



CANBERRA PAPERS ON
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NO. 33

D B NICHOLS

The Strategic Implications for Australia of the New Law of the Sea

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D B NICHOLS

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After an introductory outline of the major provisions of the 1982 Law of the Sea Convention, the author provides a sketch of the three principal exponents of traditional strategic thinking, Mahan, Mackinder and Clausewitz. He explores the potential of the Convention in creating a new era on the seas, a new geography and a new combination of national interests.

In the principal part of the monograph, the insights provided by the new law of the sea are applied to national insecurities, the geopolitics of the South Pacific, the ANZAC and ANZUS treaties, the strategic environment and the role of the Australian Defence Force. The main conclusion is that greater emphasis should be accorded peacekeeping in the roles of Australia's armed forces.

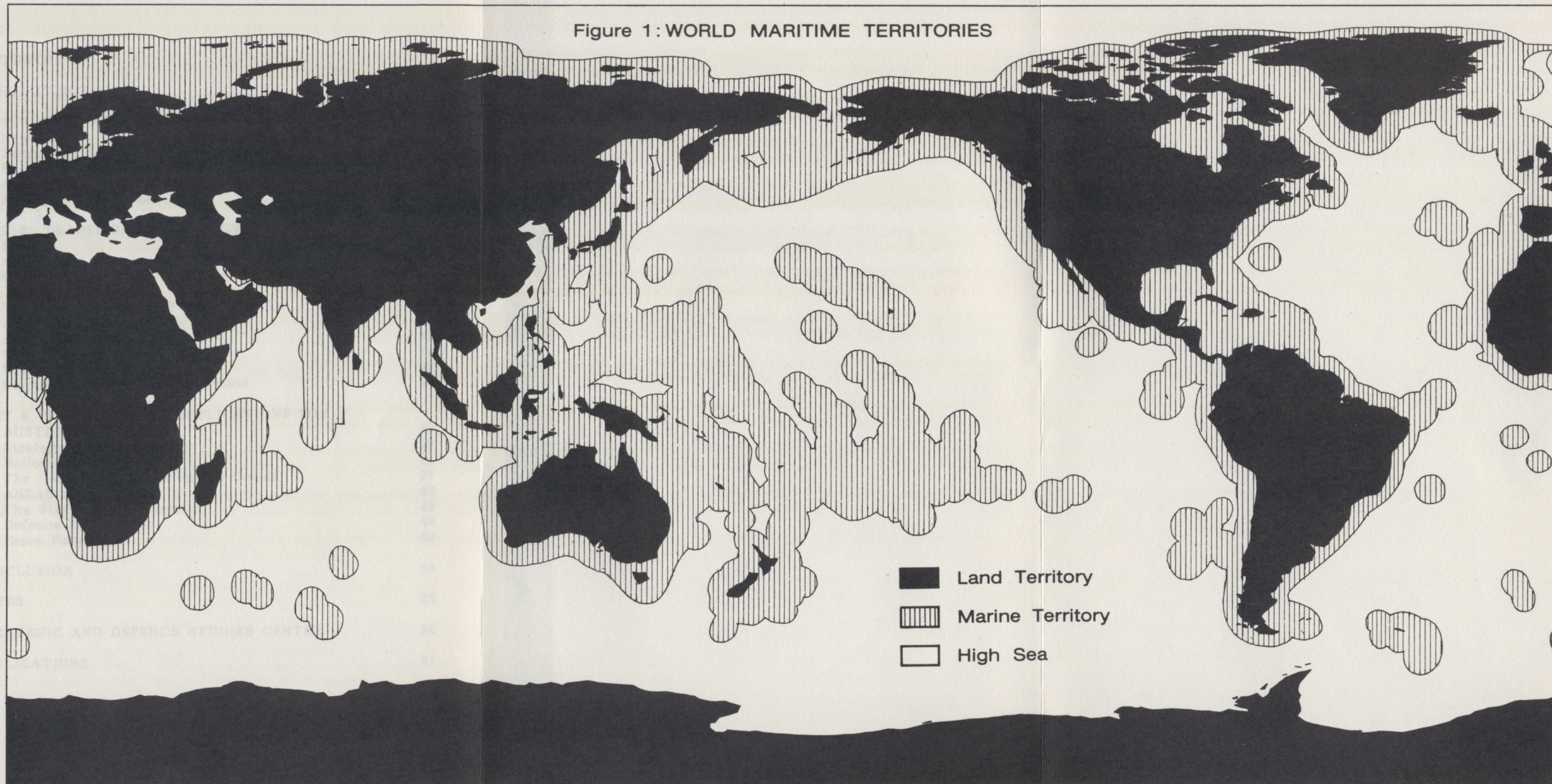
Group Captain David B. Nichols, BA, LLB, psa (Retired), served for 31 years in the Royal Australian Air Force (RAAF); as a pilot from 1941 to 1946 and as a legal officer from 1948 to 1975. He was the RAAF's Director of Legal Services from 1959 to 1975 and in that capacity he played a major role in the development of the Defence Force Disciplinary Code. On his retirement at the age of 56, he practised at the Canberra Bar for some time. He has served on the Commonwealth Employees Compensation Tribunal, as a member of a War Pension Entitlement Appeal Tribunal, as a Special Magistrate for the Australian Capital Territory and as a Deputy Chairman of the Federal Police Disciplinary Board.

Group Captain Nichols was a Visiting Fellow in the Strategic and Defence Studies Centre during 1982-84, during which period he had published a number of scholarly monographs and articles, including for the Defence Force Journal, the Journal of the Australian Joint Services Staff College Association and the Journal of the Royal United Services Institute of Australia.

Canberra Papers on Strategy and Defence are a series of monograph publications which arise out of the work of the Strategic and Defence Studies Centre, Research School of Pacific Studies, The Australian National University. Previous **Canberra Papers** have covered topics such as the relationship of the superpowers, arms control at both the superpower and South-east Asian regional level, regional strategic relationships and major aspects of Australian defence policy. For a complete list refer to the last pages of this volume.

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Figure 1: WORLD MARITIME TERRITORIES



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INTRODUCTION

The greatly enhanced ability to farm the seas and mine the sea-beds afforded by modern technology has led to a series of international conferences and to the completion of a definitive Law of the Sea Convention. The new law embodied in it has the potential to modify international relations, power politics and defence forces. Although much of its future impact is uncertain, global sea power, the creation of the colonising era, will be immediately and directly affected. Oceanic navies evolved over the last five centuries to meet the needs of that era. They have now had thrust upon them a new role, the territorial defence and policing of extensive areas of enclosed ocean. New forms of control and new strategic doctrine will be fashioned by the dynamics of the new era at sea. This paper analyses some features of the new law, surveys the strategic patterns of the past, explores the promise of the future and postulates some implications for Australia.

PART 1 THE NEW LAW OF THE SEA

At the annual conference of the International Institute for Strategic Studies in 1975 on the theme 'Power at Sea', the strategists who gave papers included Admiral Kazutomi Uchida of the Japanese Institute on Sea Power. He forecast that a 12 mile territorial sea, a 200 mile exclusive economic zone and the archipelago doctrine would probably be agreed to by the majority of nations participating in the UN sponsored conference on the law of the sea.¹ That came to pass in 1982 although much of the Convention which it produced will not come into operation until it is ratified. Before considering the Admiral's three points and a facet of the conference which delayed and diminished final agreement, the mining of the high seas, the position of the Convention should be clarified.

New Law

The Convention contains much that is new.² The conference which produced it, the third United Nations Conference on the Law of the Sea (UNCLOS III), had been given a charter in 1973 which enabled it not merely to codify past practice, custom and case law and assimilate the Conventions produced by its predecessors but also to prepare a new and comprehensive Convention.³ Its predecessors, UNCLOS I in 1958 and UNCLOS II in 1960 had been limited in scope and achievement.⁴ They dealt with known and understood features of the law of the sea; territorial seas, contiguous zones, high seas, internal waters, strategic straits and rights of innocent passage. Exclusive economic zones, rights of transit passage and archipelagic entities are new and significant additions by UNCLOS III.

The Convention itself does not enter into force until twelve months after the deposit of the sixteenth instrument of ratification.⁵ Throughout the long years of UNCLOS III, there were doubts about its ability to produce a result. The failure of UNCLOS II, the seven years of debate in the UN General Assembly which led to UNCLOS III, the enormity of the task, the insistence of the maritime powers on their interests, the large number of participating States some with little knowledge of international law, and the fixation on a consensus with apparently interminable negotiations and delays, all engendered or sustained pessimism. A final hurdle was the decision of President Reagan, after the conference had virtually completed its task and after major concessions to meet US criticisms had been made, to oppose the Convention. Despite this rearguard action, it was signed by 119 of the 160 participating States on the first day on which it was open for signature, 10 December 1982, in an unmistakable indication of a desire to confirm it as new law.⁶

Territorial Seas and Strategic Straits

The Convention provides that a State has the right to establish the breadth of its territorial sea to a limit of 12 nautical miles.⁷ Most will wish to exercise this right. The contiguous zone which gives States a further area in which

to deal with actual or potential law breakers can also be extended to a limit of 12 nautical miles.⁸

A foundation for this extension was laid by a Latin American response to President Truman's assumption in 1945 of sovereignty over the continental shelf off the US coast to ensure control of offshore oil. The harvesting of fish was more important in the south. In 1952, in the Declaration of Santiago, Chile, Peru and Ecuador proclaimed a territorial sea of 200 miles. Fishing there had its own pattern. In the North Atlantic, a gulf stream and a succession of banks supplemented the coastal shallows and had, for centuries, attracted the fishermen of several nations. In the Pacific, a submarine trench running along the west coast of South America also provided seafood in abundance. It did not attract fishermen from distant countries until the advent of large ocean-going trawlers.

Atlantic attitudes had dominated at UNCLOS I and II. Neither conference could settle the breadth of the territorial sea and a twelve mile fishing zone failed by one vote. As late as 1974, several judges of the International Court believed that 'the law on fishery limits has always been and must by its very essence be a compromise between the claims and counter-claims of coast and distant-water fishing States'.⁹ African support was needed to break the North Atlantic alignment and preserve the patrimony of the sea for Latin America.¹⁰

Fishing was only one factor affecting the width of the territorial sea. Straits proved to be more important. They have long loomed large in European history. It was not an accident that Troy at the mouth of the Dardanelles and Byzantium astride the Bosphorus became rich cities. Denmark had capitalised on the narrows near the mouth of the Baltic Sea until the Hanseatic League developed an overland by-pass between Lubeck and Hamburg. The Portuguese in their takeover of East Indian trade in the sixteenth century were quick to appreciate the importance of the Straits of Malacca, Hormuz and Bab el Mandeb. The Dutch in their turn in the next century used the Sunda Straits to give them an alternate and safe route between Java and the Cape of Good Hope.

Any suggested increase in the territorial sea beyond three miles was assessed by the maritime powers in terms of its effect on naval mobility in general, and straits in particular. Many important straits contained a central corridor of high seas which allowed unrestricted transit. In the fringes of territorial sea on each side, passage had to be innocent. It was not until 1949 that the innocence of warships was established in international law for the first time.¹¹ However, the decision in the Corfu Channel case did not provide the sure foundation demanded for sea power. It was a majority decision. The Court held that a coastal State may not prohibit the passage of a warship and that prior notification and authorisation were not required. But it conceded the existence of a power to regulate.

With the creeping of the territorial sea under Third World pressure, an unspecified reserve power evoked concern.¹² Navies have not suffered as much as armies from the constraints generated by the progress of civilization or those imposed by geography. At sea, castles and fortresses had to float and ships were once built accordingly. Only in the desert did the general gain the tactical freedom of the admiral. Once the oceans were reached, the dominant restraint on naval operations was weather. Straits should not be permitted to interfere beyond their physical limits.

The right of innocent passage was elaborated by UNCLOS I. The 1958 Convention on the Territorial Sea provided that 'passage is innocent so long as it is not prejudicial to the peace, order or security of the coastal State'. Submarines were required to navigate on the surface. These provisions, in their turn, failed to satisfy. In 1971, the US put forward a proposal which accepted a 12 mile territorial sea but extended the right of unrestricted transit on the high seas to territorial waters in international straits.¹³ In 1972, a Soviet proposal went nearly as far.¹⁴ Since an extension to 12 miles would eliminate the central corridor from over 100 straits, the superpowers regarded the claims of Latin American States to a 200 mile territorial sea as fanciful. The African and Latin American reaction was summarised in the slogan 'no twelve without two hundred'.¹⁵ The acceptance of a narrow territorial sea required the acceptance of a wide economic zone.

So emerged a right of transit passage. It is a qualified right. On the one hand, there can be no suspension of passage.¹⁶ Transit may not be hampered.¹⁷ Dangers must be publicised.¹⁸ On the other hand, ships and aircraft must transit without delay.¹⁹ They must refrain from any threat or use of force.²⁰ A coastal State may prescribe and enforce laws regulating traffic, controlling pollution and preventing smuggling.²¹ It may not discriminate in the application of those controls.²² It may not exceed international norms.²³

Exclusive Economic Zones and Continental Shelves

Oil exploration and extraction mattered as much to Europe in 1958 as it had to the US in 1945. UNCLOS I produced a Convention on the Continental Shelf which was quickly ratified and served to settle rights in the North Sea. Germany which, unlike the UK, Norway, Denmark and the Netherlands, had not ratified the Convention, sought to take advantage of a method of fixing boundaries other than that prescribed in the Convention. In the ensuing litigation, it failed. The Court gave added weight to Article 2 of the Convention which provided: 'The Coastal State exercises over the continental shelf sovereign rights for the purposes of exploring it and exploiting its natural resources'. The continental shelf, in the Court's judgement, was a natural prolongation of territory on land and sovereignty flowed on into the sea-bed as an inherent right.²⁴

It could flow into the sea itself only to the limit of the territorial sea. The continental shelf was not limitless. Under the 1958 Convention, it stopped at the 200 metres isobath, the point at which the shelf reached a depth of 200 metres except where it could be exploited at greater depth. Technology was quick to oblige and when it did there was no logical limit other than the end of the shelf, the margin at which it meets the ocean floor. Once the law had been settled and claims pegged and paid for, there could be no turning back. In 1970, the US had suggested that the lower shelf between the 200 metre isobath and the margin should be a transitional zone between national control over the upper shelf and international control over the ocean floor. The coastal State should hold it as a trustee.²⁵ It would

have preferential rather than exclusive rights. The proposal was too late. The coastal State has been given an exclusive control over the resources of the shelf to the 200 mile limit and beyond.²⁶ It can exploit them or neglect them as it wishes.

The exclusive economic zone, the EEZ, instead has become the transitional zone. As a matter of consistency with the continental shelf, sovereign rights over the natural resources of the sea are vested in the coastal State but a difference is drawn between animate and inanimate natural resources.²⁷ The latter are expressed to include the production of energy from the water, currents and winds. The coastal State's control over them is inferentially as exclusive as its control over the continental shelf. They can be exploited or neglected.

Animate resources on the other hand are too important to neglect. There is a duty to conserve and maintain. Except in the case of mammals, there is a requirement to harvest at the maximum sustainable level.²⁸ Research must be undertaken to determine that point for different species. Any surplus beyond the capacity of the coastal State to harvest must be offered to other States: to those which are landlocked or geographically disadvantaged, those which have habitually fished in the zone and those which have contributed substantially to research. There is a duty to cooperate with neighbouring States in whose zones the same species are found.²⁹ There is a duty on all States fishing for highly migratory species to cooperate with international organisations or, where there is none, to help form one.³⁰ Special provision is made for salmon and other anadromous species and for eels and other catadromous species.³¹

The sovereignty of the coastal State over the exclusive economic zone is qualified in a second respect. The freedoms of navigation and overflight which were characteristic of the high seas are available to other States.³² However, despite the efforts of the maritime powers to make them so, the seas of the zone are not high seas.³³ The EEZ has its own legal regime. The freedoms of the high seas must be exercised with due regard to such laws and regulations as the coastal State enacts in implementing its rights of exploring, conserving and managing the resources of the zone. The nature of the compromise underlying the

EEZ is reflected in the width of the safety zone around drilling rigs and other artificial structures, a mere 500 metres.³⁴

Archipelagos

Archipelagos are defined in the Convention as groups of islands which are so closely related that they form a geographical, economic and political entity or which have historically been regarded as such.³⁵ The recognition of groups of islands as geographical entities came at an early stage of the colonising era. The Canaries, Cape Verdes and Azores were the first. They were soon followed by the West and East Indies.

The East Indies were a commercial entity before and after the arrival of Europeans. The islands were given cohesion by the spice trade. Political integration came with colonisation. Indonesia was given a national shape by the Dutch and the Philippines by the Spanish. Both acquired other national attributes in the struggle for independence and their place in the world.

Integration failed in the West Indies. Spain had too large an empire. There was no spice trade. Some islands were uninhabited. Others had only a sparse population which, unlike the islands of the East Indies, did not inhibit settlement. The islands were much closer to Europe. They were suitable for the cash crops which had followed the explorers from the Mediterranean to the Canaries and the Azores. Other nations moved in. It is not surprising that the old law of the sea made no allowances for archipelagos. It was dominated by the values of the maritime powers and the ocean in which they most frequently sailed.

The inclusion of coastal archipelagos in the territorial sea was legitimised by the International Court in 1951. It upheld the Norwegian method of drawing baselines for its territorial sea along the periphery of its outer fringe of islands. That was said to be justified by geographical peculiarities, economic interests and historic rights.³⁶ Those factors could be applied equally well to mid-ocean archipelagos.³⁷ When UNCLOS I and II chose to ignore their claims, Indonesia and the Philippines decided to follow President Truman's example. The former in 1960 and the

latter in 1961 claimed sovereignty over the waters within the perimeter of their archipelago. They were declared to be internal waters.³⁸ A restricted right of innocent passage was allowed as an act of grace.

UNCLOS III could not avoid these claims. It says much for the spirit of consensus that these major archipelagic States accepted a regime in which their internal waters became a territorial sea and, in the sea lanes within them, the right of innocent passage became a right of archipelagic transit analogous to the right of transit passage through international straits. Both Indonesia and the Philippines had previously insisted on prior notification and authorisation of the passage of warships. Although that will no longer be possible, there may be more control than appears at first sight.

The concept of transit passage first appeared in the US proposals of 1971; its elaboration came from the USSR in the following year. No major navy has suffered as much from climatic and geographic constraints as the Russian. The greater part of the coastline is icebound in winter. Access to the oceans is through straits and seas. No State is more conscious of the demands of transit. Russia proposed that transiting warships were not to conduct exercises, practise gunfire, launch weapons or fly aircraft. These restraints were adopted but channelled into the definition of innocent passage. They do not apply to transit passage.³⁹ However, they could be regarded as coming within the express injunction to ships and aircraft to refrain from any activity other than those incidental to their normal modes of continuous and express transit.⁴⁰ Submarines have an implied right to transit below the surface but lengthy, shallow corridors do not provide good cover.

