Proliferation Security Initiative: An Assessment

G. S. Khurana

Abstract

Proliferation of WMDs is a grave threat to mankind, be it their flow to 'irresponsible states' or to terrorists. Charged by its perception of vulnerability, the US has initiated the Proliferation Security Initiative; seeking involvement of 'key' states for interdiction of 'suspect ships' at sea. In its present form, PSI is contrary to the principle of 'Freedom of the Seas'. Further, its operational efficacy is doubtful and it has an escalatory potential. However, bilateral arrangements as an extension of PSI may lawfully supplement global non-proliferation efforts. A 'larger' comprehensive solution lies in greater UN involvement and segregation of the threats.

— * —

Introduction

What propels some states to seek Weapons of Mass Destruction (WMDs)? The propelling factors include security concerns or insurance against coercion. Whatever be the factors, the fact is that global technology denial regimes have been ineffective to stop the spread. Explicit examples of nuclear proliferation among states have recently come to the fore such as the case of the Pakistani scientist discovered to be the core of a well-established clandestine network. About 20 and 10 states respectively are reported[1] to have continued to pursue clandestine Chemical and Biological Warfare (CBW) capabilities. The possibility of secret efforts and false declarations by signatories cannot be ruled out. Challenge Inspections have not been carried out so far to verify compliance of the Chemical Weapons Convention (CWC)[2] and procedures are still being worked out to verify adherence to the Biological Weapons Convention(BWC).

9/11 has demonstrated the perilous nature of the threat from terrorism. Today, the proliferation of WMD material and technology from states of concern to non-state agencies threatens the world. As early as 1998, Osama bin Laden had publicly evinced interest in WMDs and declared that acquiring unconventional weapons

Strategic Analysis, Vol. 28, No. 2, Apr-Jun 2004

Revised paper received on May 17, 2004

was "a religious duty."[3] The 1995 sarin nerve agent attack in the Tokyo subway and anthrax spores sent via US mail in October 2001,[4] though limited in scope, are 'not-too-historic' examples. Current detection techniques for CBW agents are 'reactive'; they do not 'fore warn'.[5] Fears exist that nuclear weapons may fall into the hands of terrorists. Radiological dispersal devices, commonly called dirty bombs, are more within their reach. Numerous cases of confirmed nuclear smuggling involving weapon-usable material[6] reinforce the eerie thought among some security specialists of such an attack being 'overdue'.

Sea as the Medium

Over 80 per cent of the world's trade involves ocean transit, being the most inexpensive mode of transportation. Transfer of WMD agents and their means of delivery normally by sea is attractive due to ease of concealment within a ship and obscurity that the freedom of the seas assures. Containerisation of sea-borne trade and resort to Flags of Convenience (FoC) compound the threat.[7] Al Qaida is known to maintain a secret shipping fleet registered in FoC states, allowing it to hide ownership and transport WMD material with little official scrutiny.[8] Instances of maritime interdiction of WMD transfers in the recent past include: seizure of the North Korean ship *Ku Wol San* in 1999 by Indian authorities at the Kandla port carrying missile components and related blueprints to West Asia and Pakistan; interception of the freighter *So San*[9] in 2002 by joint US-Spanish efforts while carrying Scud missiles from North Korea to Yemen; and *BBC China* carrying centrifuge parts to Libya. With piracy having dramatically increased in Asian waters,[10] hijacking of vessels carrying nuclear, chemical or biological material is an additional threat to be reckoned with.

The Proliferation Security Initiative

After 9/11, USA initiated an approach to deal with threats 'at source' with the Container Security Initiative (CSI)[11] and airport security measures.[12] Uneasy with the 'fruitless' outcome of interception of the freighter *So San*, US launched the PSI in May 2003 as a 'short-cut' to deal with both the supply and demand sides of global trafficking by state and non-state actors in WMDs. However, operational procedures based on the 'interdiction principles' are still unclear. The initiative entails sea interception[13] of all 'suspect' ships irrespective of their flag, either in internal waters, territorial seas or the high seas, by joint forces of PSI participants, guided by their combined intelligence effort.

