

Discussion of “The Proliferation Security Initiative: Coming in from the Cold”

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Discussion of "The Proliferation Security Initiative: Coming in from the Cold"

Comments by Mark Valencia and a response by Ron Huisken [*](#)

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Introduction

On 20 April 2006, APSNet published Ron Huisken's "[The Proliferation Security Initiative: Coming in from the Cold](#)", Austral Policy Forum 06-13A.

On 25 May 2006, NAPSNet published Mark J. Valencia's "[The Proliferation Security Initiative in Perspective](#)", Policy Forum Online 06-41A.

This discussion consists of Mark Valencia's comments on Huisken's essay and a reply by Huisken.

The views expressed in this article are those of the author and do not necessarily reflect the official policy or position of the Nautilus Institute. Readers should note that Nautilus seeks a diversity of

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

Comments by Mark Valencia on "The Proliferation Security Initiative: Coming in from the Cold"

Comparing Huisken's piece and mine provides an example of how two analysts can use more or less the same facts to reach markedly different conclusions. I would not have submitted these comments except that Huisken referred to my IISS Adelphi Paper [1] 376 and then seemed to largely ignore its contents.

The good news is that he concludes that "there would be merit in exploring the scope for more direct UN endorsement of the initiative". This is a greatly watered down endorsement of my recommendations. The bad news is that Huisken does not seem to appreciate the depth and breadth of the problems afflicting the PSI.

At the risk of boring the specialists, I will repeat here my analysis of some of the more prominent claims for the PSI by its proponents and defenders.

The PSI has the support of nearly 80 countries.

As [Sharon Squassoni](#) of the US Congressional Research Service has pointed out, it is unclear what "support" means and how robust it is. The 'concrete steps' for contribution to the PSI listed on the US State Department web site are rather vague and conditional. First and foremost, participating states are encouraged to formally commit to and publicly endorse, if possible, the Statement of Interdiction Principles. Follow-up steps are also replete with conditional language such as 'indicate willingness', 'as appropriate', 'might contribute', and 'be willing to consider'.

It is true that 66 countries attended a meeting in Warsaw on 23 June 2006 marking the third anniversary of the PSI. But no list of participating countries was made available and the definition of "supporting" countries remains unclear. Indeed it is nigh impossible to obtain an 'official' list of PSI "supporting" countries. Apparently this is because some - perhaps many - so-called "supporting" states have not publicly endorsed the PSI Principles. Reasons given include not perceiving the PSI as a top security priority and wanting to avoid possible reprisals for co-operating with the United States. This reluctance in itself indicates less than stalwart support in general as well as in time of specific need. Indeed given the "flexibility" of co-operation, many, if not most of these 80 so-called "supporters" would not automatically participate in interdictions of vessels or aircraft at the behest of the United States. Thus in a pinch, 'support' could easily evaporate.

Main agenda items at the Warsaw meeting included discussion of PSI issues - and there are many - as well as future PSI development. If most of the 66 countries attending the Warsaw meeting are supportive of the PSI and have no reservations, then why are these discussions closed and secret?

The PSI has widespread geographic participation.

While there is indeed a growing list of nations willing to associate themselves with different aspects of the PSI on a case by case basis, support in Asia - a major focus of proliferation concern - is weak. Despite considerable US pressure to fully and publicly participate, key countries like China, India, Pakistan, Indonesia and Malaysia remain outside the 'coalition of the willing'. And the co-operation of others that have nominally joined - like Japan, South Korea

and Russia - for various reasons is lukewarm at best. US Under Secretary of State for Arms Control and International Security Robert Joseph said in an address to the Warsaw meeting that the PSI needs more partners from Asia, Africa and Latin America.

The PSI has been successful.

There is insufficient public information and no objective measure of PSI success or failure. Thus it is unclear how the much-touted 12 PSI interdictions in three years compares to efforts prior to the Initiative, or if an increase in successful interdictions is due to an increase in proliferation activity. The 12 interdictions could actually be considered a rather poor result compared to the [Stanford Database estimate](#) of an average 65.5 nuclear trafficking incidents per year. We do know that contrary to assertions by some US officials, the October 2003 interdiction of WMD-related materials bound for Libya was most likely not due to the PSI. Rather it was the result of an unrelated effort to get Libya to abandon its ambition to possess WMD.

UN Secretary General Kofi Anan supports the PSI.

This is a half-truth. Annan sees the PSI as an effort to "fill a gap in our defenses" against nuclear proliferation. But he qualifies this position with the preference that PSI issues and actions be addressed and undertaken collectively through and by the United Nations. He has also consistently stated in this context that the Security Council must be 'the sole source of legitimacy on the use of force'. To cite Anan's position without its qualifications is misleading at best.

[UNSC Resolution 1540](#) confirms UN support of the PSI.

