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Francesca Giovannini

American Academy of Arts and Sciences

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A New Pathway To Enhance the Global Nuclear Security Regime? Lessons Learned from Southeast Asia

Francesca Giovannini

American Academy of Arts and Sciences

Abstract

The paper investigates the approach used by a new set of regional institutions, the Disaster Preparedness and Risk Management Organizations (DPRMOs), in strengthening regional governance and cooperation. It also inquires in what ways these new institutions might indirectly contribute to the establishment of a more cohesive global nuclear security framework. More specifically, through the examination of the case of Southeast Asia, the paper argues that these institutions, albeit without a specific and direct mandate to operate in the nuclear security domain, are fundamentally strengthening states' capacity to assess risks and threats and to map vulnerabilities in timely fashion. They are also encouraging the development of a tight information-sharing network to allow countries to harmonize their preventive and management responses to disasters (both natural and man-made).

The approach used by these organizations might well complement the current approach to nuclear security which came into being with the launch of the UN Resolution 1540 and the global initiatives that followed suit. To be successful, the paper asserts, the current approach relies on the expectation that states will be willing to undertake significant changes in their political, economic and social institutional infrastructures so as to tackle the underlying causes of vulnerability to nuclear terrorism. Yet this current approach does not seem to provide states with the ultimate rationale for underwriting these comprehensive changes within their domestic institutional landscape mostly because the threat of nuclear terrorism is defined in universal terms, independent of each state's unique context.

The approach offered by DPRMOs instead departs from the fundamental premise that countries will respond to risks and threats with adequate resources only if and when they become aware of their internal vulnerabilities to such risks. This model therefore supports the national-level development of accurate and rigorous risk assessments on which state responses will be later designed.

The topic of this paper is particularly timely. The nuclear security agenda has attracted considerable attention worldwide, galvanized countries and nuclear agencies, and gathered momentum through the Nuclear Security Summits. Yet in parallel to this record of successful achievements, nuclear security has also attracted resistance, skepticism, and overall obstructionism by some countries that have perceived it

as a means for the United States to restrict emerging markets from gaining access to nuclear technology. Even more worrisome, the reaction of regional organizations to the nuclear security agenda has been lukewarm at best. Regions and their institutions have a fundamental role to play in ensuring that nuclear security becomes one of the fundamental pillars of good nuclear governance, but the underdeveloped regional dimension of nuclear security governance is a significant problem. It has been widely acknowledged that nuclear security risks are fundamentally collective problems emanating from weak border control, frail export control policies, and insufficient regional security regulations. In some regional contexts, such as in South America and in Southeast Asia, regional organizations have offered poor leadership but often have been paralyzed by internal political disputes among member states supporting the nuclear security agenda and others opposing it.

The new collective approach that DPRMOs are offering will greatly strengthen collaboration and regional governance and will ultimately solidify national nuclear security policies.

I. Introduction

Since the devastating attacks of September 11, 2001, the world has been engaged in an all-out struggle to mitigate and respond to the threats posed by terrorist organizations.

In the nuclear realm, a flurry of initiatives has led to the expansion of existing treaties and the creation of new institutions. For instance, the Convention on the Physical Protection of Nuclear Material (CPPNM)¹ that entered into force in 1980 was further strengthened in 2005 by the adoption of an amendment that extends the responsibilities of the state to protect nuclear material during use and storage, as well as transport. In addition, a wide range of new institutional mechanisms, including the UN Resolution 1540, the Nuclear Security Summits, and informal partnerships such as the Global Initiative to Combat Nuclear Terrorism (GICNT), among others, were all established in a fairly short time to provide binding rules and voluntary guidelines for countries to adopt adequate regulations and policies in defense of their nuclear material and infrastructures. Concurrently, states have responded positively to these multilateral incentives by taking stock of their ability to protect nuclear facilities and material through enhancing export control regulations, physical protection of their nuclear plants, and adopting more rigorous screenings of personnel working within these facilities.

The nuclear security regime that has arisen from multinational and domestic efforts encompasses and combines elements of hard and soft law, and operates at different levels of governance². The eclectic and inconsistent institutional architecture that characterizes the nuclear security regime at present is frequently described as a “patchwork quilt of voluntary commitments, national laws and international conventions” [5].

¹ The convention that entered into force in 1980 was the first treaty explicitly drafted to address the problem of protecting nuclear material. Yet the language of the convention was purposefully left vague and its mandate was limited to the protection of nuclear material used for peaceful purposes while in international nuclear transport.

² Some definitions: (1) The International Atomic Energy Agency (IAEA) defines “nuclear security” as “the prevention and detection of and response to theft, sabotage, unauthorized access, illegal transfer or other malicious acts involving nuclear material, other radioactive substances or their associated facilities” [1]. (2) This paper uses the concept of regime defined by Stephen Krasner as “principles, norms, rules and decision-making procedures around which actor expectations converge in a given issue-area.”[2]. (3) “Soft law” can be defined as “rules of conduct which in principle have no legally binding force, but which nevertheless may have practical effects.” [3]. (4) The IAEA defines the “global nuclear security framework” as a framework that “encompasses, inter alia, the binding and non-binding international legal instruments, nuclear security guidance developed and documents published by the International Atomic Energy Agency in the Nuclear Security Series (NSS) and the mechanisms for their application and use.” [4].

The absence of a comprehensive framework that “would stipulate specific nuclear security standards,” [6] according to experts, might ultimately undermine the ability of the regime to credibly and effectively confront the challenge of nuclear terrorism.

A report recently released by the Nuclear Security Governance Experts Group (NSGEG) claims that “The current nuclear security regime is not robust, adaptable or coherent enough to adequately protect against the intensifying and evolving threats posed by nuclear terrorism in the twenty-first century. The governance system for nuclear security is in need of significant improvement in three areas: greater coherence and confirmed effectiveness, enhanced transparency, and increased international confidence including through shared assessments of performance and cooperation. The current nuclear security regime has improved over time but this evolution has been too slow and is incomplete. It relies primarily on opaque national structures and voluntary commitments to prevent nuclear and radiological terrorism. While there are a limited number of binding international agreements covering aspects of nuclear security, adherence to them is incomplete, assessing compliance is difficult and they leave significant gaps in the system” [7].

In addition, trends seem to suggest that even at the domestic level, the momentum once gained towards the adoption and implementation of regulations has waned and possibly come to a halt. The most recent report from the Nuclear Threat Initiative (NTI), for instance, notes that: “Since 2014 no improvements have been made in the core protection and control measures assessed by the NTI Index, including on-site physical protection, control and accounting procedures, the ability to mitigate the insider threat, physical security during transport and response capabilities” [8].

