

The Proliferation Security Initiative: The New Face of Interdiction

It is the year 2007 and U.S. intelligence receives highly reliable information that an Al Qaeda affiliate is attempting to smuggle a crude nuclear weapon into the New York harbor on a merchant vessel. The president orders the Pentagon to intercept it at the edge of U.S. territorial waters, at which time a special operations team successfully boards the vessel, subdues several terrorists posing as crew members, seizes the bomb, and renders it safe. Would such an operation represent a success for the Proliferation Security Initiative (PSI)? The answer is no. In fact, in such a scenario, the PSI may play no role at all. The United States would be acting unilaterally—as would any other country faced with a similar and imminent threat—under a legal and political justification of self-defense. However, if one rewinds the clock two years and instead asks how to prevent that terrorist organization from acquiring the bomb or the materials to make it, the PSI's potential role becomes relevant.¹ Such a successful scenario did take place in the fall of 2003 when Germany, Italy, the United Kingdom, and the United States worked together under the PSI rubric to stop a seaborne shipment of centrifuge parts to Libya, thereby helping to stymie that country's nuclear ambitions.

The shipment to Libya is the only publicly acknowledged PSI interdiction in the short history of the initiative. However, despite this lack of public interceptions, the PSI has been highly touted as a new counterproliferation measure. President Bush and other world leaders regularly cite the initiative as an example of a new form of multilateral cooperation in the post-Septem-

Andrew C. Winner is associate professor of strategic studies at the U.S. Naval War College in Newport, Rhode Island. The views expressed here are those of the author and do not reflect the official policy or position of the Naval War College, the U.S. Navy, or the U.S. Department of Defense.

© 2005 by The Center for Strategic and International Studies and the Massachusetts Institute of Technology
The Washington Quarterly • 28:2 pp. 129–143.

ber 11 world. Yet such rhetoric, coupled with a dearth of actual incidents, has led to a number of misconceptions about the PSI, as well as skewed perceptions of its focus and potential effectiveness. The concept for the initiative is simple—to deter or stop the shipment of proliferation-related items to certain states or non-state actors—however the details of its implementation involve myriad political, legal, operational, and informational issues.

The PSI consists of a group of like-minded states committed publicly to aggressively interdict weapons of mass destruction (WMD), their components, and their delivery systems. At its core, the PSI is a coalition of the willing with the potential for participants to vary the degrees of their commitment and participation. The PSI's objectives and working methods have been set forth in a simple one and one-half page political statement, the "Statement of Interdiction Principles," issued by 11 states on September 4, 2003 in Paris.² In so doing, these 11 founding participants—Australia, France, Germany, Italy, Japan, the Netherlands, Poland, Portugal, Spain, the United Kingdom, and the United States—vowed to step up their efforts to interdict WMD-related shipments in the transport phase, whether by land, air, or sea.

U.S. officials have emphasized that the PSI is different from past nonproliferation regimes and efforts because it is "an activity, not an organization."³ Although the PSI is indeed different—it does not have a headquarters, an annual budget, or a secretariat—the program is supported by a firm pedigree. The initiative builds on decades of multilateral efforts to stymie proliferation and, in fact, relies on previous measures as a principal component of its potential effectiveness. Like other nonproliferation efforts, the PSI conceptually resembles an international regime—a set of principles, norms, rules, and decisionmaking procedures in a given issue area. However, it is a regime which has been designed for a new era, recognizing that proliferation threats today are different than those in the decades when the Nuclear Non-Proliferation Treaty (NPT) was negotiated and supplier regimes such as the Nuclear Suppliers Group (NSG) and the Australia Group were established. Because of this changed security environment and the experiences gained in combating proliferation, the PSI employs different tools and focuses on the interdiction of WMD-related items in the transport phase—after they have left a dock, airport, or warehouse and before they reach their destination.