There is tacit acceptance by USA of the 'inadequacy' of traditional non-proliferation regimes and a new, greater stress on counter-proliferation strategy.

This is reflected in President Bush's 7-point agenda[14] of February 2004. India has endorsed the view that the existing non-proliferation order is insufficient and "collective action involving efforts and resources of the international community is necessary"[15] However, India is likely to be cautious in regard to the first of the 7-point Action Plan, the PSI. The initial strength of PSI was 11 and six other states have since joined in.[16] Most of these are US allies and NATO members. After the proliferation network centred on Pakistan was disrobed, the initiative is being pushed with renewed vigour. The US is keen on key states[17] joining the initiative, including India, as expressed in a 'non-paper' last year. [18]

Appraising the PSI

Though the basic aim of PSI may be seen in the post-9/11 context, a broader appraisal of this initiative is essential. There is a perceived threat to free trade in weapons and chemical, biological as well as nuclear items, even if these are intended for benign use. Non-PSI states may find themselves displaced as exporters in favour of the US and its PSI partners who would eventually monopolise such trade.[19] The initiative may even be expanded to espionage of potential 'adversaries', under the pretext of a mere suspicion of WMDs in transit.[20]

Treading Law?

The US Secretary for Arms Control, John Bolton, is reported to have said that action taken under the PSI will be consistent with international law.[21] However, arbitrary interception of foreign vessels on the high seas in the name of PSI violates the historic principle of the 'Freedom of the Seas' that is vital for global trade and is the main plank of the customary international law.[22] The US has always asserted this principle.

Customary international law and UNCLOS (Article 110) may be interpreted[23] to permit the crew of a warship to board a foreign merchant ship on the high seas only if a ship is engaged in piracy, slave trade and unauthorised broadcasting; or is reasonably suspected of being without nationality or the power to board is granted by a treaty between two states. Even in case of drug trafficking, UNCLOS (Article 108) provides for interception of a foreign vessel, only "in case of request to the flag state", i.e., under a bilateral arrangement.[24] A recent Protocol [25] (which entered into force on January 28, 2004 as a follow-up of UN Convention against Transnational Organised Crime on September 25, 2003) permits "state parties other than the flag-state to board, search or take other appropriate action against vessels suspected of being engaged in smuggling of migrants by sea". Interception of foreign vessels in any other case is tantamount to a belligerent act.

Certain questions pertaining to PSI highlight several ambiguities,

- Who are these 'States of Concern'? Of concern to whom? If all states are 'equal' and 'equally sovereign' in the UN, what is the legal sanctity of such a 'tag'?
- On interception of a vessel, how would the 'intent of end-use' for a dual-use commodity be determined? Or would it be seized anyway, thus possibly criminalising a legitimate transportation?
- Can shipments to states not party to the BWC or the CWC be legally interdicted even if such chemicals/pathogens are destined for CBW use? Applies also to nuclear material originating 'from and destined for' non-NPT states and missile shipments relating to MTCR non-signatories?
- Does PSI have a legal provision for compensation/commercial liability in case of a 'false-call', loss or damage during interception of a vessel?
- Would it not initiate an uncontrollable chain-reaction with powerful states picking on vital trade of adversaries and declaring it to be 'of concern'?

To 'shake off' the confines of Article 110, USA sought to take advantage of the text of the Article, "*Except where acts of interference derive from powers conferred by treaty…*", and introduce a draft protocol to IMO's SUA Convention to criminalise transportation of WMDs by sea. The IMO Legal Committee that concluded its 87th Session in October 2003 accepted the WMD threat of terrorists. However, the draft was rejected.[26] Many delegations said that IMO/SUA conventions were not appropriate instruments to deal with non-proliferation issues.[27]