Based on these current assessments, this paper argues that while focused efforts to strengthen existing nuclear security institutions should continue, it is advisable for the international community concurrently to support and validate alternative institutions and governance processes that, albeit not explicitly linked to nuclear security, might nonetheless provide much needed support to the consolidation of nuclear security rules. Most specifically the paper claims that disaster preparedness and risk management organizations (henceforth DPRMOs) that are now flourishing all over the world³, predominantly at the regional level, might bear critical impact on improving the conditions for the development of a comprehensive framework for nuclear security in the future.

DPRMOs’ main goal is to foster and encourage transparency, accountability, and facilitate information sharing among member states in the prevention and management of natural disasters. Furthermore, DPRMOs help countries to acquire individually and collectively the capacities needed to conduct scientific and rigorous security risks and vulnerabilities of their security apparatus. They also establish channels and platforms for information and knowledge-sharing that might be helpful for advancing cooperation in nuclear security. Moreover, they help advance the norm of collective security that poses significant constraints to national sovereignty when the greater good, such as effective security for all persons, is in jeopardy. In short, DPRMOs are helping to set up the foundations for more effective and binding regional governance on which future nuclear security efforts can rest.

Although DPRMOs are currently limiting their mandate to the prevention of and response to natural disasters, the framework they espouse might ultimately foster conditions for the establishment of a more cohesive global nuclear security regime. The purpose of this paper is to explain why and how.

³ This paper defines disaster preparedness and risk management as a process by which an association of states agree to cooperate on reducing the vulnerability of its regional community to hazards [9]. This can include the full disaster cycle spectrum—preparedness, prevention response and recovery—or only some parts of it. A regional disaster preparedness program includes any type of formal agreement within a regional organization that specifically deals with at least one of the four features of the disaster cycle mentioned above.

Two caveats are in order here. This paper is interested in assessing how the approach adopted by a new set of institutions, such as DPRMOs, might eventually create conditions that could ultimately contribute to the establishment of a more cohesive nuclear security regime. The paper does not offer any analysis on how DPRMOs contribute to solutions for specific nuclear security challenges, such as enhancing physical protection or addressing the insider threats problem. Furthermore, it is important to remember that the institutions the paper deals with are too new to allow the effectiveness of their approach for the global regime of nuclear security governance to be assessed empirically. However, a few general points on effectiveness are offered at the end of the paper for future research to consider.

The paper examines DPRMOs operating in Southeast Asia. In my view, Southeast Asia is a microcosm of the rest of the world, encompassing the challenges and constraints that must be overcome by states in their attempt to deepen and strengthen the global nuclear security regime. Firstly, Southeast Asia is, together with the Gulf Region, the area in which the spread of nuclear technology is occurring most rapidly. This means new countries with relatively little nuclear knowledge will have to put in place regulations and policies to tame the risk of nuclear terrorism. Getting nuclear security right in this part of the world has global consequences and significant security repercussions. Second, and related to the previous point, states in Southeast Asia have dealt with in the past, and continue to deal with, terrorist organizations either operating in their territories or in neighboring countries. Although this first-hand experience should make these countries overall more generally aware of the severity of nuclear terrorism threats, it has also forced countries to be more cautious in fully embracing a nuclear security agenda that has been seen as explicitly advanced by the United States. Finally, the region struggles with overwhelming development needs, growing population, and rapid political and social changes that frequently overshadow security concerns and lower nuclear security as a political priority. Identifying ways in which the development and the security agenda are linked would ensure a more enduring commitment towards nuclear security.

The paper is structured as follows: in the first section, I provide an overview of the current approach to nuclear security governance and its main shortcomings. The second section explores the features of the contingency approach to nuclear security as it is advanced by DPRMOs. The third section offers an empirical illustration of how nuclear security is “applied” in Southeast Asia. The fourth and final section examines the prospects for the further engagement of DPRMOs in the nuclear security area and argues why the two approaches ought to be integrated in a holistic fashion. In its conclusive section, this paper argues that the legalistic and contingency approaches to nuclear security are certainly not mutually exclusive; rather they are reinforcing each other in a synergistic fashion.

II. What is the problem? The Status of Global Nuclear Security Governance

Although concerns over nuclear terrorism did not begin on September 11, 2001, the attacks instilled a revived sense of urgency to tackle the problem and renewed the commitment among states to work collaboratively to find a viable solution.

The adoption of the Franco-American-sponsored UN Security Council Resolution 1540 crystallized the understanding that nuclear terrorism ought to be a collective concern for the entire international community. To ensure universal collaboration, UN Resolution 1540 obliges all states “to refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.” More importantly, it demands states “adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery” [10] Two types of laws are considered critical in

the fight against nuclear terrorism: border control regulations and export control laws⁴, both of which are now a legal responsibility of each state under UN Resolution 1540.

In addition to UNSC Resolution 1540 and the adoption of the aforementioned Amendment to the Convention on the Physical Protection of Nuclear Material in 2005, a string of other informal governance initiatives has been advanced by the U.S. in partnership with other states to strengthen international responses to nuclear terrorism. For example, in 2006, the Russian and U.S. governments launched the Global Initiative to Combat Nuclear Terrorism (GICNT), which aims to strengthen the capacities of signatory member states in the fight against nuclear terrorism [12]. The initiative calls on states to voluntarily adopt and implement the principles promoted by the initiative by incorporating those principles into their national legislation.

In more recent years, the nuclear security agenda has attracted further political traction under President Barack Obama, who has made it one of the central tenets of his foreign policy in the past eight years. In his historical speech in Prague in April 2009, President Obama stated that one of the main goals for the international community should be “to secure all vulnerable nuclear material around the world, within four years” [13]. This commitment was further strengthened by UNSC Resolution 1887, adopted in a special session chaired by President Obama himself. Echoing the president’s position, in October 2009 U.S. Secretary of State Hillary Clinton stated that “a nuclear terrorist bomb detonated anywhere in the world would have vast economic political, ecological and social consequences everywhere in the world” [14] and for a short period of time, the U.S. Administration began to cast nuclear security as the “fourth, and missing, pillar of the NPT” [13].

Since 2010, the U.S. has led the convening of Nuclear Security Summits “to raise international awareness of nuclear terrorism to develop a consensus on the threat and to secure a set of specific commitments from participants” [15]. During the summits, states have been expected to make national commitments in a multilateral setting, thus emphasizing the interdependence of the threat posed by nuclear terrorism and non-compliant or governance-weak countries.

In spite of the flurry of initiatives, it is common opinion among nuclear pundits to define the current global nuclear security regime as inadequate and dissatisfactory, especially when it is compared to other regimes such as the nuclear nonproliferation or nuclear safety regimes, both resting on binding and almost universal treaties.

