

OBTAINING SECURITY IN MARITIME CASES – A SURVEY OF PACIFIC RIM JURISDICTIONS [International Bar Association 1992. 315pp.]

THIS is a collection of papers presented at the 10th Biennial Conference of the International Bar Association's Section on Business Law on the law and practice of obtaining security in maritime cases in the various countries which make up the Pacific Rim. A total of 17 countries are covered by the papers. In the paper on obtaining security in maritime cases in the United States of America, there is also an appendix outlining the relevant laws of the states of Alaska, California, Hawaii, Oregon and Washington.

The paper writers are drawn from the practising bar of the various Pacific Rim countries. The papers, however, are written in a way which address a series of questions furnished by the Section on Business Law Committee on Maritime and Transport Law.

As to be expected of a collection of papers from different jurisdictions and different authors with diverse backgrounds, there is no uniform treatment in terms of details of the subject commented on. Nonetheless, the papers provide a wealth of information on the practice and procedural requirements relating to the procurement of security in maritime cases. All the papers identify the various types of claims which would give rise to a right to proceed in rem against a ship. Security in the context of the relevant laws of the Pacific Rim countries includes the arrest of a ship, the arrest of an associated ship, the posting of a bail-bond or other security like bank guarantees and letters of undertaking, and the procurement of an injunction against the assets of the defendant.

To this reviewer, the paper presented on the applicable law in the United States of America on obtaining security for maritime claims is especially interesting. The paper sets out in an appendix, the salient aspects of the relevant laws in the states of Alaska, California, Hawaii, Oregon and Washington – states which justify their inclusion in the paper on the ground that they border the Pacific Ocean.

This collection of papers is informative and for that reason alone justifies its place on the bookshelf of any serious-minded maritime lawyer with an eye out for regional work.

DAVID CHONG GEK SIAN