

Russia in the PSI: The Modalities of Russian Participation in the Proliferation Security Initiative

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RUSSIA IN THE PSI: THE MODALITIES OF RUSSIAN PARTICIPATION IN THE PROLIFERATION SECURITY INITIATIVE¹

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New threats need new answers

Failures to contain nuclear proliferation made it clear beyond doubt that new, systematic and far-reaching measures are urgently needed to close gaps in the traditional global non-proliferation treaty-based regime. In order to ensure strict universal compliance with the WMD non-proliferation norm it is imperative to prevent the flow of WMD and its components, related technologies and materials to irresponsible governments, which trample their international disarmament and non-proliferation obligations, as well as to non-state entities of various sorts, above all, terrorist organisations.

Increased illicit trafficking in components of WMD, weapon-usable materials and dual-use technologies through different supply routes has become a cause for special concern, since the conventional barriers to such supplies proved to be not up to the challenge. Links in the black market trafficking chain are reported to include suppliers, intermediaries, transport and servicing structures and end-users of various countries engaged in proliferation activity. Complicated intermediary schemes have been used to ship WMD-related goods and technologies from one country to another. Such routes have not often practically been tracked.

It was not until the year 2003, when a clandestine network of traffickers originating in Pakistan was exposed (and later on broken up)² that the scope and breadth of the trafficking activity in nuclear items was brought to the public light for the first time. Despite this success, much more remains to be done to curb illicit and clandestine trade in WMD-related items.

The well organised clandestine network headed by a Pakistani nuclear physicist A. Q. Khan, Director of the nuclear research centre in Kahute, included scientists, engineers and middlemen from Pakistan, Switzerland, Great Britain, Germany, Sri Lanka, and Malaysia. The dealers were engaged in proliferation activity from the middle of 1990s selling nuclear weapon designs, bomb making material and know-how to North Korea, Iran, and Libya and, probably, to other countries reducing the time required for additional entities to develop nuclear weapons.

The experience of activities of the A.Q. Khan network brought to light the inadequacy of the export controls administered both by national authorities and international bodies, such as the International Atomic Energy Agency (IAEA) and the Nuclear Suppliers Group (NSG), which rely on informal arrangements and do not include many countries with growing nuclear

¹ This paper analyses the evolution of the Proliferation Security Initiative (PSI), which is designed to disrupt WMD trafficking at sea, in the air and on land, and its role in the global effort at strengthening multilateral non-proliferation and export control regimes, focusing on Russian contributions to the PSI activities. Currently, the “core” PSI group includes 15 states: Australia, Canada, Germany, Great Britain, France, Italy, Japan, Netherlands, Norway, Poland, Portugal, Russia, Singapore, Spain, and the United States. Over 60 states find it in their interest to participate in the tasks of the PSI in one way or another.

² It was reported that exposure of this network was helped by the PSI interdiction of nuclear materials.

industrial capacity. The A.Q. Khan network has demonstrated the need for measures to interdict the illicit and clandestine trade in components for WMD programs.³

The second source of growing concern is the prospect of terrorist groups coming into possession of materials and weapons of mass destruction by exploiting the inadequacy of the multilateral treaty based non-proliferation and export control regimes.

Transnational terrorist networks such as al-Qaeda, possessing cells in dozens of states, have already demonstrated their ability to influence the course of events in a number of countries and affect world security events. Documents found in al-Qaeda facilities contained accurate information on the usage of WMD.

In the terrorist attacks against the USA on 11 September 2001 airliners loaded with fuel were used in such a manner as to kill large numbers of people. The murder of hundreds of innocent hostages, mostly children, at a Beslan school (Northern Ossetia) on 3 September 2004 illustrated the behaviour pattern of Islamist terrorists who would not hesitate to resort to WMD if they ever get hold of them.

According to the IAEA, radioactive materials, stolen from the Iraqi research centres, may be used by terrorists to make a “dirty bomb” that spread radioactive material over large areas. There are other signs of the rise in international terrorism and a potential threat of the use by terrorist groups of chemical, biological and radioactive substances and of their desire to acquire mass destruction technologies.⁴

According to a report, which takes a 15-year look into the future, released by the National Intelligence Council of the USA in January 2005, non-state entities such as terrorist networks will continue to assume a more prominent role. Strong interest in acquiring chemical, biological, and radiological and nuclear weapons increases the risk of a major terrorist attack involving these kinds of weapons. Terrorist campaigns that escalate to unprecedented heights, particularly if they involve WMD, are characterised in the report as one of the few developments that could threaten globalisation. The authors of the report expect to see terrorist use of some readily available biological and chemical weapons. According to their assessments, developments in CW and BW agents and the proliferation of related expertise will pose a substantial threat, particularly from terrorists. The communication revolution gives the terrorist proliferators a certain advantage in striking deals with each other and eluding the authorities. The arc of instability extending from Africa through central and Southeast Asia provides fertile ground for terrorism and the proliferation of WMD.⁵

Wide use in civil industries (and expanding availability) of dual-use technologies and materials of mass destruction themselves enhance the probability of terrorist acts with most grave consequences. Shadowy dealers of the black market as well as “threshold states” with unstable, corrupt regimes are most likely routes by which terrorist groups can obtain access to materials and explosive devices. Scientists have repeatedly warned of the ease with which

³ By the end of 2003, the IAEA’s database on illicit trafficking recorded approximately 630 incidents of trafficking in nuclear and other radioactive material. 60 incidents were reported in 2003 and the total for 2004 is estimated to be even higher. More than 200 incidents involving illicit trafficking in nuclear materials have been documented over the past decade. These data show that the measures to control and secure such materials and to respond to illicit trafficking are essential. This problem is currently being addressed by the Proliferation Security Initiative. URL <http://www.iaea.or.at/NewsCenter/Statement/2004/ebsp2004n013.html>>. See also note 5 below.

