The Proliferation Security Initiative: Coming in from the Cold

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Introduction

Ron Huisken of the Strategic and Defence Studies Centre at the ANU argues that after a difficult and somewhat unilateralist start, the US-led Proliferation Security Initiative now "appears to be maturing into a useful and accepted counter-proliferation measure". While the inherent imprecision of the terms of UNSC 1540 "combines with the labyrinth of international law concerning governance of the oceans and seas to produce an arena that many states would see as fraught with risk to hard-won reputations for good international citizenship", a less unilateral US stance on the PSI can deliver "very promising outcomes."

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views and opinions on contentious topics in order to identify common ground.

Essay - Proliferation Security Initiative: Coming in from the Cold

Introduction

Australia has been among the earliest and most consistent supporters of the Proliferation Security Initiative (PSI). It was one of the 11 original partners that met in Madrid in June 2003 to give the initiative concrete form. It hosted the second meeting of this core group in Brisbane in September 2003 at which the basic guidelines for the interdiction of suspected weapons of mass destruction (WMD) cargoes were agreed. Press reporting at the time suggested that Australia was a key proponent of ensuring that these guidelines complied with international and domestic law. Australia went on to host the inaugural PSI exercise in the Coral Sea in October 2003 and has since hosted a second - Pacific Protector 06 - in Darwin in April 2006. Along with Japan and Singapore, Australia is now taking the lead in persuading additional states in the Asia Pacific region to join the initiative.

Origins

President Bush formally disclosed the intent to launch the PSI in a speech in Krakow, Poland, on 31 May 2003, less than three months after the invasion of Iraq. Although an adequate explanation for the invasion of Iraq is a complex issue, the argument that the Bush administration relied on most heavily in its public diplomacy was the heightened risk that Iraq was deemed to epitomize of international terrorist groups acquiring weapons of mass destruction. The events of September 11 seemed to put beyond doubt that there were terrorist groups that were immune to dissuasion or deterrence and that would simply use any WMD they managed to acquire. This new danger - a potential nexus between terrorism and technology - leapt to the top of the list, a danger that the Bush administration declared it would do everything in its power to address and defeat: As President Bush said in one way or another on innumerable occasions, "We will not allow the world's most dangerous people to acquire the world's most dangerous weapons".

The PSI clearly emerged from the same set of considerations. Long before the advent of the Jihadists mass-casualty terrorism, the United States was the enforcer-in-chief of the instruments of the international non-proliferation regime, quite routinely applying sanctions to enterprises in a number of countries (more than 20 in the past decade) that intelligence suggested had breached guidelines on permissible trade in technologies and materials related to WMD and related delivery systems, above all, ballistic and cruise missile systems. Moreover, while the scale, extent and redundancy of the international black market in such technologies and materials came as something of a shock in 2002/2003 when Pakistan's A.Q. Khan was exposed, the fact of this network, and its broad contours, had been known to the intelligence communities in the US and elsewhere for many years. UN inspections in Iraq following the 1991 Gulf War provided a major wake-up call. A country that was party to the NPT, and subject to particularly close scrutiny because of earlier suspected breaches of its obligations (in respect of nuclear weapons) or clear violation of international norms (in respect of chemical weapons) was still able to import the means to conduct a vigorous WMD program.

The genesis of the PSI certainly reaches back into 2002 and possibly as far back as 1991/92. In the course of 2002 year, the Bush administration developed, refined and defended the concepts and principles that would guide its response to September 11.

In December 2002, the United States and Spain collaborated to intercept a DPRK-flagged vessel, the So San , in the northwestern Indian Ocean. The So San was confirmed to be transporting 15 SCUD ballistic missiles and rocket propellant to Yemen. The popular story is that Spain and the US then reluctantly conceded that the transaction, acknowledged by both supplier and recipient, was

legitimate (neither the DPRK or Yemen participate in the Missile Trade Control Regime (MTCR) and that no authority existed to detain the ship or its cargo. This account requires one to believe that the Defence and Foreign ministries of Spain and the US acquired and shared intelligence on the So San, decided to intercept the vessel, and then performed the interception without a single lawyer being invited to assess the idea or finding out about it in the many ways that such information travels through a bureaucracy and volunteering an opinion. Although accounts of this episode suggest an element of spontaneity, these accounts also recite claims that US intelligence had tracked the vessel since its departure from a port in the DPRK. A belated realization that international law precluded seizure of the cargo does not sound particularly credible. A more plausible explanation is that the PSI concept had already been developed but that it was thought that its marketability would be enhanced through proof that WMD-related items were being traded among states of proliferation concern, that actionable intelligence on this trade was available, and that interdiction was feasible.

