

INDIA LOOKS SEAWARD: THE CASE OF THE PROLIFERATION SECURITY INITIATIVE: INDIA LOOKS SEAWARD

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A “Global Prohibition Regime” in the Making?

The Proliferation Security Initiative, or PSI, is not an international organization in the traditional sense. It is a loose consortium of some eighty states dedicated to interdicting the transport of weapons of mass destruction (WMD), ballistic missiles, and the makings thereof – generally at sea, although the PSI’s founding document, its Statement of Interdiction Principles, also contemplates interdiction on shore or aloft.¹ Citing the initiative’s lack of any formal structure, administrative machinery, or membership procedures, its spokesmen seem never to tire of declaring that the initiative is “an activity, not an organization.”² And indeed, there are no “members” of the PSI, only “participants” that publicly or privately avow their support for the Statement of Principles and act accordingly.

A “Global Prohibition Regime” in the Making?

The Statement of Principles commits members to take “effective measures, either alone or in concert with other states, for interdicting the transfer or transport of WMD, their delivery systems, and related materials to and from states and non-state actors of proliferation concern”; to exchange information among themselves about suspected proliferation activity; to work to strengthen national and international law to bolster jurisdiction over weapons-related shipments; to “seriously consider” allowing fellow members to board vessels registered under their flags when these vessels are suspected of carrying weapons-related items; and to take “appropriate actions” to interdict suspect cargoes at sea, ashore, and aloft.³

The PSI may not always remain such a loose arrangement. The logic behind this informal counterproliferation initiative, which was founded in keeping with the Bush administration’s predilection toward “coalitions of the willing,” seems to be that, over time, a sizable though not universal group of states can build a new norm against the transport of nuclear, biological, and chemical weapons, ballistic missiles, and related items. If so, this mode of counterproliferation could ultimately be codified in international law by means of a treaty or a UN Security Council resolution. Trafficking in proliferation-relevant goods and substances would take its place among such scourges as slavery and piracy, which were first stigmatized, then suppressed through great-power naval action, then finally banned outright.

While policy-makers such as the PSI’s framers rarely speak in such theoretical terms, the initiative bears closer resemblance to what international-relations theorists call a “regime” – namely a set of

1 White House, “Proliferation Security Initiative: Statement of Interdiction Principles,” Fact Sheet, September 4, 2003, U.S. State Department Website, <<http://www.state.gov/t/np/rls/fs/23764.htm>>. Only in late 2006 did the PSI finally disclose which states are “participants” – there are no “members” – in its counterproliferation efforts.

2 Robert G. Joseph, “Broadening and Deepening Our Proliferation Security Initiative Cooperation,” remarks in Warsaw, Poland, June 23, 2006, U.S. State Department Website, <<http://www.state.gov/t/us/rm/68269.htm>>.

3 White House, “Statement of Interdiction Principles.”

implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given interest area – than it does to an international organization.⁴ The PSI displays the characteristics of a subcategory of regimes known as “global prohibition regimes.” Both in domestic and international law, such regimes enjoin state and non-state actors from taking part in particular activities – in the case of the PSI, transportation of items destined for WMD programs.⁵ Older, better-known prohibition regimes oppose piracy, slavery, and drug trafficking.

Ethan Nadelmann argues that such regimes only arise when national and bilateral law-enforcement measures prove themselves inadequate to defeat criminal activities spanning national borders.⁶ The international community's experience with WMD trafficking, exemplified by the evidence uncovered by UN inspectors in Iraq and the cracking of the A. Q. Khan network, seems to have convinced the founders of the PSI that existing non- and counterproliferation initiatives had failed. In itself the PSI may not qualify as a global prohibition regime, but it may be part of an emerging one when considered alongside UN Security Council Resolution 1540; statements from the UN secretary general urging universal participation in the initiative; the amendments to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention) approved in late 2005; and earlier declarations of purpose from bodies such as the G-8 and the European Union.⁷ Nadelmann posits four stages through which prohibition regimes take shape:

1. *Legitimate...Sort Of.* In the initial stage, the activity later targeted for prohibition is considered legitimate under certain conditions and within certain circumscribed groups. The five nuclear weapon states officially recognized under the Nuclear Non-Proliferation Treaty (NPT) might qualify as such an exclusive club, since they maintain types of weaponry forbidden to others. (The NPT, of course, envisions eventual global prohibition of nuclear arms.)
2. *Stigma.* The activity is next redefined as a problem. Discoveries about Iraq's WMD programs from 1991 onward, for example, prompted the international community to take the problem of weapons-related transactions more seriously. The cracking of the A. Q. Khan proliferation ring, a “gray-market” network that abetted nuclear-weapons programs in multiple states, lent further credence to the notion that proliferation posed a common threat.
3. *Lobbying...and Ad Hoc Action.* Proponents of forbidding the activity take to arguing publicly in favor of suppressing and outlawing it. Arguments for quashing proliferation, by forcible means if necessary, have become more and more commonplace in recent years. These arguments have found policy expression primarily through UN activities, but also through more active measures such as the PSI.
4. *Outright Ban.* Once regarded as legitimate in some cases, the activity ends up as a subject of domestic criminal law and police enforcement activity throughout much of the world.

4 Stephen D. Krasner, ed., *International Regimes* (Ithaca: Cornell University Press, 1983), 2.

5 Ethan A. Nadelmann, “Global Prohibition Regimes: The Evolution of Norms in International Society,” *International Organization* 44, no. 4 (autumn 1990): 479-526.

6 Nadelmann, “Global Prohibition Regimes,” 481.

7 UN Security Council Resolution 1540, April 28, 2004; United Nations, “Secretary General Offers Global Strategy for Fighting Terrorism in Address to Madrid Summit,” Press Release SG/SM/9757, March 10, 2005, <<http://www.un.org/News/Press/docs/2005/sgsm9757.doc.htm>>; “Revised Treaties to Address Unlawful Acts at Sea Adopted at International Conference,” Diplomatic Conference on the Revision of the SUA Treaties: 10-14 October 2005, Press Release, International Maritime Organization Website, <http://www.imo.org/Conventions/mainframe.asp?topic_id=259&doc_id=686#review>.