The US Administration insists that PSI is consistent with and a step in the implementation of the UN Security Council Presidential Statement of January 31, 1992[28] that states that WMD proliferation is a threat to international peace and security. Does this statement extend the authority to a few states for arbitrary interdiction on the high seas when carrying weapons *per se* (even nuclear weapons), is not a violation of international law. If US quotes UNCLOS Article 88, "The high seas shall be reserved for peaceful purposes", the undefined word 'peaceful' is clearly being used to advantage by asserting that weapons trafficking is not peaceful while maintaining that its nuclear-weapon-bearing warships criss-crossing the oceans maintain the right to 'freedom of the seas'. Even if such 'double-standards' are to be ignored, the question still arises: which state(s) would have the legitimate authority to enforce it on the high seas?

Even by sourcing its justification from Article 51 of the UN Charter (the right of individual or collective self defence), PSI stands invalid, even if applied to the ongoing 'War on Terror'. First, an 'anticipatory' measure is contrary to the wording of Article 51, i.e., "if an armed attack occurs". Secondly, if the interpretation supports anticipatory self-defence to counter a clandestine terrorist attack or a surprise missile attack by an 'irresponsible' state, the 'imminence' of such an attack cannot be assessed by objective criteria. Thirdly, the second sentence of the Article stipulates that "measures taken in self-defence are to be immediately reported to the Security Council", thus implying that such measures are subsidiary to those mandated by the UN. Overall, PSI is contrary to the purpose of the UN which is to minimise the unilateral use of force in international relations.[29] Can the UN's so-called 'failure' to manage non-proliferation be a justification for a 'self-help' measure?'[30] An attempt to convert it into collective action among the 17 or more 'subsets of a hyperpower' would make it nothing more than 'collective unilateralism'.

Operationally 'Effective' or 'Escalatory'?

PSI has been given credit for some recent successful interdictions.[31] But by 'slicing tips off icebergs', the lurking threat below may be far from being vanquished. If the interception force of PSI states may be termed the 'hunters' and the suspect vessel engaged in proliferation of WMDs, the 'hunted', a number of issues on operational effectiveness arise:

- Identification at sea has always been a major dilemma and an irritant for the 'proactive'. Even with the most effective intelligence capabilities of the hunters, is it feasible for a handful of states to effectively identify the hunted in the sea-lines congested with mercantile traffic?
- The hunted may be assumed to avoid the shortest, cost-effective sea-route. Can the hunters then detect their target in the expanse of this 'watery planet'?[32]
- Will the hunters act with impunity if the hunted have planned their passage (or a major part of it) through territorial waters of a state while invoking the right of 'innocent passage'? Such an interception within territorial waters, besides being unlawful,[33] will invite self-preservation counter-measures from the coastal state.
- For 'warships'[34] and government vessels in non-commercial service either at high seas or passing through the territorial waters of a coastal state,

UNCLOS recognises 'sovereign immunity'.[35] What prevents a state, especially a militaristic one like North Korea whose economic survival depends upon 'sale' of missiles, to employ its naval vessels, without apprehension of an interception?

- The only 'military' solution would be a maritime quarantine of the state of proliferation concern. This may lead to a war, which may spin out of control.

In addition, PSI has no answer to proliferation across the land route. If a Russian or a Ukrainian firm seeks to ship WMD components to Iran via a CIS state west of the Caspian Sea, the transit state would lack the legal basis to block the transfer. Overall, PSI is a legally questionable half-measure with the potential for escalation of the threat, further heightened by an implicit focus on North Korea- either its nuclear weapons programme, or the regime itself.

