

COOPERATING TO COMPETE
THE ROLE OF REGIONAL POWERS
IN GLOBAL NUCLEAR GOVERNANCE

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Abstract

This thesis explores the role of regional powers in the development of regional nuclear regimes. Its central argument is that the devise of regional nuclear regimes through the leadership of regional powers is driven by both functional and strategic reasons. Functionally, regional nuclear institutions serve to provide more tailored solutions to respond to nuclear risks emerging at the local level. Strategically, the formation of sub-global institutions enables regional powers to exercise considerable influence on nuclear governance processes at both regional and global levels. And in situations where regional powers are dissatisfied with the global nuclear-institutional status quo, regional nuclear institution-building provides an incomparable opportunity to question that status quo and challenge, albeit indirectly, the preferences of the United States, their main architect.

The type of leadership provided by regional powers in the establishment of regional nuclear regimes is affected dynamically by two relationships: the regional powers' relation with the United States and their relation with secondary regional players. The former relation is defined as 'global nuclear alignment' and refers to the degree of proximity of the regional power towards U.S. nuclear preferences. The latter is defined as 'regional embeddedness' and captures the degree of convergence of regional powers' nuclear preferences with those of its most proxy regional contender, as well as the level of commitment shown by the regional power vis-à-vis regional integration.

The thesis argues that when both relations are low, divergence of the regional nuclear regime from global nuclear institutions is most acute. Conversely, when only one of the relations is high, the regional nuclear regime tends to converge with global nuclear institutions, either in goals or in methods. The theoretical framework is applied to investigate three cases of regional leadership as provided by Brazil, Indonesia and France in the establishment of the regional nuclear regimes in their respective regions.

Glossary

ABACC	Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials
ABM	Anti-Ballistic Missile Treaty
ACCT	ASEAN Convention on Counter Terrorism,
AFCONE	African Commission on Nuclear Energy
AP	Additional Protocol (IAEA)
ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
CBD	Convention of Biological Diversity
CDPNB	Committee for Development of the Brazilian Nuclear Program
CEA	Commissariat a L'Energie Atomique (France)
CGEA	Community General Export Authorization (EU)
CICTE	Inter-American Committee on Terrorism
CPPNM	Convention on the Physical Protection of Nuclear Material
CTBT	Comprehensive Test-Ban Treaty
DGP	Senior Defense Group on Proliferation (NATO)
EEC	European Economic Community
ENDC	Eighteen-Nation Disarmament Committee (UN)
ESG	Earth System Governance Project
EU	European Union
EURATOM	European Atomic Energy Community
EU WMD Strategy	EU Strategy against Proliferation of Weapons of Mass Destruction and their delivery system
FMCT	Fissile Material Cut-off Treaty
GICNT	Global Initiative to Combat Nuclear Terrorism
IAEA	International Atomic Energy Agency
ICSANT	International Convention for the Suppression of Acts of Nuclear Terrorism
IDEA	Integrated Data for Events Analysis
INF	Intermediate-range Nuclear Forces
ISM-on-NPD	Inter-Sessional Meeting on Nuclear Non-Proliferation and Disarmament (ASEAN Regional Forum)
MERCOSUR	Southern Common Market (South America)
NAM	Non-Aligned Movement
NATO	North Atlantic Treaty Organization
NRC	Nuclear Regulatory Commission (United States)
NPT	Nuclear Non-Proliferation Treaty
NPT PrepCom	NPT Preparatory Committee
NPT RevConf	NPT Review Conference
NNWS	Non-Nuclear Weapon State
NSG	Nuclear Suppliers Group
NSS	National Security Strategy
NWS	Nuclear Weapon State
OPANAL	Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean
OAS	Organization of American States

PNEs	Peaceful Nuclear Explosions
SALT	Strategic Arms Limitation Talks
SCCC	Common System of Accounting and Control of Nuclear Materials
SEANWFZT	Southeast Asia Nuclear-Weapon-Free Zone Treaty
SORT	Moscow Strategic Offensive Reduction Treaty
START	Strategic Arms Reduction Treaty
TRIPS	Intellectual Property Rights Treaty
UNASUR	Union of South America Nations
UNCDA	United Nations Commission for Disarmament
UNSCOM	United Nations Special Commission (Iraq)
WNA	World Nuclear Association
WMD	Weapons of Mass Destruction
ZOPFAN	Declaration of a Zone of Peace, Freedom, and Neutrality

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Chapter I: Introduction

As the field of International Relations (IR) emerged as a discipline at the end of the Second World War, scholars hoped it might provide the intellectual tools to create longer lasting peace through global cooperation. Despite such hope, the world was soon rapidly choosing sides in a cold war of much longer duration, and such cooperation seemed increasingly difficult to attain as debates grew over what conditions would be necessary for states to cooperate in a world of anarchy¹. Seventy years on, the world has completely transformed. Cooperation between states is commonplace and multilateral institutions have flourished in virtually every sphere of world politics². Once about anarchy, today the international relations debate concerns the proliferation of institutions.

Institutional proliferation refers to the steady increase in the number of multilateral institutions³, occurring across all trans-national issue-areas⁴ such as trade and

¹ The so-called 'neo-neo debate', which emerged in the 1970s and grew yet more active in the 1980s, was the very first comprehensive debate within the newly born discipline of International Relations. The debate sought to answer two interrelated questions: whether cooperation was attainable in a system characterised by anarchy; and if so, what conditions would favour its attainability. For a comprehensive review on the main literature: H. Milner, *International Theories of Cooperation Among Nations: Strengths and Weaknesses*, *World Politics*, vol. 44, no. 3, April 1992, pp. 466-496; R. Jervis, *Realism, Neoliberalism and Cooperation: Understanding the Debate*, *International Security*, vol. 24, no. 1, Summer 1999, pp. 42-63; R. Axelrod, *The Evolution of Cooperation*, (New York: Basic Books, 1984), K. Oye, ed., *Cooperation Under Anarchy*, (Princeton, NJ: Princeton University Press 1986)

² Scholars agree that it was predominantly at the end of World War II when the movement towards global institutionalisation began, with the establishment of the United Nations and its satellite specialised agencies. See K. Raustiala, *Institutional Proliferation and the International Legal Order*, *University of California Los Angeles (UCLA) Research Paper*, No 12-21, August 2012, p.6

³ Use in this thesis of the word 'institution' denotes a 'connected set of norms and rules embedded in stable and ongoing social practices'. The definition is provided in A. Hurrell, *On Global Order*, (Oxford: Oxford University Press, 2007), p. 59. Nevertheless, the concept of institution is *per se* 'even fuzzier than the one of cooperation', as noted by Robert Keohane. The thesis does not however intend to contribute directly to the debate around the ontology of institutions. Its purpose is rather to shed light onto the causes of their proliferation. For a more in-depth discussion, see R. Keohane, *International Institutions: Two approaches*, *International Studies Quarterly*, vol. 32, no. 4, 1988

⁴ The idea of issue-areas in world politics was originally conceived by James Rosenau, in J. Rosenau, *Pre-Theories and Theories of Foreign Policy*, in Barry Farrell, R. ed., *Approaches to Comparative and International*

finance, the environment, security and human rights. The phenomenon of institutional proliferation has come under intense scrutiny within International Relations scholarship and numerous works have emerged to explore the drivers underpinning such proliferation and the consequences that this phenomenon has for the process of global governance.

The prevailing argument to explain what drives institutional proliferation is rooted in neoliberal institutionalism and claims that institutions proliferate due to the complex nature of contemporary global problems. The complexity of international challenges compels states to establish multiple institutions for two main reasons. First, current global problems, such as climate change, are multi-dimensional and therefore the creation of a single multilateral institution to tackle all of the aspects of one such issue is unrealistic and undesirable. Second, the multi-faceted nature of global problems encourages the surfacing of disparate interests among states, which in turn results in club institutions composed of a limited number of states with homogenous interests operating side by side with global institutions within the same issue-area.

Neoliberal institutionalists claim that institutional proliferation is necessary to respond effectively to global problems but ultimately poses a *problem of inter-state cooperation*. When institutional proliferation unfolds, the flourishing of highly diverse institutions operating with dissimilar rules and mandates strains the legal and institutional coherence⁵ of the issue-area in which such proliferation has unfolded.

The presence of multiple institutional settings within a single issue-area encourages

Politics, (Evanston, IL: Northwestern University Press, 1966), p. 74. In the context of this thesis, the term 'issue-area' is equivalent to the terms 'sector', 'area' or, more broadly, 'realm'

⁵ The phenomenon of institutional proliferation has also attracted attention from international law studies. See: G. Hafner, Pros and Cons: Ensuing from Fragmentation of International Law, *Michigan Journal of International Law*, vol. 25, no. 4, 2004, pp.849-863; M. Koskenniemi, and P. Leino, Fragmentation of International Law? Postmodern Anxieties, *Leiden Journal of International Law*, vol. 15, no. 3, 2002 pp. 553-579

states to engage in forum-shopping to pursue cooperation with other states within those institutions that have the weakest enforcement mechanisms and that they consider most favourable to their interests. Neoliberal institutionalists conclude that by creating a framework in which the prospects of opportunism or defection are heightened, institutional proliferation - where applicable - may significantly undermine the prospect of long-lasting international cooperation.