Mining the High Seas

One parameter of the enclosure movement was set by President Truman in 1945. Another was set by Ambassador Arvid Parvo of Malta in 1967 when he asked the General Assembly of the United Nations to declare that the riches of the ocean floor were the common heritage of mankind.⁴¹

That was done in a statement of principles in 1970.⁴² Its translation into action has been the most difficult task of UNCLOS III.⁴³

The Convention sets up a complete structure. There is a corporate and managerial organisation called the International Sea-Bed Authority with the overall control of the companies permitted to mine.⁴⁴ It has, firstly, an executive arm, the Secretariat;⁴⁵ secondly a board of directors, the Council which is assisted by an Economic Planning Commission and a Legal and Technical Commission;⁴⁶ and thirdly, a body of shareholders, the Assembly.⁴⁷ There is a set of management guidelines to act as the Authority's charter.⁴⁸ There is to be a periodic audit by a Review Conference.⁴⁹ The Convention also establishes a mining company named 'the Enterprise'.⁵⁰ The signing of the Convention by more than 50 States has enabled the UN Secretary General to establish, in accordance with a resolution of UNCLOS III,⁵¹ a Commission to undertake the wide range of preparatory steps needed before the Council and Assembly can meet and the Enterprise can function.

The viability of the Enterprise and the Authority are as yet uncertain. In 1977, the Vice Chairman of the US delegation publicly advocated the development of a separate mini-treaty as a contingency plan against the failure of UNCLOS III to achieve a workable convention.⁵² Exploitation outside the convention remains a possibility. The final Australian statement at the conference on the day before the Convention opened for signature warned that any country attempting that course of action would incur the hostility of the bulk of the world.⁵³

In the closing stages of the negotiations, two special groups were given the ability to compete with the Enterprise: the four consortia who had spent millions of dollars developing the techniques and equipment for locating and recovering minerals in the deep seas, the grandfathers, as they became known, on whose behalf the US delegation had been fighting strenuously; and four States, France, India, Japan and the USSR who would be recognised as pioneer investors if they could establish that they had spent at least \$30 million by the end of 1982 on pioneering activities.⁵⁴ Neither group can compete unless the Convention is signed. All four of the pioneering States have signed. Each of the consortia has a partner in a signatory State.

PART 2

TRADITIONAL STRATEGY

Admiral Uchida in his paper in 1975 acknowledged the contribution made to maritime strategy by Captain Alfred Thayer Mahan, US Navy and Sir Halford Mackinder.⁵⁵ Both interpreted geography and history brilliantly. Both affected the course of history by articulating strategic generalisations which grasped the imagination and fed the fears and hopes of peoples and the ambitions of power politicians.⁵⁶ Both would be surprised at the growth and distortion of their ideas and the magnifying power of technology. So also might General Karl von Clausewitz, Prussian Army, a third contributor to the fabric of traditional strategy. It has been said that the ruling trinity of the nineteenth and twentieth centuries comprised Darwin, Marx, and Clausewitz.⁵⁷ In terms of their influence on strategy rather than on society, the trinity comprised Mahan, Mackinder and Clausewitz.

Mahan

Few people become prophets in their own lifetime. Fewer still achieve that recognition in their own country. Within ten years of the publication in 1890 of Mahan's first and most influential book, The Influence of Sea Power on History, a copy had been placed in every ship in the German Navy. It became a text book at Japanese naval and military colleges. Kaiser Wilhelm of Germany invited Mahan to dinner. So also did the Queen of England. He received honorary doctorates of law from Harvard, Yale, Oxford and Cambridge.⁵⁸ He influenced US foreign policy as well as naval development. The high priest of naval power,⁵⁹ he ascribed to it Britain's dominance in world affairs. France, Germany, the USA, Japan and the USSR sought the dividends conferred by naval power.

Mahan's abiding strength lay in articulating, in terms which his and succeeding generations understood and wished to hear, the major contribution of the colonising era to warfare. Standing armies are also a product of that era but they are not new to history. The Mediterranean had known navies for millenia but ships served mainly as

platforms for conventional combat and as personnel carriers.⁶⁰ Sailors had to be soldiers as well.⁶¹ On the ocean with the aid of early technology which provided astrolabes, compasses and cannon,⁶² navies became a separate instrument for winning wars, keeping the peace, gaining and holding empires both commercial and territorial, establishing colonies and protectorates, and securing lesser objectives of power politics. The sailor became a specialist and the shipboard soldier a marine. Mahan did not ignore the influence of armies any more than Mackinder ignored the influence of navies. Each was conscious of the two strategic streams. Each had a distinctive focus; the one an American focus on maritime power, the other a British focus on continental power.

Perhaps it needed someone from the new world to appreciate and compare the geostrategy of the Mediterranean and the Atlantic and to distil the essence of sea power. The flash of insight which led to Mahan's book came from his study of the successes and failures on land and at sea in the Punic Wars between Rome and Carthage.⁶³ It helped in the development of that inspiration that, as a professional sailor, he had practised his trade in the American Civil War.⁶⁴ It helped that, as a sea-going officer in the young US Navy, he had acquired a working knowledge of the Atlantic and Pacific Oceans.⁶⁵ It helped that his father had been a professional soldier of sufficient intellectual merit to become a distinguished Director of Studies at West Point.⁶⁶ The demands of his own lecturing as President of the Naval War College and the popularity of his lectures played a part in transforming the insight into a classic book on sea power.⁶⁷

The rapid reception and application, both actual and apparent, of Mahan's doctrine owed much to Europe's economic and political situation and to the further round of colonising which had ensued.⁶⁸ England's industrial revolution had spread to the Continent and created a surplus of manufactured goods which urgently needed new markets. Britain's ability to find them, as the doors of European markets closed and as protection displaced free trade, acted as a beacon to other countries. Large centres of population were an attraction. China could be as useful a market to other countries as India had been to Britain. Indochina was not to be ignored. Quiescent colonies were another attrac-

tion. The small size of the market could be enhanced by a tighter control. There was no point in fighting over dominions when there were still untapped territories for the taking. Much of the vast interior of Africa had just been explored and mapped for the first time.⁶⁹ The archipelagos and islands of the outer Pacific were useful as coaling stations if nothing else.

The political situation had been moulded by Bismark's talents. He had exploited wars to create a unified Germany on Prussian terms and to subdue France.⁷⁰ Colonies were a means of transferring and transforming the tensions created by his diplomacy and assuaging national prides wounded by defeat in war. When the time was ripe, he ceased to be opposed to colonies and presided over the distribution of non-appropriated lands at the notorious Berlin Conference of 1885. King Leopold was allowed to convert his international conglomerate in the Congo into a vast Belgian colony. France gained part of the Congo, some of the Guinea Coast, a foothold on the Red Sea and the whole of Indo-China. It had earlier acquired Algeria and then extended into Tunisia. Germany kept for itself Togoland, the Camerouns, South-West Africa, East Africa and part of New Guinea.⁷¹ The USA with the example of Europe and the stimulus of Mahan and the help of his influential friends, Henry Cabot Lodge and Theodore Roosevelt, forsook the principles on which it was founded and became an imperial power.⁷²

The advent of steam and electricity was another stimulus to colonisation.⁷³ Sea travel became safer, more comfortable and faster. The transition from sail to steam and from wood to iron also affected sea power by altering national capacities to build ships and develop navies. Industrial capacity displaced access to the raw materials hitherto indispensable. With the ironclad came obsolescence. The need to convert its obsolete wooden warships reduced Britain's margin of superiority. In 1882, England had 20 first class ships, France 16 and Germany 9,⁷⁴ The ability of technical innovation to reduce the margin was a further stimulus to the weaker powers. The mine, the torpedo, the submersible, bigger guns and heavier armour added new dimensions to war at sea and contributed to an arms race.⁷⁵ Mahan's doctrine fell on fertile ground.

Despite the inventive genius generated in his homeland through pioneering in a new world, he was slow to appreciate the implications of technology. On that point, he was content to follow the opinion of Baron Henri Jomini that improvements in firepower might influence tactics but could not change the timeless principles of strategy.⁷⁶ As on land, so at sea! Later, as an influential member of the US delegation to the Hague Conference of 1899, Mahan helped to preserve technical options for the conduct of future wars.⁷⁷

A greater weakness was his time scale. Although his first book professed to deal with the period 1660 to 1783, it was permeated with Napoleon's influence. The key to naval strategy, in Mahan's view, was the destruction of the enemy's fleet.⁷⁸ Of the two reputed interpreters of Napoleon's genius, Jomini had the more immediate impact. He was much easier to read and understand than Clausewitz. A translation by army officers of the French text was published by West Point in 1862.⁷⁹ Mahan quoted from it. Had the scholarship of this century been available to enable him to study the role of navies throughout the four centuries of the colonising era as effectively as in the Punic Wars, the big battle theory may have been qualified by the perspective of history. Instead, it laid a foundation for the battleship and the dreadnought. His English counterpart as a naval strategist, Sir Julian Corbett, also a lecturer at a War College, was as proud of Drake as of Nelson.⁸⁰ He preferred Clausewitz to Jomini, but found limitations in both because of their continental approach to war.⁸¹

Mackinder

Mackinder was the second great English geographer.⁸² He had much in common with his sixteenth century predecessor, Richard Hakluyt. Both attended the same college at Oxford. Mackinder used to say that he was the first Oxford Reader in geography since Hakluyt.⁸³ Both were blessed with a vivid imagination which shaped and illuminated their geography. Both used the English language well. One lived at the beginning of the era in which, to use the Greek word for the habitat of mankind, the *oikoumene* coalesced.⁸⁴ English ships had even then sailed around the world.

Haklyut's book of voyages was, according to Sir Walter Raleigh, as vital to an understanding of the Elizabethan age as the plays of Shakespeare.⁸⁵ Mackinder wrote at the end of the era. It was an essential part of his thinking that the Columbian epoch, as he called it, of the last four centuries had come to an end.⁸⁶ Scholars could, for the first time, 'attempt, with some degree of completeness, a correlation between the larger geographical and the larger historical generalisations'.⁸⁷ His influence on world events came more slowly than Mahan's.

His abiding strength lay in articulating, if only from an English perspective, an analysis of the power politics of Eurasia which comprehended both land and sea power. In the revised form in which it became so well known, his thesis was:

Who rules East Europe commands the Heartland:
 Who rules the Heartland commands the World-Island:
 Who rules the World-Island commands the World.⁸⁸

Its encapsulated and enigmatic form pre-supposed a sound knowledge of geography, history and economics not all of which is set out in his lecture to the Royal Geographical Society in 1904 or in the book which he published in 1919, Democratic Ideals and Reality. East Europe was essentially Prussia. The Heartland was Russia. The World Island was the mass comprised by the continents of Europe, Asia and Africa, the home of the great majority of the world's population. The Columbian epoch had established that the World Island could be circumnavigated. As proclaimed in Genesis, the waters under heaven were gathered together unto the one place. The ocean was the unity and the unifying element.⁸⁹ It covered three-quarters of the globe. All continents were islands. Only the world island really mattered. The others were peripheral.⁹⁰

Russia lay at the heart of Eurasia. Its territories were the ancestral domain of the nomads who, from time immemorial, had periodically plagued Europe, the Middle East, India and China.⁹¹ As a nation, Russia had achieved on land an empire as significant as that which Britain had acquired by sea. Mackinder, too, had had his flash of inspiration; the parallel at the turn of the century between the 250,000 Englishmen fighting the Boers in South Africa 6,000 miles from their capital and the 250,000 Russians

fighting the Japanese in Manchuria 4,000 miles from their capital.⁹² Other analogies came tumbling in. Steam could annihilate distance on land as well as at sea. British soldiers had been taken to South Africa by ship; Russians to Manchuria by rail. The sailing ships had given the littoral powers of Europe during the Columbian epoch the mobility which the horse and camel had given the nomad tribes over a much longer period of time.⁹³ Just a few years after Magellan had sailed around the world, Yermak the Cossack had ridden over the Ural Mountains into Siberia with his men, chasing furs for the Tzar.⁹⁴ The first Russian thrust to the Bering Sea had begun. The most recent came with the railway. Not all empires depended on sea power. In a world which had become a closed political system, empires no less than states could be in tension.

Mackinder has been so frequently identified with geopolitics, the interaction between geography and politics, that his association of geography and economics has been obscured. After establishing a school of geography at Oxford, he became the second Director of the London School of Economics.⁹⁵ Russia loomed large in his mind because of the economic potential which he pointed to in 1904: 'The spaces within the Russian Empire and Mongolia are so vast and their potentialities in population, wheat, cotton, fuel and metals so incalculably great, that it is inevitable that a vast economic world, more or less apart, will develop inaccessible to ocean commerce'.⁹⁶ He believed that all Asia would be covered by railways. Although he makes no reference to it, his expectations for Russia must have been based on realities in Germany. He must have been familiar with the works of the German economist, List, the exponent of railways as well as protection.⁹⁷ He must have known how quickly they spread within Germany and how effectively they were used by Prussia in its war with France to mobilise an army of Napoleonic proportions and move it quickly into position for an early and decisive battle.

Mackinder's knowledge of Prussian regeneration after its defeat by Napoleon was detailed and expressed in his writings: the introduction of compulsory schooling well in advance of Britain; its correlation with universal military service; the belated establishment of a university in Berlin and the quality of its staff; the strength of its geographers

and cartographers and their roots in secondary and tertiary education.⁹⁸ He knew Prussia's topographical vulnerability on the rolling plains of Eurasia. He respected the architect of its subsequent growth and wrote of him:

No statesman ever adjusted war to policy with a nicer judgement than Bismarck. He fought three short and successful campaigns and made three treaties of peace, from each of which ensued a harvest of advantage to Prussia.⁹⁹

It is not surprising that in 1904 he saw Germany as the pivotal state of Europe and Russia as the pivotal empire of Eurasia. It is not surprising that he wrote in 1919:

We have conquered but had Germany conquered she would have established her seapower on a wider basis than any in history and in fact on the widest possible base.¹⁰⁰

Mackinder had two Achilles' heels. One was his reluctance to take into account the continuing progress of technology. In the discussions which followed Mackinder's lecture, L.S. Amery, then a journalist with The Times, forecast that the geopolitical thesis would in due course be negated by air power. In Amery's opinion, irrespective of location, 'those people who have the industrial power and the power of invention and science will be able to defeat all others'.¹⁰¹ Mackinder remained unimpressed. In 1943, despite the demonstrations of air power in the war then raging, he wrote in an influential US journal:

All things considered, the conclusion is unavoidable that if the Soviet Union emerges from this war as the conquerer of Germany she must rank as the greatest land power on the globe. Moreover she will be the Power in the strategically strongest defensive position. The Heartland is the greatest natural fortress on earth. For the first time in history it is manned by a garrison sufficient both in number and in quality.¹⁰²

A second vulnerability was his seemingly deliberate discounting of the US. In 1904, he conceded the potential of the southern half of the American continent but ignored the northern.¹⁰³ In 1906, he conceded the ability of the US to build a world class navy but did not regard it as a

potential ally.¹⁰⁴ In 1919 he criticised the concept of the new world as a geographic misconception.¹⁰⁵ It is, perhaps, not surprising that his influence there was negligible until World War II and its aftermath gave his thesis the quality of confirmed wisdom.

With the post war settlement Makinder's thesis became dogma for many Americans. Russia had not only conquered Europe's pivot. It had annexed the whole of East Europe. It now had the potential to rule the world. Even the correction of his ideas by US political geographers, as they preferred to be called,¹⁰⁶ reinforced them. The Mercator projection, in their view, had given Mackinder a distorted image of the world. On a global projection, the Eurasian mass was less prominent and no longer central. The Americas ceased to be peripheral.¹⁰⁷ The US moved much closer to the heartland of the world island. North America where it fronted the Arctic had an exposed flank vulnerable to the new air power.¹⁰⁸ Just as England had proved vulnerable to the V2 rocket, so the US could become vulnerable to its successors. The Atlantic was ceasing to be an impregnable bulwark. It was outflanked by the Polar region. Geopolitical insights helped to lay a foundation for the coming confrontation of superpowers. The refinement of the expertise in rocketry acquired by each from Germany as the spoils of war built on it.

Clausewitz

Clausewitz's influence has outlasted Mahan's and Mackinder's. He achieved fame posthumously. His widow had to prepare for publication the script on which he had laboured for 12 years and which became the classic textbook On War.¹⁰⁹ He did not achieve the eminence in his profession of some of his readers. However, unlike them, he saw war at its grimmest. He fought against Napoleon's forces, not with them, as Jomini did. He obtained permission to leave the Prussian Army and join the Russian. He saw at close quarters the tragic retreat from Moscow which decimated the Russian Army only marginally less than the French. It left a personal imprint. His face was disfigured by frostbite and his body troubled by rheumatoid arthritis.¹¹⁰ His re-appointment to the Prussian Army was belated.¹¹¹ He spent

almost all his closing years at the new General War College, but as its Director, his role was administrative. There was a separate Director of Studies. The talents which might have educated students produced instead the first systematic text book on warfare.¹¹²

Clausewitz left a puzzle for posterity in the distinction which he frequently drew between absolute or theoretical war and actual war controlled as it should be by policy. It is aggravated by a contrapuntal distinction between what are today called total and limited wars. Clausewitz differentiated between those wars in which the objective was the creation of the military impotence needed for the enemy's unconditional surrender and those wars in which the objective was the occupation of sufficient territory to negotiate an advantageous peace treaty. The former required the overthrow of the enemy's army in the varying meanings given to that phrase; the latter did not.

Clausewitz wrote for the European context of the last century. Bismarck had no difficulty in understanding him. As Chancellor, he controlled the Chief of Staff. There was an effective policy or political control over the Army. Two developments inhibited the power of Bismarck's successors in Germany and elsewhere to achieve the same results. The wars fought by that country ceased to be European. They became world wars. Technology altered the nature of warfare. In the new context, Clausewitz could be used to justify many different points of view. The logical difficulties were compounded by a semantic confusion. The German word used by Clausewitz could be translated into English either as 'policy' or as 'politics'.

In the first chapter of his book, Clausewitz defined war as 'an act of force to compel the enemy to do our will'.¹¹³ Global powers re-inforced by the resources of new worlds had much stronger wills than European Grand Duchies. Total war and unconditional surrender became norms. The definition was elaborated later in the chapter. 'The thesis, then, must be repeated: war is an act of force and there is no logical limit to the application of that force. Each side, therefore, compels its opponent to follow suit; a reciprocal action is started which must lead, in theory, to extremes'.¹¹⁴ Every technological development could be used. The industrial revolution produced an ever-increasing range. Arms races gained new dimensions and vitality.

Towards the end of the chapter, policy makes its entrance.

War, therefore, is an act of policy. Were it a complete, untrammelled, absolute manifestation of violence (as the pure concept would require), war would of its own independent will usurp the place of policy the moment that policy had brought it into being: it would then drive policy out of office and rule by the laws of its own nature, very much like a mine that can explode only in the manner or direction predetermined by the setting.¹¹⁵

For much of World Wars I and II, policy was conspicuous by its absence. Each war generated its own dynamics. The control of arms technology by policy is still in its infancy.

