

The Proliferation Security Initiative: advancing commitment and capacity for WMD interdictions

The proliferation crises of the late 1990s and early 2000s led the United States (US) to conclude that the traditional non-proliferation architecture was not sufficient to prevent the proliferation of weapons of mass destruction (WMD) to the states and non-state actors that particularly alarm Washington. The major non-proliferation treaties and export control regimes had failed to prevent India and Pakistan from becoming nuclear powers, and Libya, the Democratic People's Republic of Korea (DPRK) and other states had attempted to follow suit—to varying degrees of success. Even Al-Qaeda voiced its aspiration to acquire WMD capabilities. In late 2003, the exposure of the nuclear smuggling network orchestrated by Pakistani metallurgist A.Q. Khan revealed the ease with which various states and non-state actors had been able to capitalize on gaps in the non-proliferation regime.

The non-proliferation treaties lack effective mechanisms to enforce compliance. The less formal export control regimes suffer from the same lack of effective enforcement provisions, and have a limited membership. The United States government therefore concluded that more robust and less cumbersome enforcement mechanisms should be deployed—namely the interdiction of suspicious WMD-related transfers. Acknowledging that the United States could not undertake interdictions on its own, in May 2003 George W. Bush introduced the idea of the Proliferation Security Initiative (PSI), a coalition of like-minded states with the objective of making the interdiction of suspicious WMD-related transfers an effective non-proliferation instrument. Four months later, Australia, France, Germany, Italy, Japan, the Netherlands, Poland, Portugal, Spain, the United Kingdom and the United States committed to a Statement of Interdiction Principles. They pledged:

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 UN Security Council.¹

More precisely, the signatories promised to work toward strengthening the national and international legal basis for interdictions. Every signatory also pledged to board and search suspicious vessels flying its flag; to consider consenting to other states boarding and searching its vessels; and to require suspicious aircraft transiting its airspace to land for inspection. The signatories furthermore committed to inspect suspicious vessels, aircraft and other means of transportation in trans-shipment points on their territory. Lastly, they promised to dedicate appropriate resources for interdictions, to exchange relevant information and to strengthen mechanisms to coordinate joint interdiction operations.²

In accordance with the current US administration's preference for multilateralism à la carte, the PSI is not a formal international organization imposing legally binding obligations on member states. The PSI is rather a set of activities intended to strengthen states' commitment and capacity to create the preconditions for interdictions and to participate in interdiction operations. Its rationale is to embed states in a series of activities such as high-level plenary meetings, interdisciplinary expert meetings and joint training exercises to facilitate cooperative working relations, the exchange of best practices and sustained dialogue. Active participants neither enter a formal commitment, nor are they bound to take part in all related activities. States that prefer an even more informal arrangement can endorse the Interdiction Principles but limit their engagement to low-key, case-by-case involvement. Presently, fewer than 20 states are active participants and more than 60 states have endorsed the Interdiction Principles.³

Most PSI-related activities thus far have focused on maritime interdictions. This paper will therefore do the same, as it considers the potential of the PSI, what it has achieved thus far, and what the next steps should be.

The potential impact of the PSI

Interdicting illicit transfers of WMD, their delivery means and related materials is by no means a novel activity. However, the PSI could make such interdictions more effective for non-proliferation. By

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habituating states to creating the preconditions for interdictions and taking an active part in interdiction operations, the PSI could not only complicate proliferation but also help deter states and non-state actors from engaging in proliferation in the first place; it could become a crucial part of the non-proliferation architecture.

Before the introduction of the PSI, the legal foundation for maritime interdiction was rather weak.⁴ States were free to criminalize the use of their ports and national waters for illicit shipments in their domestic legislation. In territorial waters (12 nautical miles from the coastline) the United Nations Convention on the Law of the Sea (UNCLOS) confers the right of innocent passage on foreign vessels. This right of innocent passage is forfeited if the vessel constitutes a threat to the peace, good order or security of the coastal state. However, transporting WMD, their delivery means and related materials is not among the acts explicitly declared non-innocent in the convention.⁵ Nonetheless, states can enact domestic legislation declaring the illicit transfer of WMD-related materials on their territorial waters to be a non-innocent act if they so wish. In international waters, interdicting foreign vessels is prohibited, unless the flag state consents to boarding or the vessel in question does not fly a flag, is suspected to be a pirate vessel or transport slaves, or is used for unauthorized broadcasting.⁶