The claim that institutional proliferation poses a problem of inter-state cooperation is not necessarily wrong, but it is rather partial. The existence of multiple overlapping and in some instances contradictory institutions operating within the same issue-area is explained in the institutionalist framework as an unintended consequence resulting from the process of international cooperation, necessary to deal with compelling global issues. The argument, however plausible, suffers from two main flaws. On the methodological front, the claim has been almost exclusively applied to and tested in the economic and the environmental sectors. Consequently, its empirical validity so far remains confined to these two sectors, unless and until a serious empirical testing of such a claim is similarly conducted across other issue-areas, including hard-security. Second, and more relevant for this thesis project, by casting institutional proliferation simply as the unintended consequence of increasing global problem-complexity, this literature and its scholars too quickly dismiss the strategic implications resulting from this phenomenon. To put it another way, the current literature does not assign sufficient consideration to the ways in which institutional proliferation at the subglobal level may provide significant power-advantages to states driving such institutional proliferation⁶.

⁶ The only clear way in which the literature believes institutional proliferation can advantage states is through forum-shopping. But such argument is almost entirely skewed in favour of great powers and global hegemonies and

It is the principal aim of this thesis project to address the remarkable lack of consideration of the strategic implications of institutional proliferation and to advance an alternative argument which could explain the conditions and modalities of institutional proliferation in the nuclear sector.

The alternative argument which will be advanced in this thesis is that rather than being unintended, institutional proliferation, under specific conditions, is a deliberate strategy pursued by certain states interested in contributing to and influencing the modalities of governance of a given issue-area where global institutions are in place but tend to reflect the interests predominantly of a global hegemon or a superpower like the United States⁷ as their main architect.

In such conditions – in issue-areas where global institutions exist, thrive but their agenda is designed by and skewed in favor of the United States, the articulation of sub-global institutions provides significant advantages for states, in possess of significant material and non-material resources and willingness to lead, and interested to influence the governance of these issue-areas but lacking the material capabilities, power projection and the global resources of the United States. In cases where for instance one of these powerful states is deeply dissatisfied with the global institutional status quo, the establishment of institutions which function with mandates and rules distinct from those of global institutions. This strategy enables the state to introduce institutional and legal inconsistency to a given issue-area, and

no serious consideration is placed to understand in which ways states, other than global powers, may take full advantage of institutional proliferation

⁷ The claim that global institutions are skewed in favour of U.S. interests is not new. John Ikenberry explained in several of his works that the nature of the Hegemonic leadership that the U.S. chose to play from the end of WWII was precisely directed towards the establishment of multilateral institutions that would accommodate its interests while offering sufficient guarantees to other powers of the benign nature of U.S. Hegemony. J. Ikenberry, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order after major wars*, (Princeton: Princeton University Press, 2001), p. 201

to intentionally undermine the authority of the global institutions serving as a repository of U.S. interests. In this case, institutional proliferation is a manifestation of forces at play against the global hegemonic⁸ role of the United States. It must be conceived as *inter-state competition*. In other cases, where a powerful state shares similar interests with the United States on the governance of an issue-area, the creation of a sub-global institution can still provide an important platform from which to gain more influence in the overall governance of that specific issue-area.

The thesis is built around the central idea of ‘*cooperating to compete*’, which refers to the process by which powerful states exploit the demand for cooperation arising within a group of states, at the regional level, as an opportunity for them to lead and thereby gain more influence in the governance of a given issue-area at both the global and regional levels. The idea of competition, as developed in the thesis, is broadly conceived. In some cases, competition derives from the open ambition of one powerful state to directly challenge the mandate and functioning of global institutions which are seen as custodians of U.S. interests. In other cases, competition may originate simply from the desire by one state to exercise more influence in a given issue-area by controlling and influencing the establishment of sub-global institutions. These are cases of soft-competition, in which the formation of sub-global institutions does not derive from a clear intention to challenge the United States’ preferences, but rather from a desire to exercise more influence in the actual governance of the issue-area, while responding to and strengthening U.S. interests.

⁸ Throughout this thesis, the United States is defined and illustrated as a country exercising a global hegemonic role in nuclear governance, and at times is referred to as a Global Hegemon. The term Hegemon originates in R. Keohane and J. Nye, *Power and Interdependence*, (Boston: Little Brown, 1977), p. 44 and is later used in R. Keohane, *After the Hegemony*, (Princeton: Princeton University Press, 1984), p. 34. In the present framework, therefore, a Hegemon is a ‘state powerful enough to maintain the essential rules governing interstate relations and willing to do so’. Hegemonic leadership is, importantly, a *combination* of material capabilities and the willingness to exercise leadership at the global level. In the nuclear sphere this definition bears particular significance, since despite the slightly superior material nuclear capabilities of the Soviet Union, the activism displayed by the United States in designing global institutions as well as establishing collective decision making processes give the U.S. a unique role in global nuclear governance. For this reason, the country is considered the Global Hegemon in this sector

The idea of ‘cooperating to compete’ in both its forms is illustrated in the thesis through analysis of the phenomenon of institutional proliferation as it has unfolded in the nuclear sector at the regional level in Latin America, Southeast Asia and Europe⁹. The first two cases are examples of hard-competition, in which sub-global nuclear institutions were instigated primarily through the desire of regional powers, Brazil and Indonesia, respectively, to challenge the U.S. interests as they are embedded in global nuclear institutions. The third case-study, France’s leadership in the creation of a European nuclear regime, is instead a case of soft-competition. France shares many of the goals and objectives pursued by the United States in global nuclear governance, yet, at the regional level, it has led in the formation of regional nuclear institutions that seek not to challenge, but to ‘Europeanize’, these goals to make them more politically acceptable to other regional players in the European Union. The case of France’s leadership is interesting because the formation of regional nuclear institutions in Europe do indeed strengthen global nuclear institutions and the United States’ interests, France’s leadership on this issue allows it to gain more influence in nuclear governance both regionally and globally than it would have had simply by aligning itself individually with the United States.

This introductory chapter comprises two primary sections: the first seeks to highlight the main features of institutional proliferation in the nuclear sector and to underscore the ways in which existing theoretical arguments on institutional proliferation are inadequate to explain the phenomenon in the nuclear context. The second part provides an overview of the research questions and the main argument of the thesis.

⁹ The region of Europe in my empirical investigation coincides with the area of the European Union

It also touches upon the three case studies of regional nuclear regimes selected for the empirical investigation and the methodology applied for their exploration. The section closes with a concise description of the structure of the thesis.

Institutional Proliferation in the Nuclear Sector

One of the sectors that have witnessed an impressive proliferation of institutions in recent years is the nuclear sector¹⁰, where the process of institution building has gone hand in hand with the ever-globalising diffusion of nuclear technology. In particular, two distinct processes of inter-state cooperation are responsible for the proliferation of institutions in this sector. The first has unfolded at the global level and has primarily been led by the United States. The second process, which has developed *in relation* to the global institution building process, has unfolded at the regional level. Whilst global nuclear institution building has attracted considerable attention among scholars, regional nuclear cooperation has remained significantly underexplored.

At the global level, the United States, more than any other state, has taken on the responsibility and the costs of guiding the process of global cooperation towards the establishment of a global nuclear regime¹¹. The hegemonic leadership that the United States has exerted in global nuclear governance is rooted in both an ideational and material rationale. In this regard, William Walker writes: ‘Since 1945, the United States has possessed both an exceptional structural power and an exceptional urge to

¹⁰ This thesis is primarily concerned with those regional nuclear institutions with mandates on nuclear non-proliferation, nuclear disarmament or nuclear security. Those dealing with peaceful uses of nuclear energy or nuclear safety are excluded from the analysis. The exact demarcation of the nuclear sector will be outlined in the methodology section

¹¹ For more discussion on U.S.’s role in developing the current global nuclear regime, see: W. Walker, Establishing Legitimate and Effective Order in a Uni-polar World, *Disarmament Diplomacy*, no. 43, 2000, pp. 11-16; W. Walker, Nuclear Order and Disorder, *International Affairs*, vol. 76, no. 4, 2000, pp. 703-724

manage the international politics of nuclear weapons’¹². The quest for the development of a nuclear bomb was, according to Walker, an *American* project¹³ that has conferred upon the United States both a sense of entitlement over nuclear weapons and their governance and a global responsibility in the mitigation of risks relating to their potential diffusion. Moreover, the undeniable economic and military superiority of the United States has enabled it to sustain global nuclear institution building processes and to convince many reluctant states to cooperate with U.S.-designed multilateral institutions.

There have been three main phases in the emergence of the U.S.-led global nuclear regime. In the 1950s and 1960s, the United States led the set-up of the global nuclear non-proliferation agenda. Global institutions such as the International Atomic Energy Agency (IAEA) in 1957 and the Nuclear Non-Proliferation Treaty (NPT) in 1968 were established to encourage the pursuit of nuclear technology for peaceful uses but housed mechanisms for inspection and verification, albeit rudimentary, to preempt proliferation attempts among countries importing nuclear technology. The 1990s witnessed a new wave of U.S.-instigated institutions, such as the IAEA model Additional Protocol (AP), designed to strengthen the existing global nuclear non-proliferation regime. Such institutions were specifically created to halt the nuclear ambitions of rogue states such as Iraq, Libya, North Korea and Syria. By exploiting some inherent weaknesses of the NPT in particular, some of these rogue states had come close to the actual possession of nuclear weapons. After the terrorist attacks of 11 September 2001, the United States led a new process of global institution building leading to the establishment of a global nuclear security agenda through the

¹² W. Walker, *A Perpetual Menace: Nuclear Weapons and International Order*, (Abingdon: Routledge, 2012), p. 8

¹³ Walter, *A Perpetual Menace*, p. 37

formation of institutions such as the Proliferation Security Initiative (PSI) in 2003 and UN Resolution 1540 in 2004. These institutions are tasked with strengthening the international response against nuclear terrorism through the collective undertaking of coercive measures against rogue states and non-state groups.