The PSI Statement of Interdiction Principles calls on participating states to use existing law to support interdiction activity on their soil, in their territorial waters, and in their territorial airspace, while also passing new legislation and working to bolster international law.

The PSI may furnish the vehicle by which a regime opposing shipments of WMD-related materiel reaches Nadelmann's fourth stage, becoming truly universal and embedded in national and international law. At this writing, as noted before, some eighty countries have endorsed the initiative's basic principles, while Security Council Resolution 1540, passed under Chapter VII of the UN Charter, directed UN member states to enact robust laws banning WMD trafficking. The PSI represents a mechanism for international police activity, regardless of whether military or law-enforcement means are used to prosecute an interdiction operation.

The Measurement Dilemma

Using an approach like Nadelmann's is one way to determine whether the PSI has made progress, and whether it qualifies as "effective multilateralism," as Bush administration officials have advertised.⁸ While such an indirect analytical approach is less than satisfactory, certain characteristics of the WMD trade and of the PSI render direct measurements of the initiative's efficacy problematic. PSI participants have shown a penchant for operational secrecy, disclosing little information about actual interdiction operations. Admittedly, they have been relatively forthcoming about military exercises undertaken under the initiative. While this secretive mode of operation makes a certain degree of sense given the intelligence and policy sensitivity of these operations, it has political pitfalls in terms of rallying more states behind the PSI principles, and it complicates efforts at independent analysis.

It is worth pointing out that the secretive outlook is not confined to the PSI. The multilateral export control arrangements, for instance, transact business in similar fashion. Nonproliferation supplier regimes like the Australia Group (AG) reveal few details about their efforts. How many export licenses AG members turn down on proliferation grounds each year and how many known proliferators AG members are able to stop by sharing information among themselves about license requests and denials is privileged information.

But even if the precise number of interdictions considered, attempted, and successful within a given time period were publicly known, this would still represent only a crude gauge of merit. Consider: the number of interdictions attempted would represent a percentage of WMD-related shipments detected (itself a number PSI participants would resist making public). In turn the figure for shipments detected would represent a percentage of all WMD-related shipments that take place – an unknown number owing to proliferators' proficiency at their craft. In this sense, the problem of assessing the effectiveness of the PSI and other counterproliferation and nonproliferation efforts resembles the measurement problem associated with counterterrorist efforts.⁹

Two similarities between counterterrorism and counterproliferation should be borne in mind when evaluating the PSI's effectiveness. First, judging an effort's efficacy by the percentage of acts it successfully stops – even if such a number were knowable – is problematic unless the percentage is one hundred. That is, stopping even a single catastrophic terrorist event or deadly weapons-related cargo

8 Robert G. Joseph, "Combating Weapons of Mass Destruction (WMD): Effective Multilateralism," prepared remarks to the Lawrence Livermore National Laboratory Conference on WMD Latency in Livermore, California, January 20, 2006 [remarks as prepared, delivered by Ambassador Donald Mahley], U.S. State Department Website, <<http://www.state.gov/t/us/rm/60218.htm>>.

9 Daniel Byman, "Measuring the War on Terrorism: A First Appraisal," *Current History* (December 2003): 411-16.

might justifiably be deemed a success if it averts devastating consequences. To take one obvious example, warding off the September 11 attacks would have constituted a huge success for the U.S. authorities, even had they missed other, lesser attacks. Some regard preventing centrifuge parts from reaching Libya as an accomplishment of enormous import, since it arguably helped induce Libya to abandon its WMD ambitions. Governments intent on slowing or halting the proliferation of WMD have shown themselves willing to dedicate significant resources – both political and financial – to such efforts, even if they judge the chances of success low, simply because of the stakes involved.

Second, efforts such as the PSI have a dual purpose. In part they strive to actually deny proliferators certain avenues of transportation, and in part they strive to deter traffickers from attempting to ship WMD-related cargoes in the first place. While this form of deterrence does not get at the underlying reasons for seeking WMD, it may increase the transaction costs for states and non-state actors, rendering certain capabilities unaffordable.¹⁰ Or, it may drive up the potential transaction costs for middlemen in proliferation networks to the point where they choose to pursue less risky endeavors or even to go straight.

But this revives the classic problem of deterrence: analysts seldom know whether the target of the strategy was deterred or whether it simply had no interest in pursuing the activity one was trying to deter. PSI actions, in other words, could fail in their deterrent mission because covert supply networks do not pass through areas where PSI supporters operate. Buyers of weapons-related technology may have imported enough hardware or know-how that they no longer need to risk taking delivery of international shipments. Or, proliferators may simply view the possibility of seeing their cargoes impounded as a routine cost of doing business.

Will the PSI Become Truly Global? The Case of China

That the counterproliferation norm underlying the Proliferation Security Initiative will take root is not foreordained. Just as a group of like-minded states can band together to generate new norms and, perhaps, international law over time, steadfast opponents can register opposition to emerging norms; a critical mass of states can prove indifferent, depriving new norms of any force; or events can intercede to render existing rules or norms moot. This makes the process of creating customary and treaty law an intrinsically messy one. While the initiative has made important strides given its youth – the Statement of Interdiction Principles was issued only three years ago – the future of counterproliferation activities of this sort remains uncertain.

Before moving on to India and the PSI, it is worth reviewing the case of China, a state whose central geographical position in East Asia, proximity to problem states such as North Korea, intelligence, law enforcement, and military capabilities, and standing as a permanent member of the UN Security Council would make it an ideal contributor to the PSI. In certain respects the cases of India and China resemble each other. Each is a rising Asian diplomatic, economic, and military power with considerable reserves of soft power; each is a traditional continental power turning its attention to the seas; each understands that the chief threats to its security in recent centuries have emanated from the sea; and, intent on economic development, each thinks in distinctly geostrategic terms about its oceanic environs. Beijing and New Delhi, moreover, have lodged similar complaints about the PSI. Thus reviewing China's stated attitudes toward counterproliferation could help illuminate India's own outlook and options in this area.