Origins of the Initiative

The PSI was an initiative proposed by the current Bush administration, but its origins can be found in a failed interdiction attempt during the first Clinton administration. In August 1993, the United States suspected that a

Chinese ship, the *Yinhe*, was carrying thiodiglycol and thionyl chloride—chemicals that can be used to manufacture both mustard gas and sarin nerve gas. After several weeks of very public wrangling, the Chinese finally agreed to permit the vessel's inspection in a Saudi port prior to its docking in Iran. The inspection uncovered neither of these chemicals, and the Chinese government demanded both an apology and compensation for the diversion, neither of which the United States provided.⁴ Although the *Yinhe* was not necessarily the only interdiction attempt during the Clinton administration, it was certainly the most public, in part because of the failure to find illicit substances onboard.

It is difficult, if not impossible, to prove that this incident put a damper on future interdiction efforts during the Clinton administration. Other attempts probably took place outside of the public view. Moreover, interdictions are almost always the product of timely intelligence tip-offs, the occurrence of which is random at best. However, the Bush administration came into office believing that more had to be done to combat WMD proliferation and determined that interdiction was going to be a tool used more frequently and more efficiently than it had been during the 1990s. In its December 2002 *National Strategy to Combat Weapons of Mass Destruction*, the Bush administration placed counterproliferation as the primary pillar in its campaign to combat WMD and placed interdiction at the top of its list of tools—ahead of the more traditional categories of deterrence, defense, and mitigation. The strategy proposed greater efforts to improve national-level capabilities but did not hint at multilateral initiatives.⁵

While the Bush administration's document was being promulgated, a December 2002 incident highlighted how crucial improving international cooperation would be to make interdiction a more effective tool to combat proliferation. The United States suspected that a North Korean freighter, the *So San*, was transporting WMD-related material from East Asia to the Middle East. The ship was tracked by a multinational group of navy vessels that were in the Arabian Sea looking for terrorists transiting from South Asia to the Arabian Peninsula and the Horn of Africa. As the *So San* approached the coast of Yemen, the United States asked Spain to stop the ship and request to board and inspect it. The ship had numerous problems with its registry and other paperwork, providing Spain with sufficient legal right to carry out these requests in international waters. Scud missile parts were found hidden under cement.⁶ After diplomatic exchanges, Yemen admitted to being the scheduled recipient of the missile parts and insisted that they

The PSI conceptually resembles an international regime, designed for a new era.

be delivered. Although a plausible legal case could have been made for seizing the cargo, the United States allowed the shipment to go through after extracting promises from the Yemeni government that it would not retransfer assembled missiles, their parts, or purchase more. Although never stated publicly, the widely held assumption was that the shipment went through because of Washington's need for the Yemeni government's continued cooperation in counterterrorist operations.

Although the groundwork for the PSI was already underway, the *So San* incident highlighted several critical issues involved in interdiction that are reflected in the initiative's structure, content, and participation. Clearly, the United States wanted to include like-minded states, such as Spain, willing to act on the basis of shared information in what could be difficult political circumstances. All 11 initial PSI participants are defense treaty partners of the United States, but the initiative was undertaken outside of these legal obligations. This type of structure reflects the Bush administration's preference for less formal, multilateral partnerships. By working within such an informal structure and with like-minded governments, Washington was able to produce the strongest possible language and political commitment to interdiction in a relatively short period of time.

A second critical issue associated with interdiction is what kind of threat a specific suspect shipment poses and how this threat should be balanced with other policy priorities, such as counterterrorism cooperation in the Yemeni case. The legal basis on which states can act is also critical. In the *So San* case, the poor choices made by the merchant ship's captain and crew related to the vessel's registry and other paperwork ensured the legality of the attempt to interdict the vessel. Another issue highlighted by the *So San* incident was one of cooperation. The experience gained by ongoing operations in and around the Arabian Sea, combined with years of interaction within the context of NATO, allowed the United States and Spain to work together easily. Such ability to operate together relatively seamlessly is critical to future operations. Finally, the intelligence information related to the *So San* case was both timely and specific enough to allow both Washington and Madrid to feel comfortable proceeding. Similar quality information, and the ability to share it rapidly, will be important to future operations of this type.

