

The Proliferation Security Initiative in Perspective

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I. Introduction

Mark J. Valencia, a Maritime Policy Analyst in Kaneohe, Hawaii and Nautilus Institute Senior Associate, writes, "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."

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II. Essay by Mark J. Valencia

The Proliferation Security Initiative in Perspective

As the US ratchets up pressure against Iran and North Korea for their alleged nuclear proliferation activities, the Proliferation Security Initiative (PSI) may become a leading coercive tool in its

arsenal. The PSI is an activity initiated by the Bush Administration to prevent weapons of mass destruction (WMD), their delivery systems and related materials from reaching or leaving states or sub-state actors 'of proliferation concern'. Reflecting the Bush Administration's disdain for the UN, it was conceived, originated and implemented outside the UN system.

Indeed, US State Department officials and some analysts have proclaimed the PSI a successful example of an ad hoc extra-UN 'coalition of the willing'. But their oft-repeated specific claims of success do not bear up well under close examination. Some examples:

- The PSI has the *support* of nearly 80 countries. As Sharon Squassoni of the US Congressional Research Service points 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 nigh impossible to obtain an 'official' list of PSI "supporting" countries. Apparently this is because some "supporting" states have not publicly endorsed the PSI Principles. Reasons given include not perceiving 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.
- 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.
- 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. Anan 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.

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 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.

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Nautilus Institute

608 San Miguel Ave., Berkeley, CA 94707-1535 | Phone: (510) 423-0372 | Email:

nautilus@nautilus.org