Matthew Bunn at Harvard described the current situation as follows: “Currently we have no international standards that specify what levels of security nuclear weapons, plutonium or HEU should have; no regular international mechanisms for verification or transparency to build confidence that states are putting effective nuclear security in place, no forum for continuing high level discussion of nuclear security after the summit process comes to an end. In addition, the current patchwork of nuclear security agreements and initiatives is clearly insufficient but because of geopolitics the efforts to negotiate new treaties are unlikely to succeed in a timely way” [16].

Along the same lines, a Stanley Foundation Report observed that the “essence of the nuclear

⁴ In Article 3.C, the Resolution calls all states to “develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law.” In Article 3.D, instead, all states are expected to “establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.”[11]

security challenge is preventing weak links in the international system that can be exploited for malicious purposes. The challenge is to identify and fix these weak links when the international nuclear security system emphasizes national responsibility, has no binding obligations and lacks effective mechanisms for transnational information exchange” [7].

Finally, the NTI Report argues that: “The existing nuclear security legal foundation remains weak. In addition to the CPPNM and its 2005 amendments, The International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT) commits states to criminalize acts of nuclear terrorism and to cooperate in bringing those who commit such crimes to justice. However neither agreement is universally observed or implemented” [8].

The criticism towards the presumed weakness of the global nuclear security regime should be put into context. It is fair to say that; overall, the world has made outstanding progress in its collective fight against nuclear terrorism. Much needed training to security personnel has been provided⁵, monitoring systems have been designed and adopted⁶, and “more than half of all the countries in the world where weapons-usable nuclear material once existed have eliminated it” [17]. In addition, it is worth noting that the last Nuclear Security Summit convened in Washington reached a historical landmark: the Amendment to the CPPNM will allow it to finally enter into force thanks to the number of ratifications received. This success, together with other remarkable achievements ought to be celebrated and capitalized on [16].

Nevertheless, the main critique of global nuclear security governance is that it lacks a cohesive framework for action, enforcement and implementation.

The IAEA has defined an effective global nuclear security framework as a structure that “requires all states to recognize the importance of the legal framework – those with active nuclear programs and those conducting more limited nuclear activities. Any state may be a transit country, with or without nuclear or radiological activities” [4]. Yet such recognition is difficult to be achieved when “the legal framework is built on several international legal instruments Accordingly global effectiveness requires states’ adherence to, and implementation of all relevant legal instruments. The sovereign rights of states in relation to their acceptance or not of international treaties may delay the establishment of a common universal foundation for nuclear security” [4].

The Nuclear Security Governance Experts Group (NSGEG) in a similar sentiment has noted that: “There is no uniformity in the nuclear security regime today and this creates vulnerabilities. The nuclear security regime is typically understood to comprise domestic laws and regulations that govern security within a country’s territory; international agreements, institutions, and United Nations (UN) resolutions that supplement national laws; and ad hoc, cooperative measures in which countries voluntarily participate. This patchwork of agreements, resolutions, regulations, and guidelines was adopted in different forums, at different times, by different countries, and with different accountability measures” [18].

The impulse towards a more coherent and universal nuclear security regime is understandable and desirable as this regime would constrain states’ behavior, increase accountability and transparency, and

⁵ For instance the IAEA has provided 150 assessment missions to help member states enhancing their national system for accounting and control of nuclear material, for improving their detection and response system and for evaluation existing physical protection arrangements at the facilities. In addition during 2002-2012, the IAEA has trained more than 13,800 persons in some 120 nations and with the help of member-states has established the International Network for Nuclear Security Training and Support Centers that today counts more than 75 members [4].

⁶ For instance, the IAEA has provided member states with over 700 instruments for ensuring the nuclear security of major public events, 386 instruments including personal radiation detectors and other devices, 21 remote monitoring systems were deployed to guarantee the automatic notification of national response forces [4].

reduce uncertainty among the members of the international community. Conversely, a fragmented regime might allow states to resort to forum shopping [19–21] that is to say “the existence of distinct negotiating forums will spur actors to seek out the forum most favorable to their interests” [20]. States may also seek to cooperate in the forums (or according to the standards) that display the weakest compliance and enforcement mechanisms [22], thus instigating a potential race-to-the-bottom between states, ultimately affecting international transparency and accountability.

Yet regime cohesiveness and coherences are hard goals to achieve, as they require states to accept and abide by more stringent rules. Challenges to their attainment exist both at the domestic and international levels. Domestic actors might be willing to play a role in contributing to a more cohesive nuclear security framework by accepting more stringent rules only if they believe that such a framework will secure the fulfillment of their specific domestic interests [23]. But several factors might weaken their political will.

A newly released NTI report identifies some domestic factors that conventionally plague further progress on nuclear security: 1) lack of public engagement [24]; 2) bureaucratic inertia [17]: after treaties enter into force, the incentives to continue to improve the system decline and other priorities take precedence; 3) lack of dedicated resources; and 4) local culture and values⁷.

In addition, the adoption of a more cohesive framework for global nuclear security would rest on specific and favorable geo-political conditions. First and foremost, it requires good will and cooperation among great powers. The current patchwork nature of the global nuclear security regime is in large part due to the desire among great powers to exercise direct control and influence over the governance of nuclear security by establishing institutions aligned with their own interest⁸. For instance, it is worth noting that UN Resolution 1540 was sponsored by France and the United States and was followed only two years later by the launch of the Russia-U.S. co-led initiative, the Global Initiative to Combat Nuclear Terrorism (GICNT).

The role that power has played and will continue to play in shaping and carving the governance architecture of nuclear security should not be underestimated. Moreover, the current moment does not seem to provide conditions conducive to the achievement of a more comprehensive framework for nuclear security. The mounting competition between the United States and Russia poses a significant hurdle to overcome. It is worth remembering that according to the 2016 NTI report, there has been an increase in the stock of weapons-usable nuclear material among states and that one reason for this is the 2013 ending of the “U.S.-Russia HEU Purchase Agreement, which was responsible for a large portion of declining global stocks of highly enriched uranium” [24]. Given the current status of the relationship between the two nuclear powers, it is unlikely that a renewal of such an agreement will take place any time soon. In addition, and most recently, Russia boycotted the Nuclear Security Summit, weakening the Summit’s impact and the prospect for the adoption of more binding treaties in the future [27].

⁷ In the current approach, international organizations and powerful players define the threat of nuclear terrorism and its likelihood a priori. Results and recommendations then trickle down to regional groupings and individual countries. Yet this one-size-fits-all approach fails to acknowledge that countries with different cultures and geographies may operate with vastly different risk thresholds and appreciation of the “urgency” of the threat.