By observing how the global nuclear regime has evolved through the decades, Daniel Joyner has noted that the leadership exercised by the United States has caused the global nuclear institution building process to lean disproportionately towards both nuclear non-proliferation objectives and ‘an unwarranted under-prioritization of (nuclear) disarmament principles’¹⁴. John Mearsheimer has argued that ‘international institutions largely mirror state calculations of self-interest based primarily on the international distribution of power’¹⁵, and thus global power asymmetry is perpetuated by the presence of global institutions. The global nuclear regime is a case in point: it was largely created by the U.S. and reflects the country’s intention to uphold collective responses to nuclear risks while maintaining its nuclear military superiority and global power status.

Parallel to the formation and expansion of a global nuclear regime, a second process of inter-state cooperation has led to the establishment of an intricate web of nuclear institutions operating at the regional level. At the height of the cold war and concurrently with the initial efforts conducted by the United States in the 1950s and 1960s to prevent nuclear proliferation, several groups of states began to cooperate on

¹⁴ D. Joyner, *Interpreting the Nuclear Non-proliferation Treaty*, (Oxford University Press, 2011), p. 1

¹⁵ J. Mearsheimer, The False Promise of International Institutions, *International Security*, vol. 19, no. 13, 1994/1995, p. 13

establishment of Nuclear-Weapon-Free Zone Treaties¹⁶. Their goal was to insulate their regions from the mounting rivalry between the United States and the Soviet Union, and from the risks resulting from a global nuclear stand-off between the two. Similar institution building processes seeking to contribute to the advancement of a global nuclear disarmament agenda took place almost simultaneously in Latin America and Southeast Asia and eventually led to the ratification of the Treaty for the Prohibition of Nuclear Weapons in Latin America (1967) and the Southeast Asia Nuclear-Weapon-Free Zone Treaty¹⁷ (1995) respectively.

More recently, in the immediate aftermath of the demise of the Soviet Union, the efforts conducted at the global level by the United States pivoted towards the strengthening of the global nuclear regime and non-proliferation commitments. Simultaneously and in parallel, regional institution-building had begun to consolidate and expand in the same direction. For example, in Latin America, the creation of the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABAAC) in 1991 signaled the end of a long period of hostility between the two countries, brought to end their respective clandestine military nuclear programs, and secured a bilateral verification system to guarantee the peaceful nature of their nuclear efforts. In the European Union context, the adoption of the first EU Dual-Use Export Control Policy in 1994 demonstrated the rising awareness by powerful technology exporters like Germany and France of the dangers resulting in the uncontrolled trading of nuclear technology.

¹⁶ Latin America, Southeast Asia, Africa, Central Asia and the South-Pacific Zone are today all denuclearised zones and all have a Nuclear-Weapon-Free Zone Treaty in force

¹⁷ The process began in 1973 but was highly obstructed by some ASEAN member states, and by Singapore in particular

Finally, new regional nuclear institutions have sprung up in response to the threat posed by terrorism, in particular nuclear terrorism in the aftermath of 9/11. Regional cooperation has led to the formation of institutions such as the European Strategy against the Proliferation of Weapons of Mass Destruction (2003) and the ASEAN Convention on Counter Terrorism (2007) in Southeast Asia. The primary motivation for creating these institutions is the desire to respond to problems of terrorism present in their own regions or in their immediate vicinity. Nonetheless, the ways in which these regional institutions have been functioning display some important differences with the institutions that have been designed at the global level by the United States. Although these regional institutions share with global institutions such as UN Resolution 1540 and the Proliferation Security Initiative the goal of strengthening member states' capacity to impede non-state actors from acquiring nuclear weapons, they have all rebuked the use of coercive force justified within global arrangements like the PSI, and chosen to adopt alternatives such as 'effective multilateralism'¹⁸ and methods 'consistent with the principles of sovereign equality and territorial integrity of states'¹⁹.

From this preliminary overview of the origins of some of the nuclear institutions that today operate at the regional level, two features of the process of regional nuclear institutional proliferation become manifest: the first is that regional nuclear cooperation has been driven by functionality. The presence of nuclear risks has prompted even countries in areas characterized by weak governance to work together towards the establishment of collective institutions. The changing nature of global

¹⁸ The European WMD Strategy, p. 5 The official text is available at: http://europa.eu/legislation_summaries/foreign_and_security_policy/cfsp_and_esdp_implementation/l33234_en.htm (accessed on June 21, 2012)

¹⁹ ASEAN Convention to Counter Terrorism, article III. Available at: <http://www.aseansec.org/19250.htm> (accessed on May 29, 2012)

nuclear risks, from state actor-driven to non-state actor-driven, prompted the United States to craft new security institutions after 9/11. Similarly, in the second half of the 20th century the risks sparked by heightened nuclear rivalry between the United States and the Soviet Union were addressed at the regional level by the formation of Nuclear-Weapons-Free Zone Treaties. Both regional and global nuclear institution building processes are *functional* because they are instigated by the presence of nuclear risks to which a group of states seek to respond through the establishment of institutions.

The second element is that, historically, global and regional institution-building processes seemed to have developed simultaneously or, better said, in conjunction. Whereas global nuclear institutions were created to advance a specific agenda, such as halting proliferation or reducing risks of nuclear terrorism, regional institutions sprang up in part as a direct response to the goals pursued at the global level. For instance, the first concrete steps towards nuclear disarmament were taken at the regional level, through the establishment of Nuclear-Weapons-Free Zone Treaties, but were situated in and largely influenced by the broader context of U.S.-led efforts towards the development of a global nuclear non-proliferation agenda. The demand for nuclear disarmament articulated in the context of regional cooperation represented a necessity for those regions trapped in Cold War rivalry, as well as a significant deviation from the goals that were being pursued at the global level, predominantly by the United States. Similarly, for Southeast Asian countries the establishment of the ASEAN Convention on Counter Terrorism constituted both a tool to address endemic risks of terrorism in their region, and a strategy to stimulate a regional response and soften the global approach to the fight against nuclear

terrorism that was relying increasingly on coercive measures. At the same time, however, other regional institution-building processes such as the 1994 Dual-Use technology export system devised by Europe seemed both a necessity for Europe and also a positive consolidation of the global regime as a whole despite its application and mandate remained confined to the territoriality of the EU.

The regional institution-building process and its dynamics have created an interesting institutional interplay with the institution-building process unfolding at the global level, which has gone largely overlooked. Although the functional dimension of regional nuclear institutional proliferation appears relatively unproblematic, its power-driven dimension, as can be seen from the evidence of a few regional institutions, instigates a set of important questions requiring further attention. If regional nuclear regimes are purposely designed to respond to the functioning of global nuclear institutions, who are the actors that stand to gain most from devising these regional regimes? What are the features of the interplay between regional nuclear regimes and the global nuclear regime? How does this interplay affect the U.S. interests embedded in the global nuclear institutions?

To unpack the power-driven dimension of nuclear institutional proliferation at the regional level, it is necessary to identify the *conditions* underpinning the process of regional institution building. Together with the presence of nuclear risks, it is necessary to identify the actors that possess the necessary resources, and have a vested interest in instigating the process of nuclear institutional proliferation at the regional level. Furthermore, in order to understand how regional nuclear institutional proliferation may have served as a strategy by some states to affect the governance of

the nuclear sector and its embedded United States' interests, it is necessary to explore the ways in which regional nuclear regimes have been designed, and consequently their *interplay*²⁰ with global nuclear institutions.

Explaining regional nuclear institutional proliferation in the context of the existing literature

Two strands of IR literature have shed important light on the phenomenon of institutional proliferation and on its regional dimension. The literature on institutional proliferation, to which I had briefly referred at the beginning of this introduction, has largely contributed to understanding the conditions that have driven this phenomenon and some of the consequences that it has had on the governability of certain issue-areas. The literature on regional security cooperation – which has echoed on some levels the theoretical arguments developed to explain cooperation under anarchy – has instead helped to identify some specific elements that have allowed regional security orders to come into being, and have helped identify the key actors in regional institution-building process. The overarching aim of this brief literature survey is to provide an account of the main arguments that have preceded this thesis and to highlight some of the shortcomings that my thesis seeks to address.

The burgeoning literature on institutional proliferation has explained the astounding growth in the numbers of multilateral institutions, including the formation of regional ones that are mainly – although not exclusively – conceived in functional terms. The

²⁰ Institutional interplay refers to situations in which 'the contents, operation or consequences of one institution (the recipient regime) are significantly affected by another (the tributary regime)'. This definition is provided in O. Stokke, *The interplay of international regimes: Putting effectiveness theory to work, FNI report 14*, 2001, p. 2. Current literature on institutional proliferation uses the terms institutional interplay and regime interplay largely interchangeably. However, in the context of the nuclear sector, this thesis draws a distinction between the terms in that whilst institutional interplay concerns relations between two parties, regime interplay should be seen as the aggregate outcome of the individual interplays between the multiple institutions comprising both regional and nuclear regimes. This concept is expanded in Chapter II

conventional explanation for institutional proliferation lies predominantly in the idea that global challenges have grown more complex today. Problems such as management of pandemics, climate change or the proliferation of weapons of mass destruction are multi-dimensional, multi-layer problems that trigger complex crises all over the world.