The United States and its PSI partners have been unable to push a resolution through the UN Security Council authorizing this form of counterproliferation. As noted previously, Security Council resolution

¹⁰ Scott Sagan, "Why Do States Build Nuclear Weapons? Three Models in Search of a Bomb," *International Security* 21, no. 3 (winter 1996/97): 54-86.

1540 directed UN member states to take a range of measures to curtail proliferation, but it stopped short of explicitly endorsing the PSI, in large part because of Chinese objections.¹¹ Beijing succeeded in having references to interdiction struck from the language of the resolution. Indeed, China's ambassador to the United Nations, Wang Guangya, openly boasted that "this interdiction [language] has been kicked out" of the resolution.¹² A Security Council resolution would have gone far toward alleviating China's ostensible legal concerns about the PSI, and it was in Beijing's power to make such a resolution a reality. Its effort to keep UNSCR 1540 from granting the authority for interdiction operations suggested that other motives were at work in Chinese diplomacy.

As a result, Bush administration spokesmen have been reduced to arguing that the "PSI and 1540 are complementary," rather than citing the resolution as unambiguous legal authority for PSI activities.¹³ Chinese accession to the initiative would bring the last of the permanent five members of the Security Council into the PSI's core group – presumably clearing the way for a resolution giving the initiative the legal sustenance it needs to attract more universal support from the international community.¹⁴

Beijing has endorsed the PSI's overarching goal of stemming weapons proliferation while remaining noncommittal about eventual Chinese membership in the initiative.¹⁵ Why? Chinese spokesmen have voiced a variety of objections and concerns. Ye Ru'an, vice president of the China Arms Control and Disarmament Association, offered perhaps the most thorough critique of the initiative to date.¹⁶ Ye's objections come down to the following: the PSI is only weakly anchored in international law, owing to the lack of a treaty or Security Council resolution; it would represent an "intrusion and encroachment" on state sovereignty were a cargo to be intercepted in national waters or airspace; while the Bush administration had seemingly conceded the need for a supporting UN Security Council resolution, it nonetheless wanted to leave the "implementation and enforcement components" outside the world organization's purview; the PSI had made no arrangements to compensate shipping firms for botched

11 UN Security Council Resolution 1540, April 28, 2004.

12 Colum Lynch, "U.S. Urges Curb on Arms Traffic: U.N. Is Given Draft Resolution to Ban Transfers to Terrorists," *Washington Post*, March 25, 2004, p. A20. See also Bill Varner, "Pakistan Leads Opposition at UN to Terrorism Measure (Update1)," *Bloomberg.com*, April 5, 2004.

13 Andrew K. Semmel, "The U.S. Perspective on UN Security Council Resolution 1540," remarks to the Asia-Pacific Nuclear Safeguards and Security Conference, Sydney, Australia, November 8, 2004, U.S. State Department Website, <<http://www.state.gov/t/np/rls/rm/38256.htm>>.

14 Daniel H. Joyner, "The PSI and International Law," *The Monitor: International Perspectives on Nonproliferation* 10, no. 1 (2004): 7-9.

15 "China has always taken a responsible attitude toward international affairs, stood for the complete prohibition and thorough destruction of all kinds of WMD, including nuclear, biological and chemical weapons, and resolutely opposed the proliferation of such weapons and their means of delivery," declares Beijing's most recent white paper on nonproliferation. "China does not support, encourage or assist any country to develop WMD and their means of delivery." Information Office of the State Council of the People's Republic of China, *China's Non-proliferation Policy and Measures*, December 3, 2003, Federation of American Scientists Website, <<http://www.fas.org/nuke/guide/china/doctrine/wpnp1203.html>>.

16 Author discussions, Beijing, April 2004; Ye Ru'an and Zhao Qinghai, "The PSI: Chinese Thinking and Concern," *The Monitor: International Perspectives on Nonproliferation* 10, no. 1 (2004): 22-24. Statements from China's Foreign Ministry closely parallel Ye's indictment of the PSI. See for example "PRC FM Spokesman Says China Open to Talks on US-Led Arms Control Initiative," Hong Kong AFP, November 4, 2004, FBIS-CPP20041104000250; Sun Yuting, "Ministry of Foreign Affairs Says That China Will Not Participate in 'Proliferation Security Initiative,'" *Zhongguo Xinwen She*, October 26, 2004, FBIS-CPP20041026000162; Liao Lei and Huang Fuhui, "Foreign Ministry Spokeswoman Gives an Account of US Deputy Secretary of State John Bolton's Visit to China," Xinhua Domestic Service, February 17, 2004, FBIS-CPP20040217000122.

interdictions resembling the 1993 *Yinhe* incident; and the initiative's endeavors depended excessively on martial means.¹⁷

Beijing's criticisms of the Proliferation Security Initiative are explicable in terms of Chinese national interests and are probably sincerely held, if in some respects exaggerated. Like other PSI skeptics, Beijing seemingly objects less to what the PSI is today – an initiative under which participants agree to work together to intercept suspect shipments where national sovereignty is at its apex – than to what it could mutate into in the future.

But the PSI *is* only tenuously anchored in international law, as the Bush administration tacitly admitted when it attempted to incorporate a UN blessing for the initiative into UNSCR 1540. And additional legal authority *will* be necessary, especially in the rare case when PSI members want to interdict a cargo in international waters or airspace but lack a boarding agreement with the flag state (and are unable to elicit permission from the flag state on an ad hoc basis).¹⁸ The most recent instance of this took place just this fall, when the Security Council leveled sanctions against North Korea following Pyongyang's nuclear test. Among other things, UNSCR 1718, enacted under Chapter VII of the UN Charter, encouraged UN members to stop and search cargo bound to or from North Korea to look for weapons-related materiel.¹⁹ While the resolution neither endorsed nor even mentioned PSI operations vis-à-vis Pyongyang, this is the kind of explicit backing the initiative could use in its own endeavors – particularly in exceptional cases involving non-consensual boarding operations.