⁸ The concept of how great powers shape international institutions has been developed mostly by neo-realist IR scholars such as John Mearsheimer who contends that: essentially, institutions are “arenas for acting out power relationships” [25] p.13. The role of power in international politics is also examined by neo-liberal IR scholars such as Robert Keohane and Joseph Nye, who argue that is one of the critical variables shaping state’s behavior and institutional choices, yet power is not the only determinant. Interdependence among countries in the form of aligned interests equally leads to specific multilateral arrangements and institutional outcomes [23, 26].

III. A new path to global nuclear security governance?

Direct efforts towards the articulation of a global nuclear security framework should continue. However, given the current global challenges, it is equally important for the international community to identify and support alternative governance mechanisms that might enhance states' responses to nuclear terrorism, albeit indirectly.

At the regional level, institutional innovation has led to the establishment of new forms of multilateral arrangements and organizations. This work might provide an important opportunity to improve nuclear security governance at the regional and global level.

A study conducted by the Brookings Institute released in 2013 ascertained that “regional organizations are growing in number expanding in scope and becoming more active in many areas – from free trade agreements to cooperative initiatives on resources management to counter-terrorism measures” [28], and that “one particular area where regional organizations seem to be playing a leading role is in the relationship between migration and climate change ... with growing recognition of the potential effects of climate change, regional organizations are becoming aware that they have particular roles to play in policy discussions. Regions are more likely to face similar environmental phenomena and hazards and if people are forced to leave their countries because of the effects of climate change, they are likely to turn first to nearby countries” [28].

Thanks to the strengthening of regional cooperation in this field, today there are “more than 30 regional organizations involved in disaster risk management” [28].

DPRMOs work through an innovative approach that, if applied to also prevent man-made disasters in addition to natural ones, might help achieve three important goals in the realm of nuclear security governance. These goals are: (1) to enhance transparency among countries, (2) to reach greater coherence with other actors, and (3) to increase international confidence through shared assessments of threats and performance. Attaining these goals is critically important for the ultimate establishment of a nuclear security framework. These goals are examined in turn.

The first goal is to enhance transparency. By definition, security systems have to be private and protected in order to be effective. However, the high level of secrecy and almost complete lack of transparency in the field of nuclear security today need not remain standard. Matthew Bunn at Harvard argues that, “all states should regularly publish information about their nuclear security requirements and approaches and the means they use to assure effective performance” [16]. Yet, such a scenario is difficult to create, particularly in regions and areas of the world that are characterized by deep mistrust, and where the state-logs of secrecy become a fundamental premise of national security. Even in more normal circumstances, where regional competition is not acute, countries refrain from disclosing information particularly related to existing vulnerabilities in their security apparatus and hesitate to request assistance from other countries to avoid high reputational costs that may trigger unexpected consequences. Sharing vulnerabilities might result in the country's loss of international prestige and credibility. Such a loss ultimately may affect the global standing of the country in other areas also, such as trade, finance, and high-technology manufacturing. The vicious cycle of nuclear security secrecy ultimately affects global security in more dramatic ways. Information sharing mechanisms and collective thinking platforms allow countries to exchange best practices and lessons learned. The almost complete absence of these systems deepens distrust among countries, worsens the prospects for cooperation, and lowers the ability of countries (particularly smaller and less developed ones) to develop a credible nuclear security infrastructure. This continues to perpetuate the existence (and worsening) of weak links within the global nuclear security system that can significantly affect everyone's security.

The second goal is to reach greater coherence with other actors. While the protection of nuclear infrastructure is an important objective, the acquisition of fissile material is the most obvious path to the creation of a terrorist improvised nuclear device [29]. Therefore, borders and export control policies are the cornerstone to a credible nuclear security strategy. Within the current approach, the establishment, maintenance, and strengthening of border and export control policies remain solely with the state and its domestic jurisdiction. Nevertheless, it is widely acknowledged that national policies by themselves are necessary but not sufficient instruments to mitigate and respond to the threats of nuclear security. Multilateral cooperation, particularly among neighboring countries and at the regional level, ought to be seen as an indispensable part of generating the necessary political will and trust for such policies to come about. If regional cooperation is strong from both a security and an economic standpoint, countries might be more inclined to further cooperation on border controls and export control policies.

The third goal is to increase international confidence through shared assessments of threats and performance. All main international conventions, agreements, and institutions, as well as the national security strategies of individual states⁹, identify the threat of nuclear terrorism as the most urgent, pressing, and critical challenge facing the international community today¹⁰. However, beyond these statements, little is done on the ground to boost the abilities of countries to properly assess both the threats of nuclear terrorism in their countries and the vulnerabilities of their current security systems to such threats. International conventions demand states undertake specific changes in their legislative and regulatory policies but ultimately leave countries full discretion on the scale and magnitude of these institutional changes. For instance, the International Convention for the Suppression of Acts of Nuclear Terrorism vaguely commits states to “taking all practicable measures, including if necessary, adapting their national law to prevent and counter preparations in their respective territories” [32]. Other similar statements are found in the Amendment to the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities where states are expected to “establish, implement and maintain an appropriate physical protection regime applicable to nuclear material and nuclear facilities under its jurisdiction” [33]. The complete discretion left to states and the absence of credible benchmarks against which to assess risks and threats ultimately undermines the credibility of nuclear security systems instead of fostering an environment of international confidence. The problem is also exacerbated by the lack of guidelines for appropriate actions that need to be taken against these identified threats. The absence of scientific assessments of the actual threats also leaves open the possibility of “politicizing” nuclear security. The statement released by the Head of the Malaysia delegation during the 2009 IAEA General Conference captures well the concerns among emerging powers “against the disproportionate focus on perceived threats to nuclear security that could result in unjustifiable denials of nuclear technology” [34] and illustrates the skepticism about the actual threat posed by nuclear terrorism.

These goals are not technical but rather political. In order to achieve them, a vision of a political pathway to establish a global nuclear security regime is needed. The report from the Stanley Foundation precisely

⁹ The 2010 “U.S. Nuclear Posture Review” and the 2010 “U.S. National Security Strategy” both identified nuclear terrorism as the most urgent threat facing the United States. The former document states in its executive summary that “as President Obama has made clear, today’s most immediate and extreme danger is nuclear terrorism” [30]. The latter document channels the view of President Obama and his administration on the strategic security challenges that the U.S. will be tasked to face in the 21st century. In particular it states that: “The threats to our people, our homeland, and our interests have shifted dramatically in the last 20 years. Competition among states endures, but instead of a single nuclear adversary, the United States is now threatened by the potential spread of nuclear weapons to extremists who may not be deterred from using them” [31].