Turning Principles into Operations

Just six months after the *So San* was interdicted, President Bush announced the PSI in a May 2003 speech delivered in Krakow, Poland.⁷ That summer, the 11 eventual participants met several times in a variety of capitals to work out the basic outlines of the initiative. The resulting "Statement of In-

terdiction Principles” was promulgated in Paris on September 4, 2003.⁸ The relatively short document, though general in nature, contains some key phrases that provide insight into the PSI’s focus and operation.

In the statement’s preamble, the participants note the dangers of proliferation and state that they are “committed to working together to stop the flow of these items to and from states and non-state actors of proliferation concern.” Reminiscent of language in the Wassenaar Arrangement on Export Controls, this means that no states are explicitly named as targets of the initiative.⁹ Indeed, the wording in the “Statement of Interdiction Principles” allows participants to decide at the time of an interdiction whether circumstances warrant considering the sender or the recipient an actor “of proliferation concern.” The language also provides flexibility for the arrangement over time. For example, two or three years ago, Libya would probably have been included in most analysts’ lists of such countries; however, assuming Tripoli lives up to its commitments, two or three years from now it may no longer be considered in that category. The language also allows diplomatic ambiguity, although some countries—specifically the United States—have been more open about listing which states they currently consider to be of proliferation concern. In a speech in Tokyo in October 2004, Under Secretary of State for Arms Control and International Security John Bolton indicated that North Korea, Iran, and Syria are, among others, clearly considered states of proliferation concern.¹⁰

PSI reflects the administration’s preference for less formal, multilateral partnerships.

Another key passage at the outset of the statement of principles notes that participants will work to impede and stop shipments of WMD “consistent with national legal authorities and relevant international law and frameworks, including the U.N. Security Council.” This phrase, and the sentiment behind it, is in stark contrast to much of the early commentary expressing concern about the PSI’s legality.¹¹ The most basic concern was that PSI interdictions would be undertaken primarily on the high seas, without permission of the flag state, and without any legal justification short of vague assertions of self defense. Although interpretations of international law certainly differ, the initiative was clearly conceived to operate within existing legal bounds. It is also likely that the PSI will rely heavily on national legal authorities, such as conducting searches in ports or territorial waters and using national export laws as the basis for seizing cargo. PSI participants also made a commitment to “review and strengthen ... national legal au-

thorities ... and to strengthen ... relevant international law and frameworks in appropriate ways to support these commitments.”

The final major commitment announced in the document enumerates potential ways in which participants might support interdiction efforts, such as boarding and searching vessels that are flying their countries’ flags on the high seas; stopping, boarding, or searching vessels in their territorial waters or ports; and denying overflight rights to suspect aircraft, or requesting that such aircraft land for inspection. Participants immediately began to exercise

these operations, with the first multilateral maritime exercise under PSI auspices taking place in the western Pacific Ocean just three weeks after the principles were announced.¹²

As of the end of 2004, close to 20 multilateral exercises had been conducted—ranging from maritime maneuvers in the Sea of Japan and the Arabian Sea, to air exercises simulating the tracking and escorting of suspect aircraft over the Mediterranean, to a

17-nation simulation—including new participants Canada, Denmark, Greece, Norway, Russia, and Singapore—conducted at the Naval War College in the United States. These exercises have all been publicized, with media invited to observe some of the maneuvers. These public displays of military and law enforcement agencies’ capabilities serve three purposes in support of the initiative: to build capability, emphasizing largely tactical interoperability among the various armed forces and agencies, to provide evidence to the public of a genuine political commitment, and to send a deterrent message to current and potential proliferators.

The multilateral exercises demonstrate the two strategies that the PSI uses in combating proliferation: deterrence and denial. While determined proliferators such as North Korea are unlikely to be deterred outright by political declarations, exercises, or even individual interdictions, intermediaries and less-determined proliferators may be. At the very least, a consistent demonstration of increased will and capability may cause those involved in proliferation networks to change their patterns or to increase the money they demand from these transactions, making them more expensive and difficult. The denial strategy involves the more difficult task of making interdictions practicable from policy, legal, and operational standpoints. Denial consists of a variety of efforts, including improving information sharing; investigating various legal authorities available to support interdictions; and practicing actual interdictions, diversions, searches, and seizures.

