issues, including a recent journal article on terrorist threats to Australia for the U.S. journal, *Studies in Conflict and Terrorism*. Dr Ungerer teaches a range of undergraduate and post-graduate courses on foreign policy, terrorism and arms control.

Interests, force and the future of the ANZUS alliance

Dr Rod Lyon

Congruence of security interests drives nations to work together to confront common challenges. Alliances imply the most vigorous form of cooperation: actually going to war together. But lately Western alliances have been hamstrung by the most basic questions of all. What is 'war'? How usable is military force? Those questions lie at the heart of current alliance issues within both ANZUS and other Western 'legacy' alliances.

Use of force is a delicate issue. In the Cold War it was answered principally by constructing a security system in which the gravitational use of force predominated. A global system of security was built upon a notion of deterrence. Only belatedly did we realize that the doctrine was not universally applicable, true for all seasons. September 11 was a critical turning point. In the United States, strategic planners began to speak of different strategies for the use of force, talking increasingly about preemption, preventive war, proactive intervention, and the very long war. All of those strategies pulled us away from entrenched understandings about the use of force, that force was best used reactively and defensively, and that wars were best kept short. Not surprisingly, a fierce argument broke into the open over the issue of use of force.

This argument poses special challenges to alliances, where a shared understanding of the place of force in international security is central to alliance integrity; indeed we might even say that such a shared understanding is one of the congruent interests upon which alliances are based. This paper explores the dimensions of the argument over the use of force and its implications for alliance solidarity.

Dr Rod Lyon teaches International Relations at the School of Political and International Studies at the University of Queensland. A former Head of Strategic Threat Assessments at the Office of National Assessments (ONA), Dr Lyon's research specialises in strategic studies and alliances in the Asia-Pacific, especially the United States and Australia. Dr Lyon was a Fulbright Fellow at Georgetown University in 2004. His recent publications include an Australian Strategic Policy Institute (ASPI) policy document on the future of the ANZUS partnership.

ANZUS: Alliance at a Crossroads

Professor William Tow

Australia's benefits of alliance partnership with the U.S. have been self evident. Australia has unique access to U.S. military technology and intelligence. It has extracted U.S. extended deterrence guarantees. Its close relations with the world's major superpower has it to 'punch above its own weight' in regional security politics. These advantages, however, are now being challenged. Australia's alliance affiliation has been viewed by critics as nothing more than geopolitical subservience to the United States. This paper argues that ANZUS managers will need to be more discerning and persuasive in shaping and selling future ANZUS agendas if the alliance is to continue enjoying support in both countries' electorates.

Prof. Bill Tow is Professor of Asia-Pacific Security at the Department of International Relations, ANU. He was previously Professor of International Relations both at the University of Queensland and at Griffith University. He has been a Visiting Fellow at Stanford University and a Visiting Research Associate at the International Institute for Strategic Studies (IISS) in London. His articles have appeared in the *IISS Adelphi Papers*, *Survival*, *Security Studies*, *China Quarterly*, *Pacific Review*, and *International Affairs*. He is the editor of the *Australian Journal of International Affairs*. Tow has served on the Department of Foreign Affairs Foreign Affairs Council and on the National Board of Directors of the Australian Fulbright Commission. His research interests focus on alliance politics, US security policy in the Asia-Pacific, security politics in the Asia-Pacific and Australian security policies.

Converging Without a Trilateral ANZUS? Australia, New Zealand, the US and the Regional Balance in Asia

Dr Robert Ayson

Strong bilateral ANZUS relations between Australia and the United States and ongoing defence cooperation between Australia and New Zealand appear to leave in sharp relief the suspension of formal ANZUS security relations between New Zealand and the United States since the 1985 crisis over nuclear ship visits. While this reality cannot be ignored, two important factors need to be considered in the early 21st century (i) common elements in the Australian and New Zealand responses to the largely US-led campaign against international terrorism, and (ii) common interests between Australia, New Zealand and the United States in the changing East Asian balance of power in which maritime considerations loom large.