⁴ Megaterrorism: a new challenge for new century. Edited by A. Fedorov, PIR-Center, 2003; Terrorism v megapolise: otsenka ugrozi i zashishennosti [Terrorism in a metropolis: estimates of the threat and defensibility]. Ed. By V. Z. Dvorkin, Moscow, “Prava cheloveka”, 2002; Myiasnikof Eu. Ugroza terrorisma s ispolzovaniem bespilotnikh letatelnykh apparatov. [Terrorist threat involving UAV, in Russian]. Centre for the Study of Disarmament, Power Production and Ecology. Moscow Physical-Technological Institute, 2004.

⁵ *Mapping the Global Future: Report of the National Intelligence Council’s 2020 Project*. URL http://www.cia.gov./nic/nic_2020_project.html. (Accessed January 14, 2005). The National Intelligence Council is a “think-tank” of the US intelligence community.

terrorists could, with parts from the open market, assemble a simple “gun-type” nuclear explosive device that simply collides two quantities of highly enriched uranium (a fissile material used in nuclear weapons).⁶

The emergence of black markets in WMD-related items and the spreading danger of terrorist groups coming into possession of WMD have posed new challenges, which the traditional multilateral treaty-based mechanisms have so far failed to resolve.

Multilateral treaties, concluded in the past century (1968–1993)⁷, and the WMD non-proliferation regimes supporting them proved to be poorly suited to counter and reverse the current challenges. Some of them have no meaningful enforcement mechanisms. Although the NPT treats the non-proliferation of nuclear weapons as a matter of the highest priority in the field of international security, this treaty does not provide for sanctions in serious cases of non-compliance. The BTWC is not even equipped with international verification tools. Furthermore, the NPT, BTWC and CWC rules do not cover individuals, corporations and other non-state entities. The CWC (art. XII) provides for measures to redress cases of non-compliance, including the collective action of treaty parties against the non-compliant state and the involvement of the United Nations Security Council (UNSC). The Convention specifically obligates the Organisation for the Prohibition of Chemical Weapons (OPCW) to bring grave violations of the CWC to the attention of the UN Security Council for further action. However, this mechanism was never made use of. The IAEA statute requires that non-compliance with safeguards be reported to the UN Security Council. However, the Governing Board of the IAEA did not refer cases of grave non-compliance to the UN Security Council for enforcement or punishment. On-site inspections conducted, respectively, by the IAEA and the OPCW, at best, only registered cases of non-compliance. Even this task has not always been successfully accomplished on time. Iraq, Libya, North Korea and some other states were able to carry out clandestine military programs related to WMD for quite a long time without being caught. They made use of their formal participation in the non-proliferation treaties as a cover for proliferation activity. Proliferators took measures to circumvent international export controls, such as falsifying documentation, providing false end-users information and finding ways for shipping illicit commodities exploiting loopholes in a law or weak border points.

While it is important to continue to promote the universal adoption, full implementation of the treaties and the regimes, which support them, strengthening a global response to the current proliferation threats requires adjustment of these mechanisms to rapidly changing strategic circumstances and the development of additional tools in order to curb and roll back WMD proliferation.

Stemming WMD proliferation through interdiction policies

Recent events have put the modernisation of international law and practices of countering the spread of WMD on the top of the non-proliferation agenda. This involves, in the first place, rethinking the concept of enforcement of compliance with international legal non-proliferation rules; the role of sanctions; the use of force; preventive (pre-emptive) measures in dealing with situations caused by the spread of WMD, which pose threats to international

⁶ *A More Secure World: Our Shared Responsibility. Report of the High-level Panel on Threats, Challenges and Change.* United Nations, 2004, para. 112.

⁷ The 1968 Treaty on the Non-proliferation of Nuclear Weapons, NPT (188 parties); the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, BTWC (153 parties); the 1993 Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, CWC (167 parties). The information is as of 1 November 2004. The International Code of Conduct against Ballistic Missile Proliferation was adopted in 2002. More than 90 states have acceded to it.

peace and security. The presence of terrorism or WMD has become a significant factor affecting decisions on when the use of military force is unavoidable.

The global community is gradually coming to acknowledge the need for resolute measures to defeat proliferators and their facilitators. An increasing number of states seek to strengthen existing international enforcement mechanisms (or to establish new ones), to elaborate and apply effective tools to deter and punish the perpetrators, including economic penalties or sanctions, credible export controls and direct action against proliferation networks, interdiction of WMD-related shipments.⁸

The Proliferation Security Initiative, which was announced by US President George W. Bush at the international meeting in Krakow (Poland) on 31 May 2003, represents a response to the new challenges. On this plane the Bush administration has set an example worthy of praise in crafting policies to fill gaping holes in the multilateral treaty-based non-proliferation regime and in confronting gathering threats.

The PSI, designed to combat the illicit trade in WMD, their delivery systems and related materials, seeks co-operation from any state whose vessels, flags, ports, territorial waters, airspace, or land might be used for proliferation purposes. It is an initiative to develop political commitments and practical co-operation among states to help to impede and stop the flow of WMD, their delivery systems and related materials to and from states and non-state actors of proliferation concern. PSI participants are committed to undertake practical measures for interdicting the transfer or transport of the proscribed items and bring proliferators to justice.