In addition to exercises and simulations, which bolster both deterrence efforts and the capability to deny shipments, another concrete—and pub-

The initiative was clearly conceived to operate within existing legal bounds.

lic—capacity-building activity undertaken under the aegis of the PSI is Washington’s signing of boarding agreements with three of the largest flag-of-convenience states: Liberia, Panama, and the Marshall Islands. States which offer their maritime flag registration to owners from another country on relatively easy terms—low cost, few regulations—are commonly known as flags of convenience. These bilateral legal agreements are concrete manifestations of the PSI participants’ commitment to strengthen international legal frameworks for potential interdictions. Modeled on narcotics boarding agreements that the United States has negotiated with these and other states, the PSI boarding agreements provide that: “If a vessel registered in the U.S. or the partner country is suspected of carrying proliferation-related cargo, either one of the Parties to this agreement can request of the other to confirm the nationality of the ship in question and, if needed, authorize the boarding, search, and possible detention of the vessel and its cargo.”¹³ In other words, even though the legally binding boarding agreements do not guarantee that the state whose flag is on the vessel would concur if a board and inspect request were made, the bilateral, legally binding agreement implies permission is more likely to be granted.

In addition to specific boarding agreements, PSI participants have conducted other types of outreach activities aimed at broadening political and operational support for the initiative. Given the relatively narrow geographical diversity of the initial 11 participants—with all but Australia, Japan, and the United States located in Europe—these measures are critical to the effectiveness of PSI operations. The PSI principles indicate that the initiative is open “to any state or international body that accepts the Paris Statement ... and makes an effective contribution.” What has been termed the PSI core group, the high-level policymaking body consisting of 11 founding states, has expanded to 15 members with the addition of Canada, Norway, geographically-significant Singapore, and politically-significant Russia. Meetings of lower-level operational experts, which have taken place approximately every three months since the Paris meeting, have also included representatives from Denmark, Greece, Thailand, Turkey, and New Zealand.¹⁴

In addition, on the one-year anniversary of President Bush’s speech announcing the initiative, Poland hosted a meeting of PSI participants and countries that have expressed general support for PSI or explicitly endorsed the Paris principles, the latter implying that the country would undertake steps to increase interdiction itself. Despite an impressive turnout for an initiative that was just a year old—representatives of more than 60 countries attended—several critical states, including China, India, and South Korea still remain on the outside. Discussions have taken place with these countries about participating in the initiative, but thus far these conversations

have met with no success.¹⁵ China, with the obvious history of the *Yinhe* case, has expressed concern about the legality of PSI. In addition, both Beijing and Seoul have concerns about whether and under what conditions PSI might be used against North Korea. Given both countries' participation in the six-party talks with North Korea about that state's nuclear weapons program, they do not want to do anything to throw those discussions off track. Finally, India, which has an active nuclear weapons and ballistic missile program of its own, likely wants to ensure that it is not a target of the initiative before coming on board. Still, PSI diplomacy has made important progress in recruiting critical countries. Within days of the Krakow meeting, Russia announced its decision to formally participate in the initiative; thus, the PSI can now count four of the five permanent members of the United Nations Security Council among its ranks.

Part of a Broader Strategy

The PSI is not formally linked to other counterproliferation efforts, but the program should be seen in the context of existing nonproliferation efforts as well as what appears to be a newly emerging series of initiatives, measures, and proposals designed to make proliferation both more difficult and less legitimate. U.S. officials have called the approach a "layered nonproliferation defense," which combines the existing nonproliferation conventions and export control regimes with new measures such as the PSI and United Nations Security Council Resolution 1540, which seeks to strengthen the international norm against proliferation.¹⁶ Government leaders in other PSI countries have echoed this language, noting that "defences against WMD proliferation depend on a framework of mutually reinforcing measures."¹⁷ The PSI's "Statement of Interdiction Principles" even begins by noting that the PSI is undertaken in the context of previous efforts, including statements made by the European Union, G-8, and the UN Security Council.

