



Fact Sheet
Bureau of Nonproliferation
Washington, DC
May 26, 2005

Proliferation Security Initiative Frequently Asked Questions (FAQ)

Question: What is the Proliferation Security Initiative (PSI)?

A: The spread of weapons of mass destruction (WMD), their delivery systems, and related materials represents a fundamental threat to global stability, security, and peace. In December 2002, the United States released its "National Strategy To Combat Weapons of Mass Destruction," which called for a comprehensive approach to counter the threat of these weapons getting in the hands on hostile states and terrorists.

In this context, President Bush announced on May 31, 2003, the Proliferation Security Initiative, which aims to enhance and expand our efforts to prevent the flow of WMD, their delivery systems, and related materials on the ground, in the air, and at sea, to and from states and non-state actors of proliferation concern.

This initiative reflects the need for a more dynamic and active approach to the global proliferation problem. It reflects the reality that proliferators are actively and aggressively seeking WMD using techniques that thwart export controls and other enforcement measures.

It envisions partnerships of states working in concert, employing their national capabilities to develop a broad range of legal, diplomatic, economic, military, and other tools to interdict shipments of such items.

Question: What is the PSI Statement of Interdiction Principles?

A: The Statement of Interdiction Principles (SOP) was agreed by PSI participants on September 4, 2003. It identifies specific steps for effectively interdicting proliferation-related shipments and preventing proliferators from engaging in the proliferation trade. It serves as the basis for PSI participants' deepening cooperation with each other.

While the Principles have been agreed, the PSI is a dynamic initiative. If countries have ideas that are not reflected in the SOP that would contribute to a more robust, effective initiative, we want to hear from them. In that way, the PSI is an initiative open to contributions from all states that want to support interdiction efforts.

Question: What are the criteria for "joining" the PSI?

A: The PSI is not an organization. It is an activity, through which "participants" around the world decide to cooperate and coordinate closely to prevent shipments of WMD, their delivery systems, and related materials from reaching states and non-state actors of proliferation concern. Countries can indicate their support by formally endorsing the PSI Statement of Interdiction Principles.

The U.S. and other PSI participants welcome all states to participate in the PSI. The PSI may be of particular interest to flag, coastal, or transshipment states, as well as those likely to have suspect overflights. Such states may have an especially important role to play.

More than 60 countries have indicated support for the PSI.

The United Nations' High Level Group on Threats, Challenges and Change has encouraged all States to support the PSI and, in March, at a speech in Madrid, UN Secretary General Kofi Annan applauded the efforts of the PSI to "fill a gap in our defenses."

Question: What does the United States want from other states?

A: The U.S. and other PSI participants want other states to participate actively in the PSI, to establish the practical basis for international cooperation on interdiction efforts.

To this end, the U.S. seeks additional states' endorsement of the Statement of Interdiction Principles. We also welcome others' thoughts on how they can best participate in the initiative. If states have capabilities they can contribute to interdiction efforts, such as operational or informational assets, the U.S. hopes that they will be willing to use these capabilities in support of PSI efforts.

Question: Would expression of interest mean an invitation to PSI meetings?

A: We encourage states to consider PSI as a series of activities, based on concrete and practical cooperation and coordination between and among states. Meetings of experts help PSI participants build this cooperation and coordination, but are not an end in themselves. Endorsement of the Statement of Interdiction Principles, participation in exercises, and active cooperation in interdicting WMD shipments is the best way to express interest.

Question: How should states endorse the PSI Statement of Interdiction Principles?

A: The best way to endorse the PSI SOP is through a diplomatic note accompanied by a public statement of support. Some foreign officials have first made public or private remarks noting their support for the initiative and SOP. These verbal statements should be supported by an official communication.

Question: What concrete steps can a state take to contribute to the PSI?

A: States are encouraged to:

- Formally commit to and publicly endorse, if possible, the PSI and its Statement of Interdiction Principles and indicate willingness to take all steps available to support PSI efforts.
- Undertake a review and provide information on current national legal authorities to undertake interdictions at sea, in the air or on land. Indicate willingness to strengthen authorities where as appropriate.
- Identify specific national assets that might contribute to PSI efforts (e.g., information sharing, military and/or law enforcement assets).
- Provide points of contact for PSI interdiction requests and other operational activities. Establish appropriate internal government processes to coordinate PSI response efforts.
- Be willing to actively participate in PSI interdiction training exercises and actual operations as opportunities arise.
- Be willing to consider signing relevant agreements (e.g., boarding agreements) or to otherwise establish a concrete basis for cooperation with PSI efforts.

Keeping the above steps in mind, we expect that countries' actual involvement in PSI activities, exercises, or meetings will differ, depending on each country's respective capabilities and on real-world circumstances. However, we do expect that states participating in the PSI will evaluate their capabilities and strengths in determining their best means of support for the initiative.

Question: Will the PSI affect legitimate dual-use commerce?