¹⁰ The International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT) 2005, states that: “acts of nuclear terrorism may result in the gravest consequences and may pose a threat to international peace and security” [32]; The adoption of the Amendment to the Convention on the Physical Protection of Nuclear Material (2005) is rooted in the widespread concern among states that: “worldwide escalation of acts of terrorism in all its forms and manifestations, and by the threats posed by international terrorism and organized crime” [33], and the United Nations Resolution 1540 (2004) notes that: “the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security” [11].

echoes this point and states, “the central technical and consensus building roles of the IAEA appeal to many nations and will remain part of a strengthened and integrated nuclear security regime. But a multilateral political track on which governments can innovate and take initiative alone or in groups is valuable and should be maintained” [7]. In addition, this architecture has to be sustainable as “it is not enough for effective nuclear security to be achieved at one particular moment; nuclear security has to be maintained and continually improved for decades to come” [16].

DPRMOs can tackle these weaknesses by formulating and promoting a holistic understanding of collective security and trans-boundary security risks and by strengthening state capacities to assess risks and vulnerabilities in an objective, scientific, and rigorous fashion.

I should note that DPRMOs currently do not have a direct mandate to address nuclear terrorism related risks, and their mandate on man-made disaster is vaguely defined at this stage. These organizations are also not encouraging the adoption of any specific legislation or regulatory policies that might prompt immediate change in the current nuclear security governance landscape. However, what I suggest is that indirectly, through their focus on disaster preparedness and risk management, DPRMOs are contributing to the creation of the conditions that will be indispensable for the establishment of a comprehensive, coherent, and sustainable global nuclear security regime.

The rationale underpinning the existence of DPRMOs resides in what has been called the “humanitarian ethics of care” [35]. The purpose, mandate, and responsibilities of these organizations are ultimately to respond to disasters and to manage risks so as to reduce the loss of lives [36]. DPRMOs are based on a humanitarian approach that might play a role in encouraging states to disclose information and to share lessons learned and best practices, even when sharing might not be so obviously in their national security interest. The framework espoused by DPRMOs shifts the center of gravity from state security to people security and right to life, subordinating national security policies to the fulfillment of humanitarian obligations. In the conventional approach to nuclear security, a state with vulnerabilities in its nuclear security apparatus is perceived as a weak link and a security problem within the international system. This negative perception incentivizes the state to avoid disclosing such vulnerabilities. In the DPRMOs framework, which revolves around state and international efforts, the vulnerability of a state is seen as a collective humanitarian liability that ought to be disclosed and addressed.

To appreciate the difference between these two approaches, it is helpful to compare the language used in crafting the main conventions and agreements.

In UN Resolution 1540, the responsibility is exclusively on the state. Cooperation is framed as something desirable, but which takes place in ad-hoc circumstances. For example, Article 7 of the Resolution mentions the possibility of cooperation and states that as “some States may require assistance in implementing the provisions of this resolution within their territories, ... Invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions” [10].

Similarly, other nuclear security conventions at the global and regional level all emphasize nuclear security as a national responsibility. For instance, the ASEAN Convention on Counter Terrorism emphasizes the national role:

Article III:

The Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of noninterference in the internal affairs of other Parties.

Article IV:

Preservation of Sovereignty Nothing in this Convention entitles a Party to undertake, in the territory of another Party, the exercise of jurisdiction or performance of functions, which are exclusively, reserved for the authorities of that other Party by its domestic laws [37].

Yet the language used in the ASEAN Agreement on Disaster Management and Emergency Response focuses on collective rather than national responsibility. Article 3, Principle 1 states that “the sovereignty, territorial integrity and national unity of the parties shall be respected in accordance with the charter of the United Nations” and Article 3, principle 3 states that “the parties to the agreement shall in the spirit of solidarity and partnerships and in accordance with their respective needs capabilities and situations strengthen cooperation and coordination to achieve the objectives of the agreement.” Most importantly, Articles 4a and 4b clearly define disaster management as a collective responsibility whereby “the parties shall cooperate in developing and implementing measures to reduce disaster losses including identification of disaster risk, development of monitoring, assessment and early warning systems” and “respond promptly to a request for relevant information sought by a member state or states” [36]. The change is related to the particular reading of national sovereignty that the disaster approach advances. On the one hand, this approach continues to bolster state-based responsibility but leaves open the possibility of intervention by international actors should state responses fail [35].

Secondly, and connected to this previous point, DPRMOs can help groupings of states to reach greater coherence in their collective security policies. This also includes those policies related to border control and emergency response strategies. The emphasis is on adopting Standard Operating Procedures [36] that facilitate humanitarian interventions and disaster-relief operations and on the conduction of periodic simulation exercises. The context in which DPRMOs operate is different from the context of nuclear security. Nonetheless, DPRMOs are helping to increase the likelihood that infrastructures will eventually be used for other non-emergency priorities like the governance of nuclear security and the development of more harmonized procedures for border control by helping to build regional infrastructure through strengthening information sharing.

Finally, and perhaps most importantly, DPRMOs can help states develop strong mechanisms and instruments through which to assess risks and identify the vulnerabilities of their systems. DPRMOs “de-politicize” risks and provide a rigorous methodology for risk assessment.

The current approach to nuclear security, as explained in earlier sections of the paper, defines nuclear terrorism as a serious threat whose gravity is articulated in a top-down approach by international organizations and powerful states.

In the conventional approach to nuclear security, the threat of nuclear terrorism is established *a priori* and, as such, it becomes both a source of controversy and a reason for complacency.

Several countries have expressed resentment towards the top-down approach embedded in several nuclear security conventions. Matthew Bunn points out that “from the perspective of many nonaligned countries, the nuclear-armed states pose the greatest nuclear dangers, and hence their compliance with their disarmament obligations should be the top international nuclear priority” [17]. In addition, countries today interested in pursuing nuclear energy for peaceful purposes might be afraid that new concerns over nuclear terrorism translate into further barriers to access nuclear technology. The Brazil delegation at the 2010 Nuclear Security Summit expressed in an exemplary fashion this shared sentiment among nuclear seekers by stating “nuclear security has been fundamental to the enjoyment of the benefits of nuclear technology since the first peaceful applications of the atom. Today, we face new challenges in this area, in

particular the risk that non-state actors, especially terrorist groups, may have access to nuclear materials or weapons for illicit purposes. ... The repudiation of terrorism is one of the ten constitutional principles, which guide our international relations. It is important on the other hand to avoid that the legitimate concern about nuclear terrorism jeopardizes the right to access, use and develop of nuclear energy for peaceful purposes” [38].