This paper examines Australian and New Zealand contributions to the US-led 'war on terror', noting similarities and differences (including their respective responses to the Iraq issue in 2003). While this period has offered Canberra and Wellington significant opportunities in their relations with Washington, this paper argues that the main long-term strategic interests of Australia and New Zealand – and the main point of convergence with the United States – is in terms of the East Asian balance. This paper will therefore undertake to examine the way Australia and New Zealand are responding to that changing balance (including in relation to China's rise) and the extent of their interests in maintaining a strong US role in the region.

Dr. Robert Ayson is Director of Studies, Strategic and Defence Studies Centre (SDSC) at the ANU. He is an expert on New Zealand and Australian perspectives on security, including maritime issues in South Asia and the South Pacific, strategic theory, nuclear proliferation and disarmament, and regional stability. He previously worked for the New Zealand government as a specialist adviser to the Department of Foreign Affairs, Defence and Trade Select Committee, and as an Intelligence Officer for the New Zealand External Assessments Bureau.

US-China Relations: A Tragedy in One Act?

Professor Douglas T. Stuart

This paper will address the prospects for US-China confrontation, with specific reference to Robert Jervis' observation that the defining characteristic of international relations is "not evil, but tragedy." I will begin by addressing Robert Kaplan's controversial and influential assertion that "the American military contest with China in the Pacific will define the 21st Century." I will evaluate this argument from the point of view of international relations theory and then look at both the actions of, and the policy pronouncements by, representatives of the US and Chinese governments. I will consider the implications of growing US-China tension for US-Australia relations and then conclude with some policy recommendations for American and Australian foreign and defence planners.

In October of 2001, **Professor Douglas T. Stuart** became the first holder of the J. William and Helen D. Stuart Chair in International Studies at Dickinson College. Between 1993 and 2001 he held the Robert Blaine Weaver Chair in Political Science. Between 1998 and 2003 Professor Stuart served as Director of The Clarke Center for the Interdisciplinary Study of Contemporary Issues. Since 2001 he also serves as an Adjunct Professor at the U.S. Army War College.

Professor Stuart is the author or editor of seven books, four monographs, and over 30 published articles dealing with international affairs. His areas of research specialization include U.S. foreign policy formulation, U.S.-European security relations, Asian security. He is a member of the editorial board of Westview Press (Dilemmas in World Politics series), a Councillor with the Atlantic Council (Washington, D.C.), and a member of the International Institute for Strategic Studies (IISS, London). Dr. Stuart is a former NATO Fellow, and a regular lecturer at the U.S. Army War College and other U.S. military institutions. He has been a visiting scholar at the Brookings Institution in Washington, D.C. (1989-90), the IISS in London (1994) and the George Washington University (1997-98).

Professor Stuart received Dickinson's Gano Award for Inspirational Teaching in 1992, and its Distinguished Teaching Prize in 1996. He is the recipient of Dickinson research support grants for 1989-90, 1996-97 and 2004-5.

Professor Stuart received his Ph.D. in International Relations from the University of Southern California in 1979. Prior to coming to Dickinson, Professor Stuart taught for the Johns Hopkins (SAIS) Graduate Program in Bologna, Italy.

Dangerous Liaisons: China, ASEAN, the US and the South China Sea

Dr Remy Davison

The People's Republic of China (PRC) describes the South China Sea as its 'historic waters', and claims sovereignty over the Spratly Islands, as well the sea. In 2001, an incident between a US NSA plane and a Chinese military aircraft created an international incident. China's claim is resisted by ASEAN, while the PRC government views the South China Sea as a critical test of Beijing's role as a regional and global power in Asia in the twenty-first century. Both the PRC and ASEAN have undertaken significant military modernization in recent years, which has escalated threat perceptions within the region.