The linkages, layers, and mutual reinforcement among the PSI and these other efforts are useful, but a broader consensus and supporting international legal frameworks to delegitimize trade in WMD-related components is still a work in progress. The saga of UN Security Council Resolution 1540 is illustrative in this regard. Originally proposed by the United States and others as an effort to have the international body criminalize proliferation on a broad scale, the result was a more narrow resolution that focused on nonstate actors and addressed the terrorist threat.¹⁸ Nevertheless, the resolution and its follow-up mechanism—a UN nonproliferation committee to which states are required to report their efforts in support of the resolution—have helped push through more comprehensive legislation in many

states aimed at controlling and outlawing certain proliferation activities—measures that could help future PSI interdiction efforts.

In a related effort, the United States and other PSI participants have proposed amendments to the 1988 Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) focused on “criminaliz[ing] the transport of weapons of mass destruction, their delivery systems, and related materials on commercial vessels at sea.”¹⁹ These amendments, which will be formally taken up at an October 2005 diplomatic review conference, have to be agreed upon by all 102 signatories before entering into force. Given this relatively lengthy process and the uncertainty over the outcome of the negotiations, the United States and other PSI participants have chosen not to tie forward movement in PSI to this complex international legal process. Even though international conventions or approval by the UN Security Council certainly adds legitimacy and weight to PSI efforts, participants clearly believe that numerous other political and legal bases exist for interdicting shipments in a variety of circumstances.

PSI uses both deterrence and denial to combat proliferation.

An Initial Success and Future Effectiveness

Although many PSI interdictions may take place outside of the public’s view, at least one has occurred and been acknowledged since the initiative’s inception: the diversion of the German-owned *BBC China* carrying centrifuge parts to Libya. From public accounts of the interdiction, the operation was executed in the manner that the PSI founders had envisioned. One or more PSI partners—in this incident, the United States and the United Kingdom—had gleaned intelligence, and a subset of PSI partners with the ability to contribute to an interdiction were involved in the operation. In the case of the *BBC China*, this small group included Germany, because the vessel was German-owned, and Italy, because it had ports close to the vessel’s ultimate destination. U.S. and British naval assets followed the ship once it passed through the Suez Canal on its way to Libya. The German government contacted the German-based owner, BBC Chartering and Logistic GmbH, and asked it to divert the vessel to an Italian port for inspection.²⁰ The inspection revealed thousands of parts for centrifuges in containers marked “used machine tool parts.” This material was seized, and, shortly thereafter, Libya agreed to give up its WMD programs and to submit to international verification.

China, India, and South Korea still remain on the outside.

Government officials in both the United States and the United Kingdom have argued that the interdiction and seizure helped turn the tide and led to Libya's much-sought after agreement to relinquish its WMD programs.²¹ Whether it actually caused Tripoli's decision, however, is unclear. Any number of elements probably contributed to Mu'ammar Qadhafi's decision, such as the UN-imposed sanctions in the wake of the 1988 Lockerbie bombing,

the 2003 war in Iraq, and the ongoing quiet diplomacy started during the Clinton administration by both the United States and the United Kingdom in addition to the interdiction of the *BBC China* shipment. In fact, while the freighter was being tracked, there were debates within the U.S. and British governments about whether interdicting the shipment would seal the ongoing negotiations or knock them off track. States bargaining about their WMD programs may see interdictions as evidence of bad faith on the part of their negotiating partners. This type of uncertainty about consequences will probably be part and parcel of future interdictions under the PSI.