Because China has couched its protests against informal arrangements like the PSI in legal terms, observers have tended to interpret the challenge of wooing Beijing into the initiative solely as a matter of crafting legal arguments able to persuade Chinese leaders. Yet other, less obvious factors also help account for these leaders' ambivalent attitude toward the PSI. While Beijing has premised its critique of the Proliferation Security Initiative primarily on the initiative's legal shortcomings, geopolitical imperatives figure just as prominently, if not more so, in Chinese diplomacy toward the PSI – just as such imperatives have influenced ongoing efforts to bring China into elements of the international nonproliferation regime.²⁰

17 For more on the *Yinhe* incident, see “Chemicals on Chinese Ship Usable for Arms, US Says,” *Los Angeles Times*, August 10, 1993, A6; Chris Dobson, “‘Blockade’ Ship’s Cash Call,” *South China Morning Post*, August 15, 1993, 5; Lena H. Sun, “China: No Suspect Cargo Found; Official Says Iran-Bound Shipment Carried No Chemicals,” *Washington Post*, September 3, 1993, A33; Patrick E. Tyler, “China Says Saudis Found No Arms Cargo on Ship,” *New York Times*, September 3, 1993, A3.

18 The State Department has concluded boarding agreements with six major flag states, accounting for over half of the world's total shipping by tonnage. See for example U.S. State Department, “The United States and Panama Proliferation Security Initiative Ship Boarding Agreement,” May 12, 2004, U.S. State Department Website, <<http://www.state.gov/r/pa/prs/ps/2004/32414.htm>>.

19 UN Security Council Resolution 1718, October 14, 2006; UN Security Council, Department of Public Information, “Security Council Condemns Nuclear Test by Democratic People’s Republic of Korea, Unanimously Adopting Resolution 1718 (2006),” October 14, 2006, <<http://www.un.org/News/Press/docs/2006/sc8853.doc.htm>>.

20 Attempts to bring China into the Missile Technology Control Regime and the Nuclear Suppliers Group were sparked in part by concerns that Beijing had transferred missile parts and nuclear technology to Pakistan, its ally in South Asia. “US Open to Dialogue with China on MTCR Related Sanctions,” TV interview of Under Secretary of State Lynn Davis regarding the imposition of sanctions against China for its violation of the Missile Technology Control Regime, McNeil/Lehrer News Hour, August 25, 1993, Federation of American Scientists Website, <<http://www.fas.org/nuke/control/mtr/news/930826-300844.htm>>. See also Paul Kerr and Wade Boese, “China Seeks to Join Nuclear, Missile Control Groups,” *Arms Control Today*, March 2004, <http://www.armscontrol.org/act/2004_03/China.asp>.

These imperatives found partial voice in the Chinese government's fourth Defense White Paper, *China's National Defense in 2004*, its most detailed and transparent appraisal yet of the diplomatic, economic, and security outlook for East Asia and of the strategies China needs to cope with that environment.²¹ The framers of *China's National Defense in 2004* seem to have been of two minds about the international milieu. While they struck a hopeful note regarding peace and development in East Asia, they also foretold that "struggles for strategic points, strategic resources and strategic dominance [would] crop up from time to time." Thus the "military factor plays a greater role in international configuration and national security."²² To hedge against politico-military struggle in East Asia, the Defense White Paper directed the People's Liberation Army (PLA) to build forces capable of "winning both command of the sea and command of the air."²³

This represented the first mention of command of the "commons" – the seas, skies, and space which commerce and military power can traverse freely – in an official Chinese directive.²⁴ Indeed, influential voices in Beijing now speak of imposing "absolute control" on China's contiguous seas.²⁵ *China's National Defense in 2004* stopped short of using such language. Even the white paper's more muted advocacy of command of the sea, however, connotes naval competition and conflict, meaning that top Chinese leaders have endorsed a maritime build-up that allows China to vie for control of East Asian littoral seas.

What has beckoned Beijing's gaze to the East Asian commons, and in particular to East Asian waterways? Two imperatives are apparent. First, China needs assured foreign supplies of raw materials, particularly oil and gas from the Middle East and the Horn of Africa. Energy security seems to be driving China's diplomatic and security deliberations.²⁶ And second, Beijing wants to assert control of these waters during a possible conflict over Taiwan, and it is developing the military capacity to do so. The 1996 crisis in the Taiwan Strait, when the Clinton administration deployed two aircraft-carrier battle groups to deter Chinese military action, prompted China to step up its military modernization effort. The PLA's inability to respond to the U.S. deployment, or even to detect the two battle groups in East Asian littoral waters, impressed upon Chinese leaders the need for forces able to hold American forces at bay during any future showdown. China's increasingly powerful fleet of submarines, capable of lurking in the

21 Center for Naval Analyses, *Assessing China's 2004 Defense White Paper: A Workshop Report* (Alexandria: CNA Corporation, 2005), 1, 5. The panellists were Dr. David Finkelstein, Dr. Evan Medeiros, and Dr. Michael Swaine.

22 People's Republic of China, *China's National Defense in 2004*, China Military Online Website, <http://english.chinamil.com.cn/special/cnd2004/contents_02.htm>.

23 People's Republic of China, *China's National Defense in 2004*.

24 For commentary on the importance of command of the commons, see Barry R. Posen, "Command of the Commons: The Military Foundation of U.S. Hegemony," *International Security* 28, no. 1 (2003): 5-10.