The Way Ahead

Non-PSI states are cautious in regard to PSI, since even within PSI partners, divisions exist on legal aspects and the means to be employed.[36] For example, Canada's contribution to PSI interdictions would be "on a case-by-case basis".[37] As in the *So San* case, affecting a seizure of cargo in the future may be a dilemma guided by national priorities of the interdicting state, and may even be a source of conflict among PSI states. Russia has also decided to join the initiative on May 31, 2004.[38] Though an unexpected move, its incisive analysis yields interesting results. Moscow declared that its support is *conditional* on PSI actions not violating international law. Thus, by ruling out unlawful interdiction of foreign-flagged vessels, Russia's move *hardly reinforces the PSI*. While Russia's stand is maintained to be in consonance with that of the larger international community opposed to PSI's flouting of international law, its joining the initiative mutes the US accusations of it being a proliferator. Besides, by its statement, "We assume that actions within this initiative should not and will not create obstacles to legal economic, scientific and technical cooperation," it is unlikely that Russia's joining the PSI would adversely affect its nuclear interactions with Iran and Syria, *if not actually facilitating the process on ground*. China vehemently opposes PSI, though not officially negating the possibility of joining; through Track II channels, it asserts "it would neither be the first, nor the last to join PSI".[39] Considering that it is a permanent member of the UN Security Council, the US would find it difficult to obtain a Security Council resolution supporting the PSI.

Kofi Annan said during his address to the UN General Assembly in September 2003:

> "… it is not enough to denounce unilateralism, unless we face up squarely to the concerns that make some States feel uniquely vulnerable…We must show that those concerns can, and will be addressed through collective action…and we must not shy away from questions about the adequacy, and effectiveness, of the rules and instruments at our disposal." [40]

His statement implies that counter-proliferation efforts must be based on globally coherent interests that would naturally encompass the US security interests too.

Ushering UN Role

The UN is perhaps the only multilateral institution endowed with legitimacy and global trust. It is unfortunate that IMO's Legal Committee could not agree to include provisions to counter WMD proliferation within the SUA Convention due to focus on *states*, rather than recognising the threat from *non-states*. UN Security Council Resolution 1540 has recently been adopted "prohibiting non-state actors from getting WMDs"[41]. Notwithstanding that its draft was introduced by the US and UK, aimed at obtaining a greater legitimacy for PSI and that India and some other states were opposed to it[42] out of concern that it could imply arbitrary use of force against the states 'accountable' for actions of non-state actors, it is nevertheless heartening to note its symbolism for the need to bisect the threat since solutions likely to cater for state threats, may not be effective with respect to non-state ones. Consensus in the Security Council for military involvement of the UN (assertion of Article 42 of the UN Charter) to counter proliferation by states may not be possible. However, a resolution by the UN General Assembly with a two-third majority may be possible, which could call for North Korea (and other states of proliferation concern as may be necessary in the future) to resist proliferation. Non-compliance could be declared as a threat to international peace and security and military means may be lawfully adopted.

In addition, strengthening of UN 'watchdog' agencies with greater diplomatic, financial and intelligence measures must occur. Stricter enforcement of export-controls and inspections would also be necessary.

Revision of UNCLOS

In 1609, Hugo Grotius[43] published his classic study *Mare Liberum*, which expounded the concept of the freedom of the seas that forms the basis of the current Laws of the Sea. Is this 'classic' principle valid today in its entirety? The principle is still vital to ensure unhindered global commerce. Also, by upholding that, "no one country can monopolize control over the oceans,"[44] it addresses the sovereign rights of nation-states. However, in the light of current threats, it needs

to be 'scaled down' while codifying laws to deal with non-state threats. UNCLOS is ill-equipped to deal with such threats because the framers of the convention never envisaged modern crimes. The relevant portion of the Geneva Convention on High Seas adopted in 1958, addressed piracy and slave trade as the only major non-state maritime concerns 'of those days' that threatened humanity. These were 'lifted without much ado', to form Articles 99 to 108 and 110 of UNCLOS, now supplemented by the SUA Convention that includes human trafficking. There is therefore, a pressing need to tune UNCLOS to meet modern challenges. Joint patrols, intelligence sharing and other means are being seriously pursued at the regional level to curb piracy.[45] While these may address the threat of pirate attacks of vessels ferrying dual-use material that could be employed to construct WMDs, laws must authorise states to combat not only piracy, slave trade and human-trafficking as hitherto, but also all maritime threats including proliferation of WMDs involving non-state actors. As in case of UN resolution 1540, consensus to revise the UNCLOS is feasible.