Robert Keohane and David Victor, in their recent analysis of the drivers underpinning institutional proliferation in the issue-area of climate change, raise the issue of ‘problem-diversity’ in today’s world politics. Problem-diversity refers to the fact that today a single international problem, such as climate change, consists of not one single problem, but rather is composed by ‘many distinct problems, each with its own attributed administrative challenges and distinctive political constituencies’²¹. The multi-dimensionality of global contemporary problems plays a critical role in instigating institutional proliferation because as a result, the pursuit of one-size-fits-all institutional solutions becomes impractical. This leads states to form club institutions and resort to issue-linkage, since solutions to a problem may be of interest to an elevated number of stakeholders committed to tackling one or more dimensions of the issue. This in turn favours the rise of specialised governance through the formation of club institutions among stakeholders holding homogenous interests. The establishment of club institutions also demands the establishment of additional institutions to ensure their coordination and the coherent governance of the issue-area. In addition, the complexity of global problems compels states to resort to the strategy of issue-linkage ‘to create packages that collectively are more attractive

²¹ R. Keohane, and D. Victor, The Regime Complex for Climate Change, *Perspectives on Politics*, vol. 9, no. 1, 2011, p. 9

to various participants'²². States engage in issue-linkage to gain the commitment from other states to cooperate on a specific issue that in itself holds no interest to them²³.

Other scholars, operating within the functionalist framework, have highlighted how interdependence among state-actors instigated by globalization leads to a flourishing of inter-state institutional arrangements. For instance, Andrew Hurrell underscored the relationship between institutional proliferation and globalisation in stating that the 'rising costs of major war and the dangers posed by other forms of insecurity dramatically increased the demand for international cooperation. On this view, the goal of a minimal international order has become ever less adequate. The proliferation of international institutions is therefore closely associated with globalization and with increased levels of transnational exchange and communication. Institutions are needed to deal with the ever more complex dilemmas of collective action that emerge in a globalized world'²⁴.

Finally, according to Kal Raustiala, globalisation is largely responsible for instigating a normative shift in international law from 'a state-centered conception of international law to a more universalistic, human-centered, and individually accessible system'²⁵. Such a shift has been an important driver of institutional proliferation because it has led to the internationalisation of issue-areas previously

²² Alter, and Meunier, *The Politics of International Regime Complexity*, p. 14

²³ According to Emilie Hafner-Burton, the European Union has begun introducing a human rights clause into its Preferential Trade Agreements in order to convince developing countries to conform to its global human rights agenda. By making commercial deals conditional upon compliance with key human rights treaties, the EU has elevated the political salience of the human rights issue and has therewith ensured the support of its commercial partners on these issues. The argument is developed in E. Hafner-Burton, *The Power of Regime Complexity: Human Rights, Trade Conditionality in Europe*, in Alter and Meunier, *The Politics of International Regime Complexity*, pp. 33-37

²⁴ Hurrell, *On Global Order*, p. 68

²⁵ Raustiala, *Institutional Proliferation and the International Legal Order*, p.23

considered domains exclusive to domestic jurisdiction²⁶. Furthermore, Raustiala notes that this expansion of multilateral institutions and inter-state arrangements, for instance in the area of human rights, ‘seem to reflect a kind of meta-ideational change in how international law is conceived and in the broad understanding of the acceptable purposes of international cooperation’²⁷.

In addition to research identifying the conditions driving institutional proliferation, there is a wealth of literature exploring the potential effects of institutional proliferation on long-term cooperation and on institutional effectiveness in the issue-area concerned. This literature predominantly highlights the negative effects of the phenomenon. One such consequence is a heightened opportunity to resort to forum-shopping²⁸. The idea, rather simple, is that ‘the existence of distinct negotiating fora will spur actors to seek out the forum most favourable to their interests’²⁹. States may also seek to cooperate in the forums that display the weakest compliance and enforcement mechanisms³⁰, thus instigating a potential race-to-the-bottom between states, ultimately affecting international transparency and accountability.

Institutional proliferation also increases legal inconsistencies³¹, making defection more difficult to be detected and penalised. According to Daniel Drezner, the ‘proliferation of international rules, laws, and regimes make it more difficult to

²⁶ C. Romano, The Proliferation of International Judicial Bodies: The Pieces of the Puzzle, *New York University Journal of International Law and Politics*, vol. 31, no. 4, 1998, pp. 728-729

²⁷ Raustiala, Institutional Proliferation and the International Legal Order, p. 23-24

²⁸ All scholars examining institutional proliferation have dealt in a way or another with the issue of forum-shopping. See: Alter, and Meunier, The Politics of International Regime Complexity, Perspective on Politics; Raustiala, and Victor, The Regime Complex For Plant Genetic Resources; D. Drezner, Institutional Proliferation and World Order: Is there Viscosity in Global Governance, *Research Group in International Security, Working Paper 24*, 2007

²⁹ Raustiala, and Victor, The Regime Complex For Plant Genetic Resources, p. 280

³⁰ E. Hafner-Burton, The Power Politics of Regime Complexity: Human Rights Trade Conditionality in Europe, p. 36

³¹ Raustiala and Victor also note ‘strategic inconsistency’, whereby states may willingly create ‘conflict to force change in another regime’. The concept is explained in Raustiala and Victor, The Regime Complex For Plant Genetic Resources, p. 297-298

determine when an actor has intentionally defected from a pre-existing regime'³² and this can 'paradoxically reduce the sense of legal obligation that improves actor compliance with international regimes'³³. Finally, institutional proliferation perpetuates power asymmetry within the international system because it 'endows great powers with bargaining advantages greater than they would have possessed in a world of coherent international regimes'³⁴. This is so because only powerful states with sufficient resources can take full advantage of the coexistence of multiple institutional settings, hence being able to satisfy their interests while evading the requirements of previous agreements as well as others that are considered too strict.

The literature on institutional proliferation displays two main limitations. First, in explaining the main drivers of institutional proliferation, the debate pays particular attention to demand factors – factors, in other words, that serve to instigate the demand for new institutions – but often neglects to identify the supply conditions – that is, the actual conditions under which demand can be successfully fulfilled and institutions realized. Walter Mattli, in the context of his study on regional integration processes, has defined supply conditions as the 'conditions under which political leaders are willing and able to accommodate demands for functional integration'³⁵. Supply conditions in the case of institutional proliferation in the nuclear sector are identifiable with the power (both ideational and material) necessary for states to lead and continually sustain institution building processes. Power is evidently a key element in every institution building process, but in the context of institutional proliferation, power plays an even more central role for at least two reasons. Firstly,

³² Drezner, *Institutional Proliferation and World Order: Is there Viscosity in Global Governance*, p. 12

³³ Drezner, *Institutional Proliferation and World Order: Is there Viscosity in Global Governance*, p. 12

³⁴ D. Drezner, *The Power and Perils of Regime Complexity*, in Alter and Meunier, *The Politics of International Regime Complexity Symposium*, p. 11

³⁵ W. Mattli, *Explaining Regional Integration Outcomes*, *Journal of European Public Policy*, vol. 6, no. 1, March 1999, p. 12

power may assist those states interested in creating new institutions to win over the reluctance of other states to accept the costs and constraints of new institutions in an issue-area already populated by some institutional arrangements. Secondly, since the new institutions will not come to operate in a ‘clean-slate’³⁶ issue-area but will be rather embedded in a thick web of pre-existing institutions, power is indispensable for states leading institution building to resist against the possible obstructionism by states whose interests are largely satisfied by maintaining the institutional status quo.

Second, where the literature on institutional proliferation has depicted the phenomenon of institutional proliferation predominantly as a mechanism for problem solving complex contemporary challenges, the same literature has portrayed institutional interplay as a de facto by-product exploited by states to resort to forum-shopping, or intervene to manage for institutional effectiveness. These arguments are valid in explaining states’ behaviour after institutional interplay begins to unfold, but they are insufficient to explain why regimes have been designed the way they did so permit and/or specifically cause the interplay with others operating in the same issue-area in a specific manner. Raustiala has correctly pointed out that ‘the existing patterns of institutional overlap and conflict suggest that overlap and fragmentation in this process is not randomly distributed’³⁷. Yet the current literature seems relatively unable to unveil which elements most influence the modalities of regime interplay as present in different issue-areas.

³⁶ K. Raustiala, and D. Victor, The Regime Complex For Plant Genetic Resources, *International Organization*, vol. 58, no. 2, 2004, p.58

³⁷ Raustiala, *Institutional Proliferation and the International Legal Order*, p. 29

The regional dimension to the study of nuclear institutional proliferation

Regional nuclear cooperation in the specific context of my thesis is identified as a case of institutional proliferation in a particular issue-area where there is an extended, well established web of institutions already operating at the global level. The main claim of my thesis is that the formation of regional nuclear policies cannot be read exclusively as a function of deeper regional integration processes, and that, on the contrary, these processes have to be interpreted in their dynamic interplay with global processes.

Two main reasons have prompted me to focus my analysis on the regional dimension of institutional proliferation. First, for the majority of states in the world, the regional context rather than the global one has always represented the most important setting for competition and cooperation and for the display of their own influence and power. Only a handful of states, great powers and super-powers, are able to engage significantly at the global level, because they can project power and maximize the return of their global engagement. But for the rest of the international system, it is within the regional dimension that the most pressing questions of governance and security are addressed and tackled. Second, and linked to the first point, is that the regional level, because of its strategic relevance, usually offers rich empirical material to be drawn from, as illustrated in the brief historical account of nuclear governance presented in an earlier section of this introduction.

Given the regional approach of this thesis and the noted theoretical limitations of the literature on institutional proliferation, a review of the main arguments formulated on regional security cooperation is highly appropriate. Regionalism and regional

integration processes have attracted considerable and increasing attention from IR scholars in conjunction with the flourishing of regional agreements and organizations. Nevertheless, this flourishing literature has not necessarily produced universally shared conclusions on what actually drives the formation of regional institutions.