25 Writing in *China Military Science* on the imperative to safeguard vital seagoing traffic, for instance, Maj. Gen. Jiang Shiliang, director of the Military Communications and Transportation Department of the PLA's General Logistics Department, observed that, "In modern times, efforts aimed at securing the absolute control of communications are turning with each passing day into an indispensable essential factor in ensuring the realization of national interests." Economic development depended on "the command of communications on the sea," which is "vital for the future and destiny of the nation." Jiang Shiliang, "The Command of Communications," *China Military Science* (Beijing), Oct. 2, 2002, 106-14, FBIS-CPP20030107000189.

26 David Hale, "China's Growing Appetites," *National Interest* 76 (summer 2004): 137-47.

vicinity of Taiwan to discourage U.S. warships from venturing into the area, is only one means to that end.²⁷

Beijing is understandably reluctant to entrust the security of vital resources – and thus the prosperity on which the communist regime, its ideological appeal in steep decline, has staked its survival – to the uncertain goodwill of the United States. Chinese strategists fear that the United States, which has long used dominant naval power to assure free passage through Asian waters, might withdraw that international public good should Sino-American relations go sour. Hedging against a downturn in relations seems prudent to many in Beijing. A China that pursues an economically driven foreign and security policy thus will be forced to contend with the U.S. Navy, which retains its mastery of the seas.²⁸

Viewed in light of these geopolitical interests and concerns, the vehemence of China's objections to the Proliferation Security Initiative becomes clearer. Beijing attaches overriding importance to economic development, which increasingly depends on the free flow of seagoing commerce through the shipping lanes that link Chinese seaports with Middle East and African sources of petroleum. These shipping lanes pass through the Indian Ocean and the Strait of Malacca into the South, East China, and Yellow seas – riveting attention on waters that were formerly an afterthought for Chinese foreign-policy thinkers. President Hu Jintao has spoken, for example, of a “Malacca Dilemma” arising from China's energy needs.²⁹

Asserting some measure of control over the seas adjacent to its coastlines seems a prudent move for an increasingly powerful China. Assenting to a counterproliferation effort that seems to ratify U.S. naval preeminence in regional waters does not.

It also bears mentioning that Beijing has a history of engaging in proliferation as part of its strategy, either to balance nearby rivals or to accumulate geopolitical influence in key regions, especially regions that produce vital raw materials or adjoin vital sea lanes.³⁰ On the Asian continent, for example, China helped Pakistan both develop its nuclear-weapons program and field long-range ballistic missiles.³¹ In 1998, in the oil-rich Persian Gulf region, Beijing secretly provided ballistic missiles to the world's largest oil exporter, Saudi Arabia.³² While two of these three transfers involved ballistic missiles capable of carrying weapons of mass destruction – not the payloads themselves – the PSI targets both WMD and the means of delivering them. China may have decided that continuing to supply weapons-related materiel to these states is no longer in its interest, or it may have merely provided the West with assurances to this effect. But Beijing may want to keep its options open if its strategic interests dictate further transfers of this type in the future.

North Korea represents a final element in Chinese leaders' geopolitical calculus. If Beijing acceded to the PSI, North Korea would find itself geographically enveloped by participants in the initiative, namely

27 See for instance Lyle Goldstein and William Murray, “Undersea Dragons: China's Maturing Submarine Force,” *International Security* 28 (4), 2004, 161-96. For a broad overview of the PLA's capabilities, see Keith Crane, Roger Cliff, Evan S. Medeiros, James C. Mulvenon, and William H. Overholt, *Modernizing China's Military: Opportunities and Constraints* (Santa Monica: RAND, 2005), <<http://www.rand.org/publications/MG/MG260-1/>>.

28 Center for Naval Analyses, *Assessing China's 2004 Defense White Paper*, 1, 5.

29 Hu Jintao, in Bill Gertz, “Chinese Dragon Awakens,” *Washington Times*, June 26, 2005, <<http://www.washtimes.com/functions/print.php?StoryID=20050626-122138-1088r>>.

30 Jon Davis and Anupam Srivastava, *Export Controls in the People's Republic of China, 2005* (Athens: Center for International Trade and Security, University of Georgia, 2005), esp. 3-12.

31 Office of the Secretary of Defense, “Proliferation: Threat and Response,” January 2001, Federation of American Scientists Website, <<http://www.fas.org/irp/threat/prolif00.pdf>>.

32 Federation of American Scientists, “Saudi Arabia, Intelligence Resource Program,” <http://www.fas.org/irp/threat/missile/saudi.htm#N_1_>.

Russia, Japan, and China. China in particular would be ideally positioned to thwart proliferation-related cargoes, exploiting its proximity to the sea lanes leading into the ports along the west coast of the Korean Peninsula and on its ability to deny overflight rights to North Korean aircraft that need to transit through Chinese airspace to reach their destinations. Yet Beijing is reluctant to take any action that might destabilize Kim Jong-Il's regime in Pyongyang. Some sort of reunification process could well take place on the peninsula in the coming years. Chinese leaders would like to manage any such process, avoiding problems such as a massive influx of refugees across the Sino-Korean border and encouraging the emergence of a neutral if not friendly Korea from the unification process.³³ These tangible, pressing concerns probably weigh more heavily on Chinese minds than the more abstract danger posed by proliferation.

For China, clearly, acceding to the Proliferation Security Initiative is more than a simple matter of restating and acting on its fealty to the principle of nonproliferation. If the PSI participants hope to coax Beijing into their ranks, they need to fashion an outreach that factors in China's geopolitical needs and concerns while conceding China the leadership role it covets in East Asian waters. Whether even the most effective appeal would sway Beijing is unclear. It is possible, however, that China might work with the PSI on a low-key, ad hoc basis when mutual interests warrant. Over time, Beijing might come to view the initiative as an asset rather than a threat to national aspirations, much as it warmed to the multilateral export control regimes after years of denouncing them.

And What About India?