Bilateral Arrangements

PSI may be useful to supplement efforts to counter WMD proliferation. But it needs the consent of Flag states for sea interception. Some states like Panama, Honduras and Liberia (Pan-Ho-Lib) form the bulk of mercantile traffic by virtue of FoC registrations. As in case of the UNCLOS provision to counter drug trafficking through bilateral arrangements, pacts between these 'FoC' states and PSI participants may be effective. The 10 largest commercial-shipping flag states encompass about 70 per cent of maritime trade.[46] With such agreements, a large proportion of the world's shipping would be covered. The US has already cemented one such understanding with Liberia which has the world's second largest ship registry (1,500 ships)[47] and, more recently with Panama, the largest FoC registry state, accounting for nearly 10,000 vessels.[48] The arrangement establishes modalities to board a suspect vessel after obtaining the Flag State's consent. It also contains provisions for disposition of the seized items.[49] Though not a comprehensive solution, it deserves to be encouraged. The same is true for over-flight denial agreements being negotiated bilaterally.

Conclusion

Non-proliferation regimes have been inadequate from the start since they did not address the motivations of states that seek WMDs. Secondly, these regimes were flawed and based upon narrow interests of a few powerful states. Most non-nuclear states conceded under 'duress', to sign up to nuclear denial regimes,

as a *quid pro quo* for access to peaceful nuclear technology and with the hope that the complete eradication of nuclear weapons would eventually be achieved. However, such weapons continue to remain entrenched in the security doctrines of nuclear states. The disparities created by the powerful states were amplified and fuelled by their hegemonic actions, with PSI being one of them. UN's involvement therefore becomes necessary to provide international legitimacy and transparency.

It would not be prudent for India to join the PSI, at least for the present, when the international community's disillusionment with US policies is growing. However, at a later date, if a *quid pro quo* from the US (eg. a formal recognition of India's nuclear-power status) outweighs the advantages achieved through staying out of it, accession to PSI could be considered. An agreement to participate must however be accompanied with the declaration that the freedom of navigation on the high seas conferred upon by customary international law / UNCLOS would be upheld. Till that time, Russia's actions within PSI and China's stand on the issue needs to be monitored. In any case, it is most unlikely that new states would join PSI before the US elections are over. One question also needs clarification: Does US want India (and other new entrants) to be a part of the core PSI grouping with equal accessibility to intelligence or be a supporter from the periphery while contributing assets? Further, how do these two alternatives bear upon India's national interest?

References/End Notes

1 Sands, Amy, "Deconstructing the Chem-Bio Threat". CNS, Monterey Institute of International Studies, March 19, 2002 at http://cns.miis.edu/pubs/reports/asands.htm

2 Tucker, J.B., "The Conduct of Challenge Inspections under CWC". Proceedings of an Expert Workshop. May 29-31, 2002 at http://cns.miis.edu/cns/projects/cbwnp/pubs/cwc02.pdf

3 http://www.acronym.org.uk/docs/0301/doc04.htm

4 Tucker, J.B., "Biosecurity: Limiting Terrorist Access to Deadly Pathogens". US Institute of Peace, November 2003 at http://www.usip.org/pubs/peaceworks/pwks52.html

5 Kosal, Margaret E., The Basics of Chemical and Biological Weapons Detectors. Monterey Institute of International Studies. November 24, 2003.

6 "UN Policy Working Group Report on UN & Terrorism". August 06, 2002 at http://ods-dds-ny.un.org/doc/UNDOC/GEN/N02/512/97/IMG/N0251297.pdf?OpenElement

7 http://www.amo-union.org/Newspaper/Morgue/11-2001/Sections/News/foc.htm

8 The *Washington Post* reporting on Al Qaeda's 'phantom-fleet', cited the difficulties of tracking the vessels given the constant practice of their re-naming, re-painting and re-registering. See Al Qaeda's 'Navy': How Much of a Threat? Center for Defense Information, August 20, 2003.