The PSI is an opportunity to create the momentum to expand the legal foundation for interdicting suspicious vessels. It could encourage states to criminalize the use of their ports as well as their national and territorial waters for the illicit transfer of WMD-related materials, or even to establish a global norm that would compel states to do so. The PSI could also encourage states to conclude bilateral or multilateral ship-boarding agreements for high-seas interdictions or even arrange for an international mechanism—possibly at the United Nations—to authorize such interdictions. In the long run, the PSI could advance the emergence of new customary law and make proliferation a further exception to the UNCLOS prohibition on intercepting foreign vessels in international waters.

The impact of the PSI depends on having a significant number of states on board with the willingness and the capacities to detect, board and search suspicious shipments. It also depends on the ability of states to cooperate with each other. For instance, the interdiction of the German-owned vessel BBC China in late 2003 was possible because Germany had been alerted by British and US

intelligence that a vessel in the Mediterranean was suspected to be carrying centrifuge components to Libya. Germany thereupon ordered the vessel to dock in an Italian port.⁷ The PSI could spur states to strengthen their domestic capacities for WMD-related interdictions and assist others in doing so. It could even build a commitment to work toward an international norm binding states to strengthen their domestic capacities relevant to interdictions. The interdisciplinary Operational Experts meetings and joint training exercises, and other PSI-related activities, could evolve into effective mechanisms for the exchange of information and the coordination of common interdiction operations.

Finally, the PSI could encourage states to take an active part in interdiction operations. Individual states and international organizations had resorted to interdictions prior to the PSI: the United States and the North Atlantic Treaty Organization have intercepted suspicious vessels, as have India, Singapore and other states.⁸ The global scope of the PSI is a major part of what makes it different to previous WMD-related interdictions. Yet for this global scope to be truly effective, it will be fundamental to win the support of states neighbouring the DPRK, Iran and others that are known or suspected to be involved in proliferation. Likewise, it will be crucial to win the support of states that control major transit routes such as the Suez Canal and the Malacca Strait, as well as states that have major trans-shipment ports on their territory.

Even if more and more states come to embrace the PSI, intercepting WMD-related transfers will always be very ambitious. It is incredibly difficult to detect shipments transporting very small amounts of hazardous materials.⁹ Besides, most materials necessary to manufacture WMD and their delivery means are dual use items and are therefore immune to interception in the absence of convincing evidence that they are intended for use in WMD programmes.¹⁰ The PSI is certainly, therefore, no replacement for the other pillars of the non-proliferation regime. Nor does it supersede other efforts to strengthen non-proliferation instruments or address the root causes of proliferation.¹¹ Nonetheless, precisely because very small amounts of hazardous materials constitute an enormous threat if they fall into the wrong hands, a single successful interdiction can have a huge impact. Indeed, the above-mentioned interdiction of the BBC China may not have been the only factor putting pressure on the Libyan government, but it is believed to have contributed to persuading it to renounce its WMD programme.¹²

Achievements and limitations

Many states initially eyed the PSI with scepticism and were reluctant to provide support. States such as China and the Russian Federation feared the PSI might curtail international trade and harm their export industries.¹³ Japan and the Republic of Korea were afraid that the PSI might overly provoke the DPRK—which appeared to be the unofficial main target of the initiative.¹⁴ States were also concerned the PSI might undermine their sovereignty, given bold statements from US officials such as former Secretary of Defense Donald Rumsfeld's announcement that the United States would be ready to conduct maritime interdictions anywhere as long as the potential advantages for US security outweigh the costs.¹⁵ Then, the US Under Secretary of State for Arms Control (John Bolton) downplayed the failure of the 2005 NPT Review Conference by referring to the value of the PSI, which gave rise to concerns that the initiative would erode international law.¹⁶ Many states were worried that the PSI might be intended to replace the existing multilateral, treaty-based, non-proliferation regime.

The general crisis of the United States' legitimacy in the international community—exacerbated by the invasion of Iraq—has undermined its ability to promote the PSI.¹⁷ In fact, many states feared that openly participating in a US-led initiative might compromise their domestic legitimacy or their international reputation, or even make them a target for terrorists.