Like China, India would make a valuable contributor to the Proliferation Security Initiative. It possesses real and growing capacity to police the Indian Ocean basin, and its leaders have avowed their desire to do so.³⁴ Indian leaders propound the ideal of nonproliferation with at least the same vigor as their Chinese counterparts, and they are not so averse to maritime counterproliferation. Why? For one thing, precedent tends to set China against PSI-like activities, while the opposite is true in India. The 1993 controversy surrounding the *Yinhe (Galaxy)*, a Chinese merchantman bound for Iran, has colored Beijing's perceptions of interdiction. U.S. intelligence adamantly – and wrongly – claimed that the freighter was carrying chemical-weapons precursors to Iran to support Tehran's weapons programs. Chinese officials agreed to allow a Saudi-U.S. team to comb the vessel, only to brand the Clinton administration a “self-styled world cop” when the inspection turned up no illicit substances or hardware.³⁵ To this day, as mentioned previously, the consequences of *Yinhe*-like foul-ups involving Chinese-flagged ships are a staple of Chinese complaints about the PSI.³⁶

But if anything, past events would seem to justify counterproliferation activity in Indian eyes. In June 1999, Indian Customs detained the *Kuwolsan*, a North Korean ship bound for points unknown – some reports said Libya, others Pakistan – after it put into the northwestern Indian seaport of Kandla to sell a cargo of sugar. Customs officers boarded the vessel after receiving a tip that it was carrying arms or ammunition to buyers in nearby Pakistan. After a scuffle with the *Kuwolsan*'s crew, the Indian agents discovered a complete assembly line for North Korean Scud ballistic missiles. While Pakistan may not have been the destination for the shipment, it easily could have been – a fact that doubtless reminded

33 See Toshi Yoshihara and James R. Holmes, “China, a Unified Korea, and Geopolitics,” *Issues & Studies* 41, no. 2 (2005): 119-70.

34 For one among many statements evidencing Indian officials' desire to maintain order throughout the region, see Rajat Pandit, “India's Chief of Naval Staff—‘Blue-Water Navy Is the Aim,’” *Times of India*, November 1, 2006, <<http://timesofindia.indiatimes.com/article/show/263611.cms>>.

35 Patrick E. Tyler, “No Chemicals Aboard China Ship,” *New York Times*, September 6, 1993, A4.

36 Author discussions with Chinese officials and scholars, Beijing, April 13-14, 2004.

India of the threat of seaborne proliferation through the Indian Ocean.³⁷ More recently, in October 2006, the Indian Coast Guard apprehended the North Korean freighter MV *Omrani II*, which had strayed into Indian territorial waters, evidently after a propulsion failure. As it turned out, the ship was bound for Iran and contained no cargo. The crew offered the unconvincing explanation that their ship was new and was steaming to the Islamic Republic as part of its sea trials.³⁸ The mission of the *Omrani II* remains a mystery at this writing, but the incident will likely add to New Delhi's worries about illicit trade on the high seas.

Nonetheless, New Delhi has demurred from becoming a participant in the PSI despite the initiative's goal of thwarting WMD proliferation in waters and skies of vital interest to India. Like Beijing, it has cited the PSI's shaky legal basis and its independence of Security Council oversight and control. Why is this so, given that Indian officials outspokenly oppose the proliferation of weapons-related materiel?³⁹ First, the PSI has become matter of contention in Indian domestic politics. This represents a marked difference from China, where the leadership can manage public opinion in the interests of the ruling Communist Party, and even from the United States, where the PSI enjoys broad bipartisan support. Indeed, the Bush and Kerry campaigns engaged in a virtual bidding war over counterproliferation during the run-up to the 2004 presidential elections, with each candidate insisting that he would prosecute PSI activities more aggressively and effectively than his opponent. As a result, the initiative is likely to remain a fixture in American foreign and security policy for some time to come, notwithstanding the changeover of Congress from Republican to Democratic control in the 2006 elections and the coming change of presidential administrations in 2008.

In India, by contrast, the PSI has found its way into domestic politics, in large part because it was unveiled under the government of Atal Behari Vajpayee, head of the Bharatiya Janata Party, or BJP. Vajpayee voiced guarded support for the PSI, and that was enough to alienate potential supporters of the initiative among the BJP's left-leaning adversaries in the Congress Party and its coalition partners. The government of Manmohan Singh, which depends on support from parties on the left, has studiously avoided aligning India with the PSI – especially following reports that the U.S. side had attached a clause to the U.S.-Indian nuclear deal mandating Indian participation in the initiative.⁴⁰ But no Indian prime minister would willingly be seen as carrying water for the United States, particularly in the George W. Bush years, and this apparent effort to strong-arm Indian leaders inflamed sentiments against the PSI. Even Vajpayee never ran the risk of agreeing to PSI participation, so a certain standoffishness on Dr. Singh's part is natural in light of domestic politics.

37 Joby Warrick, "On North Korean Freighter, a Hidden Missile Factory," *Washington Post*, August 14, 2003, <<http://www.washingtonpost.com/ac2/wp-dyn/A56111-2003Aug13?language=printer>>. See also Gurpreet Khurana, "Maritime Non-proliferation Initiatives: India's Bulwarks against Nuclear Terrorism?" in *Emerging Nuclear Proliferation Challenges*, ed. C. Uday Bhaskar and C. Raja Mohan (New Delhi: Institute for Defence Studies and Analyses, 2005), 101-18.

38 "Detained Iran-Bound North Korea Ship Baffles India," *Washington Post*, November 9, 2006, <<http://www.washingtonpost.com/wp-dyn/content/article/2006/11/09/AR2006110900124.html>>.

39 Sultan Shahin, "India Digests Bush's Second Coming," *Asia Times*, November 6, 2004, <http://www.atimes.com/atimes/South_Asia/FK06Df04.html>; Donald L. Berlin, "India in the Indian Ocean," *Naval War College Review* 59, no. 2 (spring 2006): 59; Stephen J. Blank, *Natural Allies? Regional Security in Asia and Prospects for Indo-American Strategic Cooperation* (Carlisle: Strategic Studies Institute, U.S. Army War College, September 2005), 15.

