
The maritime dimension of international security, in particular the law relating to it, was for many years overlooked by all but those with a direct interest in the sea. The most recent previous period of sustained general interest was during the course of, and immediately following, the Third UN Conference on the Law of the Sea (UNCLOS III) in the 1970s and 1980s. At that time, the focus was on new roles for navies in the policing of offshore zones. After UNCLOS III was concluded, however, maritime security issues were only rarely the cause of intense public and policy interest. Instances when they were, such as late 1985 when the Italian cruise ship *Achille Lauro* was hijacked by Palestinian terrorists in the eastern Mediterranean, were exceptional. Even following that deeply shocking incident, there was no sustained public interest in security at sea. Maritime terrorism has in the past been frequently predicted but has rarely materialised. Other security concerns are simply not of sufficiently broad impact that they engage public opinion.

Of course, those in the know who travel the world in ships and frequently pass through regions of insecurity, have long warned of the dangers at sea, including the threat of piracy and armed robbery in such waters as the Malacca and Singapore straits and off the west coast of Africa, especially around Nigeria. Despite the very real dangers experienced by merchant ships’ crews, nothing ever seemed to happen on a sufficient scale to attract long-term and significant international interest. Security issues to do with over 70% of the earth’s surface just did not figure large in the general public consciousness—until, that is, two events served to ensure that maritime security will probably never be ignored again.

The ‘9/11 attacks’ on the United States in 2001 had global impact. They were not ‘maritime’ in any sense but their impact and the nature of the ongoing threat ensured that almost every area of the globe would come under some measure of scrutiny and surveillance. At the same time, the Bush Administration’s concerns with so-called ‘rogue states’ and the possible proliferation of weapons of mass destruction (WMDs), including to terrorist groups, focused attention on the seas as a medium for the transfer of both weapons and the materials necessary for their manufacture. The potential for extremist threats to international trade, over 90% of which is shipped by sea, could also not be ignored. Even the United States, great champion of *mare liberum* that it is, began to act to impose a measure of regulation on activities on the high seas, the Proliferation Security Initiative (PSI) and the 2005 Protocol to the
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) being two examples of its influence being brought to bear internationally.

The second event occurred on 15 November 2008. On that day, 450 nautical miles southeast of Mombasa, Somali pirates seized the Saudi-owned, Liberian-registered oil tanker, the *MV Sirius Star*. With a crew of 25, it was carrying a cargo of crude oil, the estimated value of which was in the region of 100 million US dollars. The pirates demanded a ransom of 25 million US Dollars but settled for 15 million. Somali pirates had been attacking and hijacking ships for some time in the Gulf of Aden and its approaches but, while this had been seriously inconveniencing many, it had not done so to the extent that governments had been prompted to take substantial action. Ransoms had been paid and insurance companies had borne the burden without too much difficulty. The *Sirius Star* was different in scale, however. Suddenly the world took note, the media became interested, governments saw the potential embarrassment of continuing inaction—and naval forces started to accumulate in the region. The European Union stole a march on NATO and a substantial naval presence in the Gulf of Aden and the Indian Ocean began to take shape. From a European naval perspective, this was manna from heaven. It demonstrated that navies still had an important role to play, something they had been finding difficult to convey in the years in which military activity had been dominated by Iraq, Afghanistan and the global war on terror.

Although Klein does not state as much, it is clearly the case that both 9/11 and the hijacking of the *Sirius Star* are part of the essential backdrop to her extremely valuable book. Maritime security, having for years attracted very little academic scholarship (virtually none of a legal nature), is suddenly the focus of serious analysis, including by international lawyers. Volumes dealing with legal aspects of maritime security are beginning to proliferate.¹ Those that come in the future will have to make due reference to Klein’s thorough and thoughtful analysis.

Two important themes of this book are worth highlighting. First, the volume is essentially about the tension between exclusive and inclusive rights

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