With time, however, opposition to the PSI has gradually diminished. Acknowledging that even their closest European allies believed that the initiative was promoted too aggressively and at the expense of other non-proliferation instruments, US officials have toned down their rhetoric. The United States, Australia, Japan and other states have conducted outreach activities to allay concerns and raise awareness of the objectives and limits of the PSI.¹⁸ Canada has established a web site on behalf of the PSI that is meant to reach out to reluctant states and clarify misconceptions.¹⁹ It has also become clear that, contrary to initial apprehensions, the United States has not rampantly interdicted suspicious vessels without concern for international law. Consequently, states have become more inclined to strengthen the legal and technical basis to allow for PSI-related interdictions and to take an active part in interdictions. Still, many states—including those key to the success of the PSI—remain reluctant.

LEGAL FOUNDATION

The United States, in an effort to address widespread concerns that the PSI might contravene international law, has been the prime driving force behind various attempts to ground the PSI in national and international law. At first, the United States went to great lengths to win support for a UN Security Council resolution that would explicitly endorse the PSI and provide legitimacy for WMD-related interdictions. This did not entirely succeed, but in April 2004 the Security Council adopted a resolution—resolution 1540—which, if effectively implemented, would strengthen the legal foundation for interdicting suspicious vessels originating from or bound for non-state actors. Resolution 1540 declares proliferation of WMD and their delivery means to be a threat to international peace and security and obliges all states to "adopt and enforce appropriate effective laws which prohibit any non-State actor to ... transfer ... nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes". Member States are also obliged to establish effective trans-shipment controls to prevent proliferation.²⁰

Resolution 1540 does not alter the legal limitations on interdicting foreign vessels in international waters, however. The United States therefore set out to conclude bilateral, formally reciprocal, ship-boarding agreements with individual states, which refer to interdictions in international waters. Since late 2004, the United States has concluded seven such agreements, six of which are with so-called flag of convenience states—Belize, Cyprus, Liberia, Malta, Marshall Islands and Panama (the other agreement is with Croatia). The agreements provide for rapid consent procedures with respect to the boarding, searching and seizure of commercial and private vessels that are suspected to transfer WMD, their means of delivery or related materials to and from "States or non-State actors of proliferation concern".²¹

The United States, together with the United Kingdom, also sought support for amending the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention), first adopted in 1988. The SUA Convention binds its signatories to take appropriate action against individuals committing specified unlawful acts against ships. In October 2005, a review conference finally adopted amendments. These amendments compel signatory states to outlaw, among other things, the intentional use of non-military ships for the transport of biological, chemical and nuclear arms as well as related materials if these items are intended to be used for specified illegal purposes. The amendments also provide for a multilateral ship-boarding agreement. All signatory states agree to consider authorizing other signatory states to board and search their vessels in international waters if the vessels in question are suspected to be involved in illicit proliferation.²²

Despite this progress, the legal foundation for the interdiction of suspicious vessels remains porous. UN Security Council resolution 1540 does not compel states to criminalize proliferation to and from states and thus create a solid legal basis for interdictions in national and territorial waters. By

signing the recent amendments to the SUA Convention, states would bind themselves to criminalize WMD proliferation to any actor "of concern". However, signing the SUA amendments is voluntary and in February 2007 only 18 states had done so. The amendments have not yet come into force.²³ Entering bilateral or multilateral ship-boarding agreements merely provides for expedited mechanisms to facilitate interceptions. Moreover, the agreements are optional, and will not necessarily attract those states whose participation would be most important.

Other attempts to expand the legal foundation for high-seas interdictions are still inconclusive. At the outset, the United States tried to use the self-defence provision established in Article 51 of the UN Charter as a justification for interdiction. But this was what stoked fears that the PSI might undermine international law, and not even its closest European allies have been willing to support this move.²⁴ US efforts for the Security Council to adopt a generic resolution authorizing the interdiction of suspicious WMD-related shipments per se have also failed. China in particular, but many other states too, opposed the idea that the Security Council would provide the United States with what they considered to be a free hand to interdict any vessel it deemed suspicious in international waters.²⁵