40 The precise wording of the clause and the precise circumstances under which it was attached (and presumably discarded) remain unclear. A recent report from the Council on Foreign Relations, however, indicates that the idea of mandating Indian PSI participation is not a novel one in the United States. Michael A. Levi and Charles D. Ferguson, *U.S.-Indian Nuclear Cooperation: A Strategy for Moving Forward* (New York: Council on Foreign Relations Press, 2006), 19.

Second, and closely related, discussions of Indian entry into the PSI conjure up memories of what Indians regard as maltreatment at the hands of individual governments and the international nonproliferation regime. Bad feelings linger despite the Bush administration's decision to lift sanctions imposed following the 1998 nuclear tests, to engage in regular consultation with New Delhi on security affairs, and to negotiate a deal providing for partial UN supervision over the Indian nuclear complex in exchange for a U.S. pledge to permit transfers of commercial nuclear technology. Over the years, moreover – largely because it has declined to accede to the Non-Proliferation Treaty and has maintained a distinctive, stand-alone export-control system – India has been denied dual-use technology by the multilateral export control arrangements.⁴¹ This despite good performance – perfect performance, say some officials – on the part of the Indian export control system.⁴² Acquiescence in the Proliferation Security Initiative, the de facto enforcement arm of a system that has unjustly targeted India in the past, may be a bridge too far for India's leadership.

Third, as in the case of China, geopolitical views and the nation's bid for regional and global stature impinge on the question of PSI participation. At issue is not only whether illicit cargoes should be interrupted in the Indian Ocean region but who should do the interrupting. Longstanding elite consensus in New Delhi holds that India should take the lead in policing the Indian Ocean, with extra-regional powers such as the United States relegated to a supporting role at most. And many Indian officials and pundits construe India's geographic environs – its natural sphere of influence – very broadly indeed, holding that India should be preeminent from the Bab el-Mandeb Strait (or even the Suez Canal) in the west to the Strait of Malacca in the east.⁴³

Ample evidence suggests that India has remained aloof from the PSI in large measure because it fears that PSI participation would signify a formal alliance with the United States, something Indian governments have traditionally resisted.⁴⁴ Worse, PSI participation might seem to show that New Delhi had accepted the junior role in this alliance, with the Indian Navy in effect serving as an appendage of the U.S. Navy – a South Asian equivalent to the Japan Maritime Self-Defense Force. Accepting subordinate status in its own geographic backyard, where successive governments have hewed to something

41 Stephen Blank upbraids the U.S. Department of State for holding the overall Indo-U.S. relationship hostage to nonproliferation, pointing to bureaucratic politics between the State Department and the Pentagon, which pushed to ease the 1998 sanctions. Blank, "Natural Allies?" 3-6.

42 Seema Gahlaut and Anupam Srivastava, *Export Controls in India: Update 2005* (Athens: Center for International Trade and Security, University of Georgia, 2005), esp. vii-xi.

43 See for instance C. Raja Mohan, "Border Crossings," *South Asia Monitor*, May 2006, <<http://www.southasiamonitor.org/2006/may/news/17view2.shtml>>; "Dimensions of National Security: The Maritime Aspect," *Sainik Samachar*, December 15, 2001, Indian Ministry of Defence Website, <<http://www.mod.nic.in/samachar/dec15-01/html/ch2.htm>>; Jyotirmoy Banerjee, "Power on the Sea: India's Power Projection in the Indian Ocean," in *India and Indian Ocean: In the Twilight of the Millennium*, ed. P. V. Rao (Hyderabad: Center for Indian Ocean Studies, 2003), 54-55; Devin T. Hagerty, "India's Regional Security Doctrine," *Asian Survey* 31, no. 4 (April 1991): 351-63; Manjeet Singh Pardesi, *Deducing India's Grand Strategy of Regional Hegemony from Historical and Cultural Perspectives* (Singapore: Institute of Defence and Strategic Studies, April 2005), esp. ii, 46-55; Berlin, "India in the Indian Ocean," 59-61.

44 Andrew C. Winner, "India as a Maritime Power?" paper presented at International Studies Association Annual Conference, San Diego, CA, March 25, 2006.

resembling America's Monroe Doctrine, would vitiate India's claim to regional preponderance.⁴⁵ Despite its eagerness for closer defense ties with Washington, New Delhi may balk at such appearances.

Fourth, while it is unclear whether Indian Navy or Ministry of Defence officials think in such terms, it is at least plausible that the naval establishment worries that interdiction operations would work against the Indian Navy's maritime doctrine. Promulgated in 2004, the *Indian Maritime Doctrine* elaborates four primary missions for Indian naval forces: (1) sea-based deterrence, (2) economic and energy security, (3) forward presence, and (4) naval diplomacy.⁴⁶ How might PSI operations intersect with these missions, given what we know about the motives and threat perceptions held by Indian policy-makers and naval strategists? This mode of counterproliferation should have no impact on sea-based deterrence. By helping delouse commercial shipping traffic of weapons-related materiel, the PSI should actually help advance New Delhi's goal of economic and energy security, contributing to economic development and the nation's claims to great-power status.

But forward presence and naval diplomacy are another matter. If India were to accede to the PSI while concurrently upholding its claim to regional predominance, it would have taken on the task of policing shipping flying the flags of neighboring Indian Ocean powers – not to mention East Asian powers such as China and Japan. If the Indian Navy came to be seen as wantonly stopping and searching merchant vessels, and especially if it mishandled its visit-and-search efforts (the *Yinhe* example applies), then perceptions of bullying could undercut regional goodwill and cooperation – not only among India's neighbors in the Indian Ocean but also in Southeast Asia, where India has courted good relations in hopes of extending its influence eastward of Malacca.⁴⁷ Apparent highhandedness would tend to reduce the political capital New Delhi earned through tsunami relief and other naval-diplomatic enterprises, and it could induce India's neighbors to scale back their participation in combined training and exercises, impairing the forward-presence mission. Governments in the region would be less and less willing to follow India's lead in future security initiatives, harming New Delhi's overall foreign policy.