This paper evaluates the military postures of three major actors within the region with interests in the South China sea: the PRC, the US and ASEAN. The paper also discusses recent attempts to mediate the South China Sea dispute, and provides an assessment of the relative success of various bilateral and multilateral initiatives, such as the multilateral talks between ASEAN and the PRC.

Dr Remy Davison is an expert on international political economy and international relations. His particular research interests include corruption and organised crime, piracy and intellectual copyright issues, and the government and international politics of Europe and the Asia-Pacific. He is the co-author of *The New Global Politics of the Asia-Pacific* (Routledge, 2004), and numerous journal articles and book chapters within his area of expertise.

Russian Maritime Security Policy in the Asia-Pacific

Dr Matthew Sussex

Given the extent to which Russian power has diminished since the end of the Cold War, an assessment of Russian maritime security policy in the Asia-Pacific might seem, at first glance, to be counter-intuitive. In the sense that Russia's ability to guard against conventional security threats in the region has declined, the above statement is probably accurate. However, a host of non-conventional issues (forming part of the so-called 'new agenda' in security studies) involving Russian maritime interests in the region are posing increasingly significant challenges to policymakers in Moscow. This paper assesses the rise to prominence of three important problems affecting Russia's economic 'push' into Asia: transnational organised crime, the securitisation of energy resources, and illegal trans-border migration occurring from the sea. It argues that Russian integration into Asian markets will be jeopardised unless the Putin administration is able to ameliorate these problems.

Matthew Sussex is Lecturer in Government at the University of Tasmania. He specialises in international security and international relations, and has published widely on these issues in journals such as the *Australian Journal of International Affairs*, for which he has also acted as Associate Editor. His book publications include *European Security After 9/11* (Ashgate, 2004), and *Power, Interests and Identity in Russian Foreign Policy* (Ashgate, 2005). Dr Sussex is a founding member of the Australian Council for Strategic Studies, and Secretary of the Australian Institute for International Affairs (AIIA).

US Approaches to Security Multilateralism in East Asia: Lessons from the Maritime Domain

Dr Brendan Taylor

The George W. Bush Administration has been widely criticised for its rejection of multilateral approaches to security, as evidenced most clearly in the 2003 Iraq War. Understandably preoccupied with waging its recently dubbed 'Long War' on terrorism, the Administration has also been derided for its lack of a consistent and coherent strategic approach toward the East Asian region. In the maritime domain, however, the Bush Administration has not displayed this same multilateral aversion, nor could it be accused of inattention toward East Asia. Indeed, two of its most recent multilateral ventures – the Proliferation Security Initiative (PSI) and the Regional Maritime Security Initiative (RMSI) – each exhibit a strong and distinct East Asian focus. It is somewhat puzzling in a region that has traditionally embraced multilateralism, therefore, that neither of these initiatives has been warmly received. This paper seeks to account for that tepid reception, while also considering what these two cases reveal about US approaches to security multilateralism in East Asia more generally.

Dr Brendan Taylor is a Lecturer in the Strategic and Defence Studies Centre, Australian National University, Canberra. His research interests include US Foreign Policy, economic statecraft/sanctions, Northeast Asian Security and alliance politics. He lectures to a number of undergraduate and postgraduate classes at the ANU - where he coordinates a Masters-level course entitled 'The US and East Asian Security' - as well as to various Australian Defence Colleges and public fora. He is a frequent commentator in the Australian media. His recent publications include: (forthcoming) ed., *Friendships in Flux? Australia as an Asia-Pacific Power*, (London: RoutledgeCurzon, 2007); "US-China relations after 11 September: a long engagement or marriage of convenience?", *Australian Journal of International Affairs*, Vol.59, No.2, June 2005, pp.179-199; and [with Robert Ayson] "Attacking North Korea: Why War Might Be Preferred", *Comparative Strategy*, Vol.23, No.3, 2004, pp.263-279.