OPERATIONAL CAPACITIES

The past four years have brought progress with respect to strengthening operational capacities for the detection of suspicious shipments and carrying out interdictions. Numerous joint training exercises have been conducted that have brought together representatives of various specialized agencies such as law enforcement, customs and intelligence, the military and transportation, not only from active PSI participants but also from other states.²⁶ The interdisciplinary training exercises appear to have helped states improve cooperation among their different specialized domestic agencies relevant to the preparation and mounting of interdictions.²⁷

In addition, capable states have assisted others with strengthening their domestic interdiction capacities.²⁸ There have also been efforts to support states in implementing the PSI-relevant obligations established in UN Security Council resolution 1540. The 1540 Committee has endeavoured to identify states' needs and forge contacts between states needing technical assistance and actors that are able to provide such assistance. Partly facilitated by the 1540 Committee, international organizations, individual states, regimes and non-governmental organizations (NGOs) have all started to provide technical assistance to states.²⁹

There have also been improvements in facilitating cooperation among the various states that actively participate in the PSI or have at least endorsed the Interdiction Principles.³⁰ One strategy to foster dialogue and develop an effective cooperation mechanism has been the Operational Experts meetings.³¹ These meetings have served as a platform for active PSI participants to come together and exchange experiences, agree on specific goals and measures, and prepare joint training exercises.³² Some Operational Experts meetings have also been attended by representatives of the shipping industry in order to facilitate coordination between the shipping industry and public authorities.

The joint training exercises have been vital to foster cooperation not only among the active PSI participants but with non-participating states that are invited to take part as observers. So far, 26 training exercises have been conducted, focusing on sea, land and air interdictions. Their main objective has been to invigorate the interoperability of the various interdiction-relevant specialized agencies of the participating and observing states. The training exercises seem to have been helpful in advancing the operational compatibility of agencies and facilitating the exchange of information.³³

Regional cooperation appears to have been strengthened. Germany hosted the first regional Operational Experts meeting in 2005 in Hamburg. In the Asia-Pacific region, the United States has promoted the Regional Maritime Security Initiative (RMSI) to foster cooperation and strengthen the

domestic operational capacities of the states in the region. The RMSI encountered fierce opposition from Indonesia and Malaysia, which were alarmed by the prospect of the US Navy patrolling the Malacca Strait. Despite this, promotion of the RMSI is believed to have been conducive to Indonesia, Malaysia and Singapore concluding an agreement on the coordination of patrols in the Malacca Strait in 2004.³⁴

For all improvements that have been made, operational shortcomings are still widespread. For instance, implementation of resolution 1540 proceeds slowly. The 1540 Committee has difficulties in acting as an assistance broker. International organizations, regimes, individual states and NGOs have certainly not yet exhausted their assistance capacities.³⁵ There is also room for improvement as far as cooperation among states is concerned. The informal, flexible character of the PSI certainly has its advantages, but it also has negative implications. Without an international administrative structure, the high turnover of government officials and experts gives rise to repetitive debates at meetings. In the absence of a coordinating body, government officials and experts are overburdened in terms of attending all relevant PSI-related meetings; there is no one to ensure that meetings are harmonized with one another in terms of their scope and timing.³⁶

INTERDICTIONS AND DETERRENCE

It is difficult to assess what impact the PSI has had so far in terms of actual interdictions and deterring proliferation. There is no secretariat to keep track of the number and details of interdictions, and individual states do not provide comprehensive information. Indeed, much information is classified in order to protect the source of intelligence or to conceal the support of states that believe their involvement in PSI-related activities might discredit them. US officials occasionally provide information on past interdictions and assert that the PSI is highly effective. US Under Secretary of State for Arms Control and International Security Robert G. Joseph has claimed that PSI partners prevented about two dozen shipments of WMD- and missile programme-related materials to "countries of concern" between April 2005 and April 2006.³⁷ According to a statement by Secretary of State Condoleezza Rice in May 2005, PSI partner states have intercepted, among others, shipments of ballistic missile- and nuclear programme-related items to Iran.³⁸

Even if there were reliable public information on the number and details of the interdictions that have so far been carried out, it would still be difficult to assess the relation between the launch of the PSI and these interdictions. It is unclear whether these interdictions would not have taken place anyway. The interception of the *BBC China*, for instance, which has so far been referred to as the most significant PSI success story, probably would have occurred in the absence of the PSI. Furthermore, whether a specific number of interdictions can be considered to be an indicator for the effectiveness of the PSI depends on whether the initiative deters proliferation or not. If the PSI fails to deter states and non-state actors from getting involved in proliferation, a small number of interdictions might actually suggest that the PSI has not been overly effective with respect to intercepting suspicious shipments. But if the PSI does deter proliferation—be it as a result of successful interdictions or well-covered training exercises—a small number of interdictions would not necessarily suggest that the PSI is ineffective in terms of intercepting shipments.

