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**Canadian Forces Support to the Proliferation Security Initiative:
A Vital Element for Canada's National Security and a CF 'No Fail' Task**

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ABSTRACT

The proliferation of weapons of mass destruction to rogue states and non-state actors is one of the gravest security threats of the twenty first century. The U.S. led Proliferation Security Initiative (PSI) was launched in 2003 in response to this threat. PSI builds upon efforts of the international community to prevent proliferation of Weapons of Mass Destruction (WMD), their delivery systems and related materials through existing treaties and legal, diplomatic and law enforcement regimes. Canada became a full participant in PSI in March 2004 and to date over 70 countries have expressed support for this initiative.

In order to support PSI, the CF must provide a full range of domestic and international military interdiction options to the government. Although DND is not the lead government agency for responding to domestic and international terrorist incidents, its direct support is critical to meeting Canada's domestic interdiction requirements and it is the government's sole means of conducting international interdiction operations. Therefore, PSI interdiction operations must be considered a CF 'no fail task.'

To fully meet this requirement, the CF must assign a higher priority to PSI for the training and conduct of interdiction operations as well as allocate the additional resources required to provide greater depth and operational flexibility to Canada's military interdiction capabilities. As recent global events have shown, there is great potential for expanded international PSI operations in the near future. Should PSI's legal mandate for the conduct of international interdiction operations be expanded, the CF will have to further improve its capabilities to conduct these activities abroad in order to effectively meet the Canadian government's security and foreign policy objectives.

“Based on the current threat environment, we have placed the highest priority on countering international terrorism, preventing the proliferation of weapons of mass destruction, assisting failed and failing states, and defusing intra and interstate conflicts that threaten our national security”
- Canadian National Security Policy 2004.¹

Times, as we know them, have changed. The increasing influence of non-state actors since the end of the Cold War has created a more complex and potentially dangerous international environment. The events of 11 September 2001 clearly demonstrated that contemporary terrorists have both the will and the capability required to inflict attacks that result in mass casualties far from their point of origin. Terrorist organizations that perpetrate such attacks have also survived the inevitable military responses from the affected nations. Western powers are typically able to deter ‘rogue states’ through the threat of overwhelming retaliation, but groups such as Aum Shinrikyo and Al-Qaida are motivated by fanaticism and are not subject to the traditional moral constraints and deterrents that affect nation-states.² David Whittaker of the University of Teesside explains that two of the basic tenets of terrorism are “that it is a strategy of violence designed to achieve desired outcome by instilling fear and insecurity and that maximum publicity is normally an important objective for terrorists.”³ As recent history has shown, mass casualties equal mass media coverage. Therefore, the threat of a terrorist organization utilizing a weapon of mass destruction (WMD) cannot be discounted.

¹ Canada, Privy Council Office. *Securing an Open Society: Canada’s National Security Policy*. (Ottawa: Canada Communications Group, 2004), 48.

² Canada, Office of the Secretary of Defence, *Proliferation: Threat and Response*. (Washington, DC: U.S. Government Printing Office, January 2001), 66.

³ David Whittaker, *Terrorists and Terrorism in the Contemporary World* (New York:Routledge, 2005), 3.

What has been the Government of Canada's response to this threat? As former Prime Minister Paul Martin has outlined:

The first duty of government is to protect its citizens. The responsibility today has been complicated by the emergence of new threats: rogue states, failed and fragile states, international criminal syndicates, weapons proliferation and terrorists prepared to act with no concern for the cost in human lives, including their own.⁴

The protection of Canadian citizens from the threat posed by the proliferation of WMD must be considered a CF 'no fail task'. The process of protecting Canadians from WMD entails three facets: the prevention of global proliferation; the protection of cities and vital infrastructure within Canada; and the capacity to respond to a mass casualty incident within Canada. Given that terrorists are able to choose the time and place of their attacks, it would be prohibitively expensive to sufficiently harden the entire vital infrastructure within Canada to withstand a WMD attack, thereby limiting the viability of this option. Similarly, focusing on consequence management and the response to a WMD attack, while mitigating damage, does not reduce the probability of such an attack from occurring. However, enhancing the prevention of global proliferation seeks to preempt an attack entirely by making the cost of attaining WMD prohibitively difficult or expensive. A key component of proliferation prevention is the interdiction of WMD, their delivery systems and materials related to the production of WMD. While interdiction is not a panacea, it does deter both suppliers and customers, and makes proliferation more costly and more difficult.⁵ To this end, Canada joined the U.S. led Proliferation Security Initiative (PSI) in March 2004.