Capability Sharing in Maritime Security: the Australian Experience

Dr Devinder Grewal and Mr Jeremy Parkinson

Nearly two years after the ISPS Code came into effect, the paradigm has moved towards the broader issues of international maritime security. Notwithstanding the responsibility of sovereign states to the safety and welfare of their citizens, while maintaining the momentum of trade, it can be argued that maritime security has become a universal and continuing concern. Global collaboration in support of maritime security has evolved rapidly with the advent of improved technology and shared interests boosted by the momentum of international law and convention in support of maritime trade. Information exchange, shared intelligence and trans-national cooperation in R&D are

some of the areas in which the foundations of maritime security are now anchored. Another strata in this foundation is the strategic, yet fundamental, role of knowledge in developing and strengthening the goal of shared common interest, which removes the element of conflict at the interfaces of several self interests. Feasible measures to improve maritime transportation security must remain focused on broader maritime issues related to the facilitation of international trade and protect the interests of all stakeholders, including seafarers.

This paper describes some of the initiatives taken by the Australian Government in working collaboratively with our neighbours with the philosophy of capability development, sharing of knowledge, and interfacing, not interference.

Dr Devinder Grewal is the Head of the Department of Maritime and Logistics Management at the Australian Maritime College. He has lived and worked in several countries, including Ireland, UK, India, Malaysia, Singapore and Australia. Before moving to academia in 1997, he spent nearly 20 years in the international maritime industry. In 2004, he assisted the Office of Transport Security (OTS), Department of Transport and Regional Services (DOTARS) with the development of the maritime preventative security regime for implementation and auditing of the processes required by the ISPS code. In 2002, Dr Grewal worked with the Malaysian government, through Petronas, to write a master plan that would support the emerging needs of this nation's maritime industry as part of the Vision 2020 project. Over the last 10 years, Dr Grewal has undertaken a large number of projects, nationally and internationally, for the corporate and public sector.

Jeremy Parkinson is Director, Maritime Security Policy, in the Commonwealth Department of Transport and Regional Services. In this role, Jeremy provides policy advice to the Australian Government on maritime security matters, and develops legislation to implement the Government's policy decisions. This entails working closely with a range of stakeholders in government and industry, both in Australia and internationally.

Jeremy was recently a member of Australia's negotiating team for amendments to the SUA Convention (Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation), and is a member of the International Maritime Organization's Maritime Security Working Group.

Australia's Naval Contribution to Regional Maritime Security Cooperation

Mr Andrew Forbes

The Royal Australian Navy has been involved in maritime capacity and capability building in Australia's region for many years. In Southeast Asia, the focus has been on Navy to Navy relationships, including the use of visits, exchanges, training and exercises to assist regional maritime security cooperation. In the South West Pacific the focus has been on assisting Pacific Island nations with the surveillance of their Exclusive Economic Zones through the Pacific Patrol Boat Program. This paper focuses on activities to date and identifies issues where regional countries might concentrate to further build their capacity and capability.

Andrew Forbes is a Visiting Senior Fellow at the Centre for Maritime Policy at the University of Wollongong. He is the author of *Protecting the National Interest: Naval Constabulary Operations in Australia's Exclusive Economic Zone* and the editor of *The Strategic Importance of Seaborne Trade and Shipping* both published by the Sea Power Centre-Australia. He has also written articles for *Maritime Studies*, the Journal of the Australian Naval Institute (of which he is currently the editor), and presented papers or been a discussant at a number of international conferences. Andrew is a member of AUS-CSCAP and the Study Group on Maritime Capacity Building in the Asia-Pacific and is involved with the International SLOC Conference. His research interests include naval strategy, maritime strategy, maritime security, international shipping and the protection of trade, and he is an occasional lecturer on these topics.