The resolution that passed was a much watered down version of the original submitted by the United States. For example, under a threat of veto by China, the United States dropped a provision specifically authorizing the interdiction of vessels suspected of transporting WMD. The resolution does not specifically mention the PSI and does little to strengthen its effectiveness because it focuses on non-state actors. Moreover most UN members have failed to meet the deadline to submit required reports on their efforts to comply with the resolution, i.e., strengthening their domestic laws criminalizing the spread of WMD as well as their export and border controls.

Contrary to these misleading claims of success, the PSI has been criticized for insufficient public accountability, stretching if not breaking the limits of existing international law, undermining the UN system, impeding legal trade, being politically divisive, and having limited effectiveness. In reality it remains a US-initiated and driven ad-hoc activity conceived primarily to deter trade in WMD components and 'related materials' to and from North Korea - and now Iran.

Yet Huisken jumps to the conclusion that "the PSI appears to be maturing into a useful and accepted counter-proliferation measure." The sad fact is that the PSI and its ancillary measures have done little or nothing to restrict the movement of WMD and closely related materials on North Korean, Iranian or other 'outsiders' flagged ships and planes.

Another sad fact is that the implementation if not the conception of the PSI was and is fraught with mistakes. Yet the PSI's proponents and its defenders continue to ignore many of these problems and to try to fool the public with glossed over and generalized reports of its 'progress'.

All this is not to say that trade in WMD and related items should be ignored, although it may not be possible to prevent it altogether. Rather it is to stress that the PSI's shortcomings must be acknowledged and addressed. Most of the PSI's shortcomings stem from its ad-hoc, extra-UN, US `driven nature. Bringing it into the UN system would rectify many of these shortcomings by loosening US control, enhancing its legitimacy, and engendering near universal support. Whether or not the PSI is formally brought into the UN system, its reach and effectiveness could be improved by eliminating hypocrisy and double-standards, e.g., when it comes to India, Pakistan and Israel, and increasing transparency. Needed is a neutral organization to assess intelligence, co-ordinate and fund activities, and make decisions regarding specific or generic interdictions. Such an organization could provide more objective and legitimate definitions of states "of proliferation concern" and "good cause" (for interdiction). It would also help avoid erroneous judgments, resolve disagreements, provide consistency and a concrete structure and budget, and ensure compliance with international law--or be a vehicle for any agreed changes therein.

If PSI effectiveness is not dramatically improved, WMD and related materials will continue to fall into the "wrong" hands. And it may take only one coincidence of will, means and opportunity to create a catastrophe.

Response by Ron Huisken to Mark Valencia's comments on "The Proliferation Security Initiative: Coming in from the Cold"

First of all, I appreciate the trouble that Mark went to. Moreover, his Adelphi paper was the best and most comprehensive assessment of the PSI to date and it was remiss of me not to make this more clear.

My paper was prepared for a 1.5 track CSCAP meeting, and I confess to making a 'political' judgment that simply bucketing the PSI was not what this group needed at that time. I did not suspend academic objectivity, but I was looking for scope to put a positive spin on the initiative. Thus, I think I made pretty clear, in support of Mark's paper, that the enduring reluctance to list adherents suggested that support for the initiative is a good deal softer than the official statements try to claim; that the initiative kicked off with a small band of countries and that US ambitions for it were characteristically rather extreme and had to be significantly recast to retain the support of some of these; and that interdiction was a last resort that would only be viable if the broader mechanisms of the non-proliferation regime functioned reasonably well.

That said, the positive spin I put on the initiative was not contrived. I seriously doubt that a core objective of the PSI was to hone interdiction skills. It was a means to an end, a fairly dramatic signal from the US to reinforce the message (especially to North Korea which had spoken of 'transferring' fissile material in April 2003) that it was now very acutely concerned about the security of nuclear material and (for a wider audience) concerned also that states may have relaxed their vigilance in this arena (as the extent and redundancy of the A.Q. Khan network seemed to indicate).

Official sources in Australia tell me that the major work kicked off by the PSI has been in the area of port security. It seems that the PSI has encouraged a number of countries to look at their capacities, both legal and physical, to translate broad policy settings on non-proliferation into effective export and transshipment controls. In other words, states have looked at their domestic legal regime and their capacities (both assets and procedures) to enforce the regime that has been endorsed at the level of national policy. In doing this, they have also opened themselves to advice on what is standard practice or international best practice, and to offers of assistance from core PSI states in getting closer to these standards. In this regard, the PSI links up with UN Security Council Resolution 1540.

In sum, I suspect that the major payoff from the PSI is not in the sharpening of maritime, air and land interdiction capacities and skills but in the pressures it has generated backward down the chain of national practices that allow non-proliferation policy objectives to be breached or undermined. In other words, I think the PSI has (and is) played a useful role in making it harder for anything like the A.Q. Khan network to be reconstituted. The interesting, but difficult, analytical questions include how big a factor the PSI has been, and whether it was the most effective tool to secure these advances.

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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.

Nautilus invites your response

The Austral Peace and Security Network invites your responses to this essay. Please send responses to the editor, Jane Mullett: austral@rmit.edu.au. Responses will be considered for redistribution to the network only if they include the author's name, affiliation, and explicit consent.

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