Systemic theories, like neorealism, have traditionally been challenged by the existence of regional integration processes. These processes confirm a willingness by states to establish long-term cooperation, which neorealism in large part considered almost impossible to obtain. To reconcile the existence of these regional entities with a neorealist framework centered on anarchy and the balance of power, many neorealists such as Joseph Grieco made the comparison to alliance formation and generally concluded that regional agreements like alliance formation are created solely when superpowers will them and support them. Regional agreements, in other words, began to be treated like an extension of superpower politics in regional-confined contexts, deprived of any autonomy at the systemic level³⁸. Because of the fundamental assumption that regions and regional actors did not have a role independent from the systemic dynamics occurring among superpowers, neorealists undertook their examination of regional processes through an “outside in”³⁹ approach which severely limited their theorization.

Predictably, neoliberalism in its several forms offered a more nuanced explanation of the origins and evolution of regionalism, and helped identify actors, other than great powers, that were influential in regional integration processes. The first neoliberals

³⁸ Kenneth Waltz for instance frequently referred to regional agreements as sub-system level to emphasize the relation of subordination of regional systems to the overarching systemic structure

³⁹ Hurrell, *Explaining regionalism*, p. 339

posited the benefits accruing to states within the region in the establishment of regional institutions, and began to identify some processes through which regional cooperation and integration could take place⁴⁰. Under neoliberal analysis, regional entities were created and would survive because of the benefits they provide, by facilitating information and communication transparency – reducing transaction costs – and by reducing mutual threat perceptions. Nevertheless these very first attempts to explain regionalism remained largely confined to the European experience.

The turning point in theorizing about regional institution-building and integration, particularly in the realm of security and defense, came in 1991, when Barry Buzan published his first book, *“People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era”*, followed by the seminal work by David Lake and Patrick Morgan, *“Regional Orders: Building Security in a New World”* in 1997. Both works depart from functionalist premises, and they are ambitious in seeking to map the different types of regional security orders that have emerged historically around the world. According to Buzan, formation of regional security complexes derives from the interplay between, on the one hand, the anarchic structure and its balance-of-power consequences and, on the other hand, the pressures of local geographical proximity. In an attempt to reconcile the traditional neorealist view of regions as extension of superpower competition with a more regionalist perspective, Buzan sought to couple the two factors as main variables affecting the way in which regions and their integration processes are driven and

⁴⁰ The most obvious mechanism identified by the first neoliberals was the mechanism of ‘spill-over’ of Herbst Haas, who claims that regional cohesion would emerge on this view not from grand proposals to create new federal structures, but from the way in which individual or issue-specific cooperation comes to form an increasingly dense network, where cooperation on each new issue becomes embedded in a larger and more complex whole, in Robert Keohane and Stanley Hoffman (eds), *The New European Community, Decision-making and Institutional Change* (Boulder: Westview, 1991)

organized. For Buzan, regions first and foremost exist because of geographical proximity among states, which creates either a sense of insecurity and fear from which instability and conflict emerge, or a sense of cooperation and amity, which can be further enhanced through the formation of regional institutions.

Lake and Morgan, in a similar vein, acknowledge that regional cooperation largely emerges as a result of “shared externalities”. Lake defines a regional system as “a set of states affected by at least one trans-border but local externality that emanates from a particular geographic area”⁴¹. In both cases, geographical proximity and shared externalities lead neighboring states to formulate and organize regions in specific ways. The systemic level of analysis and the interference of great powers into regions is still acknowledged, and remain in both frameworks, but it is not as prominent as in the early works of the neorealists.

In this literature, the regional dimension becomes the fulcrum of the analysis. Buzan and Ole Waever argue that each regional security structure – which they framed as regional security complex – is first and foremost defined by its power-distribution, and that “regional security complexes require strong states that can project amity and enmity toward others”⁴², and that regional powers (and their presence) determine the polarity of each region and largely influence the way in which conflicts and insecurity will be managed. Finally, the systemic level remains influential, but through specific mechanisms. For example, in both Buzan and Waever and Lake and Morgan, great powers clearly interfere within regions through penetration, but they

⁴¹ D. Lake and P. Morgan, eds., *Regional Orders: Building Security in a New World*, The Pennsylvania State University Press, 1997. P. 48

⁴² B. Buzan, and O. Waever, eds., *Regions and Powers, The structure of International Security*, Cambridge: Cambridge University Press, 2003, p. 53

cannot determined by themselves the processes of cooperation or competition in a given region.

This literature has provided key insights into the way in which regions and regional security orders should be studied. By looking at the distribution of power within regions, scholars have begun to consider regional players as important actors in determining regional security orders' features and regional stability. Yet the way in which this literature has conceived the role of regional powers remains rather vague and inconclusive. Regional powers are defined exclusively by their material capabilities, but are not given an explicit leadership role. They are treated as sub-global hegemons whose role is poorly explored.

It is thanks to the second-generation studies on regional security cooperation that the role of regional powers has come to the fore and more explicitly acknowledged and examined. Daniel Flesmes and Detlef Nolte, among others, explored in detail the type of power and leadership provided by a few regional powers, such as India, Brazil and South Africa, in their respective regional context. According to Flesmes and Nolte, "regional powers usually combine leadership and power over resources and have to bear a special responsibility for regional security and for the maintenance of regional order"⁴³. More importantly, this literature begins to question the extent to which regional powers are actually able to lead. Miriam Prys for instance has eloquently acknowledged that the leadership and power of regional powers – in contrast to global hegemons – rest on their ability to generate consensus and followers, yet in

⁴³ D. Flesmes and D. Nolte, *Regional leadership in the Global System: Ideas, Interests and Strategies of Regional Powers*, Farnham: Ashgate, 2010, p. 6

many regional contexts such leadership is highly contested, and the authority of the regional power is called into question and weakened.⁴⁴.

Finally, another significant step in the understanding of regional security orders has come from the masterful work of Etel Solingen, who has suggested that regional orders cannot be explained simply by the presence of a regional power, but that a thorough examination of the domestic preferences of influential countries within regions has to be undertaken to explain the policy-orientation of these countries⁴⁵. Solingen claims that regional orders – whether stable zones of peace, or war – are determined by the presence of internationalist or nationalist coalitions in power in influential countries in the region. If the most influential countries have internationalist coalitions ruling the country, then it will be very likely to see the establishment of stable zones of peace, as these coalitions will have little incentive to adopt policies that may cause sanctions or negative and harmful reactions from their neighbors and from the international community.

The work of Solingen provides an additional piece to the puzzle; she suggests looking at individual countries' preferences (largely determined by the nature of the coalition in power) to predict whether a regional order will be peaceful or conflictual. She writes that “regional orders reflect the fundamental ways in which ruling coalitions manage their regional affairs in political, economic and strategic terms.

⁴⁴ According to Miriam Prys, “In contract to the global hegemon, the United States, regional powers have to operate within an overarching international system determined by the global distribution of power and by international institutions,. In addition to the management of the internal regional order, a differentiation from as well as an accommodation within the international environment has to be established which potentially alters expected regional dynamics and which could put limits on the level of possible control or influence by the regionally preponderant states” in M. Prys, *Redefining Regional Powers in International Relations: Indian and South African Perspectives*, Routledge, Abingdon Oxford, 2012, p. 3

⁴⁵ This argument is well developed in some of Solingen's main works including *Regional Orders at Century's Dawn: Global and Domestic Influences on Grand Strategy*, Princeton University Press, Princeton, 1998 and *Nuclear Logics: Contrasting Paths in East Asia and the Middle East*, Princeton University Press, Princeton, 2007

Such orders run the gamut from highly conflictive to highly cooperative, and are often expressed across issues-areas”⁴⁶.

The works on regional security orders have influenced my work and my theoretical thinking in many fundamental ways. As the introduction and the theoretical chapter of this thesis will show, my theoretical framework draws its originality from integrating and coupling elements of different theses in one explanation. In that sense, a part of my work consists of synthesizing existing theoretical pieces from other works into a new framework. Nonetheless, I seek in this last part of the literature review to underscore at least two important differences between existing works and my own. First and most obvious, whereas all existing work on regional order attempts ambitiously to establish a typology of regional systems, my work is much more narrow and focuses exclusively on how regional players cooperate to govern one specific issue-area: the nuclear. The decision to go narrow allows me to overcome some of the important weaknesses of the works that have preceded mine.

From Buzan and Waever to Lake and Morgan and Solingen, the exploration of ‘security cooperation’ is conducted in a broad and imprecise manner. Regional orders are mapped based on their security relations at the interstate level (whether war or peace), but there is no real attempt to analyze interstate relations within a given issue-area. This is an important limitation in their work, because it may be conceivable that regional players compete or are in conflict in specific issue-areas, but are able to cooperate others. It is only by descending into the actual details of the governance of issue-areas that we are truly able to appreciate both the forces of

⁴⁶ E. Solingen, *Regional Orders at Century’s Dawn: Global and Domestic Influences on Grand Strategy*, p 3

power at play in a given region and the types of issues which do or do not receive support.

The second main point of difference is that in existing literature examining the role of regional powers, scholars make a choice whether to investigate regional powers and their leadership within their respective regional context or in relation to the global power, the United States. This dichotomist choice on what to study when grappling with the question of the role of the regional power is unavoidable precisely because, as stated earlier, the existing literature refuses to choose one specific issue-area in which to explore extensively the role of regional power. But this is profoundly misleading. Regional powers will always be constrained by global dynamics, particularly if they lend their leadership in issue-areas like hard-security, defense and nuclear weapons, where the United States as the global hegemon entertains critical interests. Therefore, regional powers will never be fully autonomous from global interferences, and it is in this context that their leadership ought to be studied. Similarly, while global forces operate to constrain regional powers' leadership from the top down, similar constraining forces (such as other regional players or regional organizations) are at play within the region itself; hence affect the leadership of the regional powers.