In these politically charged and ideologically divisive contexts, the threat is understood as objective and static. Objective because the threat exists and its lethality is immense. Static because nuclear terrorism will always exist, therefore protection will always be required. This formulation has helped create coalitions of like-minded countries and identify a checklist of instruments and tools to fight the threat. It has not, however, inspired much support from countries that understand threats as evolving, complex challenges tied to cultural and identity factors, instead of non-state actors in a territory. Secondly, and more importantly, although countries’ nuclear security cultures will ultimately have to be based on risk assessment capacities, the current approach does not help countries develop this capacity. The current approach requires states to adopt specific legislation but does not establish a sustainable system through which states can upgrade or maintain their security systems based on the evolution of the threat itself.

In contrast, the DPRMOs’ framework helps countries develop threat assessments on which their risk response will be ultimately designed. Because the risk-management system is both a national and a collective responsibility (as illustrated below), countries have to conduct objective, comprehensive, and scientifically sound assessments of their security system. The DPRMOs’ approach encourages states to make use of scientific data and to develop a cadre of trained experts capable of producing and interpreting those data. Ulrich Beck has argued, “Dangers do not exist in themselves. Independently of our perceptions. They become a political issue only when everyone becomes aware of them. They are the products of social stagings which are strategically defined, cover up and dramatized with the idea of scientific material” [39]. The use of scientific material and data also legitimizes the state’s decision to adopt unpopular but needed reforms in order to address these risks. The risk-prevention infrastructure that DPRMOs supports is, therefore, far more extensive and effective than the one on which nuclear security currently relies.

IV. Disaster Preparedness in Southeast Asia

Southeast Asia might be on the brink of its own nuclear revolution. After decades of technological disappointment and political backpedaling, Vietnam’s decision to move forward with the construction of its first two nuclear power plants is a turning point in the region’s history. The decision may have potentially far-reaching consequences.

“The region is not new to disappointments however. Since 1971 five projects to build research or power reactors in four Southeast Asian counties were cancelled or indefinitely postponed after reaching various stages of development. Much of the early nuclear development in Southeast Asia stemmed from the U.S. sponsored Atoms for Peace program and some countries in the region launched initial research reactors projects in the late 50s and early 60s. In Thailand for instance the TRR-1 became operational in 1962, in the Philippines and Vietnam in 1963 and in Indonesia in 1964” [40]

After that, however, the nuclear advancements came to a halt because of protests following the nuclear accidents at the Three Mile Island and Chernobyl, and the improbably high costs of the technology. Some of these challenges remain present in the region, such as active and powerful anti-nuclear movements. Nevertheless, technology transfer has become easier. Over the years, the growing credibility of many Southeast Asian countries has renewed prospects for nuclear deals in the region, making it one of the most promising commercial areas for the nuclear industry.

The challenges that the region continues to confront have made the establishment of a regional nuclear regime particularly difficult to achieve. However, strengthening nuclear security in Southeast Asia remains a compelling global priority because of the rapid spread of nuclear power in the region and the active presence of terrorist organizations. A report from the James Martin Center for Nonproliferation Studies eloquently illustrates the urgency of the problem, stating, “due to the increased flow of nuclear material and radioactive sources in the region, the development of robust nuclear security capabilities in Southeast Asia is critical. Among the key challenges for nuclear security in the region are the high level of terrorist activity, the weak maritime security, insufficient border and export controls and scarcity of adequately trained and supported human resources” [40].

In addition, the high level of terrorist activity in the region has attracted intense international scrutiny. U.S. policy-makers and media, in particular, have frequently cast the region as “the second front in the global war on terror”¹¹ [43]. Countries throughout the region, particularly powerful countries like Indonesia and Malaysia, still resent this title, leading to the adoption of more defensive postures against the pressure of global institutions and external powers to undertake much needed institutional and governance reforms.

Given the porous borders and evident vulnerabilities in the security systems of many countries in the region, the United States considered it its highest priority to engage intensively with the region and its member-states to enhance the regional defense infrastructures. To do so, the U.S. pursued and consolidated military partnerships with traditional allies such as the Philippines¹² and Singapore and also lobbied ASEAN to create credible mechanisms directly oriented towards the fight against terrorism. Yet because of the open opposition of a few states of the region, ASEAN initially delivered non-binding conventions and declarations that dealt with terrorism-related issues at large, but maintained the sanctity of the principle of non-interference as the basis of ASEAN inter-state relations [37].

After an initial phase of rejection and resentment, states in the region have become more amenable to the idea of establishing cooperation on regional nuclear security. For instance, the successful formulation and adoption of the ASEAN Convention on Counter Terrorism (2007), which is binding and entered into force in 2011 thanks to the leadership of Singapore and the signature of six ASEAN countries [45], marked a clear departure from the “ASEAN way” and signaled the mounting political consensus among ASEAN countries to tackle the problem of nuclear terrorism more explicitly¹³. Although it does not directly cite UN Resolution 1540, the Convention makes reference to it when it declares the willingness of ASEAN to cooperate “to prevent the movement of terrorists or terrorist groups by effective border control ... [and] enhance intelligence exchange and sharing of information and enhance existing cooperation towards developing regional databases under the purview of the relevant ASEAN bodies.”

¹¹ For instance, in 2003, the U.S. Congress commissioned a report in which it was noted with apprehension, “Southeast Asia with its combination of large Muslim populations; dissident and separatist movements; porous borders and easy transnational communication, under-resourced intelligence services ... is a fertile breeding ground for terrorist operations” in M. Manyin, “Terrorism in Southeast Asia,” Congressional Research Service Report for U.S. Congress, updated November 18, 2003 [41]. This was followed by a congressional hearing in 2004 in which the U.S. Assistant Secretary of State for East Asia and Pacific Affairs, James Kelly, explicitly stated: “this is a time of transition in Southeast Asia, and at the top of our policy priorities is waging the war against terrorism.” James Kelly, Testimony before the United States House of Representatives, International Relations Committee, June 2004 [42].

¹² In January 2002, the U.S. administration formed the Joint Special Operations Task Force-Philippines to help the country fight transnational and domestic terrorists. One operation led to the deployment of 660 U.S. marines in the Southern Philippines to fight against the terrorist group Abu Sayyaf. Data related to Philippines-U.S. cooperation in the “war on terror” can be found in James Putzel, *Political Islam in Southeast Asia and the U.S.-Philippines Alliance* [44].

¹³ The Convention deals with the problem of terrorism at large, however, it also has important repercussions for regional nuclear governance, in that it refers to the need for ASEAN member states to “... strengthen capability and readiness to deal with chemical, biological, radiological, nuclear (CBRN) terrorism, cyber terrorism and any new forms of terrorism” [37].