The dearth of unclassified information also makes it difficult to assess to what extent the reluctance of many key states to openly commit to the PSI and participate in interdiction operations impairs the initiative. In spite of intense lobbying on the part of the United States, states such as China, India, Indonesia, the Republic of Korea and Saudi Arabia still shy away from openly endorsing the PSI and becoming active participants. Yet there are indications that such states occasionally appear to be willing to take an active part in individual interdictions as long as they do not draw much public attention.

China, for instance, is believed to have acted on the advice of US intelligence and intercepted on its territory at least one train suspected of carrying nuclear precursor materials to the DPRK.³⁹ Information on the full extent of such low-key case-specific participation is not publicly accessible, however.

The way ahead

The potential of the PSI is clearly significant, yet more than four years after its introduction, its impact appears to be mixed. States' commitment needs to be strengthened. The active PSI participants should continue to expand the legal foundation of interdictions, invigorate their domestic interdictions-related capabilities and improve cooperation. Ultimately, the impact of the PSI will largely be a function of the involvement of those states that are geo-strategically important. Efforts to persuade and support reluctant states to engage more substantially in PSI-related activities should therefore be intensified. The support of these states will not be won without taking their concerns into account. This will necessarily involve accepting compromises, at least for the short term. Yet, if the PSI takes these states' concerns seriously and succeeds in accustoming states to supporting interdictions, accepting compromises today will likely pay off tomorrow.

Ultimately, the impact of the PSI will largely be a function of the involvement of those states that are geo-strategically important.

STRENGTHENING THE LEGAL AND OPERATIONAL PRECONDITIONS FOR INTERDICTIONS

The active PSI participants should expedite accession to and implementation of existing PSI-relevant legal documents, such as resolution 1540, and step up endeavours to encourage other states to do the same. The 1540 Committee, individual states, relevant international organizations, regimes and NGOs should also do more to facilitate and provide assistance to states with respect to enacting legislation. More states should sign and ratify the recent amendments to the SUA Convention.

Committed states should also continue to create legal foundations for interdictions. The United States could consider negotiating additional bilateral ship-boarding agreements, while others could consider concluding their own agreements. The United States and other states should also explore how support might be won for a Security Council resolution that would go beyond resolution 1540 and oblige states not only to outlaw proliferation to and from non-state actors but also to and from states. Security Council authorization of interdictions on a case-by-case basis, as suggested by some, seems impractical. The Council would have to make its decision within a very short time frame, and moreover it would depend on intelligence from states, something which states have traditionally been reluctant to provide.

Individual states, relevant international organizations, regimes and NGOs should also advance their efforts to expand the operational preconditions for interdictions; to boost domestic capabilities to detect and intercept suspicious WMD-related shipments and to bring perpetrators to justice. Mechanisms to facilitate cooperation among states involved in the PSI should also be improved. There is no need to establish an elaborate bureaucracy, but a point of contact or a small informal secretariat could help to coordinate regular consultations as well as the various PSI-related meetings and training exercises. Such a body would also ensure the institutional memory of the initiative. The Point of Contact of the Missile Technology Control Regime, which is located in the French Ministry of Foreign Affairs, could serve as a model. The Canadian government might set up such a body since it currently maintains a web site on the PSI.

TAKE STATES' CONCERNS INTO ACCOUNT

To motivate states to support the PSI, their reservations must be taken into account. The United States and the other active PSI participants should on all accounts refrain from carrying out interdictions not consistent with international law (it is unclear whether all interdictions that have so far occurred within the framework of the PSI have been consistent with international law). The United States should also beware of stretching existing international law to justify interdictions—it should ensure its attempt to use Article 51 of the UN Charter remains permanently forgotten. Lastly, committed states should avoid pushing to expand the legal basis for high-seas interdictions if there is strong resistance. Pushing aggressively for a Security Council resolution authorizing WMD-related interdictions would not only be to no avail but would also risk gambling away the confidence in the PSI that has been built during the past years.