⁴ Canada, Department of Foreign Affairs and International Trade. *A Role of Pride and Influence in the World OVERVIEW: Canada's International Policy Statement*. (Ottawa: Canada Communications Group, 2005), Forward.

⁵ Mark Esper and Charles Allen. "The PSI: Taking Action Against WMD Proliferation," *The Monitor*, Vol 10, no 1. (Spring 2004): 4.

This paper's examination of the Canadian government's programme to protect its citizens from WMD will focus on the Canadian Forces' role in the prevention of WMD proliferation through interdiction operations. First, it will review the background of PSI, focusing on the participating states' obligations and the international legal limitations of the initiative. Second, it will outline the Canadian Forces' (CF) current ability to conduct interdiction operations in support of PSI as well as identify force augmentation requirements that have to be fulfilled to ensure that the CF is able to provide the full range of military interdiction options to the government. Third, it will examine the necessary force employment considerations in support of PSI interdiction operations and highlight the requirement for the operational commanders to assign a higher priority to PSI related preparations. Fourth, it will examine the potential evolution of PSI and the effect that it could have on future CF operations. It concludes that as a critical element in the Government of Canada's response to threats at home and abroad, the CF must be better prepared to provide a full range of military interdiction options in support of PSI.

BACKGROUND

After the attacks of 11 September 2001, the US administration concluded in its September 2002 National Security Strategy that the spread of WMD – specifically to the “rogue states” and terrorist organizations in pursuit of them – posed the greatest threat to the United States.⁶ The traditional strategy of deterrence would not work, and existing international nonproliferation regimes included too many loopholes that would inhibit

⁶ United States. The White House, *The National Security Strategy of the United States of America*. (Washington, DC: U.S. Government Printing Office, September 2002), Forward.

their ability to stop WMD proliferation.⁷ The Proliferation Security Initiative (PSI) was launched in 2003 in response to this threat. PSI builds upon efforts of the international community to prevent proliferation of WMD, their delivery systems and related materials through existing treaties and legal, diplomatic and law enforcement regimes.⁸ Canada became a full participant in PSI in March 2004 and to date over 70 countries have expressed support for this initiative.

PSI seeks to inhibit the proliferation of WMD through rapid intelligence sharing and physical interdiction. Although intelligence gathering and dissemination are critical enablers for interdiction operations, they will not be discussed in this unclassified paper due to security constraints. PSI's interdiction principles call upon participating countries to stop shipments of WMD, delivery systems and related materials flowing to and from states and non-state actors. Specifically, participating states are required to:

- a. not transport or assist in the transport of such cargoes or allow persons subject to their jurisdiction to do so;
- b. stop and search any suspect vessel flying their flag outside of the territorial sea of another nation which is suspected of transporting such cargo and seize them as applicable;
- c. grant permission of other states to board their flagged vessels on the high seas for inspection;
- d. stop and search any suspect vessel within their territorial sea or entering their ports which is suspected of transporting such cargo and seize them as applicable;
- e. require that suspect aircraft transiting their airspace land for inspection and seize such cargoes as required and/or deny the suspect aircraft transit rights through their airspace; and finally
- f. ensure that their ports and airfields are not utilized as transshipment points for such cargoes.⁹

⁷ Ye Ru'an and Zhao Qinghai. "The PSI: Chinese Thinking and Concern," *The Monitor*, Vol 10, No 1 (Spring 2004): 22.

⁸ Canada, Department of National Defence, *The Proliferation Security Initiative*, 19 May 2006. Available on-line from http://www.forces.gc.ca/site/Newsroom/view_news_e.asp?id=1329, Internet; accessed 13 Sep 2006.

⁹ Canada, Department of Foreign Affairs and International Trade. *Proliferation Security Initiative: Interdiction Principles for the Proliferation Security Initiative*, February 2004. Available on-line from <http://www.dfait-maeci.gc.ca/arms/psi-en.asp>; Internet; accessed on 6 September 2006.

