



# BULLETIN

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## Proliferation Security Initiative (Krakow Initiative) at 10: Successes and Challenges

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*During the High-Level Political Meeting on 28 May 2013 in Warsaw to commemorate the 10<sup>th</sup> anniversary of the Proliferation Security Initiative (PSI), also known as the Krakow Initiative, the participating states declared concrete steps aimed at improving PSI's relevance in the ever-evolving fight against WMD proliferation. Whether PSI really will be reinforced depends on translating the ambitious declarations into deeds. To improve its considerable input on implementing PSI's principles, Poland should ratify the 2005 SUA Protocol and the 2010 Beijing Convention.*

Launched in Krakow in May 2003, the Proliferation Security Initiative (PSI) is commemorating its 10<sup>th</sup> anniversary. PSI is an informal network of states committed to preventing the trafficking of weapons of mass destruction (WMD), their delivery systems, and related materials and technologies to and from states and non-state actors of proliferation concern. The main goal of PSI is to strengthen the participating states' individual and collective capacities to interdict proliferation-related components at sea, in the air, or on land once they have left their state of origin. It assists states in identifying and filling gaps in their relevant legal, diplomatic, intelligence, and law enforcement tools relevant to interdiction operations.

A decade of PSI in action creates many questions related to its future: is PSI still needed, does it work, do PSI states fulfil their commitments, and can and how should PSI be strengthened? The answers to these questions will determine whether PSI will become an enduring and efficient non-proliferation tool.

**Rationale for PSI.** The original PSI goal is still valid. The need to improve states' capabilities to undertake interdiction operations has not vanished. Iran and North Korea continue to design new ways of circumventing international sanctions aimed at limiting their access to materials and technologies related to their missile and nuclear programmes. Syria is of growing concern about proliferation of such materials.

One of the main challenges of PSI, however, is building an enduring image of its effectiveness. As states wish to protect sensitive intelligence information, PSI does not require them to provide any statistics about successful interdictions. According to the most recent publicly available data from 2009, since PSI inception there have been about 50 such operations. Even a very general update of this number would strengthen the belief that the existence of a tool focused primarily on interdictions is of utmost importance.

**Participants.** Since PSI's inception, the goal has been to expand support for it as broadly as possible in order to improve its effectiveness. Within a decade, the number of states involved rose from 11 to 102. As a result, 80% of the world's merchant fleet is registered in PSI countries, and PSI partners include countries where some key trans-shipment ports are located. It heightens the probability that these states will directly engage in or consent to the boarding and inspection of suspect vessels flying under their flag or docking in their ports. This is of crucial importance as around 80% of the world's trade by volume is transported by sea.

The PSI network has some noteworthy gaps, however. Absent from PSI are several states that play leading roles in international trade, or which control important shipping and transit routes, especially in Asia. China, India, Pakistan,

Indonesia, Malaysia, Taiwan and Vietnam remain outside PSI. In Latin America non-participant states include Brazil and Mexico. The African network of PSI states has just six states.

**PSI's Legal Boundaries.** PSI did not create any new legal basis for conducting interdictions. The Statement of Interdiction Principles from 2003 underlines that such operations will be taken to the extent permitted by national and international law. At the same time, PSI participants committed themselves to broaden the legal basis for action. Especially important for pursuing this goal were UN Security Council Resolutions. Thanks to these resolutions, engagement in PSI has become an instrument to implement countries' legally binding international obligations. UN Resolution 1540 (2004) affirmed for the first time that "proliferation of nuclear, chemical and biological weapons as well as their means of delivery, constitutes a threat to international peace and security," and expressed support for using international cooperative action when necessary to prevent illicit trafficking. Supplementing previous sanctions, Resolution 2094 (2013) against North Korea declared that all UN members shall inspect all cargo within or transiting through their territory to and from that country if there are reasonable grounds to suspect that it contains prohibited items. Resolution 1929 (2010), which strengthens other sanctions against Iran, calls upon states to undertake similar actions.

Still, it is unclear how many PSI participants have enacted appropriate national legal frameworks for facilitating interdiction operations. The engagement of PSI participants in fostering global non-proliferation norms is also not perfect. Only 11 PSI states ratified the 2005 Protocol to the Convention on the Suppression of Unlawful Acts at sea (SUA) and only 10 signed the 2010 Beijing Convention, strengthening norms against trafficking WMD-related material by air.

**Capacity-building.** While joining PSI, states commit themselves politically to the enhancement of both their national interdiction capacities and international cooperation in various interdiction scenarios. To accomplish this goal, PSI participants organised more than 25 meetings and workshops and have conducted an impressive number of over 50 multilateral and bilateral exercises, including live exercises, command post exercises, games or simulations. The events enabled them to demonstrate and test their capabilities and procedures, discover deficiencies and analyse lessons learned from real operations.

Still, so far PSI has lacked a regular mechanism to share knowledge and experience amongst participants. The events that could enable information exchange have been held on an *ad hoc* basis. There have been no long-term, results-oriented programs aimed at increasing interdiction capabilities. Also, even though the PSI exercise scenarios have become more sophisticated and have incorporated legal and civil enforcement challenges, many of them have retained an overly extensive military component. In that aspect, PSI exercises may not correspond with real interdictions, as cases in which a military action would be justified are extremely rare. PSI participants have further work to do on legal and practical post-interdiction challenges, including the disposal of seized goods.

**Future Tasks.** The meeting in Warsaw confirmed that PSI participants are aware of the initiative's shortcomings. Instead of highlighting PSI's successes, they focused on the means to improve PSI. The joint statements and individual declarations enabled for the first time in PSI's history to set a concrete agenda for it for the coming years. The establishment of regional events on a rotational basis in the Asia-Pacific region and activities focused on the Mediterranean open the way to long-term training programmes and coordinated outreach and set an example for other regions. The main platform for PSI's capacity-building will be the Critical Capabilities and Practices (CCP) mechanism, which is aimed at making available to all PSI states the practical tools and resources that enable them to improve their efforts. A number of countries have declared a renewed effort to enhance national authorities and declared an intention to ratify relevant international agreements.

Whether the ambitious plans will enable PSI to become a more effective and valid non-proliferation tool depends, however, on transforming them into deeds. Unfortunately, the meeting lacked new examples of successful interdiction cases. By providing them PSI states together could demonstrate and foster the rationale for the initiative's existence.

To further improve PSI, the participating states should consider conducting a series of workshops and exercises for one specific country or for a group of states, a series that would include examining the implementation of lessons learned. It could enable the introduction of a PSI "quality certificate" for proving high interdiction standards. The number of states with such a certificate could be a useful tool in measuring the success of PSI.

Poland confirmed its role as a regional PSI leader and its interest in the initiative's further evolution. So far, Poland has organised three out of the four PSI political meetings, outreach activities aimed at Central and Eastern European, Black Sea and Gulf Cooperation Council states, two exercises, and the first, and so far only CCP workshop. To further improve its contribution to PSI, Poland should consider the rapid ratification of the 2005 SUA Protocol and the Beijing Convention.