A: PSI will foster legitimate commerce, dual-use or otherwise. Cooperation to stop the proliferation trade will facilitate legitimate trade by increasing confidence in that trade and decreasing proliferation activity among legitimate shipments. As time goes on, private industries may also prefer to do business with PSI participants, as they demonstrate their commitment to protecting international commerce from those who hide proliferation among legitimate trade routes and practices.

The PSI seeks to halt efforts by states and non-state actors of proliferation concern to ship or receive WMD, their delivery systems, or related materials. If we have adequate information that a shipment is destined for an end-user of proliferation concern, we will work to stop that shipment, consistent with national legal authorities and international law and frameworks.

PSI participants will not stop and inspect every shipment that might involve items that could be used in proliferation program. Our intent is to take action based on solid information regarding shipments that we believe are destined for states or non-state actors of proliferation concern. Legitimate dual-use commerce will very rarely be affected by PSI.

Question: What constitutes a "country of concern?" Would failure of a state to join a nonproliferation regime automatically qualify it as a state of concern?

A: Paragraph 1 of the PSI Statement of Interdiction Principles contains a definition of "states or non-state actors of proliferation concern." This definition says that, "states or non-state actors of proliferation concern generally refers to those countries or entities that the PSI participants involved establish should be subject to interdiction activities because they are engaged in proliferation through: (1) efforts to develop or acquire chemical, biological, or nuclear weapons and associated delivery systems; or (2) transfers (either selling, receiving, or facilitating) of WMD, their delivery systems, or related materials."

The basis for considering a state "of proliferation concern" is not whether or not a state has joined or abides by multilateral nonproliferation treaties or regimes.

Question: How does the PSI fit with the Container Security Initiative (CSI)?

A: The PSI and the CSI are complementary, in that both are operational efforts in support of national security objectives to enhance global maritime security by improving our ability to prevent shipments of problematic cargo. The Container Security Initiative is focused on maritime cargoes bound for (or from) the United States; PSI addresses cargoes in transit, wherever they may be -- at sea, in the air, and on land worldwide. CSI is creating adequate capabilities at major ports to screen cargo containers to ensure they do not contain problematic items. PSI efforts include action against shipments throughout the transportation continuum, not just when they arrive in a port.

Question: How does PSI relate to other interdiction efforts, such as counternarcotics?

A: To the extent that efforts in other areas -- such as the prevention of trafficking in narcotics -- have developed procedures that may be useful models for PSI efforts, we continue to draw on them to support our efforts.

Question: What is the relationship between PSI and formal nonproliferation structures (e.g., MTCR, OPCW, NPT)?

A: The PSI is an activity, not an organization. PSI activities will be consistent with national legal authorities and international law and frameworks, many of which, in turn, implement existing nonproliferation structures.

For example, the PSI will build on existing nonproliferation export control regime efforts to identify and prevent the export of certain commodities to WMD and missile programs of proliferation concern. In this regard, the Initiative complements and works within the limits of established national and international law, including nonproliferation treaties.

Question: How does PSI relate to other nonproliferation regimes?

A: We have a robust toolbox to prevent proliferation -- nonproliferation treaties, multilateral export control regimes, national export controls, and enforcement measures.

The PSI complements these existing tools to help prevent the proliferation of WMD, their delivery systems, and related materials. It does not replace other nonproliferation mechanisms, but provides an operational mechanism when proliferators evade these regimes.

Question: What is the relationship between PSI and international organizations such as the UN?

A: The PSI is not a formal organization with a budget and headquarters, but rather an interdiction partnership among participating states taking steps consistent with their respective national legal authorities and international law and frameworks to deter, disrupt and prevent WMD proliferation.

While PSI activities may be informed by efforts in other fora, the PSI Statement of Interdiction Principles does not establish any mechanism for formal cooperation with the UN or any other multilateral or international bodies.

There is broad international support for the PSI, including at the UN. It is noteworthy that the United Nations' High-Level Panel recommended in its December 2004 Report to the Secretary General that "all States should be encouraged to join this voluntary initiative." In March 2005, UN Secretary General Kofi Annan said in a speech in Madrid: "I applaud the efforts of the PSI to fill a gap in our defenses."

Question: Is there intent to use UN Security Council resolutions on terrorism as an international legal basis for PSI actions?

A: The PSI SOP states that activities will be undertaken consistent with national legal authorities and relevant international law and frameworks. If an activity is authorized under a UNSC resolution, then it could be cited by a PSI participant as authority for its participation in an interdiction.

Participation in the PSI is voluntary. If a state believes it does not have the legal authorities to act in a specific action, it may decline to participate.

Question: What is the relationship between the PSI SOP and UN Security Council Resolution 1540?

A: UNSCR 1540 and the PSI SOP are mutually reinforcing and are legally and politically compatible.

UN Security Council Resolution 1540 recognizes the threat to international peace and security posed by the proliferation of weapons of mass destruction (WMD) and outlines concrete actions states can take to counter this threat.