The PSI is unlikely to encounter many easy cases when it comes to actual interdiction attempts. As was seen in the Yemeni and Libyan cases, decisions about which vessels to interdict are not made in a policy vacuum, but in a broader context considering the country or countries in question and their proliferation activities. Although it may appear that intercepting a ship or an airplane carrying WMD-related cargo to or from North Korea or Iran is an easy decision in the abstract, it may not be, depending on, for example, the timing—if interdiction could occur during either the next round of the six-party talks or the latest meeting of the International Atomic Energy Agency's (IAEA) Board of Governors. Policymakers in the countries involved in a potential interdiction will have to consider context as well as the potential consequences of such action. Clearly, countries currently involved in weapons proliferation are counting on the complications of these broader circumstances. North Korea has engaged in its usual hyperbolic rhetoric vis-à-vis PSI exercises and has threatened, among other things, to reduce cooperation in the six-party talks if an actual interdiction is carried out.²² An additional issue for policy consideration when debating the value of an interdiction is the suspected cargo itself. In the cases of both the *So San* and the *BBC China*, the nature of the item being shipped and its end use were relatively clear. However, the PSI also covers the shipment of dual-use items that contribute to chemical and biological weapons, but that can have legitimate civilian uses as well.

PSI participants will need to address two key policy questions when considering future interdictions in this context. First, does the item in question contribute to a threat that is significant enough to warrant taking action? States may disagree over whether chemical weapons materials in the hands of one country of proliferation concern constitute as significant a threat as do nuclear weapons in the hands of another. Second, does the suspected recipient have a legitimate and civilian end-use for the suspected item in question? If intelligence cannot be timely enough to prove or disprove the item's ultimate use, it may be difficult to reach a policy decision to interdict the shipment.

Intelligence—whether derived from traditional sources, law enforcement information, or even open sources—will be crucial to the effectiveness of PSI operations. PSI participants have pledged in the Statement of Interdiction Principles to “streamline procedures for rapid exchange of relevant information concerning suspected proliferation activity,” a task that will present some of the same domestic and international challenges facing those involved with battling terrorism. Shared information will probably have to pass different national thresholds about its quality and ability to support either a policy decision or a legal case for interdiction. Such policy and legal thresholds may even vary within an individual country. Whereas a certain level of information may be sufficient, for instance, to allow a policy decision under a boarding agreement to permit the boarding and inspection of a vessel, the level may not be sufficient to allow diversion of a vessel or seizure of its cargo. That information, which is likely necessary to establish that a national export law had been broken, either may be more difficult to ascertain or may come from a different source than that which set the interdiction investigation in motion. Because many types of WMD-related material are intended for dual-use, establishing a shipment's illegality can be difficult. The information available to determine whether a national law or regulation was violated in exporting the material will be crucial to the state's ability to divert or seize suspect cargo.

Expanding Beyond States to Networks

Information sharing and intelligence issues may become even more central to the PSI if President Bush's additional mandate to PSI participants is taken up in earnest. In a speech at the National Defense University in Washington in February 2004, Bush announced seven proposals for furthering efforts to combat the spread of WMD. One such proposal called for expanding PSI operations beyond shipments and transfers of WMD-related material. He proposed that PSI participants work together to take action

PSI is likely to be effective at slowing down or stopping nation-states.

against the kind of proliferation networks run by Pakistani nuclear weapons scientist A.Q. Khan. The proposal called for shutting down these networks by using law enforcement tools to arrest and prosecute individuals, close down related manufacturing facilities, seize illicit materials, as well as freeze and, if possible, confiscate these networks' financial assets.²³ This is a significant expansion of PSI's scope, and may prove more difficult to tackle than interdicting specific WMD-related items in transit.

Networks, by their nature, are flexible and difficult to detect and map. Different legal authorities and capabilities will be needed to identify, track, and stop the money and people that make up these networks. The task will be more akin to tracking and breaking up terrorist networks, something that has

proven extremely difficult, even as it has been shown to be necessary.