PSI is specifically designed to deter the proliferation of WMD by state and non-state actors by raising the transaction costs of illicit transfers and threatening to expose the parties involved. It creates a sanction regime, which is superior to other embargoes and counter proliferation strategies because it specifically targets only WMD and its related materials, thus offering the prospect of an exceptionally smart sanction.¹⁰ It would allow for the targeted use of military force to embargo a specific commodity, in this case WMD and its related materials, without inflicting unnecessary hardship on the civilian population. However, the system's interdiction regime is currently limited by international legal restraints, primarily the 1982 UN Convention on the Law of the Sea and the 1944 Chicago Convention, which severely restrict the ability to search vessels and aircraft operating in international waters and airspace without the consent of the flag nation.

International support for PSI is widespread but ambivalent. On 28 April 2004, the United Nations Security Council passed Resolution 1540 which underlined the threat posed to international peace and security by the proliferation of WMD and emphasized the need for UN member-states to support non-proliferation initiatives. While providing tacit support for PSI, the resolution fell short of requiring member states to adopt the initiative or of legally sanctioning interdiction operations in international waters and airspace under Chapter VII of the UN Charter. As Mark Shulman has argued, PSI is not a silver bullet; rather, it is part of a growing network of networks, each adding layers of

¹⁰ Mark Shulman. "The Proliferation Security Initiative as a New Paradigm for Peace and Security." *U.S. Army Strategic Studies Institute*, April 2006. Available on-line from <http://www.StrategicStudiesInstitute.army.mil>; Internet; accessed 14 September 2006, 13.

security and reducing the threat of proliferation with every layer.¹¹ Canada's active participation in PSI directly contributes to its overall global effectiveness.

FORCE CAPABILITY

As identified in Canada's International Policy Statement, Defence:

Today's international security environment poses complex challenges, whether in the form of failed and failing states, global terrorism, the spread of weapons of mass destruction or ongoing regional tensions. Canada, working in close partnership with friends and allies must do its part to confront them. This includes a central role for the Canadian Forces.¹²

This section of the paper will outline the CF's current ability to conduct interdiction operations in support of PSI and identify future areas for force augmentation that have to be fulfilled to ensure that the CF is able to provide the full range of military interdiction options to the government.

In order to fully support the interdiction objectives of PSI, CF units must be able to perform three distinct tasks: to intercept, board and search the vessel/aircraft of interest; to identify the presence of illicit cargo onboard; and to safely handle and contain potentially hazardous cargo. PSI interdiction events must be approached as multi-threat incidents which require multiple types of response capabilities to be synchronized within a single event to ensure a successful resolution of the matter. All CF environments have a role in the conduct of PSI operations as well as the capability required to perform some or all of the specific interdiction tasks.

The Navy is generally well prepared to carry out PSI maritime interdiction operations and has demonstrated the capability to complete all three interdiction tasks.

¹¹ Ibid, 10.

¹² Canada, Department of Foreign Affairs and International Trade. *A Role of Pride and Influence in the World DEFENCE: Canada's International Policy Statement*. (Ottawa: Canada Communications Group), 2005, 6.

Over the last 15 years, HMC Ships have gained extensive experience in conducting maritime interdiction ops during multinational operations in both the Mediterranean Sea and the Persian Gulf. CF destroyers and frigates deploy with boarding teams capable of conducting boardings up to but not including opposed boardings of suspect vessels.¹³ They also deploy with a limited capability (small teams with portable detection and monitoring equipment) to determine the presence of Chemical Biological Nuclear and Radiological (CBRN) threats and to provide basic containment of potentially hazardous cargo. As well, the Navy maintains a high readiness Nuclear Emergency Response Team (NERT) on each coast whose mandate it is to respond to maritime nuclear emergencies.¹⁴ Although the primary task of the NERT is to ensure public safety through the monitoring of visiting nuclear powered vessels, each of these teams include a Radiation Monitoring Platoon which is well equipped with handheld radiation monitors and specially designed portable air sampling equipment to detect the presence of radioactive materials.¹⁵ These teams could also be employed domestically in support of PSI to provide improved nuclear and radiological material detection capabilities.