It also seems likely that the choice of the So San was no accident. After all, this was just two months after the famous meeting in Pyongyang in October 2002 which put uranium enrichment on the table and sparked the series of developments we now call the second DPRK nuclear crisis (although for some time now, this does a serious injustice to the meaning of the term 'crisis'). The DPRK was also involved in a development that could well have tipped the scales and pushed the PSI from an option to an official US initiative. It is an understatement to say that the global political climate in 2001-2003, and even more so particular bilateral relationships like that between the US and the DPRK, was highly charged, with terrorism and WMD proliferation serving as the lightning conductors. Following the dramatic resumption of bilateral US-DPRK contacts in October 2002, essentially the first such contact since the Clinton administration, Pyongyang saw its interests as served by highlighting the acute threat to its very existence that it perceived from the United States and warning the region that it would be acting under extreme duress, something that the key players might prefer not to see and take prompt action to avoid. Washington was equally determined to frustrate Pyongyang's attempt to shape the political environment in this way, and went to great lengths to play a 'dead bat' to the DPRK's rhetoric and deny any sense of crisis. These clashing political imperatives may have contributed to Pyongyang's decision early in 2003, possibly out of frustration, to walk up to the reddest of America's redlines. In the meeting between the DPRK, US and China - the precursor to the 6 Party format -held in Beijing in April 2003, Pyongyang warned that the imminent expansion of its stockpile of fissile material (from harvesting the plutonium in the irradiated fuel rods that had been under IAEA seal) would give it more options including a 'physical demonstration' of its nuclear capabilities (taken to mean a test explosion) and 'transferring' some of its deterrent to third parties. The latter threat, of course, went to the heart of the terrorist/technology nexus and could well have inclined the Bush administration to overlook the obvious practical difficulties with the PSI and to launch it as an initiative with global relevance but with the DPRK as its specific audience in the first instance.

The Popularity of the PSI

A month after President Bush announced the PSI, 11 states met in Madrid to give the initiative concrete form, particularly the crafting of the interdiction principles which were agreed and promulgated in September 2003, after a second meeting in Brisbane, Australia. (see Annex 1). The 11 founding states were the US, Australia, France, Germany, Italy, Japan, the Netherlands, Poland Portugal, Spain and the UK. By December 2005, an additional 10 or so states had joined this core group by publicly and formally embracing the interdiction principles (including Argentina, Canada, Denmark, Georgia, Iraq, Norway, Singapore and Turkey) and another 40-50 states had signaled in some less binding (and, importantly, less visible) fashion that they sympathised with the intent of the PSI. [1] US officials now speak of more than 70 countries supporting the PSI, but no comprehensive list of these countries has been made public.

Although the PSI appears to be turning the corner in terms of respectability, it could hardly be said in its first two years of operation that states were clamouring to sign up. And some persisting omissions, especially China, India and South Korea, are obviously particularly harmful to the efficacy of the initiative. The reasons for these widespread hesitations, reflected in the imprecision about the number of states involved and whether they are 'adherents', 'participants', 'sympathisers', or simply not opposed, are not hard to seek.

Political leaders like to be clear on the full implications of adhering to something like the PSI, and any official charged with preparing the brief for a cabinet decision faces formidable difficulties in meeting this standard. Is the concept firmly grounded in international law? Are the guidelines for interdiction clear and agreed among all participants? What authority would adherence to the PSI give us to amend the interdiction principles? Can we be confident that every interdiction will be fully compliant with relevant international law? An honest official would be obliged to give equivocal answers to all these questions.