Representatives of 11 states, the founding “core” participants in the PSI, took part in the first informal meeting in Madrid in June 2003: Germany, Great Britain, Australia, Spain, United States, France, Italy, Japan, Netherlands, Poland, and Portugal. It was followed by another informal meeting in Brisbane, Australia, in July, which drew up plans for intercepting ships suspected of transporting WMD-related cargoes. Participants in the PSI, meeting in Paris in September the same year, reviewed a broad range of political, legal, practical, technical and operational aspects, with a view to paving the way for early concrete outcomes. On 4 September they agreed on a “Statement of Interdiction Principles” (SOP), which identified concrete actions to interdict shipments of WMD, their delivery systems and related materials.

This statement manifested the desire of the participants in the PSI to make this initiative consistent with international law. It seeks to address the concerns expressed by a number of states that interdiction operations might violate international law or result in damage to legitimate commerce. Concern was also raised that such operations might be used to promote egoistic political interests of individual states. The documents adopted in Paris⁹ contain references to the commitment of PSI participants to establish a more co-ordinated and effective basis for the implementation of interdiction principles consistent with national legal authorities and relevant international laws and frameworks, including the UN Security Council. The Press statement characterises the PSI as being *“part of the overall effort in support of non-*

⁸ 16 members of the UN High-Level Panel on Threats, Challenges and Change address the issues related to the use of force to deal with security threats in their report “A More Secure World: Our Shared Responsibility” (www.un.org/secureworld), submitted in November 2004 to the Secretary-General of the UN Kofi Annan. The report proposes five basic guidelines that all states and the UNSC should bear in mind in deciding to resort to the use of force: seriousness of the threat, proper purpose, last resort, proportional means and balance of consequences. The authors point out that interdiction of illicit and clandestine trade in components of WMD is currently being addressed by the Proliferation Security Initiative. It is noteworthy that the UN High-level Panel recommended that all states should join this initiative.

If specific recommendations of the Panel are acted upon, the UNSC would become better equipped to take decisive action earlier than in the past.

⁹ “Press statement released under the responsibility of the chair” (participants met under French chairmanship) and “Statement of Interdiction Principles”.

proliferation which is a pillar of collective security and strategic stability. It can contribute among other tools to the full implementation of and compliance with commitments under this regime, in particular non-proliferation agreements". The participating states expressed their willingness to work with all concerned states on measures they are able to take in support of the PSI, as outlined in the Statement on Interdiction Principles (SOP). This document includes commitments to:

- Undertake effective measures, either alone or in concert with other states, for interdicting the transfer or shipments of WMD, their delivery systems, and related materials to and from states and non-state actors of proliferation concern;
- Adopt streamlined procedures for rapid exchange of relevant information concerning suspected proliferation activity, allocate appropriate resources and efforts to interdicting operations and capabilities, and maximise co-ordination among participants in interdiction efforts;
- Strengthen their relevant national legal authorities and work to strengthen relevant international laws and framework;
- Take specific actions in support of interdiction efforts, including:
- Not to transport or assist in the transportation of any of such cargoes;
- At their own initiative to take action to board and search any vessel flying their flag in their internal waters or territorial seas or areas beyond the territorial seas of any other state that is reasonably suspected of transporting such cargoes and to seize such cargoes that are identified;
- To seriously consider providing consent to the boarding and searching of its own flag vessels by other states and to the seizure of such WMD-related cargoes in such vessels that may be identified by such states;
- To take appropriate actions to board and search vessels entering or leaving their ports, internal waters or territorial seas that can be reasonably suspected of carrying WMD-related cargoes;
- Require aircraft that can be reasonably suspected of carrying such cargoes and that are transiting their airspace to land for inspection and/or deny such aircraft transit rights through their airspace in advance of such flights;
- If their ports, airfields, or other facilities are used as transshipment points for shipment of WMD-related cargoes, to inspect vessels, aircraft or other modes of transport reasonably suspected of carrying such cargoes and seize such cargoes that are identified.¹⁰

It is noteworthy that although the PSI SOP states that activities will be undertaken consistent with relevant international law and frameworks, the SOP has not established any mechanism for formal co-ordination with the UN and its Security Council.

At the London meeting in October 2003 participants in the PSI reviewed the progress of the initiative and discussed practical questions relating, in particular, to the building up of interdiction capability and co-operating with other concerned states on measures for interdicting the transport of WMD-related cargoes.¹¹

In March 2004 three additional states – Canada, Norway and Singapore joined the PSI core group.

¹⁰ URL <<http://usinfo.state.gov/russki/>> (accessed September 8, 2004).

¹¹ In 2003 Australia conducted the first exercise (in October) in the Coral Sea, involving both military and law-enforcement assets. Great Britain then hosted the first PSI air interception training session, a tabletop exercise, to explore operational issues arising from intercepting proliferation traffic in the air.

On 31 May 2004 – on the day of the first anniversary of the PSI – Russia joined the group of founding states of the PSI. The Russian delegation participated in the meeting of the PSI founding countries in Krakow.

The Ministry of Foreign Affairs of the Russian Federation stated in the press release, published on 1 June 2004 that “*the principles for the Proliferation Security Initiative, set forth by the founding countries, and the Paris Declaration in September 2003, as developed by them in London in October the same year, correspond to the Russian line in the field of non-proliferation*”. The Russian side stated its intention “*to make its contribution to implementing the PSI with consideration for the compatibility of the actions with the rules of international law, for their conformance to national legislation and for commonality of non-proliferation interests with their partners.*”¹² Subsequently Russia became involved in the PSI efforts both in political and operational capacities.

The G-8 Summit meeting held at Sea Island, USA in June 2004, expanded co-operation within the Group of the Eight in the area of the strengthening of the WMD non-proliferation regime. In the Action Plan on Non-proliferation the G-8 leaders agreed to strengthen the PSI. They joined in committing themselves to unravel and dismantle proliferation networks like that of the A. Q. Khan network and co-ordinate their efforts to prevent enrichment and reprocessing equipment and technologies falling into the hands of terrorists and states aspiring to use them for the creation of WMD.