Operative paragraph 10 of UNSCR 1540 calls upon all states – in accordance with their national legal authorities and legislation and consistent with international law – to take cooperative action to stop, impede, intercept and otherwise prevent the illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials.

The Proliferation Security Initiative (PSI) and its Statement of Interdiction Principles (SOP) identifies steps that can produce the kind of cooperation called for in UNSCR 1540. Accordingly, PSI is consistent with the UNSC Resolution.

Furthermore, UNSCR 1540's decision under Chapter VII of the UN Charter that all states shall develop effective laws as well as border, national export, transshipment, end-user and physical protection controls to prevent proliferation is consistent with and, in fact, bolsters the SOP's calls for nations to "review and work to strengthen their relevant national legal authorities where necessary ... (and) international law and frameworks in appropriate ways to support these commitments."

Question: Can a party to the NPT (nuclear or non-nuclear weapons state) join in seizing nuclear materials without violating its NPT commitments?

A: Yes, NPT parties can participate in an effort to seize WMD-related shipments. As part of a PSI action, partners may be called upon to provide technical, security, or legal assistance, depending on the circumstances. In such cases, states would, of course, need to abide by their obligations under the NPT with respect to disposing or safeguarding of materials.

Question: The PSI will work to stop proliferation by air, land and sea. Has there been a determination on how air shipments of proliferation concern will be interdicted?

A: PSI experts have exchanged information on their respective legal authorities regarding potential air interceptions. They are currently discussing how these authorities might be applied.

Question: Which state leads and/or coordinates a PSI action?

A: Each interdiction case will evolve differently. In general, a state will provide information and seek help from others in acting to investigate and, if warranted, stop a shipment. Those states that need to be involved will coordinate among themselves on action needed.

Question: Will there be mechanisms to verify reliability of intelligence used for interdictions?

A: The United States only pursues interdiction efforts where we believe there is a solid case for doing so. The judgment regarding the reliability of information used for interdictions is a national decision that must be made by each PSI participant government.

Question: How will information be transmitted among PSI participants?

A: Each state that seeks to participate in the PSI is asked to identify an appropriate point of contact for sharing information, in the event a specific interdiction effort requires their active efforts or support.

However, sensitive information on specific interdiction cases will ordinarily be shared only with those states involved in the actual interdiction effort. There is no intent to make such intelligence available to other PSI states.

Question: Is there a plan for multilateral intelligence sharing to facilitate PSI efforts?

A: No. We do not envision multilateral sharing of intelligence to facilitate PSI.

Question: Will PSI entail new channels of communication or will existing channels suffice?

A. To the extent that channels of communication exist to pass or receive information, we expect those channels will continue to be used. Where no effective channels for communication exist, they will need to be established.

Question: What data sharing and data privacy protection will be put in place to coincide with national data privacy laws?

A. The U.S. has not identified any such changes needed in our laws, though each state may modify its own laws as appropriate.

Question: Will there be regular, organized meetings on PSI to raise policy issues of concern and refine details?

A: The United States does not envision regular meetings of PSI participants, because meetings should not be an end in themselves. It may be useful or necessary for PSI participants to meet periodically, at different levels and including regionally, to exchange information or to refine details about the initiative. In addition, the U.S. expects regular meetings of operational experts, including regional meetings and activities, so as to plan exercises and exchange relevant operational information.

Question: What is the definition of "good cause?"

A: In cases involving suspected shipments of WMD-related items to states and non-state actors of proliferation concern, the SOP calls upon states to take action at the request of other states and with "good cause shown." In responding to such a request, each state will, of necessity, decide for itself whether the information provided by the requesting state warrants acceding to the request.

Question: When and how are operational activities planned for the future?

A: PSI operational activities – including training exercises and relevant workshops – evolve through discussions among operational experts. In general, training events are proposed at periodic Operation Experts meetings and an exercise schedule that maximizes sustained participation is developed on a two-year horizon. The current PSI exercise schedule is available through the U.S. Department of State website at <http://www.state.gov/t/np/c12684.htm>.

Question: How will PSI efforts be funded? Are provisions being made to provide technical assistance to states that currently lack capabilities to contribute fully to PSI efforts?

A: Each participant state is responsible for funding its own efforts in support of the PSI. That said, the U.S. wants to make sure that countries have the capacity to take effective action, and would not rule out the possibility of offering assistance to certain states to help them develop more effective operational capabilities in support of the PSI.

Question: Are provisions being made to provide technical assistance to states that currently lack capabilities to contribute fully to PSI efforts?

A: There are no PSI requirements to provide assistance to states in order to improve their capabilities to support PSI actions. That said, we would encourage PSI participants to consider such requests. The U.S. will review such requests in the context of existing assistance and cooperation programs.

Question: What is the status of cargoes following seizure? How will determination on final disposition of seized cargoes be made?

A: Disposition depends on the precise circumstances of the particular case.

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