Regarding the foundation of the PSI in international law, US State Department briefings rely principally on a UN Security Council Presidential Statement of January 1992 stating that the proliferation of all WMD constitutes a threat to international peace and security. Such a statement has a good deal less force than a UNSC resolution. UNSC 1540, adopted unanimously in April 2004 , was therefore very important, as the following extracts from its preambular and operative paragraphs attest:

> "Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery,* constitutes a threat to international peace and security
>
> 1. Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;
> 2. *Decides also* that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;
> 3. *Decides also* that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials . . ."
>
> * Definitions for the purpose of this resolution only:
>
> Means of delivery:
> missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use.
> Non-State actor:
> individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution.
> Related materials:
> materials, equipment and technology covered by relevant multilateral treaties and

> arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

The interdiction principles (see Annex 1) also throw up a host of terms that defy rigorous definition and give states pause as to what they may find themselves associated with through adherence to the PSI. There is a reasonably strong common understanding of what constitutes a 'weapon of mass destruction', but what of WMD *delivery systems*, materials *related* to either WMD or their delivery systems, and state or non-state actors of *proliferation concern*. These terms are a good deal harder to pin down. Other terms in the interdiction principles are inherently but also awkwardly vague, notably what constitutes *good cause* or *reasonable* suspicion to support a proposed interdiction.

The inherent imprecision of these terms combines with the labyrinth of customary and de jure international law concerning governance of the oceans and seas to produce an arena that many states would see as fraught with risk to hard-won reputations for good international citizenship. Statements by senior US officials in 2003/04 suggesting that legal constraints might not prevail over non-proliferation imperatives naturally heightened such concerns. Indonesia's Foreign Minister, Hassan Wirayuda, recently interrogated the visiting US Secretary of State on how the PSI could clash with Indonesia's sovereignty.

There is no little irony in the fact that for most of the past century the United States has been the most vigorous defender of principles like the freedom of the high seas and the right of innocent passage, indicating on many occasions that it would be prepared to take all necessary measures to protect these principles. It did so most recently in the context of the competing territorial claims in the South China Sea, making clear that it had no position on these rival claims but making even more clear that it would become a player if the states concerned in any way compromised the freedom of the high seas. As Mark Valencia writes, "on any given day, the US navy is exercising its maritime freedoms against an 'excessive' maritime claim somewhere in the world". [2] The fact that Washington has been prepared under the PSI to advocate practices and to establish precedents that could, in time, undermine these principles is perhaps the strongest indicator that it is very serious indeed about interdicting trafficking in WMD and related technologies and materials.

Given the risks to its own strong interests, and the formidable legal obstacles to interdiction (both in international law and in many national legal regimes) it remains valid to ask why the US elected to proceed with the PSI. Only an educated guess is possible at this stage. One can be confident that a number of academics are at work on the political and bureaucratic origins of the PSI, including interviews with key officials to get a feel for how the costs and benefits were evaluated and judgements made about the balance of US interests, but this work is not yet in circulation.

My educated guess would run along the following lines. It is standard practice in the US, when a major new threat or development is perceived to have arisen or occurred, for its enormously talented bureaucracy and the related community of think tanks to generate an array of policy options to deter, defeat or transform the new challenge. One such development arguably occurred in the aftermath of the 1991 Gulf War when UN inspectors exposed how extensively Iraq had managed to circumvent IAEA inspections and export control regimes. This experience led the US to begin to explicitly develop its counter-proliferation strategies alongside the traditional set of non-proliferation policies. As mentioned above, it seems likely that something like the PSI took shape as a policy option at this time but was deemed too problematic to take forward. After September 11, with the US unambiguously the target of choice of a distinctively virulent form of terrorism, the PSI was re-visited and given a more sympathetic hearing. The interdiction of WMD-related transfers among

states of concern was specifically identified in the US policy document National Strategy to Combat Weapons of Mass Destruction which appeared in December 2002. Finally, when the extent of A.Q. Khan network was exposed early in 2003 and Pyongyang decided to hint directly at the worst-case scenario in April 2003, Washington elected to proceed despite having a pretty clear idea of the practical difficulties and limitations that the PSI would encounter. It was launched, after all, with just 10 partners.