The adoption of the legally binding ASEAN Convention on Counter Terrorism certainly constitutes a landmark step in developing a credible nuclear security infrastructure, but such an instrument in and of itself is not sufficient to drive much needed further changes. Furthermore, intra-regional commitment towards more extensive and substantive institutional reforms continues to be subordinated to other development priorities¹⁴. Progress in formulating and enforcing nuclear security policies and regulations is highly uneven across the region. According to a recent report on the state of nuclear security in Southeast Asia, “countries in the region remain deficient in areas of strategic trade management, equipping the borders to prevent illicit trafficking of nuclear and radioactive materials, training specialists and ensuring adequate and sustainable financing of related activity”[40]. In addition, continued territorial disputes among various member states has somewhat hampered closer cooperation on security matters in ASEAN. Most recently, Thai and Cambodian forces clashed on their shared borders in February 2011. Compounding this, “ASEAN’s Secretariat is significantly understaffed and nuclear security is not a priority for officials working on wider security issues. As with any international organization, ASEAN’s agenda is set by its member- states and the secretariat cannot work on issues that are not put forth or prioritized by the members” [40].

For this reason, advancements to nuclear security continue to be promoted and lobbied for mostly by external players such as the European Union (through its Centers of Excellence), the United States, and the IAEA. These three actors are detached from intra-regional power-skirmish dynamics. The sustainability of nuclear security policies might be in grave jeopardy if local ownership of such policies is not properly fostered and enhanced.

Although the nuclear security regime of the region remains unsatisfactory, ASEAN and Europe have developed the first regional binding agreement for disaster relief, preparedness, and prevention.

The region is not new to natural disasters¹⁵. Along with the process of regional integration, a culture of cooperative disaster preparedness and relief has emerged. In fact, the first attempt to establish collective infrastructure for disaster preparedness was made in 1971, when ASEAN established the ASEAN Experts Group on Disaster Management (AEGDM), which was created to “enhance cooperation in disaster management in order to minimize the adverse consequences of disasters on the economic and social development of ASEAN member countries” [47]. However, this group met only once every two years and had no independent resources and no enforcement mechanisms. Other institutions were then created in the 1990s to strengthen regional dialogue and information sharing. However, it was only in 2000, when AEGDM was elevated to the ASEAN Senior Officials Meeting on Disaster Management, that it acquired more political status within the regional governance architecture. AEGDM also gained some additional power to approve guidelines and standards of conduct to strengthen national disaster response policies. The adoption of the Bali Concord in 2003 also prompted the development of regional disaster infrastructure by widening and deepening the regional integration process.

The agreement fully embraces the concept of comprehensive security and “recognized that more intra-regional cooperation is needed to handle concerns that are trans-boundary in nature and therefore shall be addressed regionally in a holistic integrated and comprehensive manner” [46]. ASEAN adopted the ASEAN Agreement on Disaster Management and Emergency Response (AADMER) in 2005. The evolution of the ASEAN community led to a new impetus, which strengthens the collective commitment

¹⁴ Several countries in Southeast Asia continue to oppose the adoption of a regional export control regulations and external donors, such as the EU, work exclusively with individual states to help to formulate appropriate policies. In addition, protection of critical maritime routes continues to be a challenge due to weak governance capacities and the increased level of piracy activities. Yet little has been done at the regional level to address these challenges.

¹⁵ Angela Pennisi di Floristella argues, “Southeast Asia is one of the world’s most vulnerable regions to suffer from a range of natural disasters. Over the last years, earthquakes, typhoons, the rise of the sea level, volcanic eruptions, droughts, heat waves and tsunamis are becoming more frequent and severe” [46].

to disaster preparedness and response through the creation of an ASEAN Humanitarian Center that was later, created in 2011.

The development of this institutional architecture to cope with disasters has brought some important innovation in the governance of the ASEAN region. These innovations influence the way in which ASEAN approaches deals with nuclear security obligations. At least three significant changes in the “ASEAN traditional governance modus operandi” have been brought about by the development of a regional disaster management approach: 1) the development of a more consolidated and effective mechanism for sharing information; 2) a critical shift in ASEAN attitude from reactive to proactive governance; and 3) the strengthening of the norm of collective security.

Firstly, the current regional nuclear security infrastructure does not openly facilitate the sharing of sensitive information among countries. However, the ASEAN approach to disaster response heavily relies on the gathering of information and the continuous communication among member-states. For instance, the ASEAN Coordinating Center for Humanitarian Assistance on Disaster Management (2011) runs offices in every Southeast Asian country. They conduct daily risk assessments made available to all member-states. In return, each state is required to contribute and cooperate with the continuous collection and update of data and the immediate disclosure of information that is critical for collective security.

Secondly, the establishment of a regional disaster-management infrastructure has prompted changes in the regional ASEAN towards disasters, threats, and vulnerabilities. This change within ASEAN is at the early stage but is nonetheless promising. According to the ASEAN Agreement on Disaster Management and Emergency Response (AADMER), each state has to allocate specific resources, both human and financial, towards the conduction of risk assessment and the continuous evaluation of vulnerabilities within member-state security and disaster response systems. Most specifically, AADMER has released guidelines and interoperable protocols for identifying disaster risks in each member-state and for coordinating the collection, storage, and analysis of risk data for formulating plans for dissemination of regional risk information and assessment. The attention to risk and risk assessment has also led ASEAN to devote significant resources to deliver training at the national and regional level to ensure commitment to risk prevention and disaster preparedness. This has begun to generate a proactive culture of prevention that was not present in the past. The Head of ASEAN Disaster Management Adelina Jamal noted: “one of the main lessons learned... from experience of disasters is the need to be prepared for the unthinkable” [46]. This shift in mentality and the orientation towards more proactive prevention policies will trickle down to other sectors and will be particularly helpful in the realm of nuclear security.

Finally, a normative shift has begun to emerge in parallel with the formation of an ASEAN approach to disaster management. This normative shift is underpinned by the norm of collective security that has to be ensured at the expense of national sovereignty. It was noted earlier that in the field of disaster management ASEAN has discontinued its usual consensual approach to regional governance and has opted for hard- governance. AADMER is a binding treaty that enlists specific obligations and commitments to adhering member-states. AADMER exercises a level of authority over member-states that go way beyond other treaties. To appreciate the normative shift that AADMER embeds in Southeast Asian regional governance a comparison with the ASEAN Convention on Counter Terrorism (ACCT) must be seen.

ACCT espouses a soft-governance approach. The convention claims that it simply “shall provide a framework for regional cooperation” [45] and includes a long list of areas for cooperation without ever referring to specific actions that states are required to take to comply with the treaty. In addition, articles II-III-IV-V and VII all provide the constraints and the limits of the convention by reinforcing the principle of sovereignty and non-interference.

