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Maritime Counter-proliferation: The Case of MV Light

By Euan Graham

Synopsis

The recent turning around of a cargo ship suspected of carrying missile technology was a qualified success for maritime counter-proliferation. It demonstrated both the effectiveness of internationally concerted action and the limits to interdiction operations at sea.

Commentary

THE NEW YORK Times reported in mid-June on the turning around of a Belize-flagged ship MV Light, suspected of carrying missile technology from North Korea to Myanmar. This event was a notable and unusually public success for maritime counter-proliferation. A US guided-missile destroyer, the USS McCampbell, had on 26 May 2011, intercepted the MV Light, registered in Belize but North Korean-owned and -manned, in international waters south of Shanghai.

Since Belize has endorsed the US-led Proliferation Security Initiative (PSI) and signed a bilateral boarding agreement with the US in 2005, flag state consent was quickly obtained. According to media reports, the US warship requested permission to board four times but the crew of the MV Light refused, claiming to be carrying industrial chemicals to Bangladesh. During a pursuit lasting several days international diplomatic efforts were coordinated, aided by the presence in Washington of an ASEAN delegation. Singapore and Malaysia reportedly gave assurances that they would detain the vessel if it made port. Before reaching Southeast Asian waters, however, the MV Light stopped and retraced its course back to North Korea, tracked by US surveillance aircraft.

North Korean role

Despite their importance to global security, counter-proliferation operations are by necessity mostly 'below the radar' of media attention. However, the MV Light incident recalled a widely reported 2009 stand-off between the US Navy and a North Korean freighter suspected of carrying conventional arms destined for Myanmar. The pursuit and eventual return of the freighter to North Korea occurred on the heels of UNSC Resolution 1874, which extended sanctions following Pyongyang's second nuclear test of May 2009.

The MV Light's suspected cargo made it a clear PSI priority. Ballistic missiles, as Weapons of Mass Destruction (WMD) delivery systems, are classified among "items of proliferation concern" in PSI terminology. Despite sanctions, North Korea remains a leading supplier of missile technology. Missile sales have been a major currency earner; Pyongyang's own missile development is largely 'export-led'. An abortive attempt to intercept a North Korean Scud-missile shipment to Yemen in December 2002 was the trigger for the establishment of the PSI.

Qualified success

As a case study in operationalising PSI, the MV Light was a qualified success. The major achievement was stopping a suspected ballistic missile shipment in violation of UNSC resolutions. That sufficient pressure was generated to turn the ship around owed much to the timely coordination of diplomatic and military efforts by the US and its partners. Achieving this outcome without a boarding operation that could have been opposed by the crew minimised the risk to life and helped to contain wider tensions on the Korean Peninsula. Proportionality was thus maintained.

While interceptions at sea are dramatic, as an intelligence-led activity maritime counter-proliferation is more likely to target suspect ships and cargoes in port. Legally and operationally this is easier and less costly than the high-profile option of interdiction at sea. That said, the fact that the MV Light was nearing Southeast Asian waters pursued by a US warship was useful for concentrating diplomatic efforts on clear, time-limited objectives. On the downside, assuming that a proliferation cargo was turned back on this occasion, items returned to source can be re-exported by alternative means. Concealed or trans-shipped consignments have presumably got through in the past and the options for interdicting air cargo are more stark.

While the decision not to board the MV Light was a demonstration of self-restraint it could also be viewed as a failing given that flag state consent was obtained. The US has concluded several bilateral boarding agreements with convenience registries since 2004 for precisely this scenario. The main International Maritime Organisation (IMO) instrument relevant to counter-proliferation, the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), has now entered into force. But regional states, including PSI participants, remain reluctant to sign up despite boarding safeguards that accommodate flag-state interests.

Even with consent to board and reliable intelligence, locating items of proliferation concern is far from assured. Searches may require a lengthy port diversion, with the prospect of compensation claims if unsuccessful. Classifying dual-use materials as items of proliferation concern may require technical and legal expertise that is unavailable to the boarding party, and open to challenge by the owners. In a competitive business climate, port authorities and flag states may be tempted to see the diversion of business as more pressing than the cumulative threats of proliferation. However, reputation must also be borne in mind as a cost of business.

In view of the operational and legal challenges to maritime counter-proliferation, sustaining success requires political commitment to an across-government approach and international cooperation. But this is harder to achieve than countering the more acutely perceived terrorist threat.

Regional implications

While proliferation poses global security challenges, the case of the MV Light has regional implications. That Myanmar is identified as a proliferation consumer reflects poorly on ASEAN as the 2015 target date for the regional political and security community approaches. ASEAN's treaty commitment to a Southeast Asian Nuclear Weapons Free Zone (SEANWFZ), including surrounding waters, may be relevant here. Region-wide coordinated efforts to thwart proliferation, including the adoption of comprehensive export control legislation, would give practical expression to SEANWFZ.

Singapore has been ASEAN's most active PSI participant. But counter-proliferation successes are not just tied to PSI. Malaysian authorities, in March 2011, impounded suspected proliferation materials from a ship at anchor in Port Klang, en route from Northeast Asia to Iran. Out of the spotlight, this has a discreetly deterring effect. Extending counter-proliferation cooperation among Southeast Asia's littoral states will help keep the maritime gateway barred to would-be proliferators.

Euan Graham is a Senior Fellow in the Maritime Security Programme at the S Rajaratnam School of International Studies (RSIS), Nanyang Technological University. He is also an Associate Fellow at the Royal United Services Institute and was previously a Senior Research Officer for the UK Foreign and Commonwealth Office.