This educated guess suggests that the PSI had a psychological importance that rivaled any prospect that it could prevent the completion of transfers of WMD-related technologies and materials on any meaningful scale. Insofar as Pyongyang was the specific target of the PSI - and most observers seem to be in little doubt that it was - many American commentators pointed out that the plutonium core for a nuclear weapon was about the size of a baseball, weighed 5-8 kilograms, and had a quite modest radiation signature. Reliable interdiction of transfers of such a small item in all environments (land, sea and air) was deemed to be a pipe-dream. Why, then, did Washington proceed? I suspect that Washington judged that the PSI would convey a valuable deterrent message, or, at least, that it was the best means available to provide tangible reinforcement of declaratory policy on the nexus between technology and terrorism. It was an attempt to signal to Pyongyang in the first instance but also to some other capitals (Tehran and Islamabad come to mind) that the transfer of fissile material, or indeed the suspicion that this was being contemplated, was likely to provoke an extreme and desperate response from the United States. Pyongyang went on to reiterate that it might conduct a nuclear test and, ultimately, to proclaim that it was a state with nuclear weapons, but it has never repeated the threat to transfer fissile material to a foreign entity.

It is likely that proponents of the PSI in Washington also contended that intensified high-profile policing of trafficking in WMD-related components and materials would encourage more vigilance on the part of all governments to be seen to be living up to their political commitments through devoting more time and resources to enforcing domestic regulations linked to non-proliferation objectives. The PSI could help generate concerns in government circles everywhere that any future breaches by national entities could become much more visible and therefore more embarrassing and costly in political terms than in the past. If this was the case, it would appear to have been an accurate forecast. Indeed, one gets the impression that as the Bush administration stepped away from the 'you are either with us or with the terrorists' style of international engagement in its second term, including more measured rhetoric on the PSI, it has found that emphasizing compliance with domestic and international law, concentrating on encouraging other governments to use the authorities they have and, through international cooperation and collaboration, to multiply the effectiveness of national vigilance, can deliver very promising outcomes.

Participation in the PSI appears to be accelerating, and hesitation about being seen to be a participant may be receding. The Polish Foreign Ministry Website hints at interest in adding periodic meetings of all participants at the diplomat level to the schedule of PSI activities. If this idea attracts sufficient support to be made a reality, the PSI will have 'come in from the cold' and established itself as a legitimate component of the international non-proliferation regime. Once this occurs, it is more likely that initiatives to develop further national and, particularly, international authority to halt the proliferation trade will get a serious hearing.

In East Asia, the US is working with Australia, Japan and Singapore to broaden participation in the PSI. The US is itself taking the lead in central Asia with the specific goal of deterring use of the air link between the DPRK and Iran for proliferation purposes. [3]

PSI Activities

Public sources claim that 11 actual interdictions have taken place under PSI auspices and that 10

countries other than the US have participated. [4] Some claim that the figure might be inflated through the inclusion of interdictions associated with operations or political processes unrelated to the PSI, notably the shipment of centrifuge components from Malaysia to Libya that was intercepted in the Mediterranean in October 2003 and is thought to have helped precipitate Libya's decision early in 2003 (but discussed in secret meetings with US and UK officials since 1999) to verifiably abandon all its WMD programs. The details of these operations remain classified. There would be legitimate operational reasons for this secrecy, but political considerations are probably also in play: not all the countries that have contributed to or participated in an interdiction wish to be identified. At the same time, not one of these interdictions has surfaced because of allegations that it exceeded national or international legal boundaries, and it is rumoured that at least one planned interdiction (involving Germany) was abandoned due to doubts about its legality.

On the other hand, PSI participants have engaged in frequent and visible exercises. Apart from enhancing the deterrent affect of the initiative, these exercises test intelligence sharing mechanisms, coordination capacities within and between states, and develop the interoperability of the personnel and platforms that conduct the interdictions. There have been 19 multilateral PSI exercises Another four exercises are planned in 2006 and a meeting of the PSI's Operational Experts Group in Miami in April 2006 will determine the exercise program into 2007. The available information on most of these exercises is shown in Table 1. Detailed information on active participants is obviously rather thin, but anecdotal information suggests that a number of exercises have involved a quite large number of countries. In addition, it would seem that participating as an observer - ie showing interest but maintaining a diplomatic distance - has becoming increasingly fashionable.

In addition, multilateral exercise that look like PSI events have been conducted under other auspices like the Western Pacific Naval Symposium and the US-led CARAT exercise program in Southeast Asia, possibly to encourage (or allow) the involvement of countries with reservations about the PSI.