It is logical to expand PSI operations to networks rather than just focusing on items being shipped, if only because proliferators will react to PSI and similar efforts, seeking to circumvent them. If PSI participants and supporters begin to pay closer attention to certain proliferation routes, those involved in this illicit traffic will shift their transit methods and operating locales. Boarding agreements or successful amendments to the SUA Convention may drive proliferators to increase their use of airfreight. Cooperation on that front may produce overland trafficking in cases where that is possible. Proliferators may also change their focus to the transfer of WMD design and production knowledge—an element that cannot be as easily interdicted—enabling recipient countries to use their own domestic resources to turn that knowledge into weapons. This argues for a multi-pronged approach that targets sources, networks, and items in transit.

PSI is moving in this direction, but the progress on developing capabilities to target networks appears to have been relatively slow to date. The appearance may be deceiving though, as cooperation on attacking networks is less visible than cooperative efforts aimed at interdicting WMD items in transit. Focusing on networks does not require high-visibility military exercises or even large simulations at war colleges. Rather, it involves improving information sharing, databases, and legal authorities on items such as tracking financial transactions—all activities that tend to take place below the level of public notice. As with PSI interdictions, success in targeting networks may only be made public infrequently.

The September 11 attacks have given new impetus to international efforts to stem the tide of WMD proliferation. PSI, at least in its current in-

carnation, is likely to be effective at slowing down or stopping the WMD programs that nation-states are undertaking. States of proliferation concern are generally trying to produce weapons on a relatively large scale in order to have a military effect—whether for direct use or as a deterrent. These programs require industrial-scale efforts which, in turn, require large—and therefore detectable—shipments of equipment and its precursors. Because of the possibility that terrorists could obtain WMD from state programs, either by direct transfer or theft, PSI efforts to retard government programs could indirectly keep WMD out of terrorists' hands. Given the nature of the threat, even indirect benefits are worth the effort.

Directly stopping terrorists from developing harder-to-detect, small-scale WMD programs, however, is a more daunting task and it is unclear that a focus on WMD materials adds much to the fight against nuclear, biological, or chemical terrorism. Nevertheless, the PSI should not be seen as a silver bullet but rather as one arrow in the quiver of governments attempting to stop proliferation. Along with other recent efforts to make proliferation less legitimate, the PSI regime could produce relatively rapid political, legal, and operational results especially against state-based efforts, and possibly even against proliferation to terrorist groups.

Early in the PSI's development, a skeptic noted that an agreement by 11 states was not sufficient to establish customary international law on efforts to combat proliferation. In response, a senior U.S. official noted, "We're living in fast-moving times."²⁴ The PSI has certainly moved quickly. Beginning less than two years ago with 11 countries and fewer than two pages to promulgate its general principles, the program has expanded to include 60-plus supporters, a series of military and law enforcement exercises, enhanced information sharing, ongoing legal discussions, bilateral boarding agreements, and a public political commitment to stop proliferation to states and nonstate actors of concern. It is an impressive track record for a multilateral effort dealing with a sensitive security subject. The PSI will continue to encounter policy, legal, and operational difficulties as participants deal with individual interdiction cases. The problem of proliferation is too complex to anticipate any other outcome. However, the challenges of strengthening and enforcing the PSI are no greater than attempting to stop or slow down WMD proliferation in an era when a state is only a few turns of a centrifuge away from possessing a nuclear weapon.

Stopping terrorists from developing small-scale WMD programs is a more daunting task.