The Navy is not currently configured to support the most robust types of tasks required during interdiction operations as evidenced by the boarding of the North Korean vessel *SO SAN* in the western Indian Ocean in December 2002. The *SO SAN* refused to cooperate when challenged by the Spanish warship *NAVARRA* and manoeuvred away evasively. The *NAVARRA* ultimately had to fire warning shots and insert its boarding

¹³ Canada, Department of National Defence, CFCD 108 Ver 1.1 *Naval Boarding and Force Protection Manual*, (Ottawa: DND Canada, 2006), 1-4/11.

¹⁴ Major Jerry Walsh. "CF Domestic Operation: A National Overview", *DOMESTIC OPERATIONS: Canadian Army Perspectives*. (33 Canadian Brigade Group, 2005), 6.

¹⁵ Canadian Navy. Department of National Defence. *Backgrounder: The CFB Esquimalt Nuclear Emergency response Team*, 29 April 2003. Available on-line from http://www.navy.forces.gc.ca/marpac/news/marpac_news_e.asp?id=246, Internet; accessed 24 Oct 2006.

team by rappelling from helicopters to complete the boarding.¹⁶ The following inspection of the *SO SAN* revealed that it was legally transporting 16 SCUD B missiles to Yemen from North Korea. Currently, the Navy is not authorized to conduct either opposed boardings or to insert boarding teams by rappelling from helicopters. Both of these obstacles could be readily overcome with additional training and a modest increase in resources. Similarly the Navy's current limited capability to detect and safely handle potentially hazardous cargo is a limitation during independent international operations which could be improved upon with additional training and resources.

The Air Force has a specific mandate under the current PSI construct, namely the enforcement of national sovereignty within Canadian airspace. Under this mandate, fighter aircraft are responsible to either intercept aircraft of interest within Canadian airspace and compel them to land for inspection or to enforce the denial of access rights into Canadian airspace for suspect aircraft. The Air Force has the full range of military capability required to conduct these missions, subject to the direction and authorization of the Government of Canada. Once a suspect aircraft has been diverted to a Canadian airfield, the subsequent inspection of the aircraft and handling of potentially hazardous cargo would then be conducted by units from CANSOFCOM or another government department such as the Royal Canadian Mounted Police (RCMP).

As a force generator, CANSOFCOM is currently the best equipped and trained to support the full spectrum of potential PSI interdiction operations. This is a result of the specialist unit capabilities resident within JTF 2 and the Joint NBCD Company.

Conducting WMD counter proliferation operations is one of the nine Special Operating

¹⁶ Mark Valencia. *THE PROLIFERATION SECURITY INITIATIVE: Making Waves in Asia*. Adelphi Paper 376. New York: International Institute for Strategic Studies, (Routledge, 2005), 35.

Forces (SOF) core tasks performed by JTF2. Typical SOF counter proliferation missions would be to locate, seize, destroy, render safe, capture, or recover WMD.¹⁷ As a result, the unit has a well developed capability to conduct WMD interdiction and seizure tasks across the full spectrum of operations, including the ability to conduct opposed maritime interdiction operations. Similarly, the Joint NBCD company's primary mission is to respond to chemical, biological, radiological and nuclear emergencies. Its mission is to provide support to Canadian law enforcement agencies and CANSOFCOM through specialist advice, hazard detection, fallout and contamination prediction, and the collection of contamination samples.¹⁸ The company is directly tasked to provide close NBCD support to JTF2 for domestic and international operations and specializes in CBRN crisis management which involves removing or neutralizing the threat before the release of contamination

expanded in the future. However, currently the CF is greatly reliant upon a limited number of CANSOFCOM personnel to provide its most robust PSI interdiction capabilities. In the near term, this dependence should be mitigated by augmenting CANSOFCOM's existing PSI interdiction capabilities and by providing additional training and resources to the other services, such as the Army and the Navy, to expand the types of interdiction operations they are capable of performing in order to provide greater flexibility to the operational commanders. Over the long term, additional funding must be provided to CANSOFCOM's force generation capability, specifically for JTF2 and the JNBCD company, in order to provide a redundant PSI interdiction capability for Canada that is capable of simultaneous domestic and international operations.