Counterterrorism: A Subnational Perspective

Commander Tony Mulder

This presentation provides a subnational perspective on marine security enforcement and counterterrorism initiatives demonstrating how state governments work with Australian Government agencies on these policy issues. It gives an overview of the contribution of Tasmania Police to marine enforcement and counterterrorism initiatives and examines the arrangements in place for responding to a terrorist incident across government. This includes discussion of the establishment of a full-time Special Operations Group, the Joint Off-Shore Protection Command, Navy fishing operations in the southern ocean and the development of more flexible arrangements for the deployment of Search and Rescue teams.

Tony Mulder is Commander of the State Security Unit of Tasmania Police. An expert in counterterrorism, Mr Mulder has an extensive background in inter-agency cooperation for effective law enforcement and the prevention of threats to critical infrastructure. Under his direction, the State Security Unit facilitates the development of whole-of-government

policies relating to counter-terrorism and enhances operational capabilities for prevention, response and recovery in relation to terrorist threats. It also liaises with the private sector, the Commonwealth and other jurisdictions in relation to counter-terrorism arrangements. Mr Mulder has been a key actor in the drafting of policies such as the Tasmanian Counter-Terrorism Plan and the Chemical, Biological and Radiological (CBR) Response Plan. The State Security Unit has also recently established a State Crisis Centre, and has enhanced arrangements for response to a terrorist incident across government, including establishing a full-time Special Operations Group and more flexible arrangements for the deployment of Search and Rescue teams.

New Threats, New Approaches: Australia's Maritime Security Co-operation in Southeast Asia **Dr Chris Chung**

Australia has important political, strategic and economic interests in Southeast Asia. While security co-operation has been grounded principally in the Five Power Defence Arrangement to deal with traditional security concerns, the Superferry 14 bombing in Manila Bay in 2004 highlighted the non-traditional threat posed by maritime terrorism. In responding to this and other maritime threats identified with the "new" security agenda, such as piracy, interdiction of weapons of mass destruction or their component parts and drug and people smuggling, Australia has taken a more proactive approach to co-operate with Southeast Asian countries. This paper focuses on developments in Australia's maritime security co-operation in the region, critically examining progress, problems and prospects.

Dr Chris Chung is Deputy-Director of Studies, Graduate Studies in Strategy and Defence, Strategic and Defence Studies Centre, The Australian National University. Previously he held positions in a range of public and private sector organisations. Most recently, he worked for a decade in the Environment Directorate of the OECD. There he managed, inter alia, the Organisation's Asia regional and China country programs of environmental co-operation and outreach. His research interests include Asia-Pacific maritime affairs and non-traditional security.

Marine Protected Areas in Principle and Practice **Professor Bruce D. Mapstone**

The last decade has seen a groundswell of support of the declaration of Marine Protected Areas (MPAs) in both territorial and international waters globally, largely in response to growing evidence of overexploitation of marine living resources. MPAs have been fostered as protective conservation instruments but also as direct or indirect management instruments of benefit to wild harvest fisheries in surrounding areas. The ecological theory underpinning MPAs is sound for some conservation objectives for their declaration but empirical evidence of effectiveness is scant in many respects, especially where MPAs are predicted to produce tangible benefits to harvesters of resources outside their boundaries. Implementation of MPAs is also a minefield of jurisdictional, regulatory, enforcement, legal and economic obstacles that threaten their prospective effectiveness as either conservation or harvest management instruments. I will present some of the key assumptions underlying the proffered benefits of MPAs, consider the veracity of some of the claimed benefits and discuss some of the mitigating institutional, regulatory and civil factors that have plagued the introduction of MPAs in Australia and that signal significant obstacles for the effectiveness of MPAs in international waters.

Prof. Bruce Mapstone has over 20 years research experience related to assessment and management of marine resources. He has chaired the Scientific Steering Committee advising on design and implementation of the Representative Areas Program of management for the Great Barrier Reef World Heritage Area and the Torres Strait (Fisheries) Scientific Advisory Committee, and has served as a member of the Queensland Coral Reef Finfish Fishery Management Advisory Committee, the Torres Strait Fisheries Management Advisory Committee and the Scientific Peer Review Panel for the Scientific Peer Review Panel for the development of the National Representative System of Marine Protected Areas in Commonwealth Waters. He is currently CEO of the Antarctic Climate and Ecosystems Cooperative Research Centre.