Notes

1. I am indebted to Commander Michael Martin, USN, for this conceptualization of the initiative.
2. U.S. Department of State, "Fact Sheet: Proliferation Security Initiative: Statement of Interdiction Principles," September 4, 2003, <http://www.state.gov/t/np/rls/fs/23764.htm> (accessed November 17, 2004).
3. John R. Bolton, Under Secretary of State for Arms Control and International Security Affairs, "Stopping the Spread of Weapons of Mass Destruction in the Asian - Pacific Region: The Role of the Proliferation Security Initiative," (Speech at the Tokyo American Center, Field Program Design, Tokyo, October 27, 2004), <http://www.state.gov/t/us/rm/37480.htm> (accessed November 2, 2004).
4. Rone Tempest, "China Demands U.S. Apology; Search of Ship Fails to Find Warfare Chemicals," *Chicago Sun-Times*, September 6, 1993, p. 10.
5. Executive Office of the President, "National Strategy to Combat Weapons of Mass Destruction," Washington, D.C., December 2002.
6. Thomas E. Ricks and Peter Slevin, "Spain and U.S. Seize N. Korean Missiles; Scuds Were on Ship Bound for Yemen," *Washington Post*, December 11, 2002, p. A1.
7. Executive Office of the President, "Remarks by the President to the People of Poland," Kraków, Poland, May 31, 2003, <http://www.whitehouse.gov/news/releases/2003/05/20030531-3.html> (accessed July 23, 2003).
8. The White House, Office of the Press Secretary, "Fact Sheet: Proliferation Security Initiative: Statement of Interdiction Principles," September 4, 2003, <http://www.state.gov/t/np/rls/fs/23764.htm> (accessed January 6, 2005).
9. The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies Initial Elements, July 11–12, 1996, <http://www.wassenaar.org/docs/IE96.html> (accessed January 6, 2005).
10. Bolton, "Stopping the Spread of Weapons of Mass Destruction in the Asian -Pacific Region."
11. Daniel H. Joyner, "The PSI and International Law," *The Monitor* 10, no. 1 (spring 2004).
12. Malina Brown, "Doran Concerned About North Korea Threat; Admiral: Tracking Dangers at Sea is Difficult in Southeast Asia," *Inside the Navy*, October 6, 2003.
13. The texts of all three agreements and explanatory information can be found on the U.S. Department of State's Web site, <http://www.state.gov/t/np/c12386.htm>.
14. Senator the Honorable Robert Hill, Australian Minister of Defence (Doorstop Interview, PSI Meeting, Four Seasons Hotel, Sydney, November 30, 2004), <http://www.minister.defence.gov.au/HillTranscripttpl.cfm?CurrentId=4398> (accessed January 6, 2005).
15. Agence France-Presse, "China Open to Discussions on Arms Control Initiative," Beijing, November 4, 2004, <http://www.defensenews.com/story.php?F=489173&C=asiapac> (accessed January 10, 2005).
16. Andrew K. Semmel, Principal Deputy Assistant Secretary of State for Nuclear Nonproliferation, "The U.S. Perspective on UN Security Council Resolution 1540," (Remarks to the Asia-Pacific Nuclear Safeguards and Security Conference, Sydney, November 8, 2004), <http://www.state.gov/t/np/rls/rm/38256.htm> (accessed November 19, 2004).
17. Senator the Honorable Robert Hill, Australian Minister for Defense (Opening Ad-

- dress, Proliferation Security Initiative: Operational Experts' Working Group, Sydney, November 30, 2004).
18. United Nations Security Council, Resolution 1540, S/Res/1540 (2004), New York, April 28, 2004.
 19. "Proliferation Security Initiative." (Chairman's Statement at the Fifth Meeting, Ottawa, March 4–5, 2004), <http://www.state.gov/t/np/rls/other/30960.htm> (accessed November 17, 2004).
 20. Colin Brown, "Straw Accused of Covering Up Libya Weapons Seizure," *New Telegraph*, November 30, 2004, <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2004/01/18/wlibya18.xml&sSheet=/news/2004/01/18/ixnewstop.html> (accessed November 30, 2004).
 21. Robin Wright, "Seizure Helped Speed Libyan Cooperation on Weapons; Secret Shipment Contained Component Parts Used in Nuclear Production," *Washington Post*, January 4, 2003, p. A18.
 22. Associated Press, "N. Korea Calls U.S. Exercises 'War Action,'" November 1, 2004.
 23. Executive Office of the President, "Remarks by the President on Weapons of Mass Destruction Proliferation," Washington, D.C., February 11, 2004.
 24. Carla Anne Robbins, "Why U.S. Gave U.N. No Role in Plan to Halt Arms Ships," *Wall Street Journal*, October 21, 2003, p. 1.