9 The Cambodian-registered vessel So San, sailing without a banner was carrying 15 Scud missiles concealed under bags of cement. It was intercepted by US and Spanish forces but was released following protests and assurances from Yemen. See http://www.al-bab.com/yemen/artic/mei90.htm

10 http://www.thehindubusinessline.com/2003/11/17/stories/2003111700030.htm and http://news.scotsman.com/latest.cfm?id=2461349

11 CSI was launched in Jan 02. It entails examination of maritime containers at foreign ports by US Customs officials in concert with their host-nation counterparts, before being shipped to US ports.

12 Scrutiny of passengers travelling to the US before boarding the flights at foreign airports by US DHS officials. See *The Times of India.* New Delhi. March 3, 2004. p 12

13 The PSI also aims to interdict aircraft, which would involve a complex web of treaties and domestic law and is beyond the scope of this paper.

14 http://www.foxnews.com/story/0,2933,111088,00.html

15 "India welcomes US call to check WMD proliferation". Press Trust of India, February 12, 2004 at http://www. indiaexpress.com/news/national/20040212-2.html

16 PSI initially included Australia, France, Germany, Italy, Japan, the Netherlands, Poland, Portugal, Spain, UK and US. In Dec 2003, Canada, Denmark, Norway, Singapore and Turkey joined in. On May 31, 2004, Russia also announced its intention to participate.

17 The favourable geographical location of some states along known proliferation routes and those that are neighbours to states of proliferation concern are *key states* in terms of PSI. Besides India, China is also a key state (with reference to North Korea).

18 *The Times of India.* New Delhi. March 17, 2004. p. 9

19 See Luis Gutiérrez Esparza, '*The Krakow Initiative: Another blow from Bush*' at http://www. wagingpeace.org/articles/2003/11/11_esparza_krakow-bush.htm

20 Ibid.

21 BBC News Online, September 5, 2003

22 Though the US is not parties to UNCLOS, it adheres to it, bound by its principles that generally reflect customary international law. North Korea, Libya, Iran and Syria have also not ratified the treaty. http://www.un.org/Depts/los/general_assembly/documents/oandlos4march04.pdf

23 Shearer, A., Problems of Jurisdiction & Law Enforcement Against Delinquent Vessels. *In* Hugo Caminos *Ed.* Law of the Sea. 2001. Ashgate Publishers. p. 443-444

24 Ibid.

25 "Advance Report on LOS for presentation by UN Secy General" at 59th General Assembly Session, (updated March 22, 2004) at http://www.un.org/Depts/los/general_assembly/documents/oandlos4march04.pdf

26 Report on LEG 87/17, Section-E at http://www.iadc.org/committees/offshore/Documents/LEG% 2087%20report.pdf. Information on the latest (88th Session) of SUA convention (April 19-23, 2004) is not yet available, yet it is unlikely that US would have succeeded. It is my inference that this led the PSI-states to seek the UN resolution (1540) to prevent WMD access to non-state actors. See no. 43

27 SUA was adopted to criminalize terrorist acts against ships at sea after the 1985 hijacking of the Italian ship *Achille Lauro*.

28 http://www.state.gov/t/np/c10390.htm

29 Simma, Bruno (Ed.), The Charter of the UN: A Commentry. 1994. Oxford University Press.

30 http://www.crawfordbroadcasting.com/~cbc/Stand_Archives/PSI.pdf

31 In June 4, 2003, US Under Secretary Bolton cited the combined French and German effort to intercept sodium cyanide "likely bound for North Korea's chemical weapons program," as an example of PSI's success. http://cns.miis.edu/pubs/week/030716.htm. He also indicated that through the interdiction of the ship *BBC China*, carrying centrifuge parts to Libya, PSI was a major factor in convincing Libya to renounce its WMD programs. http://www.nuclear.com/n-weapons/PSI_news.html