FORCE EMPLOYMENT

PSI seeks to inhibit the proliferation of WMD through rapid intelligence sharing and interdiction operations. The CF has the force capabilities required to conduct interdiction operations both internationally and domestically. For terrorist incidents, the federal government leads in the spheres of investigation and disruptive operations. Federally, the Minister of Public Safety and Emergency Preparedness (PSEPC) is the lead minister for terrorist threats and incidents occurring in Canada, with the Minister of Foreign Affairs taking the lead for terrorist threats and incidents occurring outside of the country. In both cases, the Minister of National Defence plays a supporting role.²¹ However, given that the CF is ultimately responsible for the defence of Canada and the grave consequences of a WMD attack, support to PSI interdiction operations must be

²¹ Pierre Gagnon. *“Response to National Security Incidents: Public Safety Emergency Preparedness.* (33 Canadian Brigade Group, 2005), 37.

considered a 'no fail' CF task. This section of the paper will examine the Canadian Forces' role in conducting PSI interdiction both domestically and internationally.

Historically, operations have been described as being conducted at either the strategic, operational or tactical level. However, in today's environment, during certain types of operations the strategic level subsumes the operational level entirely and interacts directly with the tactical level. This normally occurs when high-value, time-sensitive targets must be prosecuted covertly with both a high level of accuracy and with the ability to discriminate between targets and nontargets. Such is the nature of PSI interdiction operations. As a result, the successful completion of PSI interdiction operations requires a responsive, flexible and adaptive command structure.

There are two clear mandates for the conduct of domestic PSI operations. The first is the duty of the government to protect its citizens. In this case, the CF has a critical role. The second is to ensure that Canadian ports and airfields are not utilized as transshipment points for WMD, their delivery system or WMD related materials. As demonstrated by the 'Millennium Bomber' Ahmed Ressam, who was intercepted attempting to enter Washington State from Victoria, B.C. in December 1999 with bomb related materials in his trunk, Canada has already been used as a staging point to attempt to launch terrorist attacks into the United States.²² Given that over 80 percent of Canada's foreign trade is with the United States, it is in Canada's clear economic interest to ensure that the United States is satisfied with the state of security on its northern border.

²² "Millennium Bomber gets 22 Years," *CBC*, 27 July 2005. Available on-line from <http://www.cbc.ca/story/world/national/2005/07/27/lax050725.html>, Internet: accessed 26 September 2006.

Domestically, military operations are conducted by CANADACOM whether DND is in a lead or supporting role. CANADACOM's mission is to conduct operations to detect, deter, prevent, pre-empt and defeat threats and aggression aimed at Canada within its area of responsibility, including the provision of military assistance to civil authorities.²³ Specifically, CANADACOM is tasked to provide counter-terrorism support as requested or directed by the government of Canada. In the conduct of PSI interdiction operations the most likely role for the CF would be to provide support such as armed assistance and crisis management services to PSEPC. In CF terms, CANADACOM would be in command of the operation with potentially CANSOFCOM, any of the JTFHQs and Canadian NORAD Region (CANR) providing forces as required.

An example of potential PSI interdiction scenarios would be as follows. Based on intelligence, CF 18s could be tasked through CANR to intercept a commercial transport aircraft within Canadian airspace bound for Chicago and divert it to CFB Trenton. At CFB Trenton members of JTF2 would secure the aircraft for a follow-on search by members of the Joint NBCD company and other government department personnel. Similarly, a container ship bound for Vancouver could be boarded and searched by a frigate out of JTF(P) or diverted to a holding area and secured for a more detailed inspection. In both of these cases CANADACOM would command the operation and provide mission specific guidance and enablers to the appropriate subordinate command that would execute the operation.

The conduct of international PSI interdiction operations by the CF supports the Department of Foreign Affairs' New Multilateralism Agenda. This agenda includes the 'Responsibility to Deny', the need to prevent terrorists and irresponsible governments

²³ CANADACOM, *Concept of Operation*, 2006, para 1.3.

from acquiring weapons of mass destruction that could destroy millions of innocent people.²⁴ Foreign Affairs has identified PSI as a specific initiative that will play a major role in Canada's strategy to combat the proliferation of WMD.