On the PSI the Action plan states “*We will further co-operate to defeat proliferation networks and co-ordinate, where appropriate, enforcement efforts, including by stopping illicit financial flows and shutting down illicit plans, laboratories, and brokers, in accordance with national legal authorities and legislation and consistent with international law. Several of us are already developing mechanisms to deny access to our ports and airports for companies and impose visa bans on individuals involved in illicit trade*”.

A number of legal and technical issues arose as the PSI evolved. They related to the need to ensure the observance of the relevant international laws and national legal procedures, as well as to the avoidance of the damage to legitimate shipments during interdiction operations. Questions were raised concerning the application of enforcement measures to various modes of transport suspected of carrying WMD-related cargoes beyond the internal waters and territorial seas of any other state.¹³ Concern was expressed with regard to the liability for interfering with normal commerce, stopping, boarding, and searching legitimate cargoes, seizures of such cargoes, detentions, confiscation and arrests, etc.¹⁴ Some of these concerns were addressed at the informal meetings of the PSI participants in Paris and London and elsewhere. Participants of these meetings made it clear that PSI interdiction efforts would rest on existing domestic and international legal authorities.

The UN Security Council Resolution (UNSCR) 1540 unanimously adopted on 28 April 2004 (in the context of the struggle against terrorism), paved the way for resolving legal

¹² *Daily News Bulletin*. The Ministry of Foreign Affairs of the Russian Federation. 01.05.04.

¹³ In the international sea law there are no explicit prohibitions or confiscation norms regarding vessels, carrying WMD, missiles or other such arms, and going through the high seas or international straits. The law of the sea requires that those ships should not be intercepted. However, action can be taken against such vessels on the high seas in certain cases: consent of a flag state could provide a legal basis to allow the boarding of vessels being used to transport WMD-related items to entities of proliferation concern. Besides, a large body of legal authority for interdiction of WMD shipments already exists, such as those involving actions by coastal states in their territorial waters.

¹⁴ Devon Chaffee, a former Research and Advocacy co-ordinator of the Nuclear Age Peace Foundation, warned: “If leaders of the states participating in the PSI attempt to exchange law of sea for selective non-proliferation measures, they should realise that the trade-off eventually restrict their own country’s access to international waters”. In his view, allowing the erosion of the law of the sea to suit the policy goals of the sole existing superpower does not bode well for global democracy and the rule of law. Devon Chaffee “Freedom or Force on the High seas? Arms Interdiction and International Law” in *Science for Democratic Action*, volume 12, no. 3, June 2004, pp. 1–10.

aspects of the PSI interdiction activities.¹⁵ The main objective of UNSCR 1540 is to put a barrier to black markets for mass destruction weapons and prevent the acquisition of WMD-related items by non-state actors, in particular for terrorist purposes.

The resolution calls on all states to take co-operative action to prevent trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials, to develop and maintain appropriate effective national border control and law enforcement efforts and measures to account for and secure such items in production, use, storage or transport, to develop and maintain effective physical protection measures, to combat the illicit trafficking and brokering in such items. All states are obliged to maintain effective national export and trans-shipment controls over such items; establish and enforce criminal or civil penalties for violations of such export control laws and regulations.

UNSCR 1540 highlights the key role of the UN Security Council in the sphere of WMD non-proliferation. The Council established a Committee, consisting of all members of the UNSC, which is called upon to report to it for its examination, on the implementation of this resolution (the 1540 Committee). All states should present reports on steps they have taken or intend to take to implement the resolution to the UNSC.¹⁶

While UNSCR 1540 does not contain specific references to the PSI, its main provisions and its entire pathos conform to the PSI principles. Of particular significance is the fact that the resolution qualifies illicit trafficking in WMD-related items as posing “a threat to international peace and security” and as “adding a new dimension to the issue of proliferation of such weapons”. It is also pertinent to note in this connection that the UNSC affirmed in this document its resolve “to take appropriate and effective action against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided in the United Nations Charter”.¹⁷ Amongst the steps, operative paragraph 10 of UNSCR 1540 calls upon all states to take co-operative action to stop, impede, intercept and otherwise prevent the illicit trafficking in WMD, their delivery means and related materials. It is noteworthy that the PSI SOP identifies such steps.

It is of particular importance that UNSCR 1540 was adopted under Chapter VII –“Action with respect to threats to the peace, breaches of the peace and acts of aggression”. This means that compliance with the obligations set forth in this resolution is mandatory for all 191 UN member states.¹⁸

The resolution provides a solid legal framework for possible enforcement measures against states and non-state actors¹⁹ engaged in illicit trafficking in WMD and their means of

¹⁵ The RF, the USA and other permanent members of the Security Council submitted the draft on 24 March 2004. Over 50 member states participated in the consideration of this draft. Doc. UN. S/RES/1540 (2004).

¹⁶ 28 October 2004 – deadline for the submission of the first national reports on the implementation of UNSCR 1540 to the 1540 Committee. On 26 October 2004 Russia presented its national report to the 1540 Committee detailing steps taken by the RF for ensuring the implementation of the provisions of UNSCR 1540.

¹⁷ As far back as January 1992 the president of the UNSC on behalf of its members made a statement that the proliferation of WMD constitutes a threat to international peace and security and underlined the need for member states of the UN to prevent proliferation. The UNSCR 1540 means that enforcement measures against the proliferation of WMD are a requirement, not an option for the UN member states.