32 Admiral Walter Doran CINCPAC, talked to reporters in October 2003 on "situational awareness about what's moving on the ocean to stop unwanted shipments" and admitted that, "At this time, we don't know enough," http://www.armscontrol.org/act/2003_11/PSI.asp

33 UNCLOS assures the right of 'innocent passage' through territorial waters of any coastal state to all ships regardless of cargo carried, to the extent of even "carrying nuclear or other inherently dangerous or noxious substances" (Art. 23). In the Corfu Channel Case (United Kingdom v. Albania, ICJ Reports, 1949), the case was decided in favour of British warships crossing the straits controlled by Albania. The Albanians were ordered to compensate for damages caused by mines. Though the decision dealt with warships, rather than merchantmen carrying weapons, and straits, as opposed to territorial waters, the case stands for the idea that ships outfitted for war, or bearing weapons, have a right to innocent passage so long as they mean no harm toward the coastal state.

34 UNCLOS Article 29 defines 'warship' as "a ship belonging to the armed forces of a State…under the command of an officer duly commissioned by the government of (that) State…and manned by a crew which is under regular armed forces discipline.

35 UNCLOS Article 32 says that during innocent passage through territorial waters of another state, till such time a warship abides by rules given in Section 3 (a) and Article 30, its immunity is assured, wherein use of force cannot be employed against it. Failing these conditions, "the coastal State may only require it to leave the territorial sea immediately". This immunity is also confirmed on the high seas and

EEZ through UNCLOS Articles 95/96 and 58 (para 2) respectively. A Shearer, no. 23, p. 459. See UNCLOS Article 236.

36 Boese, Wade, "Interdiction Initiative Participants Agree on End, Differ on Means", *Arms Control Today*. November 2003 at http://www.armscontrol.org/act/2003_11/PSI.asp

37 http://www.dfait-maeci.gc.ca/arms/psioverview-en.asp

38 Press release of Russian Ministry of Foreign affairs at http://www.ln.mid.ru/brp_4.nsf/0/ 04c5b5151a820d05c3256ea500504fe3?OpenDocument

39 Proceedings of the symposium on "Sea-lane Security in Asia-Pacific", conducted by CICIR, Beijing, April 13-14, 2004.

40 UN Secretary General's address to UN General Assembly, Sep 23, 2003. http://www.fcnl.org/issues/item.php?item_id=494&issue_id=35

41 See "*India Won't be Bound by UN Nuclear* Diktat", *TOI*, Apr 30, 2004. http://timesofindia. indiatimes.com/articleshow/649453.cms

42 Pak Opposes US draft on WMD. *Indian Express*. New Delhi. April 24, 2004. p. 7 and India, Pak Fight US Over N-proliferation. *The Times of India*. New Delhi. April 24, 2004. p. 13

43 http://oregonstate.edu/instruct/phl302/philosophers/grotius.html

44 Ibid.

45 India recently proposed for a joint-patrolling in the Indian Ocean with Singapore, Thailand, Australia and the Philippines (who have agreed in principle) to check piracy, gunrunning, narco-trafficking and other terror threats to commercial sea-lines. *Indian Express*. New Delhi. March 16, 2004, p 1.

46 http://www.uknow.or.jp/be/ukview/speeches/speeches/SP000439_1__e.htm

47 Press Statement by Richard Boucher, Spokesman, US Department of State, February 12, 2004. http://www.state.gov/r/pa/prs/ps/2004/29338.htm

48 http://www.cnn.com/2004/WORLD/americas/05/11/panama.ship.ap/index.html

49 Esper, M.T. and C.A. Allen, The PSI: Taking Action Against WMD Proliferation. *The Monitor*. CITS. Spring 2004, **10** (1) 5 at http://www.uga.edu/cits/documents/pdf/monitor/monitor_sp_ 2004.pdf

Cdr G. S. Khurana is a Research Fellow at IDSA. His research interests include Maritime Security and Laws of the Sea. A Missile Warfare and Gunnery specialist of the Indian Navy, he has held many command and staff appointments.