Furthermore, if the United States wants to win global support, it must restore its international legitimacy, in particular in terms of its non-proliferation policy but also beyond. Many non-nuclear-weapon states criticize the United States—and the other nuclear-weapon states—for not taking their disarmament obligations seriously and thus not fulfilling their share of the non-proliferation bargain. Many also accuse the United States of applying double standards, granting exceptions to their allies—as exemplified by the US–India nuclear deal—while working toward enforcing rules against states it considers to be "of concern". The use of questionable intelligence to justify the invasion of Iraq has considerably damaged the United States' reputation in the world. To recoup credibility, the United States should develop and present specific steps to meet its disarmament obligations. It should also avoid applying double standards when dealing with states that violate non-proliferation obligations or with states that seek closer cooperation in regard to civilian use of nuclear energy.

To win the necessary support for the PSI, instead of pressing reluctant states to embrace the PSI fully and openly and so alienating them, active participants should encourage states to participate in selected interdictions and other PSI-related activities in an inconspicuous manner. China, whose participation is fundamental for the effectiveness of the PSI given its proximity to the DPRK, seems already disposed to take part in interdiction operations on a case-by-case basis provided it does not attract much attention. With time, as such states grow accustomed to PSI norms and practices, their reservations against a more comprehensive and consistent involvement may diminish.

Conclusion

In many respects, present efforts to strengthen the PSI are heading in the right direction. The legal and operational foundations for interdictions are gradually being strengthened. Concerns that the PSI might be inconsistent with or erode international law are increasingly being dispelled. There are indications that key states appear at times ready to participate in individual interdictions. In the near future, it will be important to maintain momentum and to ensure that states become attuned to PSI-related activities and come to view interdictions as one of a number of useful non-proliferation instruments.

The United States not only came up with the idea of the PSI but is obviously among the states that would benefit most from its success: it is among the most likely targets of a WMD attack. At the same time, the United States is in a unique position to strengthen the PSI. Given its capabilities and expertise as well as its strong civilian and military presence in many parts of the world, the United States is in an excellent position to help states strengthen their domestic legal and operational capacities relevant to interdictions. Given its special status in the international system, the United States is uniquely qualified to shape the evolution of international law and establish effective mechanisms to

share intelligence and cooperate in interdiction operations. Visible endeavours by the United States to build a reputation as a benign rather than self-interested superpower will be crucial to win truly broad support for the PSI.

Monika Heupel

Postdoctoral Fellow, German Institute for International and Security Affairs (SWP), Berlin.