¹⁸ Development of UNSCR 1540 makes strong national controls and enforcement a requirement, rather than an option. Countries that are not parties to the NPT (Israel, India, Pakistan and indeed also the DPRK) are now obliged to develop and maintain legal and regulatory measures to monitor and control sensitive technologies, materials and equipment that exist in or transit their territories, in particular to prevent terrorists from acquiring WMD-related items.

¹⁹ A non-state actor is defined in the resolution as “individual or entity, not acting under the lawful authority of any state in conducting activities, which come within the scope of the resolution”.

delivery and related materials. It facilitates co-operative efforts of the states to combat by all means the illicit trafficking in WMD-related materials.²⁰

In 2003–2004 PSI partners conducted 12 interdiction-training exercises (on sea, in the air and on land), held several operational experts meeting and workshops on issues such as interdictions involving containerised shipments, the introduction of a worldwide cargo inspection regime, etc. Experts worked to improve PSI ability to share information with law enforcement and military operators in order to increase the number of actual interdictions. Several formal interstate arrangements were worked out allowing searching of the vessels suspected of transporting WMD-related cargoes in the high seas.²¹ PSI is being developed to include co-ordinated law-enforcement efforts to shut down the facilitators and financiers of proliferation. PSI participants have tested a number of tools designed to interdict suspected cargoes, practising ways of halting the illicit trade in WMD components by carrying out exercises in various parts of the world in developing preparations for future interdictions of WMD-related cargoes.

However, only initial steps of preliminary character have been made under the PSI umbrella. A number of outstanding questions still exist with regard to interdictions of activities of most proliferation concern. One needs to accomplish a huge amount of work related to the interdiction of shipments, for example, with the customs authorities, industries, key cargo senders and insurers working in the field of sea, air and land transportation and in ports, etc. Opportunities have not yet arisen to verify actual interdiction capabilities. It is yet to see whether the work of the PSI will be expanded to cover the complete life cycle of WMD, beginning with the laboratories, manufacturing, financial and shipments networks of the violators – smugglers, their financiers and sponsors.

Russia has made contributions to the creation of the PSI operative potential. In September 2004 two Russian naval ships took part in patrolling under the PSI. The same month Russian and American naval ships carried out joint exercises in the Norwegian Sea. Russian and Italian surface naval ships conducted joint exercises in the Mediterranean. Russia also participated in the counterterrorist operation Active Endeavour conducted by NATO naval forces in the Mediterranean.

On 27 September-1 October 2004 experts from 17 states (including Russia) took part in a weeklong maritime interdiction simulation involving a series of intensive simulations designed to test decision-making in relation to potential interdictions of proliferation-related shipments. The exercise was hosted by the US Naval War College.

As an observer, Russia participated in the maritime interdiction exercise Team Samurai under the umbrella of the PSI held in the sea off Sagami bay, Southwest of Tokyo on 25-27 October 2004. The exercise scenario simulated the interception of two ships suspected of transporting sarin. The exercise involved nine ships from Japan, the USA, Australia and France.

The exercises and workshops helped to increase the level of operative compatibility of the respective services of the Russian Federation and other PSI participants, maximise co-ordination among participants in interdiction efforts and improved procedures for rapid exchange of relevant information concerning suspected proliferation activity.

²⁰ Materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which can be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

²¹ The USA negotiated and signed ship-boarding agreements with Liberia and Panama, the two largest flag registries, and also with Marshal Islands. The bilateral boarding agreements set out rapid consent procedures for boarding ships of a treaty partner' flagged vessel. With the signing of these ship-boarding accords and commitments by PSI partners, more than fifty per cent of the world's commercial shipping tonnage is now subject to rapid action consent procedures.

Nevertheless, in 2004, Russia, on the whole, kept a low profile in the PSI activities. It chose to participate only as an observer in the PSI maritime interdiction exercise in the sea off Sagami Bay in October 2004 (probably out of fear to undermine relations with DPRK, which described the exercise as an “ultimate war action”). Russia has not led or hosted any PSI-related workshop, expert meeting or simulated interdiction exercise and it is yet to come out with its own counter-proliferation initiatives of scenarios of co-operative intercepting the illicit smuggling of WMD-related equipment and technology. It is not known what internal governmental processes the federal authorities have established to co-ordinate PSI response efforts. A concrete basis for Russia’s co-operation with PSI efforts (e.g. through signing MOU on overflight denial, boarding agreements, information sharing, etc.) is yet to be established.

On the other hand, one should note that non-proliferation, including WMD interdiction under the umbrella of the PSI, is assuming an important place on the agenda of the NATO-Russia Council (NRC).²²

An agreement has been reached on the modalities of Russian contribution to the NATO Operation Active Endeavour in the Mediterranean aimed at helping deter, defend, disrupt and protect against terrorism according to agreed procedures. NATO and Russian military forces have already begun preparing to serve side by side in this operation on the basis of the agreement on the framework for political-military guidance towards enhanced interoperability between Russian and NATO forces, covering such areas as unified standards of communication, interaction at the level of headquarters, etc.

The NRC meeting, held at the level of ministers of defence in December 2004, approved on 9 December a comprehensive Action plan on Terrorism, which contains, amongst other things, commitments to:

- Develop improved mechanisms for intelligence sharing, which is crucial for the success of the efforts to combat the terrorist threat;
- Broaden and strengthen co-operation in evaluating and responding to threats posed by the proliferation of WMD and their means of delivery, including by existing non-proliferation arrangements with a view of denying terrorist access to WMD and related materials and addressing threats posed to freight and passenger transport.