Conversely, the language used in the drafting of AADMER is more authoritative over the compliance responsibilities of states and is less defensive of national sovereignty. For instance, it has been noted in Article III that AADMER reinforces the importance of territorial integrity and national unity. Nonetheless, it asserts that “each affected party shall have the primary responsibility to respond to a disaster occurring within its territory and external assistance or offers of assistance shall only be provided upon the requires or with the consent of the affected Party” [36]. The choice of the word “primary” implies that sovereignty remains an indispensable yet necessary pillar to ensure collective security in disaster management. As previously noted, AADMER assigns clear responsibilities to states. For instance, the agreement requires states “to establish, maintain and periodically review national disaster early warning systems” to “identify disaster risks,” and to “communicate the information to the ASEAN coordinating center for humanitarian center”.

Although the treaty does not yet propose any specific sanction for countries that fail to perform at the level requested by the agreement, the tone and approach of the agreement constitute an indisputable step towards hard governance and a more effective approach to regional governance.

V. Towards a more holistic approach to nuclear security governance?

This paper has sought to explain how and why the approach purported by a new type of institution in disaster preparedness and response management organizations might ultimately benefit the regional and global efforts towards the establishment of a cohesive global nuclear security framework.

As the paper has also suggested, it is important to note that currently DPRMOs work exclusively on natural disasters. Their impact on the governance of nuclear security is indirect, seen through the establishment of systems of early warning, risk assessment, and coordination processes that might eventually facilitate and ease the process of regional nuclear security governance. However, DPRMOs themselves might take on a more explicit role in nuclear security. Three main factors might facilitate the expansion of their role in this domain: 1) the deepening of the regional integration process, 2) the expanding support that these organizations will receive from the U.S. and other important players: 3) the record of accomplishments and successes that these organizations will establish and provide the basis of the credibility and legitimacy of their operation in other areas.

First and foremost, it is important to note that creation of DPRMOs is a process closely related to the deepening of regional integration. As such, it is easy to envision that the further evolution of regional cooperation will lead to an expansion of these DPRMOs to other sectors. Ultimately, the very existence of this kind of organization shows that regional groupings have embraced a new and expanded understanding of security as a collective and non-traditional endeavor. They represent an important landmark in regional governance. The system of data gathering, collective and peer-review monitoring, and daily information-sharing, will advance mutual trust and confidence among countries which will then allow for the expansion of regional governance in other domains including the collective protection of critical facilities. The second factor that might play a role in the enlargement of DPRMOs mandates on nuclear security is the support that these organizations are receiving and will continue to enjoy from powerful countries like the United States and the European Union. It is important to note that many of the regional disaster-management mechanisms came about because of indigenous leadership within regional groupings. This means that these systems enjoy high legitimacy and support among many member-states, but the U.S. and the EU rely on external actors. . Given the slow progress that regional nuclear security institutions are making, it is likely that these actors will eventually invest more resources in DPRMOs to compensate for the poor performance of more conventional nuclear security organizations. Some precedence in this regard has already taken place In 2004 the United States Command in the Gulf Region hosted a workshop entitled “Combating Terrorism and Enhancing Regional Stability and Security

Through Disaster Preparedness.” The workshop’s main goal was to strengthen regional capacities to respond to potential man-made disasters, and nuclear terrorist attacks. Nonetheless, another rationale underpinning the use of this disaster-preparedness approach was to foster a broader discussion about establishing an enduring and credible collective defense system in the Gulf Region. In the “humanitarian ethics of care” [48] on which DPRMO existence is premised provides the legitimacy to advance more politically challenging conversations such as collective defense and security policies.¹⁶

Finally, there is little doubt that the most important factor that will likely determine whether DPRMOs will take on an expanded mandate is the power of their demonstration effect, that is, the record of accomplishments and successes they will acquire and be able to display in the area of disaster relief, early warning, and risk prevention.

It is fair to ask, however, how reproducible is the contingency approach to nuclear security outside of the Southeast Asia context. At the onset we have acknowledged that Southeast Asia presents favorable conditions for the emergence of this new governance model alongside the creation of DPRMOs institutions. Certainly the region as a whole features conducive elements and circumstances that have allowed this type of governance to thrive. For instance, although power plays an important role in the region, the power asymmetry among regional players is not as acute as in other contexts. In addition, Southeast Asia has experience in innovative governance. ASEAN itself, the regional organization, has emerged from a distinct consensus-based model of governance that is highly embedded in and largely mirrors the specific cultural context of Southeast Asia. Yet these features might not be considered unique exclusively to Southeast Asia. The emergence of less formal governance models rests on simple and rather basic conditions such as: “strategic uncertainty, meaning that policy makers recognize that they cannot rely on their strategic disposition to guide action in a particular domain and a multi-polar or oligarchic distribution of power in which no single actor has the capacity to impose her own preferred solution without taking into account the views of the others. Together these conditions open up the possibility for transforming distributive bargaining into deliberative problem solving through the institutional mechanisms of experimentalist governance” [50]

Finally, it is important to note that the work that conducted by DPRMOs does not and should not replace the efforts that States have done to conduct the enduring weaknesses in the current global nuclear security regime. The approach that DPRMOs adopt does present some shortcomings.

Firstly, the “disaster approach” to nuclear security does not offer a long-term approach to the governance of nuclear infrastructures. It is a functional approach to monitor risks in the medium and short-term but it does not offer a forward-looking perspective on the risks that might be generated through the evolution of nuclear technology and the spread of nuclear power around the world. Secondly, and related to the first point, this approach does not aim to solve the root causes that make systems more vulnerable to nuclear terrorism in the first place. A disaster preparedness approach to nuclear security considers and tackles the immediate roots of vulnerabilities but ultimately leaves unturned the very political economic and social structures that led to the vulnerabilities in the first place. This means that through this approach we might be able to mitigate and tame vulnerabilities in the short term but not fully address them.

Ultimately, the development of a comprehensive framework for nuclear security will rely on the contribution of multiple actors: global nuclear institutions, states, as well as regional organizations. Certainly, the establishment of regional disaster management systems brings new opportunities for

¹⁶ At the workshop on workshop entitled Combating Terrorism and Enhancing Regional Stability and Security Through Disaster Preparedness, Colonel Hazza’a Mubarak Al Hajri, GCC Assistant Secretary For Security Affairs went on record to say that: “the responsibility for handling emergency situations is a shared and comprehensive responsibility that cannot be undertaken by any of the GCC countries alone – it is the responsibility of all the GCC countries. This is what we are all looking forward to through this meeting, in order to achieve the wishes, aspirations and goals of our leaders and of our people” [49].

institutional innovation and political momentum for further regional governance that if seized correctly, might ultimately strengthen regional nuclear security infrastructures and positively influence the establishment of a sustainable global nuclear security regime.

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VII. Author’s Bio and Contact Information

Francesca Giovannini, American Academy of Arts and Sciences

Email: fgiovannini@amacad.org