TABLE 1: Some PSI Exercises

Host	Date	Participants	Type
Australia	September 2003	US, Japan, France	Maritime
Spain	October 2003	France, Germany, Italy	Searching ships for WMD
Italy	December 2003	n/a	Air
USA	January 2004	7 active, 5 observers	Maritime
Italy	February 2004	n/a	Air
France	March 2004	n/a	Air
Germany	March 2004	n/a	Customs
Poland	April 2004	n/a	Ground
Japan	October 2004	n/a	n/a
USA	November 2004	n/a	n/a
Portugal	April 2005	n/a	Maritime/ground
Spain	June 2005	n/a	n/a
USA	June 2005	10 central Europe countries	Ground (rail)
Singapore	August 2005	13 countries	Maritime
		Planned	
Australia	April 2006		Air/ground
Netherlands	April 2006	n/a	Maritime/ground
Turkey	May 2006	n/a	n/a

France	June 2006	n/a	n/a

Conclusion

The PSI, as official briefings stress, is an activity, not an organization. Its legitimacy does not stem directly or unambiguously from an international treaty or UN resolution. What it does have going for it is the international norm against the proliferation and, indeed, possession of WMD. The overwhelming majority in the international community endorse the view that trading in WMD or trading in closely related technologies and materials with the intent to facilitate the proliferation of WMD is a very bad thing. Moreover, it would be fair to say that international opinion is not prepared to concede that any country can stand outside this dominant view (through not joining treaties, voting against or abstaining on UN resolutions) and thereby retain the right to legitimately engage in such activities. Judgements may differ on how close or directly related to WMD particular transactions have to be before they are declared unacceptable, but the fact that there is a category of transactions that international opinion deems unacceptable seems beyond dispute.

The Bush administration has attached genuine priority to the success of the PSI. It was sensitive from the outset to the fact that the US could not make it succeed unilaterally. It quickly detected that early rhetoric that going beyond the law when necessary was counter-productive (although it has taken some time for the hesitations this posture gave rise to among potential participants to wear off). [5] Similarly, when potential participants queried the apparent prerogative of the 'core group' to set the rules, this group was disbanded. Finally, one has the impression that the US (and others) has been responsive to any requests for assistance in tightening up regulatory arrangements and to enhance enforcement capacities.

The PSI appears to be maturing into a useful and accepted counter-proliferation measure. It has to be kept in perspective. Interdiction is located well toward the 'last resort' end of the spectrum, which means that other layers of control and discipline have failed. It is in the nature of 'last resort' measures that they can be effective in exceptional cases but cannot be relied upon if the exceptions become too numerous. In other words, the availability of the capabilities demonstrated by the PSI in no way downgrades the importance of the wider integrity of the non-proliferation regime.

That said, the PSI also seems to be having useful spillover effects further up the chain of events associated with an instance of proliferation of WMD-related materials or technology. The early decision by the original core group to operate within the confines of national and international law was probably decisive to this positive trajectory. If confidence in association with the PSI continues to grow - especially through all participating countries agreeing to meet overtly - there would be merit in exploring the scope for more direct UN endorsement of the initiative. Such endorsement would be the surest means of achieving the breadth of participation needed to maximize the effectiveness of this counter-proliferation tool and enable it also to strengthen the non-proliferation regime.

Annex 1: Interdiction Principles for the Proliferation Security Initiative [6]

PSI participants are committed to the following interdiction principles to establish a more coordinated and effective basis through which to impede and stop shipments of WMD, delivery systems, and related materials flowing to and from states and non-state actors of proliferation concern, consistent with national legal authorities and relevant international law and frameworks, including the United Nations Security Council. They call on all states concerned with this threat to international peace and security to join in similarly committing to:

1. Undertake effective measures, either alone or in concert with other states, for interdicting the

transfer or transport of WMD, their delivery systems, and related materials to and from states and non-state actors of proliferation concern. "States or non-state actors of proliferation concern" generally refers to those countries or entities that the PSI participants involved establish should be subject to interdiction activities because they are engaged in proliferation through:

1. efforts to develop or acquire chemical, biological, or nuclear weapons and associated delivery systems; or
2. transfers (either selling, receiving, or facilitating) of WMD, their delivery systems, or related materials.