Both World Wars provided an enormous stimulus to technological development and the application of the results to the conduct of war. Germany became the leading innovator and its Navy and Air Force the principal beneficiaries. The Army was less interested initially but, more importantly, land warfare was confined to the earth's surface. The submarine exploited the freedom and security of the waters under the surface. The aircraft exploited the air above. Warfare became tri-dimensional. Its nature changed and widened. The target of the soldier was customarily another soldier. Although improvements in weaponry reduced the amount of hand to hand combat, armies still fought armies. The target of a submarine was not another submarine. It had not been and could not then be designed for that purpose. Its target was a surface ship. Bomber aircraft were not designed to attack other bombers as battleships had been. Their targets were on the ground.

Since then, three dimensional warfare has continued to develop. With the defeat of Germany, the US became the innovator. Amery's correction of Mackinder in 1904 was far-sighted. Russia does not command the world. It is a superpower but it has had to follow the suit of the US and develop its industrial base and the power of invention and science. The continuing thrust of technology has produced navies far removed from Mahan's concept of battle fleets fighting for command of the oceans. Nuclear submarines carrying missiles armed with atomic warheads have displaced battleships and aircraft carriers as the pinnacle of sea

power. There are still conventional navies but they may be pricing themselves out of existence because of the technology needed for a less than certain defence against air or under-water attack.

PART 3

THE PROMISE OF THE FUTURE

Admiral Uchida in his 1975 paper predicted that, if the task of protecting and policing the new territories were entrusted to the navies of the countries concerned, there may be no navy in the world able to perform it satisfactorily.¹¹⁶ Although he sought a new rule of dialogue based on mutual trust, his assessment of naval requirements ignores the new era and its dynamics.

The world has entered a new phase of history. The geography of the seas has been changed. New combinations of interest have emerged. The framework for a new order has been built. While new sources of international conflict have also been created, so too have new forms of conflict resolution.

A New Era

There may be more agreement on the existence of a new phase of history than on the nature of the legacies of the past or the promise of the future. Historical insights and their guidance on an unfolding era can vary with the time scale. The last five centuries form a Euro-centric entity a dominating feature of which has been the rise and fall of the seaborne empires, both long lived and short lived; those of Portugal, Spain, Holland, France, Britain, Belgium and Germany.¹¹⁷ In the process, the imperial powers altered the social, economic and political structure of much of the world. The decline has left behind two legacies which may help to delineate part of the pattern of the future.

The first is the disparity in imperial survivals. The seaborne empires disintegrated; the continental empires did not. Neither the US nor the USSR now likes to be regarded as an imperial power.¹¹⁸ Both nations are now customarily

described as superpowers, a word which indicates their place in the world without the imperial connotations. In a remarkable historical projection, Seeley, in 1883, in his influential book, The Expansion of England forecast that, if Russia and the United States of America held together for the next fifty years, they would dwarf the older European States.¹¹⁹ The inference which he drew from it was that Britain could remain great only by remoulding its dominions into a Greater Britain.¹²⁰ He did not foresee that seaborne empires would cease to be viable; nor did he appreciate how effectively technology would assist in the consolidation of super-States.

The second legacy is the mass of new States brought into being by the disintegration of empires. Political interaction began to take place at new levels and established a need for an organisation to regulate the changing dynamics between nations. The first structure, the League of Nations, was not allowed to survive. The second, the United Nations, has so far succeeded. Although the countries of the Third World have created other unions of interest, the interaction of the new international system takes place most effectively for them through the United Nations. The superpowers do much of their business outside that organisation because their influence is diminished by the egalitarian status of States within it. Nevertheless, both have long been members of it. Neither participated in the League of Nations in its formative years. The USSR joined in 1934.¹²¹ The US never joined; and was not, like the USSR expelled.

These legacies provide a potential source of conflict between the super-States and the former components of the seaborne empires. The latent antagonism has been masked by the confrontation of the superpowers against each other and by the concentration of Third World countries on achieving an internal political stability and economic and social progress. As a group, the new States have resisted attempts to divide the world into two power blocks, one behind each superpower. They have preferred to remain unaligned. They have not collectively confronted the superpowers. However, through the new law of the sea, they have learnt that by striving for and attaining a consensus they can prevail against the wishes of one of the super-States.

The refusal of the US in the closing stages of UNCLOS III to join that consensus provides a valuable insight into the new political order. The reputed justification was that the Reagan administration, because of its free enterprise philosophy, could not have done otherwise. Surprisingly, four earlier administrations both Republican and Democrat had failed to discern a threat to national values. A more interesting analysis was given in 1977 by a Vice Chairman of the US delegation. In an article intended to influence national thinking, he wrote:

The most important issues at stake in the deep seabed negotiations, however, are not merely questions of manganese nodule mining. What is fundamentally at stake is a set of precedents with respect to systems of governance.¹²²

The US might be forced to compromise on other issues within the UN. It was time to take a stand.

Whatever the future holds, the new law of the sea is itself proof of the existence of a new era. As Lord Ritchie-Calder, the noted science writer observed, if UNCLOS III had failed, the scramble for resources would have been reminiscent of the 1885 Berlin Conference masterminded by Bismarck.¹²³ The UN might not have called its three conferences if there had not been a rush to stake out claims to begin with. Nevertheless, the reaction to those claims and their conversion by consensus into a uniform and equitable international law stands in marked contrast to the territorial acquisitions of previous centuries.

A New Geography

It has been said that history is geography set in motion.¹²⁴ The observation has certainly been true in recent centuries. The impetus of geography did not cease with the exploration of the last unknowns; the African hinterland, the Arctic and the Antarctic. The introduction of the steamship and the cutting of the Suez and Panama Canals altered the spacing of continents and reduced the tyranny of distance.¹²⁵ Transcontinental railways altered spacing

within continents. Oil, in its turn, has enabled the motor vehicle and the aeroplane to modify geographical relations further.

The Law of the Sea Convention creates new dimensions in maritime geography. The introduction of fresh forms of territory will change the boundaries of many States. Territorial waters have been recognised in the past but they have been too narrow to act as more than a peripheral fringe which is too insignificant to be shown on maps. Three sets of proprietary interests vested in States have been created; those in the sea-bed, those in archipelagic waters and those in EEZs. They are sufficient to alter the geography of the Pacific substantially. Archipelagic States benefit most and notably Indonesia because of its strategic position.¹²⁶ Indeed, a combination of economic zones, international straits, archipelagos and island States will provide a high seas free zone along the equatorial belt of the Pacific stretching from Burma to Papua New Guinea and for thousands of kilometres beyond.¹²⁷

Territory at sea differs from territory on land despite the grant of sovereign rights to the former by the Convention. It cannot be occupied in the traditional sense. The process of updating the law of the seas has been described as enclosing the last great common on the globe. Fences can only be erected notionally around territorial waters, but the analogy is useful. The provision of gates or cattle grids in fences and the grant of easements do not derogate from the sanctity of property rights. The strength of the sea fences will vary with the type of interest. The strongest should be those on the sea-bed for they have no gates. The weakest will be those around the economic zone. The most effective will be the archipelagic because ships passing through the gates can be policed for pollution and smuggling and directed in their navigation. Even naval vessels can be restricted to normal modes of express transit.

Maritime fences will not be proof against navies.¹²⁸ However, moats, castle walls and even Maginot lines have rarely proved invulnerable. The laws of war for centuries recognised that conquerors acquired the property of the conquered, both real and personal.¹²⁹ While personal property was customarily divided among the victorious army, real property, that is, land and fixtures, vested in the conquering monarch for his retention or disposal.

Maritime territory cannot be acquired in this way. Except where boundaries overlap and are disputed, it cannot consistently with the Convention be transferred separately from the land which it adjoins. For all their differences and shortcomings, the new territories are sufficiently substantial to be depicted on maps in a visual presentation of their contribution to geography.

New Interests

A number of benefits besides the territorial have flowed from negotiating at UNCLOS III. There is now a wide and deep knowledge of the law of the sea. There is an increased understanding of the processes of international negotiation. There is the satisfaction which comes from the completion of a task regarded by some as impossible. There is the confidence generated for the future. There is the assurance which comes from the preparation of international legislation. For the Third World countries, the sharing of political power may have been sweetened by the recalcitrance of the US.¹³⁰

Not the least important of the incidental benefits is the realisation that no grouping of States is adequate for all purposes. UN members are, for internal organisational purpose, divided into five groups, four of which are regional: the Latin American, the African, the Asian, the East European and others.¹³¹ There is no Pacific group. Australia belongs to the others. The first three groups comprise the Third World or, as it has sometimes been called, the group of 77. At UNCLOS III, new combinations of interest emerged.

The law of the sea negotiations have occasionally been portrayed as a struggle between the developed and developing States. The decision to seek one comprehensive convention instead of the four produced by UNCLOS I guaranteed a diversity of interests. Within the group of 77, some States were landlocked, some were geographically disadvantaged and others were coastal. The developed countries were also divided into these categories. Of the coastal States, some were archipelagos wishing to be

recognised as such while others were regionally interlaced. Some had narrow continental shelves and good fishing grounds. Others had broader shelves and minerals.

Diversity sometimes led to disagreement. Special negotiating groups formed; the coastal State group, the landlocked and geographically disadvantaged group, the archipelagic group, the oceanic group, the group of five and others.¹³² The negotiating tensions have been dissipated by the completion of the Convention but memories of the realignments will take time to fade. Some of the new combinations of interest will be sustained by the provisions of the Convention for they have been written into it. Other groupings will emerge with its implementation.

All coastal States have a vested interest in preserving the integrity of their new territory. Its policing will stimulate the formation of groups within that category. Alignments, in fact, preceded the Convention for some States are more at risk than others. The incidence and impact of pollution can be magnified by geography. Strategic straits increase both the chance of collisions and the polluting effect of spilt oil. In 1975 following a major spillage, joint action by Singapore, Indonesia and Malaysia led to more effective traffic controls and improved navigation aids in the Straits of Malacca. The three countries were assisted by Japan, a major user of the Straits, the UN Inter-Governmental Maritime Organisation and international shipping associations.¹³³ Organisational factors will interact with the functional and geographic factors. Maritime policing necessarily involves international cooperation and coordination. UNCLOS III was well aware of the need. The Convention is dotted liberally with references to 'the competent international organisation' and the coordinating role of an international bureaucracy.¹³⁴ It also, like the UN charter, encourages regionalism.¹³⁵ Relations between nations are increasingly diversifying.

New Order

The new law of the sea is said to have reversed the decision given in the seventeenth century in favour of Grotius in his reputed argument with Selden.¹³⁶ The former wrote about the freedom of the seas;¹³⁷ the latter about the

closed seas.¹³⁸ The problem of order on the seas preceded them both. Matthew Paris, a monk who lived in England at the time of the Normans, observed in his journal: 'There is neither king nor law for sailors'.¹³⁹ When he wrote, the achievements of the Normans were fresh in people's minds; the King's peace, the King's Courts and a common law.¹⁴⁰ Those who travelled by sea were not as well served as the wayfarer at least so far as journeys in England were concerned.

It has taken centuries to remedy that deficiency. The United Nations does not have a sovereign's power. By bringing nations together, by coordinating and reconciling their interests and by giving coastal States a territorial stake in one third of the oceans' area, it has provided a framework for a new order. It has wisely left the attenuated high seas alone. Although Article 88 of the Convention reserves the high seas for peaceful purposes, territorial rights in them are not vested in the UN nor is the responsibility for the preservation of good order on them assigned to it. Article 87 restates the traditional freedom of the high seas in quite specific terms.¹⁴¹

It is not surprising that Admiral Uchida expected the constabulary role to be entrusted to navies. Over the centuries, order on the sea has frequently required the services of an effective navy. Pirates and corsairs are as old a scourge as highwaymen, robber barons, Huns and Vandals. One of the great achievements of the British Navy was the Pax Britannica which protected many of the routes of international trade.¹⁴² There is little danger in using the navy in a constabulary role. There is a danger in regarding the constabulary role as the only or preferable method of achieving order. The penal controls on which police forces principally rely should be used to preserve the good order of the maritime territories only as a last resort when other methods have failed.

The Convention recognises the need for penal sanctions in maintaining the integrity of the EEZ. Article 73 provides in its first paragraph that the coastal State may 'take such measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations adopted by it in conformity with this Convention'. That power is qualified by the succeeding provisions of the article. Paragraph 2

provides: 'Arrested vessels and their crews shall be promptly released upon the posting of reasonable bond or other security'. Paragraph 3 excludes imprisonment or any other form of corporal punishment from the penalties for fishing violations unless the other States concerned agree to the contrary.

Administrative sanctions are also available. Licensing is an obvious control over fishing by foreign vessels in the EEZ. Its effectiveness can be enhanced by requiring licensing by the flag State as well as by the coastal State. The grant of licenses can be conditional on an undertaking to record catches, observe quotas and report positions. Penal sanctions could be applied to the breach of conditions but an alternative is the forfeiture of a sum of money deposited in advance as a surety for good behaviour. Measures such as these have been tried out in practice in the bilateral fishing agreements which have flourished contemporaneously with the evolving of the Convention.¹⁴³ There may well be other administrative procedures devised by developed States for internal use which can be adapted to the sea and adopted by the less developed. Finding and applying them is a prospect which will appeal to the international organisations involved. There will be officials as well as kings and laws for sailors.

Disputes, Reality and Resolution

There is a widespread belief that some of the provisions of the Convention will give rise to disputes. Likely causes have been discussed.¹⁴⁴ The many ambiguities in the text needed to achieve a consensus may merely serve as a continuing cloak for underlying clashes of interest.¹⁴⁵ There is a wide scope for boundary disputes, particularly those caused by offshore islands which lead to increments and distortions disproportionate to their size and significance.¹⁴⁶ There is the injection of equity into the law of nations, a branch of the law hitherto wedded to common law processes.¹⁴⁷ Concepts of fairness can differ widely. The Convention has left some countries, both developed and developing, with unfulfilled expectations.

Not all the fears expressed by commentators are realistic. There may be fewer boundary disputes than expected. Some coastal States will acquire no new neighbours.

Their existing borders will be extended for 200 miles to the high seas. Where the projections of the EEZ or the widening of the territorial sea brings about new relationships, they are just as likely to be friendly as hostile. Long experience on land with territorial imperatives has led to the saying that neighbouring States are natural enemies. That will not necessarily hold true at sea.¹⁴⁸ There they have common as well as confronting interests. Regional groups as well as archipelagos can be given added cohesion by maritime territory. ASEAN and the South Pacific Forum may well have been strengthened rather than weakened by the new law of the sea.

The Convention contains an unusually comprehensive system for settling disputes. It establishes a Conciliation Commission,¹⁴⁹ an Arbitral Tribunal,¹⁵⁰ a Special Arbitral Tribunal¹⁵¹ and an International Tribunal for the Law of the Sea.¹⁵² The choice is wide but no provision is made for appeals. States can adopt any method of their own choice.¹⁵³ They can take advantage of any bilateral or regional arrangement to which they are a party.¹⁵⁴ Alternatively, the dispute can be referred to the Conciliation Commission. If none of these means succeed, it can then be submitted either to the International Court of Justice, the International Tribunal for the Law of the Sea, the Arbitral Tribunal or the Special Arbitral Tribunal.¹⁵⁵ If the parties cannot agree on the forum, it is dealt with by the Arbitral Tribunal.¹⁵⁶

Article 279 of the Convention requires States to settle their disputes by peaceful means. This provision may prove to be more than a pious platitude. The disorders of Europe in the Middle Ages were diminished by refusing to recognise as lawful the possession of territory or property acquired by force of arms in a dispute which could have been but was not settled by peaceful means in the courts, the doctrine of the just war as it was then understood. It remains to be seen whether the UN and its organisations can exert sufficient pressure to apply the same rule or whether the territorial nexus between land and sea provided by the Convention can achieve the same end. An ample framework for the peaceful settlement of disputes has been provided.

PART 4

THE STRATEGIC IMPLICATIONS FOR AUSTRALIA

In recent years, there has been a search for new national strategies. It is reflected in the titles of books.¹⁵⁷ It stems from a growing recognition that Australia may no longer form part of the strategic environment of its great and powerful friends. Although not then apparent, Britain's withdrawal east of Suez¹⁵⁸ and the Guam doctrine enunciated for the US by President Nixon¹⁵⁹ re-drew the boundaries. Australia must now defend itself. The nation has begun to look to its Defence Force differently. The Force has begun to adjust of its own volition. The size and composition of the Force can no longer be assessed by reference to the nation's ability to assist its allies but an alternative method has yet to be found. There is no traditional enemy to provide a precise military measuring stick. A search for threats has provided an awareness but little guidance on force structure.¹⁶⁰

The new law of the sea can help. The insights which it provides through its terms, its negotiation and its potential can ease the insecurities embedded in the national psyche. They can clarify the geopolitics of the South Pacific. They help to harmonise the two key security treaties, ANZUS and ANZAC. They help to focus the problems involved in settling the nation's strategic environment and the role of its Defence Force. But first, Parts 2 and 3 of this work must be brought together.

Strategy and Security

The words strategy and security originally had precise meanings. Both have been expanded into ambiguity. In the days of classical Greece, when the word acquired its meaning, strategy was the art of the army commander, the general. A strategic environment was the region in which a general might be expected to fight. It could be expanded by empire. Alexander the Great ranged far and wide. More recently, empires have been built by sea power.¹⁶¹ Navies gave fighting a new dimension and doctrine. The oceans became a strategic environment. The art of the general was

supplemented by the art of the admiral. Air Forces in their turn gave fighting a new dimension and doctrine. The development of the aeroplane led to Douhet, the Italian high priest of air power,¹⁶² to the strategic bomber and to the art of the air marshal. In the missile age, strategy has taken on a new and fearful form, deterrence or destruction by technology. The meaning of the word strategy in its purely military connotation has diversified.

If, as Clausewitz rightly emphasised, war is a continuation of policy by other means,¹⁶³ strategy in its wider sense must include the art of the power politician as well as the art of the general and his colleagues. The two skills need to march together. They have done so for much of the world's history. However, the meaning of the word strategy in its wider connotation has also diversified. It is no longer sufficient to coordinate defence and foreign policy as Bismarck did so expertly. Ambassadors are supplemented by Trade Commissioners. They cannot now cover between them the full range of inter-governmental activities. Some experts believe that a new phrase is needed to embrace and connote the whole range of activities requiring coordination to protect a nation's vital interests. That phrase is national security.¹⁶⁴

The word security means freedom from danger. Within the Eurasian continent, there had been no need to distinguish between strategy and security. Freedom from danger was secured principally by the art of the general. Sea power in the new dimension given it by the colonising era not only led to the art of the admiral. For some countries, it divorced strategy and security. British naval strategy did not dispel Australian insecurities. The distinction between the two became clearer when warfare extended into the stratosphere. In 1947, the US Congress passed a National Security Act. The primary danger came from two left overs from World War II, the atomic bomb and the strategic rocket. They were soon to merge into one. Nuclear missiles posed new and massive threats. The arts of the general, admiral, air marshal, diplomat and power politician provide no defence. The only counter yet devised is the threat of mutually assured destruction. The US, the USSR and other countries have had to learn to live with danger.

