This book is a well written and thorough consideration of an aspect of the law of the sea which is largely viewed from other prisms – be it regional fisheries protection or seabed mining. It is an engaging and well executed study, and of interest to all those with an interest in the world's oceans and their protection.

Stuart Kaye

Decisions of the World Court Relevant to the UN Convention on the Law of the Sea: A Reference Guide

(Barbara Kwiatkowska, Martinus Nijhoff, 2010 345 pages)

This is an unusual book to review, as it is not so much a piece of academic writing but, rather, a reference work extracting references from key sources in the law of the sea. The book starts with a short preface explaining the book's function, which is essentially to draw out the International Court of Justice's judgments and opinions on a variety of matters across the broad spectrum of the law of the sea. Different areas of law are listed with pages of references to individual cases and judgments, in a level of detail that makes the work an extraordinary tool for practitioners and students alike. The amount of effort that was necessary in the compilation of the book is truly awe inspiring, and it no doubt reflects many years of patient scholarship by the remarkable Barbara Kwiatkowska, who has been a leading scholar in the law of the sea for a number of decades. The book is a must for any serious scholar contemplating research in the law of the sea as it will save many hours of toil in the law library.

Stuart Kaye
WINTHROP PROFESSOR & DEAN OF LAW,
UNVERSITY OF WESTERN AUSTRALIA

Sanctions, Accountability and Governance in a Globalised World

*(Jeremy Farrall and Kim Rubenstein (eds),
Cambridge University Press, Cambridge, 2009 486 pp)*

This book is the first in a series examining how public law and international law intersect in five thematic areas of global significance: sanctions, global health, environment, allegiance and identity, and security institutions. Each book is, or will be, the product of a workshop held at the Centre for International and Public Law at the Australian National University. The workshops were intentionally designed to maximise discussion among participants. To this end, each participant was asked to provide a draft paper well in advance of the workshop. The papers were then the subject of intensive discussion at the workshop. At its conclusion all participants were encouraged to rework their papers in light of the comments received. Once finalised, each chapter was then sent out for peer review. This process was aimed at ensuring both the quality of individual contributions and maintaining the cohesion of the book in general. The first volume of the series is certainly testament to the fact that this form of quality control has paid off. Edited by Jeremy Farrall and Kim Rubenstein, *Sanctions, Accountability and Governance in a Globalised World*

contains a healthy mix of well-written chapters by established scholars and academics in the earlier stages of their career.

The collection of essays uses the example of United Nations sanctions to explore questions of governance and accountability that arise when legal norms are applied with cross boundary effect. As Farrall and Rubenstein explain, the impetus for the focus on sanctions evolved from the prominent Australian 'Wheat-for-Weapons scandal' which concerned the payment of kickbacks by AWB Limited to the regime of Saddam Hussein in contravention of the UN Oil-for-Food Humanitarian Program as well as Australian law. What made this scandal particularly notorious was the fact that until mid-1999, AWB Limited was an Australian government entity operating a single desk regime over Australian wheat exports. As with other international sanctions discussed in the book – like the UN Security Council's Al Qaeda and Taliban sanctions regime – the Iraq sanctions regime and its Oil-for-Food Program highlighted the intersections between the spheres of international law and public (and private) law: legal obligations were created by a political body at the international level but implemented by public authorities within domestic jurisdictions. This raised a range of interesting questions of relating to governance, accountability and the rule of law.

The book is divided into seven parts and contains a total of 16 chapters. The opening chapters by Peter Danchin and Charles Sampford set out the theoretical foundations of the collection by examining challenges that arise in the enforcement of global norms across diverse jurisdictions. The second part focuses on the issue of internationalising public law and contains four chapters by Simon Chesterman, Devika Hovell, Hitoshi Nasu and Erica de Wet. Contributing to the debate about the recognition of a body of 'global administrative law', these authors discuss various aspects of accountability, transparency and governance on the international level, focussing on the UN Security Council and its coercive Chapter VII powers in particular. All four chapters are particularly timely, although de Wet's chapter on the *Kadi* case before the European Court of First Instance is now out-dated given that both the European Court of Justice and the Court of First Instance have subsequently handed down several decisions revising the judgment discussed in the de Wet's contribution.

Related to the chapters in the second part, the third part contains two papers by Kevin Boreham and Jeremy Farrall which specifically deal with the implementation of Security Council sanctions. Boreham revisits the 'Wheat-for-Weapons scandal' and Australia's international obligations, whereas Farrall explores the question of whether the monitoring of UN sanctions should be left to experts. Farrall answers this question in the negative and rightly concludes that the Security Council should adopt a more strategic and coherent approach to sanctions monitoring which could include the establishment of a permanent sanctions monitoring machinery within the UN Secretariat.

Parts four and five of the book examine the place of corporations and the role of lawyers in the process of implementing globally articulated norms into the domestic sphere. They contain chapters by Justine Nolan, Linda Botterill and Anne McNaughton, Steven Tully and Vivien Holmes, all of which broadly focus on the

complexities of ensuring that international obligations are regulated by the appropriate body under domestic law, in particular when such obligations fall on non-state actors. Nolan notes in this context that the international legal framework has so far failed to account for corporate human rights abuses and suggests that states may have to step 'outside their comfort zone' to prevent corporate human rights abuses, even when they are occurring outside of their territory. Focussing on the AWB scandal once more, Botterill and McNaughton argue that one should refrain from trying to reconcile both international and national, and public and private. Instead, they suggest considering these dimensions as part of a single legal system. Tully's chapter analyses the circumstances where national corporations receive advice on prospective sanctions compliance from their foreign ministries and examines whether administrative law principles apply in such cases. He observes that the AWB scandal illustrated the opportunities and risks for government agencies when advisory roles are blurred with regulatory responsibilities. Holmes completes the AWB theme by reflecting specifically on the role of AWB lawyers as counsel for a corporation whose actions had global ramifications. She notes that despite the minor role of lawyers in the scandal, the case contains valuable lessons in relation to professional ethics and workplace culture.

Closely related to the theme of the chapters in part five, the sixth part of the book contains two papers by Daniel Stewart and Richard Mulgan which deal with accountability issues relating to public law and policy, again with a particular focus on the Wheat Export Authority and the findings of the Cole Inquiry. Stewart examines the justiciability of private and political decisions against the backdrop of the AWB scandal. Reviewing several High Court cases as well as international jurisprudence, he explores the justiciability of 'private' actions on the one hand, and the justiciability of 'international' obligations on the other. Mulgan examines broader issues of accountability focussing on the UN Secretariat, the Australian Department of Foreign Affairs and Trade and the Wheat Export Authority. He detects a number of accountability failures both internationally and domestically. The final part of the book contains two fascinating "parallel case studies" by Simon Rice and Angus Francis respectively. Rice focuses on the implications of the US International Traffic in Arms Regulations for an Australian importer of defence technology and corresponding complex issues of private conduct, public laws and international concerns. Francis's chapter focuses on the extraterritorial application of immigration controls and the adverse impact that pre-entry measures have on the ability of asylum seekers to access protection. While excellent in themselves, the final two chapters, as the sub-heading suggests, appear a little disconnected from the other contributions in the collection. Indeed, it seems that Francis's chapter would have been better placed in the fourth workshop of the CIPL series, which had 'allegiance and identity' as its theme.