2.
3. Adopt streamlined procedures for rapid exchange of relevant information concerning suspected proliferation activity, protecting the confidential character of classified information provided by other states as part of this initiative, dedicate appropriate resources and efforts to interdiction operations and capabilities, and maximize coordination among participants in interdiction efforts.
4. Review and work to strengthen their relevant national legal authorities where necessary to accomplish these objectives, and work to strengthen when necessary relevant international laws and frameworks in appropriate ways to support these commitments.
5. Take specific actions in support of interdiction efforts regarding cargoes of WMD, their delivery systems, or related materials, to the extent their national legal authorities permit and consistent with their obligations under international law and frameworks, to include:
    1. Not to transport or assist in the transport of any such cargoes to or from states or non-state actors of proliferation concern, and not to allow any persons subject to their jurisdiction to do so.
    2. At their own initiative, or at the request and good cause shown by another state, to take action to board and search any vessel flying their flag in their internal waters or territorial seas, or areas beyond the territorial seas of any other state, that is reasonably suspected of transporting such cargoes to or from states or non-state actors of proliferation concerns, and to seize such cargoes that are identified.
    3. To seriously consider providing consent under the appropriate circumstances to the boarding and searching of its own flag vessels by other states, and to the seizure of such WMD-related cargoes in such vessels that may be identified by such states.
    4. To take appropriate actions to
        1. stop and/or search in their internal waters, territorial seas, or contiguous zones (when declared) vessels that are reasonably suspected of carrying such cargoes to or from states or non-state actors of proliferation concern and to seize such cargoes that are identified; and
        2. enforce conditions on vessels entering or leaving their ports, internal waters, or territorial seas that are reasonably suspected of carrying such cargoes, such as requiring that such vessels be subject to boarding, search, and seizure of such cargoes prior to entry.

    5.
    6. At their own initiative or upon the request and good cause shown by another state, to
        1. require aircraft that are reasonably suspected of carrying such cargoes to or from states or non-state actors of proliferation concern and that are transiting their airspace to land for inspection and seize any such cargoes that are identified; and/or
        2. deny aircraft reasonably suspected of carrying such cargoes transit rights through their airspace in advance of such flights.

7.
8. If their ports, airfields, or other facilities are used as transshipment points for shipment of such cargoes to or from states or non-state actors of proliferation concern, to inspect vessels, aircraft, or other modes of transport reasonably suspected of carrying such cargoes, and to seize such cargoes that are identified.

6.

Further references

"The Proliferation Security Initiative", International Institute for Strategic Studies, Strategic Comments, Vol.9, issue 6, August 2003.

Commander Barry W. Coceano, USN, "The Proliferation Security Initiative: Challenges and Perceptions", The Atlantic Council of the United States , Occasional Paper, May 2004.

Benjamin Friedman, "The Proliferation Security Initiative: The Legal Challenge", Bipartisan Security Group , Policy Brief, September 2003.

Mark J. Valencia, " Bring the Proliferation Security Initiative into the UN ", Nautilus Institute , Policy Forum Online, 20 December 2005.

Robert Joseph, "Meeting the Challenges of Weapons of Mass Destruction Proliferation", remarks by the Under Secretary for Arms Control and International Security at the University of Virginia, 9 December 2005.

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Endnotes

[1] Mark J. Valencia, "The Proliferation Security Initiative: Making Waves in Asia", International Institute for Strategic Studies, Adelphi Paper 376 , October 2005, p.32.

[2] *ibid*, p.18

[3] John R. Bolton, "Legitimacy in International Affairs: The American Perspective in Theory and Operation", speech by the Under Secretary for Arms Control and International Security to the Federalist Society, Washington DC, 13 November 2003.

[4] Condoleezza Rice, "Remarks on the Second Anniversary of the Proliferation Security Initiative", Washington DC, 31 May 2005.

[5] The Chinese and Indonesian positions suggest that there may be points of international law that could be deployed to challenge the PSI. It is more likely that these countries are using this line of argument to make a political point and that Indonesia in particular wants to have an effective veto (ie an undertaking that any interdiction be deferred until Jakarta is fully satisfied that all its legal questions have been addressed). The language in the interdiction principles rather clearly puts a strong emphasis on compliance with domestic and international law. Furthermore, as I observe in

the text, none of the 11 real interdictions appear to have been contested in any way.

[6] Fact Sheet: Proliferation Security Initiative - Statement of Interdiction Principles , The White House, Office of the Press Secretary, September 4, 2003
http://www.whitehouse.gov/news/releases/2003/09/20030904-11.html

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