Brodie, an American strategist of the missile age, believed that the US could and should deal more decisively with other threats more distant in space, time and conception following the precedent of earlier great powers.¹⁶⁵ In his view, the superpowers had unique capacities to influence events and their leaders would be remiss if they did not regularly exercise their power to enhance the nation's security. He implied that national security was a luxury which only great powers could afford. A superpower approach to security is indeed a luxury. Many Third World countries have been following the path which the US took two centuries ago when it was newly independent. They wish to be left alone in a state of neutrality, non-involvement or non-alignment so that they can stabilise their liberated society and turn it into a nation.

National Insecurity

A sense of insecurity has become almost a permanent feature of Australian life. Some of the ingredients arrived with the first fleet.¹⁶⁶ In addition to becoming a penal colony, Sydney was expected to be to the South Pacific what the Azores, Madeira and the Cape Verdes had been to the Atlantic, points of reference and ports of refuge, replenishment and repair.¹⁶⁷ Sydney was not an island port. It was not, like Norfolk Island, secured by short unfriendly shores. As a mainland port, it lacked the topographical features which had safeguarded Cadiz, Gibraltar and Aden for centuries.

Sydney was expected to become another Cape Town, a port with a hinterland. It was located on the eastern shores of an unexplored and largely unmapped land mass of continental size away from the usual seaways. Terra Australis, as it had been shown on the early maps of the Pacific, was, from Europe's perspective, down under at the bottom of the globe. It was exposed to European influence late in time. It did not form part of the Asian Mediterranean,¹⁶⁸ the middle seas of the Pacific linked by trade rather than by littorals.¹⁶⁹ It had attracted neither the Portuguese, the Spanish, nor the Dutch.

It might attract the French.¹⁷⁰ They were old foes of the English. The two nations had been fighting over dominion and trade in North America and India. They were soon to fight again in Europe. French frigates could sail into Sydney's harbour and attack before the colony knew that war had been declared. Unless fortified, outposts of seaborne empires had proved vulnerable to raids since the days of Drake. A battery was positioned on Bennelong Point in the 1790s to protect Sydney Cove.¹⁷¹ Fort Macquarie soon took its place.

Attacks were more likely if French colonies were established nearby. The long coastline invited occupation at some points. There was a security factor in exploration and development. Newcastle, Port Macquarie and Brisbane were obvious choices for pre-emptive occupation to the north. Beyond them the great reef was a barrier. To the south, Port Phillip Bay was hazardous and the Tamar estuary tortuous. The Derwent estuary was better. Hobart came first. Melbourne and Launceston had to wait. The east coast was secured. In due course, settlements were established in the north at Port Essington¹⁷² and in the west at Perth. The whole continent was mapped and claimed.¹⁷³

French colonials did not arrive in the vicinity until 1853.¹⁷⁴ They settled in New Caledonia. Earlier attempts to colonise northern Australia and southern New Zealand had been frustrated.¹⁷⁵ Although the new base was too close for comfort, the scene had changed. Another enemy was emerging. Britain was on the brink of war with Russia. New Zealand had been added to the Empire. The colonies in Australia had gained strength and assurance. The discovery of gold and the success of the pastoral industry had given the new land the promise of North America.

The threat changed too. Sydney was no longer a Cape Town which might be captured and forced to owe allegiance to a new imperial power. It was not a Gibraltar which might be ceded as a spoil of war. It was the centrepiece of a potential nation. The ultimate threat now was invasion. The fear was given shape in Europe. In hindsight, it seems extraordinary that the building of naval steam vessels in France should cause panics in Britain in the 1840s and 1850s.¹⁷⁶ For Lord Palmerston, the French feat was equivalent to the construction of a bridge across the Channel.¹⁷⁷ If, in the opinion of its Prime Minister,

England was no longer protected by its moat defensive,¹⁷⁸ Australia with its wide open spaces on land and sea was much more vulnerable. No invader threatened but the heightened sense of insecurity would not go away.¹⁷⁹

In response to the movement of Russian frigates in the northern Pacific during the Crimean War, Victoria ordered from England a screw steamer armed with six 32 pounders.¹⁸⁰ New South Wales ordered a locally built ketch armed with one 32 pounder. The purchase led in 1860 to an opinion by the Crown Law Officers.¹⁸¹ That opinion and a resolution of the House of Commons in 1862 led to the Colonial Naval Defence Act, 1865.¹⁸² The Law Officers were doubtful of the status of colonial warships under international law. The House of Commons was unanimously of the view that those colonies which had been given self-government should be primarily responsible for their internal order and security and should assist in their external defence.¹⁸³

The Colonial Naval Defence Act enabled colonies to provide ships, weapons and volunteers for their own defence. It came too late. An old style navy could have been built by the Australian colonies. In the days of sail and wooden hulls, mariners took their ship building skills with them.¹⁸⁴ The presence of timber and flax in the region had been a factor in the choice of Botany Bay.¹⁸⁵ The new style navy required totally different materials and skills. There was plenty of coal and iron in Australia but not the infrastructure to industrialise them. The speed of naval development frustrated any thought of catching up.¹⁸⁶ Through the introduction of shells, rifling and breech loading, guns were keeping pace with the speeds now available at sea and the armour provided by iron and steel. Warships had to be procured from Britain.

It was not hard to persuade the colonies through the various sources at Britain's disposal to respond to the House of Commons requirement in a manner which suited Britain.¹⁸⁷ With escalating costs, it was obviously sensible to depend on the Royal Navy for all but port and harbour defences and to limit purchases to floating forts and torpedo boats. The obligation to provide assistance in external defence could be met by supplying military forces. They would be as useful as naval forces. Many colonials could handle guns and horses. With the withdrawal of

British regiments, colonial forces had to be established.¹⁸⁸ Military skills could be taught more readily and widely than the new naval skills.¹⁸⁹

The pattern which emerged enhanced Imperial rather than Australian security. The latter could be strengthened, however, by keeping other imperial powers at a distance and denying them the ports now needed for re-fuelling with coal. Once the dangers of the Barrier Reef and Torres Strait had been lessened by steam propulsion¹⁹⁰ and accurate charting, New Guinea acquired a strategic value. Queenslanders were uncomfortably aware of its proximity. They were quick to appreciate its new significance and to realise that the French might get there first this time. Concerned citizens began writing to the Colonial Office in the 1860s urging its annexation. The pleas fell on deaf ears.

The long tussle over New Guinea left an imprint on history.¹⁹¹ It united the colonies in Australasia in a common cause. It called forth a Monroe doctrine for the South Pacific. It severely dented the notion of imperial infallibility. In 1882 proposals for the annexation of New Guinea appeared in the German press. In 1883 the Queensland Government occupied and annexed eastern New Guinea. Its action was promptly repudiated by the British Government, one of the justifications being that there was no evidence of a German move. In 1885 eastern New Guinea was divided between Germany and Britain. A few years before Germany had defeated France in a short sharp war. Both countries, the leading military powers in Europe, now had colonies in the region.

British disinterest stemmed from new priorities. India had displaced the colonies as the pivot of Empire.¹⁹² Trade with countries further east was becoming more important than ever.¹⁹³ It was in Indo-China that the French needed watching. The Torres Strait could not compare in significance with the Straits of Malacca even before the opening of the Suez Canal in 1869.¹⁹⁴ The safeguarding of the route to the East after the opening involved Britain in conflict. The fighting in the Sudan tested the role of the Australian colonies in imperial warfare. Three new additions to the Victorian Navy, two gunboats and a torpedo boat, happened to be in the Mediterranean in 1884 on their way out. They were made available and accepted for service in the Royal

Navy. They saw no action.¹⁹⁵ Neither did the small military contingent raised and sent by New South Wales.¹⁹⁶ Naval assistance was not required in the next call to arms, the Boer War, but the military response augured well for the future.

A discordant note was sounded at the northern end of the Pacific. Contrary to the traditional laws of war of the West, Japan was not allowed to retain the territory which it conquered in its war with China in 1894. Although China had been prepared in its initial peace terms to cede the Liaotung Peninsula in Southern Manchuria, Japan was forced by a group of European powers, Russia, Germany and France, to relinquish it. Three years later the fruits of Japan's victory were gathered in by Russia which gained from China a lease of the Peninsula and permission to link Port Arthur with the trans-Siberian railway.¹⁹⁷ The new port would be freer of ice than Vladivostok. It stood strategically between Japan and China.

Japan understandably set out to become a match for the European powers. Its Army and Navy were built up, the former with Germany's help.¹⁹⁸ and the latter with Britain's,¹⁹⁹ the acknowledged leaders in their respective field. An opportunity to fight came in the next decade. Russia was the obvious enemy. Japan won. It triumphed at sea. Eight Russian battleships were sunk. Four surrendered.²⁰⁰ Intermittently throughout the nineteenth century, Russia had been regarded as a threat to Australian security.²⁰¹ It had straddled the northern Pacific like a colossus. Alaska was not sold to the US until 1867. The progress of the Baltic Fleet sent around the Cape to defeat the Japanese after the Port Arthur and Vladivostok Squadrons had been neutralised was reported in detail in Australian newspapers.²⁰² Its unexpected defeat accentuated a concern dating back to the days of the gold rush. The spectre of the Yellow Peril was European in origin but Pacific in application. Devised by Germany to keep Russia preoccupied with Asia,²⁰³ it struck home in Australia.²⁰⁴ Fortunately, the new threat was muted by Japan's alliance with Britain.²⁰⁵

The battle of the giants in the Sea of Japan did nothing to resolve the naval dilemma confronting the Empire. It supported those at the centre who had wanted an Imperial Federation and the biggest possible battle fleet, the direc-

tions pointed out by Seeley²⁰⁶ and Colomb,²⁰⁷ the precursors of Mackinder and Mahan. Colonial policy had changed. Instead of being encouraged to mature quickly into independence and go their own way as they had been earlier in the century,²⁰⁸ colonies whether self-governing or not were held within the Empire as tightly as political exigencies permitted. Their money as well as their manpower was needed. The naval race demanded dreadnoughts and more of them.²⁰⁹ The Colonial Naval Defence Act was slid under the carpet.

The Australian colonies having gained self-government were not prepared to be re-colonised.²¹⁰ Federation when it came was national, not imperial.²¹¹ The new Commonwealth needed a navy. As the Sydney Morning Herald editorialised while the Russian Baltic Fleet was steaming north, the Pacific could become a European lake crowded with ironclads.²¹² The more realistic problem was the fast armoured cruiser which could play havoc with shipping.²¹³ Japan and Russia both had them. The Commonwealth fought for the full recognition of Dominion navies.²¹⁴ It came with the UK Naval Discipline (Dominion Naval Forces) Act 1911.²¹⁵ The previous year, the Commonwealth had agreed to preserve traditional links. The Naval Defence Act, 1910 contained a provision enabling RAN ships to be transferred to the RN.²¹⁶ In both World Wars, RAN ships were so transferred.²¹⁷

World War I left behind an undue sense of security. It was regarded at first as the war to end all wars. Imperial defence had proved its worth. The German Fleet in the Atlantic had been defeated.²¹⁸ The land battle in Europe had been won although that had taken four years and had needed US as well as dominion and colonial manpower. German bases in the Pacific had been captured and forfeited.²¹⁹ The menace of the cruiser had been met.²²⁰

World War II left behind an undue sense of insecurity. With Japan as an enemy, the limitations of Imperial defence became apparent. This time the Pacific was crowded with ironclads. As Kitchener had forecast to Haushofer in 1909, war between Britain and Germany made Japan and the US the dominant powers in that ocean.²²¹ The German influence which had helped to bring victory to Japan in its war against Russia was renewed between the wars.²²² Both mastered the Blitzkrieg.²²³ Germany used it on land. Japan

used it at sea. Japan emulated Germany in belatedly attempting to establish, if not a seaborne empire, at least a sphere of influence. The inviolability of Australia was breached by air power. Submarines raided Sydney Harbour. New Guinea was invaded. The worst fears were thought to be well founded.²²⁴ Australia would be the next to be invaded.

The spectre of invasion still persists today. New threats have been added to the old.²²⁵ It can be argued that nuclear weapons are doing more to promote peace than war;²²⁶ that technological superiority did not win the war for the US in Vietnam and is not winning the war for the USSR in Afghanistan; and that machines have yet to demonstrate an ability to win or occupy territory. The new fears may nevertheless be sustained by other schools of thought. Some of the results of decolonisation, however, are beyond argument. The independent State has become a basic political unit throughout the world. The middle seas of the Pacific are now girt with a chain of States to whom political independence and territorial integrity are all important. The promise of a new geography, new combinations of interest and a new order should facilitate the decolonisation of Australian insecurities.

The Geopolitics of the Pacific Ocean

The Pacific is the largest of the oceans. Even without the Indian Ocean which preserved its identity through its ancient title, the expanses of the Pacific exceed the whole of the earth's land surface. However, it is not only size which gives the Pacific Ocean its character but also the number and variety of its islands. The East Indies, the legendary spice islands, initiated the colonising era by attracting da Gama around Africa and Columbus across the Atlantic. Although the colonising processes unfolded a large part of the world's geography and the decolonising processes created a large part of the world's present political system, the islands of the Pacific have seldom been viewed geopolitically. The customary appraisal has been colonial, imperial or plain geostrategic.²²⁷ It has been slow to adapt

to the needs of Third World countries for there has been a tendency to see geopolitics in the same light as national security, that is, as a prerogative of the major powers.²²⁸

For much of the world's history, islanders have enjoyed a greater security than mainlanders. Both the British and Japanese Isles were free from invasion for centuries despite their proximity to the Eurasian continent. Islanders were usually shielded by the seas from the ravages of the human tides generated on the continental steppes.²²⁹ Some were the product of those tides for islands, like mountains, have long been a refuge for those seeking a peaceful life.²³⁰ The further and less attractive islands provided reserves of living space. Terra Australis, the great land in the south, was doubly protected by a chain of islands and inhospitable shores.

The geopolitical pattern which had evolved across the Pacific was disturbed by the colonising powers.²³¹ The most significant change, masked until decolonisation, was the creation of archipelagic entities. The constraints of geography were countered by the sailing ships which conquered oceans and carried guns.²³² They not only converted into single political units the more spacious and fertile islands nearer the Asian continent which had attracted populations large enough to develop within them the territorial enclaves of the mainland. With some help from steam, they aggregated islands large and small into units of empire.²³³

On decolonisation, the archipelagic States were left with their colonial boundaries²³⁴ but without the sea power which had bound their constituent parts together. Yet they were denied the control of their internal waters under laws devised by and for the seaborne empires. The new States had much greater cause than Australia to be concerned about their security, internal as well as external. It is not surprising that Indonesia and the Philippines followed the lead of President Truman in taking maritime initiatives.²³⁵ In its treatment of archipelagic States, the new law of the sea not only recognises the special characteristics of the Pacific Ocean. It harmonises them with the political legacies of the colonial era.

There is a wider sense in which the islands of the Pacific can be said to have an archipelagic entity. In the last century, before the seaborne empires converted from

sail to steam, the area which includes the Melanesian, Polynesian and Micronesian Islands, New Guinea, New Zealand and Australia was known as Oceania. It was so named by French geographers who saw it as an intrinsic geographical entity.²³⁶ The Australasian colonies in calling for a Monroe Doctrine decades later saw it as a distinct and distinctive entity. With the dismembering of empires, it is regaining that character. It is developing a regional political entity although the South Pacific Forum had to be created by the independent States to counter imperial dilatoriness and the residual paternalism of the South Pacific Commission.²³⁷

The new law of the sea through its exclusive economic zones gives Oceania an archipelagic shape and cohesion and a geographical entity. Most of the States become contiguous. While economic zones, even if exclusive, do not bind or secure as well as the territorial waters within an archipelagic State, they are not ineffective. They have already altered the status of visitors. At its apogee, sea power was said to make a maritime State the neighbour of every country accessible by sea.²³⁸ That is no longer the case. Property in the seas has ceased to be synonymous with the possession enjoyed by countries with the biggest fleets. Visitors remain visitors.

Just as the new maritime geography of Oceania complements and strengthens the South Pacific Forum, so the new maritime geography of South East Asia complements and strengthens ASEAN. However, there are substantial differences between the two regions. There is more to South East Asia than Pacific islands. It, too, is an entity recognised historically as such.²³⁹ Of the six members of ASEAN, Indonesia and the Philippines are archipelagic States. Malaysia and Thailand are mainland States.²⁴⁰ They are brought together by maritime trade as they have been for centuries. The establishment and growth of Singapore testifies to the ever increasing importance of that trade.²⁴¹ So also do the controls which can now be exercised by ASEAN members over the sea link between the Indian Ocean and the China Sea.

The new law of the sea has brought Oceania and South East Asia closer together geographically. The island chain which stretches eastward from Indonesia is as much part of the Asian Mediterranean as the spice islands. ASEAN, the

Association of South East Asian Nations, has only one foot in Asia, despite its name. The other is in the Pacific. Despite their contiguity, the two regions remain apart politically. There is a land border between the two which bisects New Guinea. Papua New Guinea, even before becoming fully independent, saw itself as a bridge between Asia and the Pacific.²⁴² It is a member of the South Pacific Forum. Although the possibility has been scouted for some time, it is not yet a member of ASEAN.

Some years ago, the destiny of Australia was thought to be linked with Asia. Australian soldiers might be excused for subscribing to that view since they have fought on the Asian mainland both in World War II and in subsequent decades. There is no doubt that China, Japan and the US will exercise a dominating influence in the Pacific. Between those countries and Australia lies the Asian Mediterranean which can act as a bulwark or a barrier. Geographically, despite its size and its underslung position, Australia is a part of that island chain. Politically, it is a member of the South Pacific Commission and the South Pacific Forum. It played a major part in establishing the former organisation.²⁴³ Unlike the former imperial powers, it was invited to join the latter. It is a supporter but not a member of ASEAN. The new law of the sea has anchored Australia more firmly in the Pacific.

ANZAC and ANZUS

Despite the grant of self government to the Australian colonies in the middle of the last century, the country's politicians for many years had to adjust their policies to decisions made elsewhere, particularly in London. Occasionally there was consultation. There was less in World War II than in World War I. Churchill's reluctance to allow Australian soldiers to be brought back to defend their homeland was climactic and catalytic. The long vaunted system of imperial defence had failed. An alliance defence replaced it. The US became the principal ally in the Pacific. Britain's status became that of an ally. In the dark days of the war, the Government secured the country's constitutional independence by belatedly adopting the Statute of West-

minster.²⁴⁴ The reins of policy could be and were grasped. Not surprisingly, they were used to promote national interests as the occasion arose.