This thesis therefore suggests that in order to fully understand how a regional power leads in the formation of a specific regional policy, it is critical – in fact, indispensable – for the study to look both at the relation between the regional power and the global hegemon (most likely the U.S. at the systemic level) and within its own region. In order to fully understand the nuances of the regional powers' role in

regional cooperation, my thesis makes the clear decision to confine the study to regional policies and to observe regional powers from both the top down (the global-regional level) and the bottom up (the regional-global level).

The approach of the Thesis

As I have sought to highlight in the preceding section, I am largely indebted to several scholars who have studied regional processes, and these works have inspired the construction of the theoretical framework of my thesis. Nevertheless, the thesis also aims to address some significant shortcomings of existing arguments, two in particular: the role that regional powers play as suppliers of regional nuclear institutions, and the ways in which institutional proliferation at the regional level can be understood as a mechanism used by regional powers to challenge the United States leadership. These factors and their salience to understanding the strategic dimension of regional nuclear institutional proliferation will be explained in turn.

Regional Power's leadership as supply-side condition for regional nuclear institutional proliferation

Attaining cooperation, particularly in the nuclear realm but also elsewhere in world politics, is a complicated and costly undertaking, even in situations where the presence of high risks would seem to demand immediate cooperation among states⁴⁷. Where an already highly institutionalised regime is functioning at the global level, as is the case in the nuclear realm, states have fewer incentives to undergo new costly institutional arrangements. When new risks present themselves, it would appear logical that states would opt to strengthen existing institutions to avoid undertaking

⁴⁷ Refer to note 1

unnecessarily higher transaction and bargaining costs⁴⁸. In addition, considering the centrality that nuclear governance bears in the security agenda of the United States many states would be discouraged from developing new institutions that could potentially conflict with U.S. interests in this sector.

Nonetheless, by analysing exclusively demand-side conditions leading to institutional proliferation, the current literature seems to suggest that the simple existence of risks *per se* would be sufficient to move states towards cooperation and the building of new institutions, if and where needed⁴⁹. The very same body of literature equally underestimates that frequently collective-action problems, power asymmetry among states, mistrust and other issues can get in the way of states attaining cooperation. Demand for cooperation does not automatically lead to its concretisation. The work of Walter Mattli, on the process of regional integration, has helped to clarify that even in situations characterised by mutual interests among states, some form of power and leadership remains crucial. Mattli suggests that a critical condition for cooperation to materialise is the presence of a strong state acting as a focal point 'in the coordination of rules, regulations and policies; it may also help to ease distributional tensions by acting as regional paymaster'⁵⁰. He argues that many times cooperation processes fail not because states are unwilling to cooperate, but rather because they are unable to agree on whether and how to

⁴⁸ K. Abbott, and D. Snidal, Why States act through Formal International Organizations, *The Journal of Conflict Resolution*, vol. 42, no. 1, 1998, pp. 3-32; J. Jupille, and D. Snidal, The Choice of International Institutions: Cooperation, Alternatives and Strategies, *Paper presented at the American Political Science Association annual meeting*, Washington, D.C., 2005

⁴⁹ The idea of a self-enlightened group of states willing and able to cooperate even in the absence of a strong leader is present both in the early contributions of Thomas Schelling (1960) and Marcus Olson (1971) and later in the analysis of Duncan Snidal. In particular, D. Snidal, The Limits of Hegemonic Stability Theory, *International Organization*, vol. 39, no. 4, 1985, pp. 579-614

⁵⁰ Mattli argues that dynamics that may inhibit cooperation - such as relative gains, opportunism, and free-riding - are most acute in the security sector where states fear for their own survival, but can be more easily overcome by the presence of 'supply-side' factors, frequently occurring in the form of a powerful state or an organization, working to bridge divides and to attain cooperation from all relevant players. See: W. Mattli, *The Logic of Regional Integration: Europe and Beyond*, (Cambridge: Cambridge University Press, 1999), p. 14

cooperate on a specific issue in which they all have an interest. Coordination problems⁵¹ in world politics occur frequently and, to overcome them, the presence of a strong state capable of leading the process of cooperation and institution building is essential.

Regime Interplay⁵² as an expression of power-relations among states within issue-areas

The nuclear sector is an ideal setting to explore regime interplay as an expression of power-relations. In a sector so vitally linked to the national security of the United States, the American Hegemon has exercised strong leadership over the global process of regime building, in order to ensure that global institutions would serve to protect its many interests in the sector and to prevent the formation of settings alternative or inimical to its interests. As a result, U.S. interests have been powerfully embedded in the global nuclear institutions and remain so to date. Yet paradoxically, this symbolic marriage between U.S. interests and global nuclear governance has made the U.S. relatively more vulnerable to the institution building processes occurring at sub-global level. Given the closeness between global institutions and U.S. interests, any institutional process which could weaken the authority of global institutions would in turn indirectly undermine the interests of the United States in these institutions. It is precisely owing to this interdependence of U.S. interests and global institutions that institutional interplay acquires particular salience if explored in the context of the inter-state power competition of weaker states with the United States.

⁵¹ Duncan Snidal has argued that in coordination games 'there is no obvious point at which to coordinate' in D. Snidal, Coordination versus Prisoners' Dilemma: Implications for International Cooperation and Regimes, *The American Political Science Review*, vol. 79, no. 4, Dec. 1985, p. 932. See also Mattli, *The Logic of Regional Integration: Europe and Beyond*, p. 55

⁵² Refer to footnote 20

The scope of the thesis

This thesis seeks to explain the phenomenon of institutional proliferation as it has unfolded at the regional level in the nuclear sector. More precisely, the thesis aims to develop a *theory* that accounts for the conditions, both functional and strategic, underpinning regional nuclear institutional proliferation, and a *typology* of regime interplay between regional nuclear regimes and the global regime. This typology will serve to illustrate how regime interplay results from the deliberate efforts of some states to cooperate and/or compete with the United States by devising regional institutions that conflict with or complement those at the global level that represent U.S. main global interests.

Research questions

The thesis asks two interrelated research questions. The first question can be framed thus: What conditions have led to the formation of regional nuclear regimes despite the existence of an already consolidated set of institutions at the global level? The question is triggered by the consideration that cooperation in the security realm – specifically in the nuclear sector, in the context of the thesis - is a costly undertaking⁵³. Concerns over the relative gains and risks of defections frequently convince states to forgo any possibility of cooperating. In such a context, it would be logical to assume that states would prefer to engage in strengthening or altering existing institutions rather than engaging in new institution building that would bring about additional bargaining and transaction costs. Therefore, the decision among groups of states to bear the high costs and risks of new institution building presents IR scholars with an interesting puzzle and demands further attention.

⁵³ Refer to note 1 on the feasibility and costs of cooperation under anarchy

The second question of the thesis is: What are the features of the interplay between regional nuclear regimes and the global nuclear regime? This question is instigated by the preliminary observation that the creation of new nuclear institutions does not occur in an institutional vacuum, but rather unfolds in a space already densely populated by global institutions crafted in large part by the United States, acting as the global hegemon. Depending on how they are designed, the interplay between these institutions and the global regime in specific matters which will considerably affect both the global institutions and U.S. interests therein.

In order to research these questions empirically, a set of sub-questions has been formulated: 1) Under what conditions has the global nuclear regime emerged? 2) What are the main goals of and methods used by the global nuclear regime? 3) What interests does it satisfy? 4) Under what conditions have regional nuclear regimes begun to emerge? 5) What are the goals of and methods used by the regional nuclear regimes? 6) What interests do they seek to satisfy? 7) In which ways do the goals and methods of these regional nuclear regimes converge or diverge with those operating at the global level? 7) What factors influence the convergent/divergent interplay between the regional nuclear regimes and the global regime?

The argument of the thesis

In very broad terms, the thesis argues that nuclear institutional proliferation at the regional level has been instigated by regional powers and has unfolded for two reasons: regional nuclear regimes have been created so as to mitigate the nuclear risks at the local level that are not a major concern to global institutions, and they

have been pursued to challenge the interests that the U.S holds in this sector at the global level.

The first reason for institutional proliferation is therefore functional, fomented by the presence of nuclear risks in a given region. The second reason is power-driven because nuclear risks simultaneously generate a demand for new institution building and serve as a window of opportunity for regional powers to exercise leadership and strengthen their regional and global status in the nuclear sector.

Regional powers are ideally placed to capitalise on such opportunities. Firstly, because they are directly exposed to these nuclear risks themselves, they inevitably have strong incentives to instigate institution building effectively and promptly. Secondly, because they are embedded in their regional contexts, they may enjoy more credibility than distant powers as leaders guiding neighbouring countries to deepen their cooperation. Thirdly, regional powers have less of a vested interest in maintaining the institutional status quo, in contrast to the United States that, through the global regime, has preserved its primacy over time⁵⁴. Dissatisfaction with the status quo among regional powers plays a critical role in designing regional nuclear institutions⁵⁵. In the case of regional powers, dissatisfaction with the status quo is amplified by the fact that although these countries enjoy considerable importance within regional affairs, in global settings they remain marginalised by great-power

⁵⁴ For a preliminary discussion on the role of regional powers in the international system: D. Flemes, ed., *Regional leadership in the global system: Ideas, Interests and Strategies of Regional powers*, (Ashgate Publishing Limited, UK, 2010), D. Lake, and P. Morgan, eds., *Regional Orders: Building Security in a New World*, (University Park: The Pennsylvania State University Press, 1997), B. Buzan, and O. Waever, *Regions and Powers, The structure of International Security*, (Cambridge: Cambridge University Press, 2003), P. Katzenstein, *A World of Regions, Asia and Europe in the American Imperium* (Ithaca: NY Cornell University Press, 2005), A. Hurrell, *On Global Order: Power, Values and the Construction of International Society*, (Oxford: Oxford University Press, 2007)

⁵⁵ Jupille and Snidal, *The Choice of International Institutions: Cooperation, Alternatives and Strategies*, p. 35

political dynamics and by the maintenance of the U.S. hegemonic leadership in particular. Yet in contrast to all other regional players, regional powers are endowed with significant resources with which they can gather consensus among other players to act collectively to alter, at least in part, the unfavourable global status quo.