Under PSI's current mandate, seizures of suspect vessels are possible outside of a nation's territorial water and airspace with the permission of the vessel's flag state. If the vessel is not displaying a flag it is considered stateless and therefore may be boarded in accordance with international law. Two historical cases of such interdiction activity are the interception of the North Korean vessel *SO SAN*, as discussed earlier, as well as the seizure of the *BBC CHINA* in the Mediterranean. In December 2003, U.S. and British forces seized the German-flagged ship, *BBC CHINA* that was bound for Libya carrying centrifuge parts which could be used to enrich uranium for nuclear bombs.²⁵ The United States government has argued that these types of seizures are vital to counter WMD proliferation and has maintained that this seizure was a major factor in Libya's decision to suspend its WMD programme and helped to unravel A.Q. Khan's network.²⁶

In Canada, although the Department of Foreign Affairs is the lead government department for terrorist threats and incidents occurring outside of the country, DND is the only government department with the capability to conduct international PSI interdiction operations. In CF terms, for international PSI interdiction operations, CEFCOM would, in most circumstances, be in overall command of the operation. Given the usually time-sensitive nature of the intelligence required to support these types of operations, the most

²⁴ Department of Foreign Affairs and International Trade. *A Role of Pride and Influence in the World DIPLOMACY: Canada's International Policy Statement*. (Ottawa: Canada Communications Group, 2005),

²⁵ Mark Valencia. *THE PROLIFERATION SECURITY INITIATIVE: Making Waves in Asia*. Adelphi Paper 376. New York: International Institute for Strategic Studies, (Routledge, 2005), 38.

²⁶ A.Q. Khan, Pakistan's leading nuclear scientist, confessed to having been involved in a clandestine international network of nuclear weapons technology proliferation from Pakistan to Libya, Iran and North Korea. *Ibid.* 20.

likely forces to conduct these operations would primarily be either rapid reaction forces or the forces already in theatre. Under the current PSI mandate, there is potential for land-based PSI activity to occur within the territory of another sovereign state at the host government's request if that government is either incapable or unwilling to be seen as conducting such operations. By their very nature, SOF are designed to respond rapidly in a precise surgical manner to prosecute time-sensitive, high-value targets of strategic significance and would be likely candidates to conduct these operations. It is also likely that maritime forces deployed to a theatre to conduct maritime interdiction operations in support of an ongoing mission could be retasked at short notice to conduct a PSI interdiction. The *SPS NAVARRA* was participating in OPERATION ENDURING FREEDOM when she was retasked to board the *SO SAN*.

Overall, although DND is not the lead government agency for responding to domestic and international terrorist incidents, its direct support is critical to meeting Canada's national counter-terrorism and counter-proliferation objectives. The specialist skills resident within CF units provides unique support capabilities and interdiction options for domestic operations as well as the only PSI interdiction capability available for international operations.

Regrettably however, PSI has an image problem in Canada. Its mandate and objectives are not well known either throughout the government or within the CF. Although tactical level PSI exercises are currently being conducted by the Force Generators, to date CANADACOM and CEFCEM have chosen not to actively participate in these exercises. This lack of participation during PSI exercises inhibits both commands ability to execute rapid and seamless WMD interdiction operations. It is

acknowledged that both of these operational commands reached Initial Operating Capability (IOC) this spring and have been challenged to meet their oversight requirements due to the large volume of ongoing operations for which they have assumed responsibility. However, the prevention of the proliferation of WMD is the number two national security priority of the Canadian government and the operational commanders must ensure that the necessary amount of planning and preparations is conducted to support this 'no fail task' in order to guarantee the effective defence of Canadians.²⁷ As a result, a higher CF priority must be assigned to preparing for and executing PSI operations in order to maximize the military's ability to rapidly respond to this grave threat to Canada's national security.

POTENTIAL PSI DEVELOPMENT

PSI is still very much a work in progress and continues to evolve rapidly. First introduced by the United States in May 2003, it has grown from 11 initial participants to over 70 countries. Participating states include most of the world's major powers such as the United States, Great Britain, France, Russia, Germany, Italy, Canada, Japan and Spain. According to Mark Shulman of the Strategic Studies Institute, PSI "has the potential to change the basic paradigm of peace and security by legitimizing the proportional and discriminating use of force to prevent a great harm."²⁸ Such a paradigm shift could expand the focus of international PSI activities to land interdiction, including the entry into sovereign and neutral countries to seize shipments of WMD as well as more robust high seas maritime interdiction operations.