The much maligned ANZAC Pact was the first treaty in a new pattern of international relations.²⁴⁵ Australians and New Zealanders had become comrades in arms in two world wars. The southern thrust by Japan highlighted the common geopolitical and strategic interests of the two countries. Those interests had been almost strong enough in the last century to conjoin the New Zealand and Australian colonies in an Australasian federation.²⁴⁶ Their bonding in a treaty in 1944 was a step which could be and was taken on the spur of the moment.²⁴⁷

The strategic interests were stated with precision.

The two Governments agree that, within the framework of a general system of world security, a regional zone of defence comprising the South-West and South Pacific areas shall be established and that this zone shall be based on Australia and New Zealand, stretching through the arc of islands northern and north-east of Australia to Western Samoa and the Cook Islands.²⁴⁸

The two Governments accepted the responsibility for policing agreed areas of the South Pacific.²⁴⁹

Another article asserted that the construction of military bases on the territory of another country afforded no basis for the takeover of that territory at the end of the war.²⁵⁰ The article was obviously aimed at the US. There had been no prior consultation. Both British and American officials in Australia at the time interpreted the Pact as an attempt by Australia and New Zealand to establish a Monroe Doctrine for the South Pacific.²⁵¹ The article generated in the US and the UK an irritation and hostility not unlike that provoked in Europe by President Monroe in 1823 but, in other respects, there were significant differences. The object in 1823 was to prevent European powers from re-colonising the newly independent nations of Latin America.²⁵² The object in 1944 was to prevent the expropriation of islands for strategic purposes. Japan had acquired key islands in the North Pacific during World War

I. The US had done even better in its war with Spain at the turn of the century. Despite its Monroe Doctrine, it re-colonised the Philippines and Puerto Rico.²⁵³

The second step in the new national pattern of international relations was the United Nations. In its formation, Australia spoke for itself, loudly and clearly.²⁵⁴ A Pacific Pact was to have been the third key treaty. As the war swung in favour of the Allies and Britain re-established a presence in the Pacific, Anglo-Australian ties were renewed.²⁵⁵ At the end of the war, a British Commonwealth Force was formed to take part in the occupation of Japan.²⁵⁶ The direct *de facto* alliance with the US came to an end. Evatt persistently sought a treaty with America which would provide both security against Japan and a *de jure* alliance.²⁵⁷ He failed because the South Pacific became strategically irrelevant.²⁵⁸

Spender succeeded where Evatt failed. He succeeded because by 1950 Australia and New Zealand had become strategically relevant again. ANZUS has traditionally been seen as a US concession to Australian fears of Japan and its reluctance to agree to a soft peace treaty without a security guarantee.²⁵⁹ The strong support of the American Chiefs of Staff for the treaty has only become public knowledge in recent years.²⁶⁰ They had massive problems. In Europe, the forebodings of Seeley and Mackinder had been confirmed. A cold war had led to the North Atlantic Treaty. In Asia, too, former allies became enemies and former enemies had to be converted into friends.²⁶¹ The belief that Russia and China constituted a monolithic communist bloc dominated Pacific strategy. The West had no more than footholds on the Asian mainland. A string of island bases was secured by a series of interlocking agreements which included ANZUS, the Japanese Peace Treaty and the US-Philippines Treaty.²⁶²

Just as the strategic value of ANZUS to the US in the 1950s has, until recent years, been under appreciated, so also has its political value particularly to Australia. Sir Alan Watt saw the potential. He valued the treaty for the opportunities which it provided for developing confidence and understanding at both the political and military level.²⁶³ The annual meetings of Foreign Ministers have achieved more than understanding. They have helped to sustain American support for what is, in effect, a Monroe

Doctrine certainly for the South Pacific and perhaps also for South East Asia. The transition of ANZUS focus from a preoccupation with communist insurgency, SEATO and the conflict in Vietnam to an endorsement of the South Pacific Forum and ASEAN as forces for regional stability is etched in the communiques.²⁶⁴

American help has been as important in the 1970s and 1980s to the newly independent countries in the Pacific and Asia as British help was to the newly independent nations of Latin America in the 1820s and 1830s.²⁶⁵ Canning, the British Foreign Secretary, professed to have played a greater part than Monroe, the American President. By according diplomatic recognition to the revolutionary governments at a critical time and thereby giving them the backing of the British Navy, he claimed to have called the new world into existence to redress the balance in the old.²⁶⁶ When the Australasian colonies sought a Monroe Doctrine for the South Pacific in the 1880s, Britain was unable to provide the support. The naval situation had changed. It has continued to change. The great white fleet, as portion of the US Navy was described on a visit in 1908,²⁶⁷ is no longer so important to the security of the South Pacific.

The Strategic Environment

In the days of imperial defence, Australia's strategic environment was world wide. The army might be called upon to fight anywhere. In the days of alliance defence, the environment encompassed the Pacific Ocean and Asia. It has shrunk. It obviously includes Australia. How much further does it extend? The Guam doctrine is more important in answering that question than the British withdrawal east of Suez. There has been a reluctance to accept the doctrine's implications.²⁶⁸ Under the pressures of a hard war, Australia was prepared to become master of its own political destiny. It has been less prepared to become master of its strategic destiny. The Spender vision of ANZUS as providing the protective shield of the mightiest power in the world²⁶⁹ has been allowed to dominate Australian thinking despite profound changes in the political and strategic factors which gave the treaty birth.²⁷⁰

The Guam doctrine reflected the lessons learned in the conflict in Vietnam. Even with the help of the most sophisticated technology, the US forces could not perform in Asia as well as they had in Europe. Manpower was still a military requirement. There were insufficient allies. The development of nuclear missiles had provided an alternative to conventional warfare and perhaps a complement but not a substitute. The US and its allies could not provide in Asia the conventional forces which NATO had at its disposal in Europe. Perhaps China could be involved. It had manpower on a scale which no other country could match. A rapprochement had to be considered. There had to be a withdrawal from Vietnam with the least loss of face. In any event, America's friends and allies in Asia had to be told that, for their future defence, the primary responsibility for providing manpower was theirs. They were given that message by President Nixon at Guam.²⁷¹ Australia has not been publicly exempted. The homeland can at last be recognised as the primary strategic environment.

Regionalism preceded the Guam doctrine. Nixon had been studying the implications of Vietnam before he became President. The ability of the US to act as the world's policeman was limited. He had noted a disposition in Asia to think in regional terms and to seek Asian solutions to Asian problems.²⁷² That development could be used to enhance security. He believed that American assistance would be more forthcoming if the nations of the region seeking it had made a collective effort to contain the threat and if the request were collective. Those views were published in an article 'Asia After Vietnam' in a leading US journal in October 1967.²⁷³ ASEAN came into existence in August 1967. Its potential was recognised in the 1968 ANZUS communique. The persistent endorsement of ASEAN and the South Pacific Forum in ANZUS communiques has a strategic as well as a political significance.

ASEAN has adapted to regional security so well that the western region of the Asian Mediterranean is ceasing to form part of Australia's strategic environment. Early in its existence, a collective effort was made to convert the region into a zone of peace, freedom and neutrality. ZOPFAN has been consistently under rated.²⁷⁴ Internally, ASEAN has achieved peace and stability in an area not long ago described by a US political geographer as a shatterbelt.²⁷⁵

The confrontation between Indonesia and Malaysia seems no more than a growing pain. No crises have yet been created by the adjustment of maritime boundaries. The major threat to peace comes from the mainland where Vietnam sought and obtained control of the whole of the former French Indo-China. Any further ambitions have been kept in check by China's willingness to stimulate border clashes in a conventional continental reaction. Neutrality in the European sense is an unattainable objective until the mainland boundaries are more secure and ASEAN and its member States grow stronger. Australian defence support will remain welcome.

The eastern sector has embraced regionalism happily. Its perception of the need for either national or regional security is, as yet, limited. South Pacific States have been shielded by place and time. Oceania is one of the least threatened regions of the world. It is seldom caught up in the dynamics of the Pacific basin. Just as it was colonised late in time, so it has been decolonised late in time. Its new nations have been preoccupied in attaining regime security and in acquiring the trappings and expertise of modern statehood. External threats have been posed by the seemingly endless nature of French nuclear testing, Japan's attempt to dispose of its nuclear waste in the southern seas and marine poaching. There is, understandably, more interest in a nuclear free zone than in a zone of peace and neutrality. There has been no pressure for a defence pact. Although Australia and New Zealand agreed in 1944 to establish the South Pacific as a defence zone, other members of the Forum have not been asked to accede to the ANZAC Pact. The two countries have not, following America's example in the Monroe doctrine, proclaimed that an attack on a nation in the region shall be treated as an attack on themselves. Even in the absence of such a proclamation, the South Pacific remains part of Australia's strategic environment.

A primary emphasis on homeland defence and a secondary emphasis on regional security are consistent with the Guam doctrine and ANZUS planning. However, recent US Presidents have not always appreciated the doctrine's implications. Nixon understood that regions told to see to their own well being cannot be told also to see to it in a

particular way. Zones of peace and neutrality and nuclear free zones are more to the regional taste than defence pacts, joint forces, military bases and gunboat diplomacy.

Australian Prime Ministers, on the other hand, have failed to appreciate and emphasise the need for reciprocity within an alliance in obligations and responsibilities. If Australia has the primary responsibility for its defence, it must, as a corollary, have first call on its own manpower. Just as the US cannot police the whole of the world, so Australia cannot be expected to range over the Indian Ocean as well as the South Pacific. If the US chooses to cut its military cloth to suit its purse as it did in the Guam doctrine, it cannot complain if its allies follow the leader. US Presidents, because of the demands made on them, will inevitably make additional requests for help. The long years of imperial defence have conditioned Australian Governments to respond readily. They still have to learn to say 'no'. They still have to learn the differences between imperial and alliance defence.

History is littered with examples of nations being unable to meet their strategic commitments. Seaborne empires have provided a new range of illustrations. In his survey of Britain's inability to meet its responsibilities, Michael Howard has emphasised the pull of geography and history.²⁷⁶ The continental commitment proved more compelling than the defence of empire. It affords a precedent for Australia. The new law of the sea has unified the Asian Mediterranean. The islands of the middle seas have become Australia's continental commitment although the pull of geography is not yet reinforced so strongly by history. The islands circumscribe Australia's strategic environment.

Defence Force Roles

It is not surprising that, within a decade of the 1975 conference on seapower, the constabulary role of navies should be dramatised in an Australian television series entitled 'Patrol Boat', or that the 1984 ANZUS communique should mention the Australian offer to develop a suitable patrol boat for the South Pacific Forum countries. The significance of the role has been recognised. Its relationship to other Defence Force commitments remains to be

considered. The prevention of invasion and the protection of trade are objectives as important now to many Third World countries as they were to the colonies in Australia. Both were naval roles. Both have been transformed.

Seaborne empires could not have been established if amphibious operations had been as unsuccessful in the new world as they frequently were in the old. The European Mediterranean provided many examples.²⁷⁷ It was not until sea, land and air warfare were integrated that amphibious operations reached a peak unknown since the days of the Viking. They did so in the Pacific in World War II. Seapower was the core but it became a victim of the technological development needed to master the art of oceanic invasion. The battlefleet survived the initial onslaught of the submarine and the aeroplane by replacing the battleship with the aircraft carrier. That, in turn, proved to be vulnerable to kamikaze attack.

The technological imbalance which contributed to the creation of continental as well as seaborne empires is no longer such a handicap in countering invasions. Australia is no more capable today of building a significant blue water navy than it was in 1865. It needs one less. The superpowers have distanced their navies from those of other countries but only at the price of confronting and neutralising each other. They have put themselves to the expense of surveillance from outer space. 'Exocet' missiles are cheaper. Smaller powers can afford them. The Asian Mediterranean, like the Persian Gulf, is well equipped geographically for attacks on shipping. It can provide some degree of mutual protection for the nations within it. For Australia, it provides a forward defence against conventional invasions from the north.

Motives have changed as well as techniques. The acquisition of territory by conquest is now neither profitable nor permissible. Political independence is becoming more critical than territorial integrity. It is needed not merely to give young nations the opportunity to grow to maturity in peace. Dominion can be achieved by enthralling regimes. Europe provides modern as well as ancient examples. The countries of Eastern Europe have not been assimilated politically into the USSR, a superpower which grew by absorption. It is sufficient that their regimes are compliant. Secessions are not allowed in key areas in the

Americas as well as Europe. Grenada, like Hungary, was invaded to prevent a regime deviation. Zones of peace, freedom and neutrality have their blessings.

Traditional naval priorities ranked the defence of shipping next after defence against invasion.²⁷⁸ Corbett coupled attacks on trade with its defence. He noted that, until they were outlawed in 1856 by the Declaration of Paris, most attacks on merchant ships were made by privateers.²⁷⁹ Even before the produce of the New World began to flow, privateering was endemic in the English Channel.²⁸⁰ English, French and Dutch ports were well placed for the seizure of prizes. Privateers as distinct from pirates were armed merchant ships commissioned by the King to fight during a war. They comprised the bulk of early navies.²⁸¹ Letters of marque once permitted privateering in time of peace but, as admiralty and prize courts evolved, their use was restricted to the commissioning of privateers in time of war.²⁸²

Trade gained in the aggregate more than it lost. Fiefs could not be won at sea. Ships were different from landed estates. They could earn a profit by trading. Money was needed to fit them out. Some privateers were content to remain freebooters. Others became merchant adventurers. As prizes grew in value, they provided capital for the trading companies which carved out empires in the East. Privateering spread with the seaborne empires. It took root in the West Indies and Mauritius.²⁸³ It became as much a part of maritime warfare as the convoy system designed to keep it at bay.²⁸⁴ It grew in volume.²⁸⁵ Measured in British losses in wars against the French, 4,000 ships were captured in the years 1688-97 and almost 11,000 in the years 1793-1815.²⁸⁶ Like the blockade, privateering developed into an instrument of economic warfare.²⁸⁷

In its War of Independence and its 1812 war with Britain, the US had to encourage privateering.²⁸⁸ It had no navy of consequence. The operation of privateers out of American ports changed the relationship between blockades and privateering. The British Isles were the best hunting ground. American ships particularly in 1812 were usually fast enough to evade the blockade on the Atlantic coast. Prizes were less successful. In 1812, more than half were re-taken. Privateers were prepared to run the risk. The

Government was not. It ordered the destruction at sea of any captured British man of war.²⁸⁹ It paid a prize bounty of half its value.

In the American Civil War, merchant ships were also destroyed. Captain Semmes who sailed not as a privateer but as an officer of the Confederate Navy burnt or sank by gunfire almost all of the 82 ships which he captured in the Alabama.²⁹⁰ The blockade of the South was almost impenetrable. Neutral ports were never a haven for prizes.²⁹¹ Semmes made a virtue of necessity and struck hard and effectively at the Federal merchant marine. He set a record unequalled until the advent of the submarine.

The Alabama and the Shenandoah showed how successfully navies could perform the role of the privateer in the attack on commerce. The Melbourne Argus commented on the arrival of the latter in Port Phillip Bay towards the end of the Civil War that the Confederate cruisers had 'fairly revolutionised naval warfare'.²⁹² The cruiser did not fulfill that early promise; the submarine did. The introduction of the wireless telegraph was a serious handicap. The removal of sails reduced range and curtailed cruising. Ironclad steamers were harder to destroy. The ability to cruise underwater was needed to restore some measure of surprise and safety. It had to await the perfection of the diesel engine and the torpedo. The assumption of the privateer's role led ultimately to an increase in the extent and level of naval combat and to a progressive degradation of sea warfare.²⁹³ As Clausewitz observed, there was no logical limit to the application for force.

Neither form of economic warfare, the blockade or the attack by privateers was decisive in the Napoleon War.²⁹⁴ Neither blockade nor submarine attack was decisive in World War I despite the best endeavours of mechanised navies. Neither was decisive in World War II despite the added endeavours of air forces. The tolerance of destruction spread. Bomber aircraft were designed to strike directly at industry. The combined efforts of the allied naval and air forces in Europe had significantly less effect than the advocates of naval blockade and strategic bombing predicted. The resurgence of Germany and Japan after the war provides a compelling commentary on the failings of economic warfare despite the transformation of the traditional naval roles.

Peace Keeping

Perhaps the greatest strategic significance of the Law of the Sea Convention is that it focuses attention on peace keeping. The duty of a constable is to keep the peace. The primary role of a police force is to prevent the commission of offences.²⁹⁵ The limited constabulary role created by the Convention can lead logically to the re-use of navies and armies for peace keeping, that is, for the prevention of war. The time and place are auspicious. Trade and war were intertwined for the four centuries of the seaborne empires. It is possible that, with the dissolution of those empires, the high seas will be used only for peaceful purposes as the Convention provides.²⁹⁶ That result becomes more likely if the States in the middle seas of the Pacific keep the peace effectively in the waters within their control. It is a wider commitment than guarding the coast.²⁹⁷ A coordinated and mutually supporting naval effort is called for.

The ASEAN States are gaining the resources needed to achieve that effort. The South Pacific Forum States will have sufficient difficulties with the limited constabulary role. Peace keeping forces would have to be provided by Australia and New Zealand as and when requested. Australia has assisted in UN peace keeping outside the region. Concentration within the region would enhance cost effectiveness. Peace keeping is a commitment which Australia and New Zealand can afford if their navies are allowed to discard the conventional battle role and are encouraged to apply themselves wholeheartedly to the constabulary and peace keeping roles; and if the traditions, equipment and force structure of the two Defence Forces are switched from the demands of alliance defence to those of their strategic environment and coordinated with each other.

There is a regional peace keeping tradition. The South Seas were too extensive and sparsely populated for the early explorers and merchant adventurers, too unrewarding for pirates and too remote for privateers.²⁹⁸ Ultimately, they became a haven for escaped convicts, drop-out seamen and lesser breeds of buccaneers. Many were British subjects. The responsibility for their behaviour was assigned to the early Governors of New South Wales, whose commissions gave them jurisdiction over adjacent islands to

the east of the colony in the latitudes covered by Terra Australis. The Governors relied on such ships of the Royal Navy as the Admiralty could be persuaded to spare to maintain law and order in the islands.²⁹⁹

Navies today would not be expected to deal with law and order problems on land. That is a task for the Police or the Army. BOTH can be used for peace keeping. In the British context, the original division of responsibilities between them was territorial. The establishment of the London Police in 1829 was, according to Sir John Fortescue, 'the greatest and most far-reaching military reform since Oliver Cromwell died'.³⁰⁰ Its value lay in relieving the Regular Army of its invidious duty of preserving order at home and allowing it to maintain order in a turbulent empire enlarged by the acquisitions of the Napoleonic Wars with a peacetime establishment constrained by the massive debts incurred in the long years of those wars. Fortescue saw the Metropolitan Police as a new model standing army, and the Army as an imperial peace keeping force.³⁰¹ Despite the occasional panics, home defence remained a predominantly naval role.