In exercising leadership to devise new nuclear institutions, regional powers will be constrained at the global level by the interests of the United States as embedded in the global nuclear regime, and at the regional level by the interests of other regional players. The nature of these relationships will largely influence the way in which regional powers will exercise power and the way in which regional nuclear institutions are designed and their interplay with global institutions. In situations characterised by high antagonism with the United States, a regional power will seek to use the process of institution building at the regional level to undermine U.S. interests at the global level. Conversely, in situations of mutual trust, the regional power will attempt to use regional cooperation to further strengthen U.S. interests at the global level. Therefore depending on the alignment of nuclear interests between the regional power and the United States, the regional nuclear regime will be devised to either converge with, or diverge from, the global nuclear regime.

However, in the establishment of a regional nuclear regime, the regional power will have to rely on the support of other regional players. Its leadership will therefore be largely influenced by the regional context in which it operates. If a regional power is well integrated into the regional governance structure, then its leadership will be subjected to checks and balances by other regional players, and the new institution will be the by-product of a collective bargaining process between the regional power

and its neighbouring countries. Conversely, where regional integration is low, the institution that will emerge will predominantly reflect the individual interests of the regional power. The relation of the regional power to its region will therefore influence the degree of convergence/divergence of the regional nuclear regime to the global nuclear regime.

The case studies

This thesis follows the formation of four nuclear regimes: the U.S. global nuclear regime and three regional nuclear regimes. It seeks to explain the ways in which regional nuclear regimes have been designed and their interplay with the U.S. global nuclear regime. Regime interplay between the regional and the global nuclear regimes is studied in terms of orientation (convergence/divergence) vis-à-vis the global nuclear regime in the context of three policy areas: nuclear non-proliferation, nuclear disarmament and nuclear security. To this end, selected institutions operating in these policy areas will be assessed and compared by their goals and the methods used to attain these goals.

Chapter III provides an historical account of the establishment of the U.S. global nuclear regime and the role exercised by the United States in its formation. The decision to use the phrase ‘U.S. global nuclear regime’ rather than simply ‘global nuclear regime’ is motivated by the need to maintain a distinction between the U.S. goals and values in global nuclear governance, and the overall goals and values embedded in and represented by global institutions. Stephen Krasner has defined a regime as a set of ‘implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of

international relations'⁵⁶. Whilst regimes may entail multiple sets of principles, norms, rules and procedures, the ordering and prioritisation among them remains a matter of bargaining and power among states. The global nuclear regime, for example, comprises multiple and co-existing norms, such as the norm of nuclear non-proliferation, the norm of nuclear disarmament and the norm of the peaceful use of nuclear energy. The bargaining among states determines in which order these norms will need to be tackled through inter-state cooperation. Nevertheless, particularly in the context of global nuclear governance, the ordering of norms is contested and unresolved. This thesis thus uses the phrase 'U.S. global nuclear regime' to denote the ordering of a particular set of nuclear goals, objectives and values as pursued by the United States at the global level.

The three case studies of regional nuclear regimes, instead, examine the evolution of regional nuclear institutions in Latin America, Southeast Asia and Europe under the leadership of Brazil, Indonesia and France respectively.

The first case study considers the regional nuclear regime as it has emerged in Latin America since 1968 (Chapter IV). The regional regime is composed of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, also known as the Treaty of Tlatelolco (1962), the cornerstone of nuclear disarmament and nuclear non-proliferation policies in the region, and a set of bilateral nuclear energy cooperation agreements between Brazil and Argentina (1991) that have been instrumental in strengthening the regional nuclear non-proliferation agenda. More recently, other institutions created predominantly in the context of inter-hemispheric

⁵⁶ S. D. Krasner, Structural causes and regime consequences: regimes as intervening variables, *International Organization*, vol. 36, no. 2, Spring 1982, p. 186

cooperation within the Organization of American States (OAS) have led to the development of an inter-hemispheric nuclear security agenda to tackle the problem of nuclear terrorism. The most important and the sole binding institution is the Inter-American Convention Against Terrorism (2002).

The second case study explores the regional nuclear regime in Southeast Asia (Chapter V). The regional regime is centred on the Nuclear-Weapon-Free Zone Treaty of Bangkok (1995), which, as in the case of the Tlatelolco Treaty, sets up a regional approach to nuclear disarmament and nuclear non-proliferation. More recently, Southeast Asia has also begun to grapple with the issue of nuclear terrorism and in 2007 regional efforts led to the establishment of the ASEAN Convention on Counter-Terrorism.

The third case study examines the regional nuclear regime in the European Union area (Chapter VI). Prior to the ratification of the NPT, the European Economic Community (EEC) had established EURATOM (1957), a mechanism dealing with risks of nuclear proliferation in the region. The more recent emergence of new institutions testifies to the relevance of nuclear cooperation in the context of the EU security agenda. Key institutions have included the EU Dual-Use Export Controls Regulation (adopted in 1994, modified in 2009) to reinforce regional nuclear non-proliferation and the EU Strategy Against Proliferation of Weapons of Mass Destruction (2003), which instead frames the EU approach to the issue of nuclear proliferation at the global level.

The methodology of the thesis

This section offers an explanation for the decision to examine the nuclear sector in particular. It equally provides an illustration of the research methods employed in the empirical examination, and seeks to highlight some of the issues encountered in the development of the case studies.

Criteria for sector selection

Governance of the nuclear sector was selected for the focus of this thesis due to its theoretical and policy relevance. At the theoretical level, an examination of institutional proliferation in the nuclear sector offers several advantage points. The thesis argues that regional nuclear institutional proliferation occurs when regional powers are dissatisfied with the global status quo skewed in favour of U.S. interests. There is no other sector, in which the interdependence between U.S. interests and global institutions is more visible than in the nuclear sector. Of course, given the vital threats posed by nuclear risks to states' security and the high stakes held by the U.S. in maintaining its military superiority, it is not surprising that the country has exerted unprecedented leadership in the regulation of this sector through the design of specific institutions conformed to its leadership. Consequently, given the persistent exercising of leadership by the United States in global nuclear governance, the dissatisfaction of regional powers would be more acute and visible and these states would be in general more motivated to lead regional institution building processes than in other sectors where the hegemonic presence of the U.S. is not so explicit. Therefore, on a theoretical level, the dynamics of institution building, inter-state cooperation and competition at both global and regional levels, are magnified in the nuclear sector more than in any other.

From an empirical standpoint, the topicality of the nuclear issue partially motivated its selection as the sector of focus in the thesis. In addition to the 2011 disaster in Fukushima, Japan, the nuclear industry currently is enjoying a remarkable global expansion after several years of stagnation. The increasing number of countries exploring the option of nuclear energy to satisfy their mounting energy needs and the striking proliferation of commercial deals for technology transfer has led to a Nuclear Renaissance⁵⁷, with inevitable repercussions on the modalities of governance in this sector⁵⁸.

Criteria for Case Study selection

Although there are many regional nuclear regimes that have constituted interesting case studies, the three listed above were chosen for three reasons. Firstly, these regimes are the oldest and therefore present a rich plateau of regional institutions to be analysed both in terms of the conditions in which they have been established and the modalities of their interplay with global institutions. Secondly, literature is available on at least some of the institutions operating within these regions whilst other regional nuclear regimes, such as that of Central Asia, have received little scholarly attention. Thirdly, the longevity to date of the selected regional nuclear regimes must translate into a reasonable expectation that their regional institutions will continue to exist in the future.

⁵⁷ The term Nuclear Renaissance first appeared in a 1999 article by Mark Yost in the Wall Street Journal. He wrote: 'Not long ago, nuclear energy looked headed for extinction. Those days are over. With production costs dropping and regulations for fossil-fuel-burning plants rising, there's a renaissance taking place in nuclear power that would have been unthinkable five years ago.'

⁵⁸ M. ElBaradei, A Changing Nuclear Landscape, Official Speech delivered at Japan Atomic Energy Agency on 18 May 2006

The three case studies have also been selected because of the relative homogeneity of development among the majority of the regional players. Although all these regions are marked by significant economic conditions and inequalities, none displays a regional hegemon, a country whose economic and military capabilities are unrivalled. If that were the case, then it would be logical to assume that regional nuclear regimes would simply mirror the interests of the strongest state, rather than being cooperative efforts of a group of countries. This does not mean that in the formation of regional nuclear regimes, all states count equally, but it does mean that none enjoys such a degree of superiority that it is able to coerce others into cooperation. All regional nuclear regimes explored in this thesis are collective efforts, not simple expressions of one state's interests. Power asymmetry among them does however play a role in the formation of the regional regimes. Furthermore, the thesis chooses to explore two regions that possess no nuclear weapons, and a third that is heavily nuclearised. The variation among the three case studies in this regard is important, since such a difference allows us to understand how the presence of nuclear weapons affects the ability of regional players to cooperate and how that presence also influences the interplay between regional institutions and global institutions.

Research methods employed and challenges of empirical investigation

The thesis topic poses research challenges. Studying the modalities of governance in the nuclear sector is complex, for obvious reasons. On the one hand, all states are generally suspicious about disclosing information related to their nuclear programs, so it is difficult, if not impossible, to interview government officials without incurring a high level of suspicion and distrust which consequently impairs an honest

and transparent exchange of ideas. On the other hand, due to the prestige and status which nuclear technology bestows upon states, it is extremely difficult to get a clear picture of the status of their nuclear programs, as government officials tend to magnify or deflate the accomplishments of their countries in this sector⁵⁹. While some tools are available to ensure the research is more rigorous, the starting point for any dissertation that seeks to deal with nuclear politics must take into account the various limitations that the topic imposes on the research itself.