Notes

1. Proliferation Security Initiative: Statement of Interdiction Principles, Paris, 4 September 2003, at <www.proliferationsecurity.info/principles.html>.
2. Ibid.
3. See <www.state.gov/t/isn/c19310.htm>. See also, for example, Center for Nonproliferation Studies, *Inventory of International Nonproliferation Organizations and Regimes*, "Proliferation Security Initiative", last updated 28 September 2006, at <cns.miis.edu/pubs/inven/pdfs/psi.pdf>.
4. For a concise summary of existing international law relevant to maritime interdictions of WMD-related shipments prior to the introduction of the PSI, see Daniel H. Joyner, 2004, "The PSI and International Law", *The Monitor*, vol. 10, no. 1, pp. 7–9.
5. United Nations Convention on the Law of the Sea, signed at Montego Bay, Jamaica, 10 December 1982, entry into force 16 November 1994, at <www.un.org/Depts/los/convention_agreements/convention_overview_convention.htm>, Article 19.
6. UNCLOS, op. cit., Article 110.
7. Andrew C. Winner, 2005, "The Proliferation Security Initiative: The New Face of Interdiction", *The Washington Quarterly*, vol. 28, no. 2, at <www.twq.com/05spring/docs/05spring_winner.pdf>, p. 137.
8. See Mark J. Valencia, 2005, *The Proliferation Security Initiative: Making Waves in Asia*, The Adelphi Papers 376, International Institute for Strategic Studies.
9. Ron Huiskens, 2006, *The Proliferation Security Initiative: Coming in From the Cold*, Austral Policy Forum 06-13A, Nautilus Institute at RMIT University, 20 April, at <www.nautilus.org/~rmit/forum-reports/0613a-huiskens.html>.
10. Michael E. Beck, 2004, "The Promise and Limits of the PSI", *The Monitor*, vol. 10, no. 1, pp. 16–17, at <www.uga.edu/cits/documents/pdf/monitor/monitor_sp_2004.pdf>.
11. Jofi Joseph, 2004, "The Proliferation Security Initiative: Can Interdiction Stop Proliferation?" *Arms Control Today*, vol. 34, no. 5, June, at <www.armscontrol.org/act/2004_06/Joseph.asp>.
12. Wade Boese, 2004, "Proliferation Security Initiative: A Piece of the Arms Control Puzzle", *Georgetown Journal of International Affairs*, vol. 6, no. 1, pp. 61–69.
13. See Alexandre Kaliadine, 2005, *Russia in the PSI: The Modalities of Russian Participation in the Proliferation Security Initiative*, The Weapons of Mass Destruction Commission paper no. 29, at <www.wmdcommission.org/files/No29.pdf>.
14. See Andrew Newman and Brad Williams, 2005, "The Proliferation Security Initiative: The Asia-Pacific Context", *The Nonproliferation Review*, vol. 12, no. 2, pp. 303–322.
15. See Valencia, op. cit.
16. Background conversation with a government official, 26 April 2007.
17. Ibid.
18. Newman and Williams, op. cit.
19. The PSI web site is at <www.proliferationsecurity.info>.
20. United Nations Security Council resolution 1540 (2004), UN document S/RES/1540(2004), 28 April 2004, available at <disarmament2.un.org/Committee1540>, paragraphs 2 and 3.
21. Fabio Spadi, 2006, "Bolstering the Proliferation Security Initiative at Sea: A Comparative Analysis of Ship-boarding as a Bilateral and Multilateral Implementing Mechanism", *Nordic Journal of International Law*, vol. 75, no. 2, pp. 249–278. The term "of concern" is not defined in any agreement; and this lack of specificity is frequently criticized.
22. Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, adopted 10 March 1988, entry into force 1 March 1992, and Protocol, adopted 14 October 2005, at <www.imo.org/Conventions/mainframe.asp?topic_id=259&doc_id=686>.
23. See "18 States Sign 2005 SUA Protocols", International Maritime Organization press briefing 6, 13 February 2007, at <www.imo.org/Safety/mainframe.asp?topic_id=1472&doc_id=7790>.

24. Michael Byers, 2004, "Policing the High Seas: The Proliferation Security Initiative", *The American Journal of International Law*, vol. 98, no. 3, pp. 526–545.
25. Valencia, op. cit.
26. The unofficial PSI web site provides an overview of past and forthcoming training exercises, see <www.proliferationsecurity.info/exercises.html>.
27. Background conversation with a government official, 26 April 2007.
28. See Huisken, op. cit. See also background conversation with a government official, 15 May 2007.
29. Monika Heupel, 2007, *Implementing UN Security Council Resolution 1540: A Division of Labor Strategy*, Carnegie Papers no. 87, at <carnegeendowment.org/files/cp87_heupel_final.pdf>.
30. Author's interview with Colonel Mike Haché, Head of the Canadian Operational Experts Delegation to the PSI, 27 April 2007.
31. The unofficial PSI web site provides an overview of past Operational Experts meetings (there have been 18 at the time of writing), see <www.proliferationsecurity.info/meetings.html>.
32. Interview with Colonel Mike Haché, Head of the Canadian Operational Experts Delegation to the PSI, 27 April 2007.
33. Kaliadine, op. cit.
34. Newman and Williams, op. cit.
35. Heupel, op. cit.
36. Background conversation with a government official, 26 April 2007.
37. Robert G. Joseph, Under Secretary for Arms Control and International Security, "Broadening and Deepening Our Proliferation Security Initiative Cooperation", Warsaw, 23 June 2006, at <www.state.gov/t/us/rm/68269.htm>.
38. Condoleezza Rice, Secretary of State, "Remarks on the Second Anniversary of the Proliferation Security Initiative", Washington, DC, 31 May 2005, at <www.state.gov/secretary/rm/2005/46951.htm>.
39. James Cotton, 2005, "The Proliferation Security Initiative and North Korea: Legality and Limitations of a Coalition Strategy", *Security Dialogue*, vol. 36, no. 2, pp. 193–211.