A somewhat similar pattern emerged in the colonies. The improvement of the rifle and the development of the machine gun in the last century drastically reduced the time spent by the Imperial Army in colonial combat.³⁰² Policing became a dominant military role abroad.³⁰³ In due course, colonies were encouraged to establish their own police forces which, understandably, were modelled more on the Royal Irish Constabulary than on the London Metropolitan Police.³⁰⁴ Some were persuaded to establish their own military forces, a process which might require a threatened or actual withdrawal of the British regiments stationed there.³⁰⁵ Unlike Britain which gained its police forces long after its military forces, the Australian colonies established their police, if not before, at least at much the same time as their military.³⁰⁶ Ultimately, Britain was able to revert to the practice of older powers in using its colonies to augment its army. Fortescue noted that the Australian force raised for the Sudan War was the first sent abroad by a colony to help the mother country for 140 years.³⁰⁷ So began the process by which, for Australia, the peace

keeping role was pushed into the background by the defence role in its various dimensions, imperial, alliance and national.

Policemen have become better first line peace keepers than soldiers.³⁰⁸ They have had more practice. To lose control of a situation, other than a terrorist attack, to the point of requiring army's help would now amount to professional negligence; at least in countries not plagued by insurrection or civil war. Those trained in the British tradition have inherited the restraints on the use of force developed and refined in medieval arms control.³⁰⁹ In enlisting the aid of technology, they have sought equipment designed to disperse rather than to maim or kill. They do not have as bad a record as armies of fighting for the conquest of territory or, more importantly today, for the takeover of government. The police power when abused usually reinforces regimes.

Both policemen and soldiers may be needed for peace keeping. The UN has called for policemen from Australia only in the case of Cyprus. Conflicts have usually escalated beyond the capacity of the police before the United Nations is allowed to intervene. Peace keeping in the South Pacific will take a different form. Internal disputes which, in much of the Third World can affect external relations through the infectiousness of insurrection, are less troublesome. Not only does the absence of land borders isolate insurgents from the sanctuaries needed for survival and growth, the South Pacific has been developing a constitutional model which facilitates peaceful changes of political power.³¹⁰ External disputes should also be less troublesome. ASEAN and the South Pacific Forum should be able to prevent them from leading to breaches of the regional peace. There remains a risk that the South Pacific will witness the insurrection and terrorism now frequently a prelude to war. There is also a risk that, if Australia and New Zealand establish stand-by peace keeping forces, their services might never be sought.

The greatest obstacle to the re-focusing of the Defence Force may be the political dividends gained from playing on national insecurities. It has been suggested that, as a counter, the concept of national security should be widened so that it includes threats to the quality of life as well as threats of aggression.³¹¹ The tides of public opinion

devoted to new causes could thereby be harnessed. It seems equally important to clarify thinking about strategy. The ideas of Mahan and Mackinder have become dated. Those of Clausewitz should be de-sanctified. There are many testaments to the inability of politicians to control wars; or to keep the peace. People, when their combat was hand to hand, had a say in peace or war. They should insist on regaining that say.

CONCLUSION

The Convention has ushered in a new era on the seas. They have been de-imperialised. A law to govern their use prepared under UN auspices has been endorsed by the vast majority of member States. The new law has altered the geography of the oceans by extending the territorial sea and introducing new forms of ownership both in the sea bed and the waters above. It is in the middle seas of the Pacific that these changes can have their fullest impact. The physical characteristics of that region have been belatedly recognised. The islands within and between archipelagos are no longer separated by tentacles of high seas. The waters of the middle seas of the Indian and Pacific Oceans stretching in a broad belt from Burma to Fiji and beyond have become subject to one or other form of maritime ownership. The new geography links Australia and New Zealand more firmly to each other and to the mid-Pacific States.

The geopolitics of the Pacific are adjusting. Many of the States in the middle seas have been strengthened individually by the recognition of ocean archipelagos as entities. They have been strengthened collectively by the contiguities of the new territories. They have a common interest in maintaining the territorial integrity of their acquisitions. They have a common responsibility for the preservation of good order in their waters. The constabulary role will encourage cooperation. These adjustments enhance the political cohesion fostered by ASEAN and the South Pacific Forum.

The geostrategy of the Pacific has changed. Between the northern and southern seas, there is a buffer which protects Australia from some of the cross currents emanating in the north from the inter-actions of the great

powers. The buffer is comprised of newer States seeking the peace needed to consolidate their regimes, develop their economies and stabilise their societies. Policing is not inconsistent with that aim. Australia, regardless of its national objectives, is being enveloped in a zone of peace.

Its national insecurities need adjustment. For over a century, they have been related to the sea and the great powers. An alliance with the greatest has led to an unwitting involvement in the preparations of the superpowers for nuclear aerial attack. Disengagement is difficult. The present is not helped by the insecurities of the past. They should be de-colonised. The control of arms has never been easy. It has become entangled in technology. It is not, on that account, the sole prerogative of the superpowers. But it should begin at home. Australia is uniquely placed to go beyond the constabulary role which has given navies a new lease of life. It can afford to give the whole of its Defence Force a peace keeping role.³¹² That, for Australia, is the ultimate strategic significance of the new law of the sea.

NOTES

- 1 Shahram Chubin, 'Naval Competition and Security in East Asia', Adelphi Paper, International Institute for Strategic Studies (hereafter IISS), No.124, 1976, p.32.
- 2 UN document A/CONF 62/122 of 7 October 1982. Many summaries of the Convention are now available including A. Bergin in Current Affairs Bulletin, Vol.59, No.6, November 1982; Keesing's Contemporary Archives, Vol.XXXIX, p.31939, January 1983; and Elizabeth Borgese, 'Law of the Sea', Scientific American, Vol.248, No.3, March 1983, p.28. An abridged text is set out in T.B. Millar, (ed.), Current International Treaties, Croom Helm, Sydney, 1984, pp.145-174.
- 3 Details of its constitution by UN resolutions, its sittings, participating States, and its committee structure are set out in its Final Act, A/CONF 62/121.
- 4 UNCLOS 1 produced four conventions, Territorial Seas, High Seas, Continental Shelf, and Fishing and Conservation, reprinted in S.H. Lay, et al., (eds.) New Directions in the Law of the Sea, Oceana, New York, 1973, Vol.1. None were produced by UNCLOS II.
- 5 Article 308.
- 6 The Pacific and Asian reaction can be gauged from the fact that first day signatories included the Philippines, the USSR, North Korea, China, Vietnam, Laos, Thailand, Burma, Bangladesh, Sri Lanka, India, Pakistan, Malaysia, Singapore, Indonesia, Australia, Papua New Guinea, New Zealand, and Fiji. Japan and 17 other member States have signed subsequently. As at 1 November 1984, 14 States had ratified the Convention. As to the effect of signature, see John King Gamble Jnr and Maria Frankowska, 'The Significance of Signature to the 1982 Montego Bay Convention on the Law of the Sea', Ocean Development and International Law, Vol.14, No.2, 1984, pp.121-160.
- 7 Article 3.
- 8 Article 33.
- 9 Fisheries Jurisdiction Case, 1974, ICJ Reports, p.47.

- 10 Andros Aguilar, 'The Patrimonial Sea or Economic Zone Concept', San Diego Law Review, Vol.II, No.3, May 1974, p.579; Nasila S. Rembe, Africa and the International Law of the Sea, Sijthoff and Noordhoff, aan den Rijn, 1980, pp.118-123.
- 11 1949 ICJ Reports, p.28.
- 12 An analysis of naval fears about straits and archipelagos is given by K. Booth, 'Military Implications of the Changing Laws of the Sea', in John K. Gamble, (ed.), Law of the Sea: Neglected Issues, Law of the Sea Institute, University of Hawaii, Honolulu, 1979, p.329. A list of straits affected by the increase of the territorial sea is given in Marine Policy, Vol.3, No.1, 1979, p.56.
- 13 Ram P. Anand, (ed.), Law of the Sea: Caracas and Beyond, Radiant Publishers, New Delhi, 1980, p.114.
- 14 Ibid., p.115.
- 15 Aguilar, note 10, p.596.
- 16 Article 44.
- 17 Id.
- 18 Id.
- 19 Article 39.
- 20 Id.
- 21 Article 42.
- 22 Id.
- 23 Article 41. Some Americans regarded these provisions as inadequate. A balanced US view is given by John N. Moore, 'The Regime of Straits and the Third UN Conference on the Law of the Sea', American Journal of International Law, Vol.74, January 1980, pp.77-121.
- 24 1969 ICJ Reports, p.22.
- 25 Anand, note 13, p.169.
- 26 Articles 76-85.
- 27 Article 56.
- 28 Article 62.
- 29 Article 63.
- 30 Article 64. The only international organisation for tuna is the Inter-American Tropical Tuna Commission established in 1949, US based and largely US financed and staffed; J.A. Gulland, 'Fisheries: Looking Beyond the Golden Age', Marine Policy, Vol.8, No.2, April 1984, pp.137-150; see also William T. Burke, 'US

- Fishery Management and the New Law of the Sea', American Journal of International Law, Vol.76, No.1, January 1982, pp.41-45.
- 31 Articles 66 and 67.
- 32 Article 58.
- 33 Article 55.
- 34 Article 60.
- 35 Article 46.
- 36 Anglo-Norwegian Fisheries Case, 1951 ICJ Reports, p.133.
- 37 Anand, note 13, p.96.
- 38 D.P.O'Connell, 'Mid-Ocean Archipelagos in International Law', British Year Book of International Law, Vol.XLV, 1971, pp.20-41; D. Andrew, 'Archipelagos and the Law of the Sea', Marine Policy, Vol.2, No.1, 1978, pp.46-64; C.R. Symmons, The Maritime Zones of Islands in International Law, Martinus Nijhoff, The Hague, 1979, pp.610-81.
- 39 Article 19.
- 40 Articles 39 and 54.
- 41 Ram P. Anand, The Legal Regime of the Sea-bed and the Developing Countries, South Asia Books, New Delhi, 1975, pp.181-182.
- 42 Ibid., pp.200-212; UN document A/PV 1933 of 18 December 1970.
- 43 A disappointed assessment by Parvo is contained in Don Walsh, (ed.), The Law of the Sea: Issues in Ocean Resource Management, Praeger, New York, 1977, pp.610-63.
- 44 Articles 156 and 157.
- 45 Articles 166-169.
- 46 Articles 161-165.
- 47 Articles 159 and 160.
- 48 Articles 150 and 151.
- 49 Articles 154 and 155.
- 50 Article 170.
- 51 Final Act, UN document A/CONF 62/121, p.23-25.
- 52 Richard G. Darman, 'The Law of the Sea: Rethinking US Interests', Foreign Affairs, Vol.56, No.2, January 1978, pp.391-394.
- 53 UN Press Release SEA/514, p.7.
- 54 Final Act, UN document A/CONF 62/121, pp.25-33.
- 55 Chubin, note 1, p.31.

- 56 In respect of Mahan, the point is conceded by Barbara W. Tuchman, Practicing History, Knopf, New York, 1981, pp.26-27.
- 57 John F.C. Fuller, Armament and History, A Study of the Influence of Armament on History from the Dawn of Classical Warfare to the Second World War, Eyre & Spottiswoode, London, 1946, p.109.
- 58 William E. Livezey, Mahan on Sea Power, University of Oklahoma Press, Norman, 1947, pp.51-64; Barbara W. Tuchman, The Proud Tower, Macmillan, London 1966, pp.131-133. The purchase of a copy of Mahan's book in 1891 by the NSW United Services Institute was noted in Volume 3 of its Journal.
- 59 Donald M. Schurman, The Education of a Navy: the Development of British Naval Strategic Thought, 1867-1914, University of Chicago Press, Chicago, 1965, pp.60-61.
- 60 Chester G. Starr, Roman Imperial Navy, 31 BC - AD 324, W. Heffer, Cambridge, 1960; John H. Parry, The Age of Reconnaissance, Weidenfeld and Nicolson, London, 1963, pp.114-115.
- 61 Sailors were soldiers according to B. Ayala, Philip II's Judge Advocate-General in the Low Countries; On the Laws of War and Military Discipline, (1582) Carnegie Institution of Washington, 1912, Vol.2, p.184.
- 62 Parry, note 60, pp.83-99; John H. Parry, The Discovery of the Sea, Weidenfeld and Nicolson, London, 1975, pp.165-192.
- 63 Tuchman, note 58, p.132.
- 64 William D. Puleston, Mahan: the Life and Work of Captain Alfred Thayer Mahan, USN, Jonathan Cape, London, 1939, pp.48-56.
- 65 See generally, Alfred T. Mahan, From Sail to Steam: Recollections of Naval Life, Harper & Brothers, London, 1907.
- 66 Schurman, note 59, p.68.
- 67 Ibid., p.65; Tuchman, note 58, p.131.
- 68 Harold and Margaret Sprout, Towards a New Order of Sea Power: American Naval Policy and the World Scene, 1918-1922, Princeton University Press, Princeton, N.J., 1946, p.283.

- 69 John N.L. Baker, A History of Geographical Discovery and Exploration, Cooper Square Pubs., Inc., Totowa, N.J., 1967, pp.302-363; W.L. Langer, European Alliances and Alignments, 1871-1890, Knopf, New York, 1950, pp.289-291; Daniel R. Headrick, 'The Tools of Imperialism: Technology and the Expansion of European Colonial Empires in the Nineteenth Century', Journal of Modern History, Vol.51, 1979, pp.231-263.
- 70 Langer, note 69, pp.1-16.
- 71 Ibid., pp.301-306.
- 72 Tuchman, note 58, pp.117-167. Mahan was originally staunchly anti-imperialist; Sprout, note 68, p.9. See also A.K. Weinberg, Manifest Destiny: a Study of Nationalist Expansionism in American History, The Johns Hopkins Press, Baltimore, 1935.
- 73 In John R. Seeley's terms, science had 'given to the political organism a new circulation which is steam and a new nervous system which is electricity'; The Expansion of England, (1883), University of Chicago Press, Chicago, 1971, p.87.
- 74 Langer, note 69, p.302.
- 75 Some were developed during the US Civil War; Fuller, note 54, p.117. Others were the product of the giant strides in engineering in the nineteenth century described in its civil application by L.T.C. Rolt, Victorian Engineering, Penguin, London, 1970. See also Michael Howard, The Causes of War and Other Essays, Counterpoint, London, 1984, p.161.
- 76 Livezey, note 58, pp.280-281.
- 77 Puleston, note 64, pp.200-212 and 256-265; Tuchman, note 58, pp.260-267.
- 78 Sprout, note 68, p.12; Schurman, note 59, p.77; Vice-Admiral Sir James Willis, 'Australia's Maritime Defence', in W.S.G. Bateman and Marion W. Ward, (eds.), Australia's Maritime Horizons in the 1980s, Centre for Maritime Studies, Canberra, p.17.
- 79 The original West Point edition was reprinted by Greenwood Press, Westport in 1971. Mahan is said to have called Jomini 'my best military friend'; B. Brodie, 'Technologic Change, Strategic Doctrine and Political Outcome', in Klaus Knorr, (ed.), Historical Dimensions of National Security Policy, University Press of Kansas, Lawrence, 1976, p.269.

- 80 Schurman, note 59, pp.147-156. Corbett's first book was Drake and the Tudor Navy: with a History of the rise of England as a Maritime Power, Longmans, Green, and Co., London, 1898.
- 81 Julian S. Corbett, Some Principles of Maritime Strategy, (1911), AMS Press, London, 1972, pp.38-56.
- 82 Edmund W. Gilbert, British Pioneers in Geography, David and Charles, Newton Abbot, 1972, pp.139-176.
- 83 Ibid., p.144.
- 84 The word was put to good use by Arnold J. Toynbee in Mankind and Mother Earth: A Narrative History of the World, Oxford University Press, Oxford, 1976, pp.27 and 524-535.
- 85 Gilbert, note 82, p.41.
- 86 Hans W. Weigert, et al., (eds.), New Compass of the World: a Symposium on Political Geography, G.G. Harrap, London, 1949, pp.81-82; Halford J. Mackinder, Democratic Ideals and Reality: a Study in the Politics of Reconstruction, Constable and Co. Ltd., London, 1919, p.29.
- 87 Halford J. Mackinder, The Geographical Pivot of History, (1904), Royal Geographical Society, London, 1951, p.30.
- 88 Mackinder, note 86, p.150.
- 89 Ibid., p.28.
- 90 Ibid., p.62-65.
- 91 Mackinder, note 87, p.35.
- 92 Halford J. Mackinder, 'The Round World and the Winning of the Peace', in Hans W. Weigert and V. Stefansson, (eds.), Compass of the World: a Symposium on Political Geography, Harrap, London, 1943, p.162.
- 93 Mackinder, note 87, p.39.
- 94 Mackinder, note 86, p.115..
- 95 Gilbert, note 82, p.150.
- 96 Mackinder, note 87, p.41.
- 97 Edward M. Earle, (ed.), Makers of Modern Strategy: Military Thought From Machiavelli to Hitler, (1943), Princeton University Press, Princeton, N.J., 1971, p.141.
- 98 Mackinder, note 86, pp.19-20.
- 99 Ibid., p.18.
- 100 Ibid., p.62.

- 101 Mackinder, note 87, p.9.
- 102 Foreign Affairs, Vol.21, No.4, July 1943 reprinted in Weigert, note 92, p.168.
- 103 Mackinder, note 87, p.43.
- 104 Halford J. Mackinder, Britain and British Seas, The Clarendon Press, Oxford, 1915, p.351.
- 105 Mackinder, note 86, p.65.
- 106 Weigert, note 86, p.xiv. Most contributors to Compass, note 92, and the New Compass, note 86, were influenced by World War II and regarded geopolitics as an evil German invention. See, for example, Bowman, note 92, pp.40-52. A more balanced attitude was displayed by Edmund A. Walsh, 'Geopolitics and International Morals', note 92, pp.12-39.
- 107 Weigert, note 92, pp.75-88.
- 108 See generally Weigert, note 92, chapters II and IV and Weigert, note 86, chapter I.
- 109 Her preface is included in Michael E. Howard and Peter Paret, (eds.), Clausewitz on War, Princeton University Press, Princeton, N.J., 1976, pp.65-67.
- 110 W.B. Gallie, Philosophers of Peace and War, Cambridge University Press, Cambridge, 1978, p.39.
- 111 Roger A. Leonard, (ed.), A Short Guide to Clausewitz on War, Weidenfeld and Nicolson, London, 1967, p.4.
- 112 Id; Gallie, note 110, p.40.
- 113 Howard, note 109, p.75.
- 114 Ibid., p.77.
- 115 Ibid., p.87.
- 116 Chubin, note 1, p.33.
- 117 The histories of three have been written under that heading: Charles R. Boxer, The Dutch Seaborne Empire, 1600-1800, Hutchinson, London, 1965; John H. Parry, The Spanish Seaborne Empire, Hutchinson, London, 1966, and Charles R. Boxer, The Portuguese Seaborne Empire, 1415-1825, Hutchinson, London, 1969.
- 118 For a history of US imperialism, see Richard W. Van Alstyne, The Rising American Empire, B. Blackwell, Oxford, 1960.
- 119 Seeley, note 73, p.88. His book is reported to have sold 80,000 copies in two years; 1971 edition, p.xii.