Achieving Sustainability in U.S. and Australian Fisheries **Professor Richard Hildreth**

Fisheries management is an important sector of ocean governance in Australia and the U.S., with both the federal and state levels of government playing important management roles. Sustainability is an explicit goal of each nation's relevant legislation. Both nations define sustainability consistent with international norms of responsible environmental conduct emphasising biodiversity protection, externality internalisation, and a precautionary approach to resource use. Progress toward sustainability is detectable in both nations implementation of their

fisheries legislation and related programs. Fisheries management plans, marine protected area designations, implementing regulations, and court interpretations indicate that four key problems in achieving fisheries sustainability are being addressed: overfishing of target species; incidental bycatch of non-target species; altered predator-prey relationships due to removal of target and non-target species; and other habitat changes caused by fishing activities. Experience is accumulating with a range of tools beyond limits on effort in single species fisheries, including capacity reductions through vessel and license buy-back schemes, limits on entry through dedicated access privileges, and multiple species and ecosystem management plans. In Australia, further progress toward sustainability can be expected due to the greatly expanded no-take zones in the Great Barrier Reef Marine Park established on July 1, 2004 and the accompanying Great Barrier Reef Structural Adjustment Package, and similar initiatives being considered as part of a greatly expanded network of marine protected areas in Australian state and federal waters. For U.S. fisheries, further steps toward sustainability are supported by the recent reports of the Pew and United States Ocean Policy commissions, the Presidential Action Plan and Joint Ocean Commission initiatives following up on those reports, and pending Senate Bill 2012 to reauthorize the U.S. Sustainable Fisheries Act.

Dick Hildreth is Director of the Environment and Natural Resources Centre in the School of Law at the University of Oregon. He is the author of three casebooks and many other publications on ocean and coastal law. He has consulted frequently with federal and state coastal management agencies in the U.S. and Australia and with Pacific Island governments on environmental legal matters. Hildreth served as the University of Queensland Law Faculty's 50th Anniversary Visiting Fellow. He has served on the National Research Councils Non-mature Oysters and Coastal Ocean Committees, the Pacific Northwest Regional Marine Research Board, and the editorial advisory boards of the journals *Ocean and Coastal Management* and *Ocean Development and International Law*.

Forum Shopping, Redundancy, Duplication, Omissions and Overlaps: Some Reflections on Multi-level and Multi-arena Governance **Professor Aynsley Kellow**

Oceans governance, like global governance, occurs through a large number of issue-area regimes that constitute multiple arenas of governance at multiple levels. This paper will reflect upon both the threats and opportunities this reality presents, suggesting that the prevailing fragmentation of governance at once presents an obstacle to oceans governance *and* opportunities for improving oceans governance – and the latter would not occur if a single regime enjoyed a monopoly on governing capacity.

Professor Aynsley Kellow is one of Australia's leading experts on governance, public policy, and environmental politics. He has served as President of the Australasian Political Studies Association, is Tasmanian President of the Australian Institute of International Affairs and is the Academy of Social Sciences Australia's nominee to represent it on the National Academies Committee on Sustainability. Prof Kellow has made a significant contribution to our understanding of multilevel governance and the development of policy in both federal and international arenas. He currently holds an ARC Discovery grant investigating Federalism and International Risk Management. He has been awarded numerous competitive research grants and has published some eight books, thirty-two book chapters, and twenty-five refereed journal articles within his area of expertise.