Members of the NRC stated their determination to improve the capability of Russian and NATO forces to work together in combating the terrorist threat, in particular through full implementation of the NRC-MP Work plan for 2005 and beyond, which takes account of the need for enhanced interoperability between Russian and NATO armed forces in areas of co-operation. In April 2005 at the NRC meeting, held at the level of foreign ministers, Russia and NATO states were able to sign an agreement on the legal status of the armed forces stationed on each others’ territories, thus facilitating the carrying out of joint peace-keeping and counterterrorist operations, as well as military transit.²³

However, one should not underestimate the difficulties of harmonisation of the interests and co-ordination of actions among PSI partners, which may increase as they move on to target more aggressively entities and networks in specific countries.

Since the PSI is relying primarily on the activities of intelligence, military and law enforcement agencies, planning practical interdiction operations will require greater co-

²² The working group on WMD proliferation, established under the NRC, has produced assessments of global trends in WMD proliferation. It helped to step up sharing of information on terrorist threats and the results of assessments or analyses of such threats. It has also facilitated the drawing up of plans for joint patrolling the Mediterranean Sea to curb terrorist attempts to transport WMD or its components.

²³ *Krasnaya Zvezda*, 22 April 2005, p. 3.

operation not just among intelligence and military services but in law enforcement as well, and, in particular, sharing sensitive information on trafficking incidents with law enforcement and military operators.

Governmental bodies (industrial, commercial, law enforcement, intelligence and military) of the RF and the USA need to attain qualitatively new levels of co-operation, unprecedented in the history of their bilateral relations.

Domestic debates about Russian participation in the PSI

Russia joined the PSI in May 2004, exactly a year after the initiative was first announced. Originally this project was received in Russia, by both official circles and the expert community, with caution and even some scepticism and mistrust. It is true that commentators acknowledged that this undertaking contained “a rational grain”. But initially critical assessments prevailed. It appears that certain reasons for caution existed, at least at the time when the PSI was launched. The proposition was perceived as being ambiguous, not thoroughly elaborated and with shaky legal underpinning. The legal and technical aspects of the interdiction, the search and seizure of the vessels suspected of transporting WMD-related cargoes, seemed to be dubious. The role of the UNSC was not initially highlighted. It was not clear whether the PSI was fully consistent with existing multilateral non-proliferation agreements and relevant responsibilities of the IAEA and OPCW. Doubts were raised about the conformity of the interdiction operations on high seas with the international sea law, etc.

However, such concerns can hardly completely explain the reasons for the delays of the Russian decision-makers in joining officially the PSI.

It would have been easier to address them by becoming a PSI “core” participant and playing an active role in eliminating “grey areas” and paving the way for early solutions in respect to the legal aspects of interdicting WMD shipment and preventing proliferators from engaging in this dangerous trade.

The slow response to the PSI was neither only the result of traditional bureaucratic red tape, departmental incongruity or elementary frustration that the US administration assumed leadership in the area of combating proliferation facilitators. (Some commentators focused their critique on “US claims to manage unilaterally the non-proliferation and arms control process”). To some extent, the initial lukewarm attitude to the PSI was the result of the influence of opponents of the policy aimed at closer partnership with the USA and the West, in general.

The sluggishness in defining the position with regard to the modalities of the participation in the PSI was connected, in the opinion of the author, with the difficulties, which the political leadership encountered in its efforts to forge consensus in the Russian elite on this issue.

As is known various groups (corporate, industrial, commercial, departmental, party elements, etc.) with specific, sometimes conflicting, interests are competing for influence on the Russian official policy on the issues related to non-proliferation. For example, captains of the nuclear industry are above all anxious to build-up the export potential, preserve and expand markets for nuclear power equipment and fissile material. This is also the main concern of other exporters of dual-use technologies and goods. Echelons of the administration may have different views on Russian regional geopolitical priorities and relations with individual countries, including states of proliferation concern.

The then head of the Ministry on Atomic Energy of the RF (Minatom, at present – Rosatom, the Federal Agency of Atomic Energy of the RF) A. Rummyantsev stated in an interview, published in January 2004: “*Russia has been working for quite a long time in the*

international market for nuclear power equipment. The RF enjoys the reputation as a reliable partner. Certainly, we are interested not only in retaining, but also in strengthening our positions.” He emphasised, that Russia should take a more active position and not to allow it to be forced out from the perspective and capacious markets.²⁴

L. Ivashov, Vice-president of the Academy for Geopolitical Sciences, claimed that “*participation in the PSI will put Russia at odds with the outside world*”.²⁵ S. Kremlev (an expert with a pretentious pseudonym) alleges: “*Russia should not be too much concerned over the proliferation, which is practised by sovereign states exercising their sovereign rights. Why should we worry about the possible nuclear armament of North Korea? A nuclear North Korea poses absolutely no threat to Russia and may be even to some extent useful*”.²⁶

However, eventually more farsighted politicians and experts prevailed on the issue of the Russian participation in the PSI. They proceed from the assumption that the spread of WMD poses a very serious threat to Russian security and it should be dealt with by applying both political-diplomatic and coercive means. Practical proposals in this respect were formulated in a number of papers published in Russia.²⁷

In his presentation to the meeting of the Security Council of the Russian Federation, held in December 2003, Vladimir Putin pointed out the need of working out a comprehensive approach to the non-proliferation sphere. President Putin acknowledged that Russia lacked a systemic framework for combating the spread WMD. He urged to redress this situation.