- 120 The phrase 'Greater Britain' was used by C.W. Dilke as the title of his two volume travelogue published in London in 1869. George P. Gooch, History and Historians in the Nineteenth Century, Longmans, Green, and Co., London, 1913, considered that Seeley's thesis was less original than he suggested but conceded that he was the first to work it out (p.371).
- 121 F.P. Walters, A History of the League of Nations, Oxford University Press, London, 1952, Vol.2, pp579-585; Alexander Dallin, The Soviet Union at the United Nations, Methuen, London, 1962, pp.13-20.
- 122 Darman, note 52, p.386.
- 123 J.T. Swing, 'Who Will Own the Oceans', Foreign Affairs, Vol.54, Nos.3 and 4, 1975-76, p.546.
- 124 A phrase used by Weigert as the title for his introductory chapter in the New Compass, note 86.
- 125 Geoffrey Blainey, The Tyranny of Distance, Sun Books, Melbourne, 1966, pp.206-222.
- 126 Michael Leifer, Malacca, Singapore and Indonesia, (International straits of the world, No.2), Sitjhoff and Noordhoff, Alphen aan den Rijn, 1978, pp.76-85.
- 127 The zone needs to be seen in map form to be appreciated fully. There is no settled cartographic method of depicting the new maritime territories. The map at the front of the paper sacrifices detail for visual impact. It does not discriminate between types of maritime territory.
- 128 They will nevertheless have some effect. Commentators who expect seapower to be weakened in some degree by the new regime include Elizabeth Young, 'New Laws for Old Navies', Survival, Vol.XVI, No.6, November-December, 1974, p.262; Hedley Bull, 'Sea Power and Political Influence', Adelphi Paper, IISS, No. 122, 1976, p.9; Mark W. Janis, Sea Power and the Law of the Sea, Lexington Books, Lexington, 1976; C.Bertram, 'New Strategic Factors in the North Atlantic' Marine Policy, Vol.1, No.1, 1977, p.41; K. Booth, 'Military Implications', in Gamble, note 12, p.359.
- 129 Maurice R. Davie, The Evolution of War: a Study of its Role in Early Societies, Yale University Press, New Haven, 1929, chapter VI; Yvon Garlan, War in the Ancient World: Social History, Chatto and Windus,

- London, 1975; Maurice H. Keen, The Laws of War in the Late Middle Ages, Routledge and K. Paul, London, 1965, chapters VIII and IX.
- 130 The importance of involving Third World countries in political decisions is emphasised by Hedley Bull, note 128, p.9; see also C.M. Woodhouse, The New Concert of Nations, The Bodley Head, London, 1964.
- 131 Edward Miles, 'The Structure and Effects of the Decision Process in the Seabed Committee of the Third United Nations Conference on the Law of the Sea', International Organizations, Vol.31, No.2, Spring 1977, p.161.
- 132 Ibid., pp.161-166.
- 133 Peter Polomka, Ocean Politics in South East Asia, Institute of Southeast Asian Studies, Singapore, 1978, pp.45-46.
- 134 J.D. Kingham and D.M. McRae, 'Competent International Organizations and the Law of the Sea', Marine Policy, Vol.3, No.2, 1979, pp.106-132.
- 135 Articles 197, 276 and 277. The 1977 conference of the Law of the Sea Institute was devoted to the topic; D.M. Johnston, Regionalization of the Law of the Sea: Proceedings/Law of the Sea Institute, eleventh annual conference, November 14-17, 1977, Ballinger Publishing Co., Cambridge, Mass., 1978.
- 136 Young, note 128, p.263.
- 137 H. Grotius, The Freedom of the Seas, Oxford University Press, New York, 1916.
- 138 John Selden, Mare Clausum, Andrew Kembe and Edward Thomas, London, 1663.
- 139 Quoted in Douglas P. Capper, Moat Defensive: a History of the Waters of the Nore Command, 55 BC to 1961, Barker, London, 1963, p.34. See also Thomas W. Fulton, The Sovereignty of the Sea, (reprint of 1911 edition), Millwood, New York, 1976, pp.5-7.
- 140 Reginald A. Brown, The Normans and the Norman Conquest, Constable, London, 1969, pp.248-255.
- 141 Michael McGwire has argued that the traditional maritime powers should cede to the coastal States their role in policing the world's oceans; Gamble, note 12, p.415.
- 142 Sprout, note 68, chapter 1.

- 143 J.E. Carroz and M.J. Savini, 'The New International Law of Fishing Emerging from Bilateral Agreements', Marine Policy, Vol.3, No.2, 1979, pp.79-98.
- 144 B. Buzan, 'A Sea of Troubles', Adelphi Paper, IISS, No. 143, 1978.
- 145 I.A. Shearer, 'International Legal Aspects of Australia's Maritime Environment', in Bateman and Ward, (eds.), note 78, p.4.
- 146 Buzan, note 144, pp.39-40; Lee Yong Leng, 'Offshore Boundary Disputes in South East Asia', Journal of South East Asian Studies, Vol.X, No.1, March 1979, pp.175-189.
- 147 Shearer, note 145, p.3.
- 148 But see Bull, 'Sea Power and Political Influence', note 128, p.8.
- 149 Article 284 and Annex V.
- 150 Annex VII.
- 151 Annex VIII.
- 152 Annex VI.
- 153 Article 280.
- 154 Article 282.
- 155 Article 286.
- 156 Article 287.
- 157 Robert J.O'Neill, (ed.), The Defence of Australia - Fundamental New Aspects, Strategic and Defence Studies Centre (SDSC), Australian National University, Canberra, 1977; Ross Babbage, Re-thinking Australia's Defence, University of Queensland Press, St. Lucia, 1980; Robert J. O'Neill and David Horner, (eds.), New Directions in Strategic Thinking, Allen and Unwin, London, 1981.
- 158 T.B. Millar, (ed.), Britain's Withdrawal from Asia: Its Implications for Australia, SDSC, Australian National University, 1967.
- 159 Hedley Bull, (ed.), Asia and the Western Pacific: Towards a New International Order, Nelson, Australian Institute of International Affairs, Sydney, 1975, pp.358-360; Joyce E. Larson, (ed.), New Foundations for Asian and Pacific Security, Transaction Books, New York, 1980, pp.xvii-xix.

- 160 Australian Parliamentary Joint Committee on Foreign Affairs and Defence, Threats to Australia's Security: Their Nature and Probability, Australian Government Publishing Service (AGPS), Canberra, 1981.
- 161 See note 117.
- 162 Earle, note 97, pp.487-497.
- 163 The emphasis comes out most clearly in Clausewitz's note of 10 July 1827; Howard and Paret, note 109, p.69.
- 164 The experts include R.J. O'Neill, Director of the International Institute for Strategic Studies: see his 'Introduction to Strategic Thinking' in Desmond Ball, (ed.), Strategy and Defence, Allen and Unwin, Sydney, 1982, p.32. Significantly, the first symposium held by the South African Institute for Strategic Studies dealt with national security; Michael H.H. Louw, National Security: a Modern Approach, Institute for Strategic Studies, University of Pretoria, Pretoria, 1978.
- 165 Bernard Brodie, War and Politics, Macmillan, New York, 1973, p.344 and Strategy and National Interests: Reflections for the Future, National Strategic Information Centre pamphlet, New York, 1971, p.13.
- 166 A.W. Stargardt, Australia's Asian Policies: the History of a Debate 1839-1972, Institute of Asian Affairs, Hamburg, 1977, pp.3-8.
- 167 A comprehensive historiography of the reasons which, arguably, led to the colonisation of New South Wales is given by Alan Frost, Convicts and Empire: a Naval Question, 1776-1811, Oxford University Press, Oxford, 1980, p.227.
- 168 Nicholas J. Spykman, the US political geographer, recognised three Mediterraneans, the European, the American (West Indies) and the Asian (East Indies); America's Strategy in World Politics: the United States and the Balance of Power, Harcourt, Brace and Co., New York, 1942.
- 169 Before the colonial era, political power in South East Asia was organised in units of sea rather than of land; Lee Yong Leng, note 146, p.176.
- 170 William P. Morrell, The Great Powers in the Pacific, London Historical Association Pamphlet G54, 1971 revision, p.7.

- 171 Maurice Austin, The Army in Australia 1840-1850: Prelude to the Golden Years, Australian Government Publishing Service, Canberra, 1979, p.151.
- 172 Adelaide Lubbock, Owen Stanley, R.N., 1811-1850: Captain of the 'Rattlesnake', Heinemann, Melbourne, 1968, pp.82-95.
- 173 See 'An All British Australia', chapter 1 in Jean J. Brookes, International Rivalry in the Pacific Islands 1800-1875, University of California Press, Berkeley, 1941.
- 174 See 'The Ambitions of France', chapter XI in John M. Ward, British Policy in the South Pacific, Australasian Publishing Co., Sydney, 1948.
- 175 Lubbock, note 172, pp.121-133.
- 176 Richard Cobden, The Three Panics: an Historical Episode, Ward and Co., London, 1862; Christopher J. Bartlett, Great Britain and Sea Power, 1815-1853, The Clarendon Press, Oxford, 1963, chapters IV and VI; Michael Howard, The Continental Commitment: the Dilemma of British Defence Policy in the Era of the Two World Wars, Pelican, Harmondsworth, 1974. p.20.
- 177 Ignatius F. Clarke, Voices Prophesying War 1763-1984, Oxford University Press, London, 1966, p.22.
- 178 The term used by Shakespeare to describe the Channel in a classic strategic statement in John of Gaunt's speech in Scene 1, Act 2, King Richard II.
- 179 Stargardt, note 166, p.7.
- 180 G.L. Macandie, The Genesis of the Royal Australian Navy; a Compilation, A.H. Pettifer, Government Printer, Sydney, 1949, p.12; Wilson P. Evans, Deeds Not Words, The Hawthorn Press, Melbourne, 1971, pp.9-12, 29-31.
- 181 Macandie, note 180, p.12.
- 182 28 and 29 Vic. Ch.14.
- 183 Macandie, note 180, p.17; Donald C. Gordon, The Dominion Partnership in Imperial Defence 1870-1914, The Johns Hopkins Press, Baltimore, 1965, chapter 1.
- 184 To preserve the monopoly of the East India Company, Governor Phillip had been instructed that colonists were to build no decked boat and no open boat with a keel of more than 20 feet; Frost, note 167, p.190.
- 185 Ibid., p.123.

- 186 Clarke, note 177, p.80; B. Brodie, note 79, p.274; Karl Lautenschlager, 'Technology and the Evolution of Naval Warfare', International Security, Vol.8, No.2, Fall 1983, p.3.
- 187 The sources include colonial Governors, senior British officers visiting the colonies as experts, UK Royal Commissions, and Colonial Conferences. There is no comprehensive account of the evolution of Imperial policy in its application to Australia. The literature includes Stargardt, note 166; Macandie, note 180; Gordon, note 183; H. D'Egville, Imperial Defence and Closer Union: a Short Record of the Life-work of the Late Sir John Colomb, P.S. King and Son, London, 1913; N.H. Gibbs, The Origins of Imperial Defence, (pamphlet), The Clarendon Press, Oxford, 1955; Richard A. Preston, Canada and Imperial Defence: a Study of the Origins of the British Commonwealth's Defence Organization, 1867-1919, Duke University Press, Durham, 1967; Neville Meaney, The Search for Security in the Pacific 1901-14, Sydney University Press, Sydney, 1976; R.A. Shields, 'Australian Opinion and Defence of Empire: A Study in Imperial Relations 1880-1890', Australian Journal of Politics and History, Vol.10, No.1, April 1964, pp.41-53; B.A. Knox, 'Colonial Influence on Imperial Policy 1858-1866: Victoria and the Colonial Naval Defence Act 1865', Historical Studies, Vol.XI, No.41, November 1963, pp.61-79; Luke Trainor, 'British Imperial Defence Policy and the Australian Colonies, 1892-96', Historical Studies, Vol.XIV, No.54, April 1970, pp.204-218.
- 188 Gordon, note 183, chapter 2.
- 189 The limited opportunities for training in developments in torpedoes, mines, gunnery and signalling inhibited the creation of an Australian Naval Reserve. For its belated establishment, see Macandie, note 180, pp.58-68.
- 190 G.W. Earle, 'The Steam Route Singapore-Sydney', Nautical Magazine and Naval Chronical, March and April 1853, pp.113-123 and 172-180; Headrick, note 69, pp.234-248.
- 191 Various aspects are covered by Roger C. Thompson, Australian Imperialism in the Pacific: the Expansionist Era, 1820-1920, Melbourne University Press, Mel-

- bourne, 1980, pp.51-67; Ward, note 174, pp.311-323; William P. Morrell, Britain in the Pacific Islands, Clarendon Press, Oxford, 1960, pp.238-262; Langer, note 69, pp.292-295; Stargardt, note 166, pp.55-87; Marjorie G. Jacobs, 'The Colonial Office and New Guinea, 1874-1884', Historical Studies, Vol.V, No.18, May 1952, pp.106-18; Merze Tate, 'The Australasian Monroe Doctrine', Political Science Quarterly, Vol.LXXVI, June 1961, No.2, pp.264-284.
- 192 W. Dawson, Richard Cobden and Foreign Policy: a Critical Exposition, G.Allen and Unwin Ltd., London, 1926, p.191; Howard, note 176, pp.143-144.
- 193 For details of trade with Japan, see Ian H. Nish, The Anglo-Japanese Alliance: the Diplomacy of Two Island Empires, 1894-1907, Athlone Press, London, 1966, pp.7-11.
- 194 Nicholas Tarling, Anglo-Dutch Rivalry in the Malay World, 1780-1824, University of Queensland Press, Brisbane, 1962.
- 195 Macandie, note 180, p.21.
- 196 Stargardt, note 166, pp.89-96.
- 197 Hugh Seton-Watson, The Russian Empire 1801-1917, Oxford University Press, Oxford, 1967, pp.582-597.
- 198 Nish, note 193, p.8; V.J. Esposito, 'War as a Continuation of Politics', Military Affairs, Vol.XVIII, 1954, pp.22. At the turn of the century, the British Army did not have a General Staff but the Japanese Army did; Brian Bond, The Victorian Army and the Staff College, 1854-1914, Eyre Methuen, London, 1972, p.228.
- 199 Nish, note 193, p.8.
- 200 For contemporary reports of the battle, see Sydney Morning Herald dated 27,29 and 31 May and 3 and 22 June 1905. For Captain A.T. Mahan's analysis, see his Naval Administration and Warfare: Some General Principles, with other essays, S. Low, Marston, and Co. Ltd., London, 1908, pp.133-173.
- 201 Clem Lack, Russian Ambitions in the Pacific: Australian War Scares of the Nineteenth Century, Royal Historical Society of Queensland, Brisbane, 1968; Evans, note 180, pp.29-34.
- 202 See, for example, Sydney Morning Herald, for 5, 6,7,9,11,12 and 13 January 1905.

- 203 Tuchman, note 58, p.145; Seton-Watson, note 197, p.586.
- 204 Meaney, note 187, pp.107-117 and 121-133. David Sissons in his submission in 1972 to the Senate Standing Committee on Foreign Affairs and Defence quotes a despatch by a Japanese Vice-Consul in Sydney in 1911 stating that, due to the Russo-Japanese war 'hostility to Japan and fear of Japan is the backbone of the whole White Australia Policy'; Senate Standing Committee, Reference on Japan 1971-72 (Hansard Report), p.447.
- 205 Nish, note 193.
- 206 In his Expansion of England, note 73.
- 207 Schurman, note 59, pp.16-35; D'Egville, note 187, chapters 1 and 2; Howard, note 176, p.23.
- 208 Edward Grierson, The Death of the Imperial Dream: the British Commonwealth and Empire 1775-1969, Doubleday, London, 1972, chapter 6; C.C. Eldridge, England's Mission: The Imperial Idea in the Age of Gladstone and Disraeli, 1868-1880, Macmillan, London, 1973, chapter 2.
- 209 Even Mackinder joined the group wanting the British Navy to be expanded into the Navy of the Britains; note 104, p.351.
- 210 Stargardt, note 166, pp.29-42.
- 211 Meaney, note 187, p.7; Shields, note 187, pp.48-50.
- 212 On 19 January 1905, p.6.
- 213 The modern cruiser combined two older threats, that of the privateer which could attack shipping at sea and that of the man-of-war which could enter bays and harbours and bombard the capital cities. For a 1913 expression of the threat, see Charles E.W. Bean, Flagships Three, A. Rivers, Ltd., London, 1913, p.223.
- 214 Gordon, note 183, chapters 9 and 10; Meaney, note 187, chapters 5 and 6; Gavin Souter, Lion and Kangaroo: the Initiation of Australia, 1901-1919, W. Collins, Sydney, 1976, pp.135-147.
- 215 1 and 2 Geo. 5, Ch.47.

- 216 Section 42. The provision was reinforced by a unanimous resolution of the 1911 Imperial Conference; Lord Hankey, The Supreme Command 1914-1918, George Allen and Unwin Ltd., London, 1961, Vol.1, p.130.
- 217 In World War I, the transfer was promulgated in 1914 Commonwealth Gazette, p.1381. The transfer in World War II does not seem to have been gazetted but the High Court was satisfied in Bevan's case (66 C.L.R. 452 at 455) that a transfer had, in fact, been authorised by the Governor-General.
- 218 The victory was generally believed to confirm conventional naval wisdom and it thereby obscured the latent threat of the submarine and aeroplane; Sprout, note 68, pp.41-47.
- 219 The capture of the northern Pacific bases by Japan and their transfer to it in the peace settlement profoundly altered the geostrategy of the Pacific Ocean. Admiral Scheer, the Commander of the German Fleet at the Battle of Jutland forecast in the early post war years that, through the transfer, Britain had driven 'her daughter, Australia into the hands of America;'. George Seldes, You Can't Print That: the Truth Behind the News, 1918-1928, Payson and Clarke, Ltd. New York, 1929, p.59.
- 220 The reports submitted on Australian naval requirements by Captain Cresswell in the early years of the century make interesting reading in the hindsight of history; Macandie, note 180, pp.85-98, 143-158 and 300-307.
- 221 H.W. Weigert, Generals and Geographers: the Twilight of Geopolitics, Oxford University Press, New York, 1942, p.170.
- 222 Particularly through Haushofer and his Munich Institute of Geopolitics; Weigert, notes 92 and 221.
- 223 For Germany's mastery, see R.J. O'Neill, 'Doctrine and Training in The German Army 1919-1939' in Michael Howard, (ed.), The Theory and Practice of War, Cassell, London, 1965.
- 224 The belief that an invasion of Australia was planned has persisted for decades. Convincing evidence to the contrary was included in the Joint Parliamentary Committee's report on threats; note 159, Annex 3.