Legitimacy of the Agreement on the Conservation of Albatross and Petrels (ACAP) **Dr Robert Hall**

Over the past two decades, it has been estimated that hundreds of thousands of seabirds - especially albatrosses and petrels - have been inadvertently hooked and drowned during long-line fishing operations in the southern oceans. Since the late 1980s, international efforts have been made to address this so-called "bycatch" problem with the creation of an international regime to facilitate cooperative remedial action. A central element of this regime is the Agreement on the Conservation of Albatrosses and Petrels (ACAP). Opened for signature on June 19, 2001, this treaty entered into force on February 1, 2004 after the fifth signatory state (Spain) had deposited its instrument of ratification with the Depositary, Australia. Although it is premature to enquire into the effectiveness of ACAP to date, an assessment can be made about its legitimacy - the extent to which those addressed by ACAP rules see themselves obliged.

Dr Rob Hall is Lecturer in Government at the University of Tasmania, where he coordinates the Police Studies program, and conducts research into international cooperation and law enforcement. His specific area of expertise is on international environmental regimes aimed at the protection of migratory sea birds in the Southern Oceans area. He has been advisor to state and federal agencies on environmental issues, and is a member of several key research centres on maritime policy, as well as providing expert advice to NGOs on agenda-setting in the development of environmental protocols.

Mr Earl Irving – U.S. Consul General

Earl Irving is a Senior Foreign Service Officer, class of Counselor. He is a 22-year veteran diplomat whose career has alternated mainly between assignments in the Bureaus of African and Western Hemisphere Affairs. He recently completed an assignment as the Political Counselor for the U.S. Permanent Mission to the Organization of American States. Mr. Irving arrived on August 1, 2005 to take up his duties as U.S. Consul General in Melbourne.

He has served at the U.S. Consulate General in Sao Paulo, Brazil; the U.S. Embassy in Moscow, then the capital of the U.S.S.R.; the U.S. Embassy in Pretoria, South Africa; the U.S. Consulate in Recife, Brazil; the U.S. Embassy in Harare, Zimbabwe; the U.S. Embassy in Mexico City, Mexico; as well as at headquarters in Washington, D.C.

He has been granted numerous awards for his service. Mr. Irving is married to the former Jeanne Johnston; the couple has two children. He speaks Spanish, Portuguese, French, Russian, in addition to his native English.

Emeritus Professor Peter Boyce

Chair: Session 3. Interests, Alliances and Strategic Policy in Asia

Emeritus Professor Peter Boyce currently serving as Interim President and Principal of the Australian Maritime College. He is also Honorary Research Fellow at the School of Government, University of Tasmania. Peter is an internationally acknowledged expert in world politics, diplomatic theory and practice, and Australian foreign affairs, and has published widely in these fields. Prof Boyce has held senior positions at a variety of Australian institutions, including at the University of Queensland and the University of Tasmania, culminating before his retirement in his role as Vice Chancellor of Murdoch University, WA.

Associate Professor Anthony Bergin

Chair: Session 2B. Terrorism and Counterterrorism

Assoc. Prof. Anthony Bergin is an expert on Australian foreign and security policy as well as Asia-Pacific maritime affairs. A former Director of the Australian Defence Studies Centre, A/Prof Bergin has written widely on Australian security policy in the region, and on the political and legal aspects of ocean affairs in the Asia Pacific. Dr Bergin is a member of the Australian Committee on Security Cooperation in the Asia Pacific (CSCAP) and is a member of its maritime working group. In addition to over 100 papers and book chapters on a wide range of defence and ocean policy issues, A/Prof Bergin is the author (with Dr Sam Bateman) of an influential 2005 Australian Strategic Policy Institute (ASPI) paper that makes key recommendations for the Australian government on issues relating to maritime security.

Dr Terry Narramore

Chair: Session 4. Great Powers and the Asia-Pacific: The Maritime Context

Dr Terry Narramore is a lecturer at the School of Government, University of Tasmania. His main areas of interest and research are the politics of China and Japan, Sino-Japanese relations, Japan's security policy and security issues in Northeast Asia. He has also published critical accounts of Asia-Pacific regionalism. He is currently working on the post-cold war revision of Japan's security policy.