Subsequently, the Russian leadership undertook a number of steps both domestically and abroad in that direction, including measures to develop national legislation, in particular regulations to control exports, transit, trans-shipment etc., to implement the comprehensive program of urgent steps - to strengthen the WMD-related non-proliferation regimes and to involve the UNSC in these efforts.²⁸

On 8 October on the Russian proposal, the UNSC, acting under Chapter VII of the UN Charter, adopted resolution 1566. The resolution calls upon states to co-operate fully in the fight against terrorism in order to find, deny safe haven and bring to justice any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparations or commission of terrorist acts or provides safe havens. The Council decided to establish a working group to consider and submit recommendations to the Council on practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities for bringing them to justice through prosecution or

²⁴ *Yaderniy Kontrol*, no. 1, 2004. p. 17. Rumyantsev’s statement was in response to a question regarding the influence on the Russian-Iranian co-operation of the resolution of the Governing Board of the IAEA on Iran, in which the IAEA had expressed concern about Iran’s suspect nuclear projects. In 2003 Iran was found to have been operating a secret enrichment project, the key to obtaining nuclear bomb-grade material. The Board noted Iran’s non-compliance with the IAEA safeguards obligations. Since the issues with the IAEA had not been resolved, Iran’s NPT safeguards commitments continued to be questioned. Outstanding questions still exist with regard to the Iranian nuclear program and Iran’s insistence on developing facilities for the enrichment of uranium.

²⁵ *Nezavisimaya Gazeta*. 2004. 2 April, p. 2.

²⁶ *Nezavisimoe Obozrenie*, no 27, 2004, p. 4.

²⁷ See *Mirovaya ekonomika i mezhdunarodnie otnoshenia*, no 12, 2003 p. 66–71; *Yaderniy Kontrol*, no 2, 2004, p. 68, 84-90; *Krasnaya Zvezda*. 2004. 11 October, p. 3–7; *Nezavisimaya Gazeta*. 2004. 1 June, p. 8.

²⁸ The Russian report on compliance with UNSCR 1540 on Non-Proliferation, presented to the UNSC on 26 October 2004, contains information on the measures carried out at the national level by the RF to strengthen the legislative base and law enforcement activities and to ensure accountability, control and physical protection as well as control over the export and transit of dual-use and WMD-related components. It also reflects the specific steps undertaken by Russia on the international scene to counter the proliferation of WMD. However, the report contains little information on current national capabilities to undertake co-operative interdictions of illicit smuggling of WMD-related equipment and materials at sea, in the air or on land.

extradition, freezing financial assets, preventing their movement through the territories of member states, preventing supply to them of all types of arms and related materials.²⁹

On 13 April 2005 the UN General Assembly passed an International Convention for the Suppression of Nuclear Terrorism after negotiating since 1998.³⁰ The Convention calls for inevitable punishment of persons found guilty of committing acts of terrorism under the principle of “either extradite or try”. The Convention strengthens international legal frameworks for combating terrorism and preventing access to nuclear weapons.

Steps have been taken by Russia in various other forums - the Commonwealth of Independent States (CIS), Euro-Asian Economic Community (EAEC)³¹, the NRC, Collective Treaty Security Organisation (CTSO), the Black Sea Naval Co-operation Task Group (BLACKSEAFOR) to make co-operation aimed at the prevention of illegal trafficking of WMD-related items more effective.

Russian representatives took part in the deliberations on the draft Protocol on amendments to the Rome Convention on the Struggle against Illegal Acts on the Seas aimed at preventing shipments of WMD by sea.

Russian involvement in the PSI has therefore been a logical follow-up of this course.

Concluding remarks

Combating the proliferation of WMD and its means of delivery has become a most urgent task on the agenda of international military-political relations. We witness the growing role of measures designed to respond promptly (including by enforcement and preventive measures) to defeat the proliferation activity of odious governments, which trample their disarmament and non-proliferation obligations, as well as of traffickers in WMD-related materials and technologies and terrorist networks.

The civilised world is being convinced that this threat cannot be effectively dealt with only by applying traditional instruments of “soft” multilateral diplomacy (negotiations, conferences, treaty-building conventions and their respective review conferences, convened once every five or six years, etc.).

The PSI has reflected the urgency attached to establishing a more co-ordinated and active basis to prevent WMD proliferation. It has a potential to become a very useful supplement to the existing multilateral non-proliferation mechanisms.

Greater international involvement in the PSI objectives reflects the maturing acknowledgement by the world community of the need to strengthen the global treaty-based WMD non-proliferation regime with adequate enforcement tools.

By extending the application of enforcement measures on trade routes involved in illicit trafficking in nuclear, chemical and biological weapons and their means of delivery, the Proliferation Security Initiative has strengthened non-military enforcement mechanisms of export controls regimes. PSI capabilities are helping to deter proliferators and their facilitators

²⁹ S/RES/1566 (2004). In 2003 on the Russian proposal the UN General Assembly adopted resolution A/58L.67/Rev.1. It reaffirmed the need for all the UN members to fulfil their obligations in relation to arms control and disarmament and to prevent the proliferation in all aspects of weapons of mass destruction, underlined the need to strengthen the capacity of the UN in the areas of peacebuilding and peacekeeping and called for the building of consensus among member states in defining the scope, orientation and needs of such capacity in the light of current and evolving challenges and threats to international peace and security. The UNGA established a High-level Panel on Threats, Challenges and Change to prepare a fundamental review of the collective security system. See note 7.

³⁰ The Russian Federation originally introduced its draft to the UN in 1997. The Convention opens for signature on 14 September 2005. It needs 22 ratification instruments to come into force.

³¹ In September 2004 on the Russian initiative the EAEC adopted Model Control Lists and General requirements for the Implementation of export controls.

from violations of the existing international and national export control regimes of items, which can be used to produce WMD.

The UN Security Council is well placed to play a more active role in enforcing non-proliferation rules. The unanimously adopted UNSCR 1540, which includes a call to all states to combat through international co-operation the illicit trafficking and brokering in WMD items, has established necessary legal frameworks for taking coercive actions against proliferators and their facilitators in support of interdiction efforts regarding WMD-related cargoes. This practice is likely to expand.