- The evidence had previously been published in D.C.S. Sisson's article, 'Australia and New Guinea in Japanese Post-Mortems of the Pacific War', Australian Army Journal, No.99, August, 1957, pp.5-9.
- 225 Australia's abundance in minerals and the possibility of competition for them conjured up a brief fear; R.J. O'Neill, 'The Strategic View: Fears and Phobias', in Peter Hastings and Andrew Farran, (eds.), Australia's Resources Future: Threats, Myths and Realities in the 1980s, Nelson/Australian Institute of International Affairs, Melbourne, 1978, p.220.
- 226 Tuchman, note 56, p.262.
- 227 For a different appraisal of South East Asia, see D.K. Emerson, 'The Case for a Maritime Perspective on Southeast Asia', Journal of South East Asian Studies, Vol.XI, No.1, March 1980, pp.139-145.
- 228 Saul B. Cohen's concept of South East Asia as a 'shatterbelt' reflects a continuing major power perspective; Geography and Politics in a World Dividend, Random House, New York, 1963, pp.83-86. See also Max Beloff, The Great Powers: Essays in Twentieth Century Politics, Allen and Unwin, London, 1959, p.223.
- 229 For the influence of the tides on Europe, see Colin McEvedy, Penguin Atlas of Medieval History, Penguin Books, Harmondsworth, 1961.
- 230 For the South East Asian tides, see Charles A. Fisher, South-East Asia: A Social, Economic and Political Geography, Methuen, London, 1964, pp.64-69; Nicholas Tarling, Southeast Asia: Past and Present, F.W. Cheshire, Melbourne, 1966, pp.9-18; Daniel G.E. Hall, A History of South-East Asia, St. Martin's Press, New York, 1981, pp.1-11. A tide flowing from Indonesia to South Vietnam is noted in C.P. Fitzgerald, The Southern Expansion of the Chinese People, Barrie and Jenkins, London, 1972, pp.9-10.
- 231 For the pre-European pattern, see Fisher, note 230, pp.102-125. For a significant but little known classical trade route, see J. Innes Miller, The Spice Trade of the Roman Empire 29 BC to AD 641, The Clarendon Press, Oxford, 1969, chapter 8, 'The Cinnamon Route'.
- 232 Parry, notes 60 and 62.
- 233 Leifer, note 126, pp.6-14.

- 234 Fisher, note 230, p.160.
- 235 In addition to the 1945 initiative, there were Pacific Ocean precedents from the last century. In 1856, the US Congress authorised the President to annex any unoccupied island on which Americans had discovered guano. Some 48 islands were claimed. Edwin H. Bryan, American Polynesia and the Hawaiian Chain, Tongg Publishing Co., Honolulu, 1942, pp.28-30.
- 236 Oxford English Dictionary, Oxford, 1933, Vol.VII, p.49.
- 237 Greg.E. Fry, 'Regionalism and International Politics of the South Pacific', Pacific Affairs, Vol.54, No.3, Fall 1981, pp.461-464.
- 238 By Sir Eyre Crowe in his secret Foreign Office memorandum in 1907; George P. Gooch and H.W.V. Temperley, (eds.), British Documents on the Origins of the War, 1898-1914, Foreign Office, London, 1926-38, Vol.3, p.402.
- 239 Fisher, note 230, pp.3-21.
- 240 Fisher refers to the mainland sector of South East Asia as the Indo-Pacific peninsula to emphasise its position between the two oceans; note 230, p.15.
- 241 Wong Lin Ken, 'Singapore: Its Growth as an Entrepot Port 1819-1941', Journal of South East Asian Studies, Vol.IX, No.1, March 1978, pp.50-84.
- 242 J. Verrier, 'Priorities in Papua New Guinea's Evolving Foreign Policy', Australian Outlook, Vol.28, No.3, December 1974, p.283.
- 243 W.D. Forsyth, 'The South Pacific Commission and its Work', World Review, Vol.3, No.1, March 1964, p.13.
- 244 The reasons given publicly at the time are set out in the second reading speech of the Attorney General on the Statute of Westminster Adoption Bill reprinted in Herbert V. Evatt, Foreign Policy of Australia: Speeches by the Rt. Hon H.V. Evatt, Angus and Robertson Ltd., Sydney, 1945, pp.78-95. Although the adoption was not needed to confer a treaty making power, it cleared the legislative decks and removed the doubts about extra-territorial effect. Evatt was well aware of the interaction between treaties and the legislative powers of the Australian Commonwealth;

- Paul H. Hasluck, The Government and the People, 1942-1945, Australian War Memorial, Canberra, 1970, pp.457-459.
- 245 Evatt, note 244, pp.158-171; Hasluck, note 244, pp.480-488; Roger J. Bell, Unequal Allies, Melbourne University Press, Melbourne, 1977, pp.146-158; Christopher Thorne, Allies of a Kind: the United States, Britain, and the War Against Japan, 1941-1945, Oxford University Press, London, 1978, pp.480-486; Trevor R. Reese, Australia, New Zealand and the United States: a Survey of International Relations 1941-1968, Oxford University Press, London, 1969, pp.32-43; Alan Watt, The Evolution of Australian Foreign Policy 1938-1965, Cambridge University Press, Cambridge, 1967, pp.73-77
- 246 See note 191.
- 247 Reese, note 245, p.34; Watt, note 245, p.73.
- 248 Article 23 reprinted in Robin L. Kay, (ed.), The Australian-New Zealand Agreement, 1944, Government Printer, Wellington, 1972, p.142.
- 249 Article 15.
- 250 Article 16.
- 251 Bell, note 245, p.153; Thorne, note 245, p.485.
- 252 Samuel G. Inman, Problems in Pan Americanism, George Allen and Unwin Ltd., London, 1926, pp.153 and 159; Mahan, note 200, pp.370-371.
- 253 Raymond Aron, The Imperial Republic: the United States and the World, 1945-1973, Prentice-Hall, Englewood Cliffs, N.J., 1974, p.xxxii. See also note 72.
- 254 Even during the course of World War: Evatt, note 244, pp.209-229; Watt, note 245, pp.78-98; Paul M. Hasluck 'Australia and the Formation of the United Nations', Royal Australian Historical Society Journal, Vol.XL, Part III, 1954, pp.133-178.
- 255 Bell, note 245, pp.163-164.
- 256 Ibid., pp.192-195.
- 257 Joseph G. Starke, The ANZUS Treaty Alliance, Melbourne University Press, Melbourne, 1965, pp.9-27.
- 258 Bell, note 245, p.167; Reese, note 245, pp.50-58; John J. Dedman, 'Encounter Over Manus', Australian Outlook, Vol.20, No.2, August 1966, pp.135-153.

- 259 Another factor emphasised by Watt was the readiness with which Australia committed troops to the Korean war; note 245, p.123.
- 260 Since the release of the relevant documents in 1978; US Department of State, Foreign Relations of the United States, Vol.VI, p.132. Spender gained an inkling of their views but assumed that they had not prevailed; Percy Spender, Exercises in Diplomacy: the ANZUS Treaty and the Colombo Plan, Sydney University Press, Sydney, 1969, pp.76, 85, 88, 89 and 117.
- 261 W. McMahon Ball, Japan, Enemy or Ally? Cassell, Melbourne, 1948, pp.193-197.
- 262 The need for the three treaties to be read together was stressed by Lord Casey; Richard G. Casey, Friends and Neighbours: Australia and the World, F.W. Cheshire, Melbourne, 1954, p.74.
- 263 Alan Watt, 'The ANZUS Treaty: Past, Present and Future', Australian Outlook, Vol.24, No.1, April 1970, p.29. Norman Harper has commented that a major virtue of ANZUS is giving privileged access to Washington by Canberra's policy makers; review article on 'ANZUS and the American Alliance' in Australian Outlook, Vol.24, No.1, April 1970, p.81. However, it should not be overlooked that access to the Pentagon was greatly facilitated by contacts made during the fighting in Korea and Vietnam.
- 264 Recent communiques are published in the Department of Foreign Affairs, Backgrounders. Earlier communiques were published in its Current Notes and Record.
- 265 Hasluck saw the need in the 1960s and emphasised it in his 1965 Ministerial Statement on foreign policy; Parliamentary Debates, H.R. Vol.58, pp.446-457. For a perceptive US insight, see William P. Bundy, 'New Tides in Southeast Asia', Foreign Affairs Vol.49, No.2, January 1971, pp.187-200.
- 266 Wendy Hinde, George Canning, Collins, London, 1973, pp.345-374.
- 267 Bean, note 213, pp.189-195.
- 268 Fedor A. Mediansky, 'Australia's Security and the American Alliance', Australian Outlook, Vol.37, No.1, April 1983, p.22; C., Hartley Grattan, 'Australia New

- Zealand and the Pacific-Asia', in Frank P. King, (ed.), Oceania and Beyond: Essays on the Pacific Since 1945, Greenwood Press, Westport, 1976, p.114.
- 269 Spender, note 260, p.185.
- 270 It is reflected in the report of the Joint Parliamentary Committee on Foreign Affairs and Defence on The ANZUS Alliance, Australian Government Publishing Service, Canberra, 1982.
- 271 Keesing's Contemporary Archives, 25 July 1969, p.23509. The Guam statement was elaborated by President Nixon on 3 November 1969, p.23661 and on 22 January 1970, p.23821.
- 272 The disposition strengthened; John Knight, 'Australia and Proposals for Regional Consultation and Co-operation in the Asian and Pacific Area', Australian Outlook, Vol.28, No.3, December 1974, pp.265-266.
- 273 Foreign Affairs, Vol.46, No.1, October 1967, p.113.
- 274 Among others by the Joint Parliamentary Committee on Foreign Affairs and Defence, note 270, p.69. For opposing views, see Bull, note 159, pp.xxiii-xxv; A.W. Stargardt, 'Neutrality and Neutralization in South East Asia', in Bernhard Dahm and Werner Draguhn, (eds.), Politics, Society and Economy in the ASEAN States, Harrassowitz, Wiesbaden, 1975; pp.50-55; Chin Kin Wah, 'Regional Attempts at International Order: ASEAN', Australian Outlook, Vol.38, No.1, April 1984, pp.16-20.
- 275 See note 228.
- 276 In his Continental Commitment, note 176.
- 277 Some are listed by Howard, note 75, p.206.
- 278 Corbett, note 81, chapter 4.
- 279 Ibid., p.270.
- 280 M. Oppenheim, A History of the Administration of the Royal Navy and of Merchant Shipping in Relation to the Navy from 1500-1660, Shoe String Press, Hamden, Conn., 1961, pp.10 and 18; A.R. Bridbury, England and the Salt Trade in the Late Middle Ages, Clarendon Press, Oxford, 1955, pp.76-77.
- 281 Edward S. Roscoe, A History of the English Prize Court, Lloyds, London, 1924, p.58; M. Oppenheim, 'Shipping' in Henry W.C. Davis (ed.), Medieval England, The Clarendon Press, Oxford, 1924,

- pp.249-280; Geoffrey J. Marcus, A Naval History of England, Vol.1: The Formative Centuries, Longmans Ltd., London, 1961, pp.13-20.
- 282 For their use on land, see G.W. Coopland, (trans. and ed.), The Tree of Battles of Honore Bonet, University of Liverpool Press, Liverpool, 1949, pp.173-179. For their use at sea, see Gezina H.J. Van Der Molen, Alberico Gentili and the Development of International Law: His Life, Work and Times, A.W. Sijthoff, Leyden, 1968, pp.174-178 and Francis R. Stark, The Abolition of Privateering and the Declaration of Paris, Columbia University, New York, 1897, pp.49-60.
- 283 On the West Indies, see John Masefield, On the Spanish Main, (1902), Conway Maritime Press, London, 1972. On Mauritius, see Geoffrey J. Marcus, A Naval History of England, Vol.2, The Age of Nelson, G. Allen, London, 1971, pp.111-114 and Lord Russell of Liverpool, French Corsairs, Robert Hale, London, 1970.
- 284 On convoys in the Napoleonic Wars, see Marcus, note 283, pp.388-398.
- 285 To such an extent that the British Government in 1649 had to introduce a prize bounty payable on the destruction of an enemy man-of-war; Roscoe, note 281, p.62. Later in the century French naval vessels were placed at the disposal of leading corsairs; Lord Russell, note 283, pp.93-120.
- 286 Paul M. Kennedy, The Rise and Fall of British Naval Mastery, A. Lane, London, 1976, pp.79 and 131. See also Marcus, note 283, pp.115 and 382.
- 287 Surcouf is reputed to have interested Napoleon in the counter-attack on English trade; Lord Russell, note 283, pp.160-161.
- 288 On US privateering in these wars, see Stark, note 282, pp.117-136.
- 289 Naval officers were also instructed to destroy any captured merchant ship unless it was very valuable and there was a friendly port nearby; James W. Ryan, The Freedom of the Seas and International Law, The Court Press, New York, 1941, p.45.
- 290 The figure of 82 is taken from Peter Kemp, (ed.), Oxford Companion to Ships and the Sea, Oxford University Press, London, 1976, p.771. The Encyc-

- lopedia Americana, Americana Corp., New York, 1968, Vol.24, p.555 gives a figure of 64. Many of the actions are described in Raphael Semmes, Memoirs of a Service Afloat During the War Between the States, Kelly, Piet and Co., Baltimore, 1869. An abridged version has been published as The Confederate Raider Alabama, Indiana University Press, Bloomington, 1962.
- 291 Not since the end of the sixteenth century; Van De Molen, note 282, pp.189-191. Earlier in the war, Semmes when commanding the 'Sumter' inadvisedly took six prizes into a Spanish port. They were impounded and restored.
- 292 27 January 1865. The event is also described in Evans, note 180.
- 293 The Commander in Chief of the British Channel Fleet at the turn of the century suggested to the Admiralty a policy of hanging submariners captured in war as pirates; Arthur J. Marder, The Anatomy of British Sea Power: a History of British Naval Policy in the Pre-Dreadnought Era, 1880-1905, Frank Cass and Co. Ltd., London, 1964, p.359. The Melbourne Age on 27 January 1865 editorialised: - 'We cannot regard the Shenandoah as other than a marauding craft and her officers and crew than as a gang of respectable pirates... Her vocation is not to fight but to plunder; not to vanquish enemies in a fair struggle but to destroy unarmed antagonists'. Captain Waddell was termed 'a buccaneer captain'.
- 294 Marcus, note 283, pp.401-405; Kennedy, note 286, pp.139-147; Howard, note 75, p.203.
- 295 The General Instruction Book issued to constables of the London Metropolitan Police at its inception stated: 'It should be understood, at the outset, that the principal object to be attained is the Prevention of Crime': David Ascoli, The Queen's Peace, Hamish Hamilton, London, 1979, p.87.
- 296 Article 88. Consistently with this provision, the circumstances in which a warship may visit a foreign vessel on the high seas does not include boarding to confirm whether the vessel is a neutral and to ascertain whether it is carrying contraband cargo; article 110.

- 297 The English Coast Guard was originally linked with fishing. 'So that by the received and usual custom, the charges of the Guard were to be defrayed by the fishermen of this sea, at the pleasure of our Kings, though they may have letters of public security and protection from any other Princes'; Selden, note 138, p.362.
- 298 Two Spanish prizes arrived in Sydney in 1799. One was taken off Peru and the other off California. Whalers sought and obtained letters of marque in Sydney as a second string but pickings were meagre. See Historical Records of Australia, Government Printer, Sydney, 1914, Series 1, Vol.II, pp.730, 735 and 736.
- 299 Ward, note 174, pp.31-71.
- 300 John Fortescue, History of the British Army, Macmillan, London, 1923, Vol. XI, p.105.
- 301 See generally John Fortescue, The Empire and the Army, Cassell and Co. Ltd., London, 1928.
- 302 Headrick, note 69, pp.257-262. John Ellis in The Social History of the Machine Gun, Croom Helm, London, 1975, p.96 mentions the comment of a Nigerian tribesman: 'War now be no war ... it be white man one side war'. See also Robert L. O'Connell, 'Putting Weapons in Perspective', Armed Forces and Society, Vol. 9, No.3, Spring 1983, pp.443-445.
- 303 Charles W. Gwynn, Imperial Policing, Macmillan, London, 1939.
- 304 Sir Charles Jeffries, The Colonial Police, Max Parrish, London, 1952, pp.30-32.
- 305 See notes 188 and 187.
- 306 A police fund was established by Governor Macquarie in 1810; Gerald M. O'Brien, The Australian Police Forces, Oxford University Press, Melbourne, 1960, p.16. A mounted police force was established by Governor Brisbane in 1825; Arthur L. Haydon, The Trooper Police of Australia: a Record of Mounted Police Work in the Commonwealth From the Earliest Days of Settlement to the Present Time, A. Melrose, London, 1911, p.33. South Australian legislation permitted policemen to join the Army in a reserve capacity permitting call up 'in time of need'; Military Force Act, 1878, No.125 of 1878.

- 307 Note 301, p.299. Adam Smith commented on the abstinence of the American colonies; An Inquiry into the Nature and Causes of the Wealth of Nations, Methuen, London, 1961, Vol.II, p.107.
- 308 Grant Wardlaw, 'The Armed Forces and Public Order Policing', Pacific Defence Reporter, October 1981, pp.44-48; Field Marshal Lord Carver, 'The Army and the Police' and J.R. Thackrah, 'Army Police Collaboration Against Terrorism', The Police Journal, Vol.LVI, January, 1983, pp.30-41 and 41-52; David R. Segal and others, 'Paratroopers as Peacekeepers', Armed Forces and Society, Vol.10, No.4, Summer 1984, pp.487-506.
- 309 Arms were controlled in several ways. Private wars were outlawed. Disputes were forced into the courts by the doctrine of the just war; see for example, St. Thomas Aquinas, Summa Theologiae, Eyre and Spottiswoode, London, 1972, Vol.XXXV, pp.81-85. The courts decided when force could be used and how much; see for example John of Legnano, Treatise on War, Reprisals and Duels, (1360), Oceana, New York, 1964, pp.278-306. The courts limited the occasions on which people could take the law into their own hands under the doctrine of reprisal; Legnano, pp.307-331.
- 310 Greg E. Fry, 'Successions of Government in the Post-Colonial States of the South Pacific', Peter Sack (ed.) Pacific Constitutions: Proceedings of Canberra Law Workshop VI, Australian National University, Canberra, 1982, pp.189-205.
- 311 Richard H. Ullman, 'Redefining Security', International Security, Vol.8, No.1, Summer 1983, pp.1290-153.
- 312 As Maurice Janowitz has pointed out, the constabulary concept provides a basis for the radical adaptation of the military profession. However, it would be totally inconsistent with that concept for it to encompass, in the case of Australia, 'the entire range of military power and organisation'. See his The Professional Soldier, Glencoe, Free Press, 1960, pp.417-440.

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