²⁷ Canada, Privy Council Office. *Securing an Open Society: Canada's National Security Policy*. (Ottawa: Canada Communications Group, 2004), 48.

²⁸ Mark Shulman. "The Proliferation Security Initiative as a New Paradigm for Peace and Security." *U.S. Army Strategic Studies Institute*, April 2006. Available on-line from <http://www.StrategicStudiesInstitute.army.mil>; Internet; accessed 14 September 2006, 1.

PSI nations are already taking steps to expand the legal mandate for conducting international interdiction operations. The United States has proposed amendments to the International Maritime Organization's International Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation that would criminalize the unlawful and intentional seaborne transport of WMD, their delivery systems or related materials.²⁹ Such amendments would increase the international legal mandate for high sea PSI interdiction operations. The United States has also entered into bilateral boarding agreements with the five leading flag of convenience states, (which comprise more than half of the world's shipping,) to facilitate boardings and searches of vessels suspected of transporting WMD and WMD related materials. These agreements contain provisions which permit the U.S. to board a suspect vessel in international waters if the flag state does not respond within two hours of notification of the request.³⁰ Such agreements are improving the overall capacity to conduct PSI interdiction operations in international waters.

To achieve the more ambitious objective of a legal mandate to conduct PSI interdiction operations within a sovereign state, further action is required from the United Nations Security Council. While UNSCR 1540 "decides that all States, in accordance with their national procedures, shall adopt and enforce appropriate and effective laws which prohibit any non-state actors to manufacture, acquire, possess, develop, transport, transfer, or use nuclear, chemical or biological weapons and their means of delivery, in

²⁹ Mark Esper, and Charles Allen, "The PSI: Taking Action Against WMD Proliferation," *The Monitor*, Vol 10, no 1. (Spring 2004): 5.

³⁰ *Ibid.* 5.

particular for terrorist purposes,³¹ it does not authorize international enforcement action against states or non-state actors within the territory of another country. An additional resolution pursuant to Chapter VII of the 1945 UN Charter is required to authorize unrequested PSI interdiction operations within the territory of another country. However, until China changes its current position and becomes a PSI participant, it is unlikely that such a resolution will receive Security Council approval. China, as the principal patron of North Korea, has been reluctant to sanction a counter proliferation initiative which is likely to further isolate Pyongyang and contribute to heightened tensions on the Korean peninsula. China's negative reaction to North Korea's recent underground nuclear test may result in a change in the Chinese position, which could significantly advance the more proactive application of PSI through out the world.

Should PSI continue to evolve and increase its legal mandate for international interdiction operations, the CF will have to improve its capabilities to conduct these activities abroad, either unilaterally or in concert with Canada's allies, in order to effectively meet the Canadian government's security and foreign policy objectives.

CONCLUSION

The proliferation of weapons of mass destruction to rogue states and non-state actors is one of the gravest security threats of the twenty first century. To assist in the global response to this threat, the government of Canada has committed to being an active participant in PSI. In order to support this objective, the CF must provide a full range of domestic and international military interdiction options to the government.

³¹ United Nations, Security Council, *UNSCR 1540 (2004)*, 28 April 2004. Available on-line from <http://disarmament2un.org/committee1540/index.html>, Internet; accessed 12 September 2006.

To fully meet this mandate, the CF must recognize PSI as a ‘no fail task’ and assign a higher priority to the training and conduct of interdiction operations. Additionally, the CF currently has a limited capacity to support the full spectrum of domestic PSI interdiction operations under the existing PSI legal mandate and has the ability to support more robust international interdiction efforts should the mandate of the initiative be expanded in the future. Therefore, the CF must also allocate the additional resources required to provide greater depth and redundancy to Canada’s military interdiction capabilities. Although DND is not the lead government agency for responding to domestic and international terrorist incidents, its direct support is critical to meeting Canada’s domestic interdiction requirements and it is the government’s sole means of conducting international interdiction operations. Should PSI’s legal mandate for the conduct international interdiction operations be expanded, the CF will have to further improve its capabilities to conduct these activities abroad in order to effectively meet the Canadian government’s security and foreign policy objectives.

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