Further development of UNSCR 1540 through its review process, exchanges of information regarding violations of export control laws and regulations would strengthen the UN ability to enforce the WMD non-proliferation rules. The UNSC should be kept informed of PSI developments and interdiction activities. A formal mechanism should be established for regular co-ordination with the UNSC in order to strengthen the legal basis of interdiction actions undertaken under the PSI umbrella. States should report to the UNSC appropriate information about such actions. The UNSC ought to have a standing capability for WMD investigations. It is noteworthy that the 1540 Committee has initiated work in inter-organisational co-operation (e.g. with the IAEA and OPCW).

The expanding coalition of states capable and willing to implement enforcement measures (under the UNSC auspices) against those who misuse international commerce for WMD proliferation purposes has been the result of new political and strategic circumstances in the world.

Further broadening of international consensus on “interdiction principles” for WMD-related cargoes in the context of the overall co-operative effort to strengthen the global WMD non-proliferation regime will serve to enhance the political legitimacy of the PSI operations. Compliance with the PSI interdiction rules is certain to strengthen the barriers against the spread of the most dangerous weapons. More states should be encouraged to join the voluntary Proliferation Security Initiative. Successful PSI activity would facilitate the establishment of an effective international safeguards system in the field of international shipments that would protect members of the world community and, above all, the states that are fulfilling in good faith their commitments to forgo WMD. On the other hand, the violators would feel the counter-proliferation punch.

The RF joined the core PSI group, because the objectives of the PSI partnership correspond to Russian fundamental national security interests. As a member of the PSI Russia proceeds from the assumption that the PSI interdiction activities should not create obstacles to the legitimate interstate economic and scientific co-operation and be consistent with international law, including UNSCR 1540. Russia advocates the building-up of efforts to counter the dangers inherent in the spread of WMD and their link with terrorism, with the UN and its Security Council playing a central co-ordinating role.

Russia has the ability to make effective contributions to PSI activities. As a flag, coastal and transshipment state located close to proliferation pathways (stretching from the Near East to the Korean Peninsula) Russia is in a position to play a unique role in international co-operative efforts to prevent illegal shipments of WMD-related equipment and materials.

Joint training and other forms of practical co-operation in the area of interdiction exercises under auspices of the PSI have been recently in progress within the framework of the NATO-Russia Council (NRC). The Council’s facilities have been used to scrutinise shipments in the Mediterranean of WMD-related components to and from terrorist groups.

It is significant that, speaking at the meeting of the Security Council of the RF on 28 January 2005, President Putin stated that Russia and NATO were planning to work on issues of interoperability of the Russian and NATO military forces. Amongst priority tasks in this connection he cited countering terrorism and proliferation of WMD. Putin underlined

Russia's readiness to bring forward the interaction with NATO to a higher level and deepen the co-operation in the military-technical area.³²

As other major exporting nations, Russia is to strike a balance between security needs and the benefits which the exports of nuclear and other dual-use technologies provide and reconcile the interests of the related industries as well as specific geopolitical regional stakes to the requirements of the updated Anti-proliferation strategy. In the opinion of the author, national and international security interests should have priority over narrow commercial or other private objectives. It is of crucial importance that while Russia is involved in the process of reducing its nuclear weapon arsenals, which it has to do, including on economic and technical grounds, international strategic stability is not undermined and no additional states possessing WMD emerge. Russia has already had experience with the worsening regional conflicts and terrorism and has much to lose by further spread of WMD. The majority of current and potential proliferators, capable of challenging Russian interests in the foreseeable future, are situated along the perimeter of the CIS frontiers, in volatile regions, which are characterised by military-political instability and tension.

It is pertinent to refer in this connection to the current National Security Concept (NSC) of the Russian Federation, adopted in 2000. The document stipulates "*a continuing objective communality of interests of Russia and other states in this field*" and favours ensuring "*international control over dual-use goods and technologies*".³³ It is noteworthy that an updated version of the NSC is being currently worked out under auspices of the Security Council of the RF. The paper is likely to be finalised by the end of 2005. The document cannot but take into account the growing challenge of WMD proliferation and respond to the need for a more dynamic and active international approach to this problem in the light of new security threats.

Building-up both consensus among UN member states and the UN capacity to bring to justice WMD traffickers and their facilitators will constitute an effective response to the challenge they pose to international stability. However, this is a difficult and complicated process both in political and technical respects requiring considerable efforts from many states. One should not underestimate the negative impact on co-operation in this sphere of the differences in the area of non-proliferation strategy existing in the international community, within NATO, in the Russian-American relations and Non-Aligned Movement, as well as between principal regional powers with conflicting perceptions of their security needs.

There is a need to secure wider United Nations involvement in the PSI-related activities, as a number of states still have reservations about the PSI. The PSI partners will have to exert themselves to extend the membership and secure broader international support of interdiction efforts, in order to transform the current informal voluntary PSI arrangement into an integral component of the global strategy of the world community for strengthening multilateral non-proliferation and export control regimes.

However, one cannot hope to achieve longstanding non-proliferation goals only by applying the enforcement diplomacy. It is necessary to effectively address the whole range of motivations by stimulating states to forgo the means of mass destruction. Therefore, much would depend on the progress in other, related fields, such as general nuclear disarmament, successful resolution of regional conflicts, building-up the UN overall peacebuilding potential, etc.

³² URL <http://www.kremlin.ru/> (accessed January 8, 2005).

³³ *Russia: Arms control, disarmament and international security*, compiled and edited by V. Baranovsky and A. Kaliadine, Moscow, IMEMO, 2001, p. 60.

List of published studies and papers

All papers and studies are available as pdf-files at the Commission's website: www.wmdcommission.org

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