These intervening factors in New Delhi's strategic calculus help explain its palpable ambivalence toward maritime counterproliferation. PSI participation clearly carries implications for India far beyond the realm of WMD proliferation. The benefits of combined counterproliferation may not justify the larger political costs.

45 For a sampling of commentary on India's desire for a "Monroe Doctrine," see Banerjee, "Power on the Sea," 54; C. Raja Mohan, "Beyond India's Monroe Doctrine," *The Hindu*, January 2, 2003, <<http://meaindia.nic.in/opinion/2003/01/02o02.htm>>; Hagerty, "India's Regional Security Doctrine," 351, 362-63; Pardesi, *Deducing India's Grand Strategy*, 46. K. M. Panikkar, the "father" of Indian maritime history, laid the groundwork for this mode of maritime thought, which garnered support from the highest levels, including from Jawaharlal Nehru, India's first prime minister. K. M. Panikkar, *India and the Indian Ocean* (London: Allen and Unwin, 1945); Jawaharlal Nehru, in Satyindra Singh, *Blueprint to Bluewater: The Indian Navy 1951-65* (New Delhi: Lancer International, 1992), 1.

46 Indian Navy, Integrated Headquarters, Ministry of Defence, INBR 8, *Indian Maritime Doctrine*, April 25, 2004; author discussions with scholars from the Institute for Defence Studies and Analyses, New Delhi, November 6-16, 2006. Rahul Roy-Chaudhury, *India's Maritime Security* (New Delhi: Knowledge World, 2000), 125; Rahul Roy-Chaudhury, "Maritime and Naval Dimensions of India's Security," in Rao, *India and Indian Ocean*, 36-50.

47 Here, the case of the United States in the late nineteenth and particularly the early twentieth centuries is instructive. Among the many commentaries on American imperialism, Richard Collin documents the suspicions and resentments the predominant power in a region tends to arouse unless careful, while David Healy paints a (somewhat conspiratorial) picture of a bipartisan American "drive to hegemony" in the Western Hemisphere. Richard H. Collin, *Theodore Roosevelt, Culture, Diplomacy, and Expansion: A New View of American Imperialism* (Baton Rouge: Louisiana State University Press, 1985); David Healy, *Drive to Hegemony: The United States in the Caribbean, 1898-1917* (Madison: University of Wisconsin Press, 1988).

Some Closing Thoughts

So much for the factors discouraging India from participation in the Proliferation Security Initiative. What factors might prompt the Indian government to set aside its ambivalence, aligning itself with the initiative's purposes and activities? Vital security interests would clearly play a role. If Indian intelligence determined that weapons shipments were bound for Pakistan, for example, that would engage vital Indian interests, nudging its inclinations in favor of forceful counterproliferation measures. The *Kuwolsan* precedent would apply, with far graver implications for Indian national security. Or, some event underscoring the potential of seaborne proliferation to damage Indian energy security or economic development – say, a case in which maritime proliferation demonstrably contributed to a terrorist act involving weapons of mass destruction – could furnish the necessary political impetus. Such an event would likely impel governments to shut down the maritime trade system until all shipping could be certified weapons-free; at a minimum they would impose cumbersome new inspections, raising costs and impeding trade worldwide.⁴⁸ The PSI would represent a low-cost way to reduce the chances of such an economic cataclysm.

If New Delhi came to see the PSI as a way to forge closer defense ties with Washington – without at the same time jeopardizing its claim to preeminence in the Indian Ocean region – its resistance to the PSI might also subside. If U.S. officials convincingly portrayed the PSI as a vehicle for combined training and exercises, this would tend to bias Indian decision-making in favor of PSI participation. This would be especially true if Washington clearly conveyed that it not only accepted but welcomed Indian leadership in the Indian Ocean basin, that it hoped to see a durable order emerge in the region under Indian stewardship, and that it was prepared to accord New Delhi the lead role in policing South Asian waters and skies.

It is possible, of course, that India will never choose to openly become a PSI participant – particularly now that the initiative has (at last) publicized its roster of participants, foreclosing a prospective participant's option of keeping its involvement confidential.⁴⁹ And India's legal objections to the PSI will be difficult to answer, as the Bush administration seems ill-inclined to relinquish authority over counterproliferation to the United Nations, while China, a veto-wielding member of the Security Council, will reject any resolution backing the PSI unless it grants the council some say-so over interdiction operations.

As in the case of China, however, India might collaborate with the initiative as its needs and interests warrant, while keeping its involvement in the U.S.-led initiative out of public view. It might also agree to quietly expand Indo-U.S. military-to-military endeavors to include tactics for combating the traffic in WMD-related materiel. An incremental, low-key step of this sort would allow New Delhi to harvest many of the benefits it could expect to gain from the Proliferation Security Initiative while avoiding the semblance of subordinate status or of a formal Indo-U.S. alliance. Such an outcome would leave the global prohibition regime against trafficking in WMD incomplete for the foreseeable future, and, if so, it would leave Washington cold. But U.S. leaders ought to know better than to allow the best to become the enemy of the good.

48 Stephen Flynn, an expert on U.S. homeland security strategy, has advanced such an argument. Stephen P. Flynn, *America the Vulnerable: How Our Government Is Failing to Protect Us from Terrorism* (New York: HarperCollins, 2004).

49 An Indian analyst, Gurpreet Khurana of the Delhi-based Institute for Defence Studies and Analyses, argues that India should embrace the PSI for just the opposite reason. Far from wanting to conceal its involvement, Khurana maintains that New Delhi should use high-profile participation in the initiative to burnish its reputation as a leader in nonproliferation efforts.