Documentary analysis and individual interviews integrated with secondary data analysis are the primary methods used for the empirical examination. The research of archival material was conducted at the ASEAN Archives in Jakarta (October-November 2011), the National Archives of the Indonesia Ministry of Foreign Affairs in Jakarta and in Bandung (October-November 2011), the archives of the Nuclear Supplier Group and the Nuclear World Association in London (July-September 2011), the International Atomic Energy Agency in Vienna (April-May 2012), the Political Science Library of Science-Po in Paris, (May 2012) and the Central Library of the European Commission in Brussels (May 2012).

The archival research has been integrated with an extensive set of interviews conducted during field work in Jakarta (October-November 2011), in Paris, Brussels and Vienna (April-May 2012), and through telephone interviews with scholars and officials residing in Argentina, Brazil, and the United States. Whilst the field work was primarily conducted to explore the role of regional powers in the establishment

⁵⁹ A clear example of this occurred in Indonesia. The country sought to develop a civilian nuclear program for more than 25 years, but staunch public opposition has successfully derailed the nuclear ambitions of successive governments. Despite this, many Indonesian government officials describe the country's nuclear program as a *fait accompli*

of regional nuclear complexes, the telephone interviews provided a more comprehensive understanding of the norms and rules subtending the global nuclear complex and the key interests of the United States in devising global nuclear institutions.

Six weeks were spent in Jakarta, conducting more than 30 interviews and consulting memos of ASEAN. Internal connections within ASEAN assisted in gaining access to some memos and records of meetings related to the governance of the nuclear sector in Southeast Asia. Because a proper archive within ASEAN was only recently established, most of the historical records rest with individual ASEAN member states, making the archival research complex and incomplete. The archives held at the Indonesian Ministry of Foreign Affairs also proved highly problematic. Not only are many documents protected by state secrecy, the majority of them are in Bahasa, the official language of Indonesia, which impaired the ability to access and use them. Interviews therefore played a key role in the development of the case study. In the selection of interviewees, a wide range of views was sought in terms of professional position, expertise, gender and age in order to have a more comprehensive understanding of nuclear politics in the region. To compensate for the lack of archival material, in some cases interviews were sought with ambassadors and negotiators who were fully involved in key discussions at the global and regional levels.

The second part of the field work took place in Vienna, where I attended the 2012 NPT PrepCom Review Conference, and then to Paris and Brussels, where I met with more than 30 government officials, nuclear experts and scholars researching both

French nuclear policies and the European Union Common Foreign and Security Policy. Although the fieldwork proved particularly important in gaining a direct understanding of French politics on nuclear weapons, it equally underscored the fact that in a time of economic crisis and market paralysis, the proliferation of WMDs, at least at the EU level, had fallen off the EU roster of main priorities. And while I was still able to interview key EU officials dealing directly with the implementation of European Union nuclear policies, it was clear that the momentum around EU nuclear cooperation had passed and many of the initiatives dealt with in this thesis are today on a back burner.

The Latin American case study was developed through secondary data analysis, and supplemented by telephone interviews. Given the availability of a rich literature, it was decided to prioritise the resources available and to conduct direct field research in Southeast Asia and Europe, regions that are relatively unexplored.

A note is also necessary to explain the criteria and rationale for carrying out documentary research as part of the formulation of these case studies. To attain an exhaustive overview of the primary countries' key policies over 35 years of nuclear history, the official statements and working papers presented by the U.S., Brazil, Indonesia and France at the NPT Review Conferences from 1975 through 2012 were reviewed. After this preliminary analysis of the United States and the three regional powers, a more focused analysis was conducted of regional dynamics, collecting and exploring official documents, statements, decisions, legislations and treaties related to nuclear issues and developed within the three regional contexts. Since the three

regions function differently, each has demanded a slightly different approach in the collection and analysis of official documents.

For the Southeast Asia case study, an analysis was carried out of official documents of ASEAN and the ASEAN Regional Forum, the two organisations with a specific nuclear mandate in the region. Yet because of the thinly institutionalised nature of regional cooperation within Southeast Asia, not many documents were available, and therefore the bulk of the argument was grounded in the direct interviews conducted as part of the field work.

For the European Union case study, the most heavily consulted documents were those made available by two institutions: the European Commission and the European Council through the European External Action Service. The documents of the European Commission were particularly important in understanding the conditions leading up to the establishment of institutions such as EURATOM and the EU Dual-Use Export Control policies, whereas the documents of the European Council provided an important insight into the political dynamics underpinning the creation of key initiatives such as the EU's WMD Strategy and the New Lines of Action (2008).

The case study of Latin America presents the highest number of documents consulted, in part to supplement for the absence of field work and the sparse number of interviews that were successfully arranged over the telephone. All statements and official documents delivered by OPANAL (the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean) at both NPT and

Organization of American States (OAS) conferences were consulted, as well the various political declarations of the Latin American countries within the OAS, and several cables that were made public by WikiLeaks. Although the appropriateness of using such cables is a matter of debate, they were invaluable to building the thesis argument, as they provided important insights on the intra-regional relations among countries that would otherwise have been unattainable, given the necessity of conducting the case study exclusively through secondary sources.

The structure of the thesis

Chapter II is devoted to an explanation of the theoretical rationale underpinning the thesis, and offers an in-depth analysis of the conditions leading to institutional proliferation and the variables influencing regional powers' interests in establishing regional nuclear regimes.

Chapter III offers an overview of the current global nuclear regime and details its goals and methods of operation. By exploring the diachronic development of U.S. from 1945 until the present day, the chapter seeks to highlight the central role played by the United States in the formation of existing global nuclear institutions and its interests within them.

Chapters IV through VI illustrate the case studies of Brazil (IV), Indonesia (V), France (VI) and their respective regional nuclear regimes. All chapters are similarly divided into four sections. The first section sets out the characteristics and features of the regional nuclear regime, and illustrates the inherent goals and methods. It also highlights ways in which the regional nuclear regime converges with, or diverges

from, the U.S. global nuclear regime. The second section analyses how the presence of nuclear risks (demand-side factor), generated a demand for nuclear cooperation at the regional level. The third section analyses the modalities of leadership displayed by the regional power (supply-side factor), in responding to the newly arisen demand for nuclear cooperation. This section in particular explains why certain states have been identified as the regional power in that specific regional context. In addition the section also highlights how the relation between the regional power and the United States (*nuclear alignment*), and the relation between the regional power and other powerful regional players (*regional embeddedness*), has affected the way in which regional powers have exercised leadership. Each chapter closes with a theoretical section that explains in which ways the case study satisfies, or not, the hypotheses formulated in Chapter II.

Chapter VII provides an in-depth analysis of where and how the empirical analysis validates the theoretical claims of Chapter II.

Finally Chapter VIII summarises the theoretical claims of the thesis and its contribution to the broader IR literature. Some areas to be further explored in future research are also highlighted.

Chapter II: A Theory of Institutional Proliferation in the Nuclear Sector

The theories that have been advanced thus far to explain institutional proliferation substantially fail to account for the role played by power in instigating institutional proliferation and in influencing the types of interplay between proliferating regimes in a given issue-area. My thesis seeks to advance a theoretical alternative to existing frameworks that explains institutional proliferation also as a power-driven phenomenon. The theory advanced does not seek to reject *in toto* the explanations contained in the studies preceding this research; rather, it attempts to complement specific components from existing theories with additional novel theoretical elements.

This chapter sets out a theoretical framework to explain the conditions under which institutional proliferation occurs in the nuclear sector at the regional level and the manifestations of interplay between proliferating nuclear regimes, newly formed at the regional level, and the global nuclear regime. The chapter argues that two conditions are necessary for institutional proliferation to occur in the nuclear sector at the regional level: the presence of risks (demand-side) coupled with the presence of a regional power (supply-side). Where the presence of risks in a region will instigate the demand for cooperation among the group of states that will be affected by those risks, a regional power will act as a fulcrum in coordinating and leading the process of institution building. The leadership that the regional power will provide will also be critical in influencing how the regional nuclear regimes are designed and therefore their eventual interplay with the global nuclear regime.

The leadership of a regional power will be affected by both its relationship with the United States and its relationship with other states in its region. The first such relationship is defined in this thesis as *the nuclear alignment* of the regional power to the United States. Nuclear alignment refers to the degree of proximity displayed by a regional power to the nuclear preferences pursued by the U.S. at the global level. The second relationship, defined here as *regional embeddedness*, refers instead to the relationship that the regional power entertains with its region and its regional neighbours. Both global and regional relationships serve to strengthen and constrain its leadership in the establishment of regional nuclear institutions and will largely determine how regional nuclear regimes emerge and function.

The Theoretical Framework of the Thesis

In the theoretical framework of this thesis, institutional proliferation in the nuclear realm occurs when two conditions are concurrently satisfied: 1) nuclear risks are spreading at the local level; and 2) a regional power is present in a given region and holds sufficient sway to lend its leadership to a new institution building process. These two conditions will be individually analysed in detail.

Variables explaining institutional proliferation in the nuclear sector:

The demand-side condition: the presence of nuclear risks

Nuclear risks spreading at the regional level serve as a catalyst for inducing countries to establish regional institutions to deal with these risks. Although a global nuclear regime is in place, it is not necessarily adequate to respond to all nuclear risks. Risks emerging at the regional level may require more tailored solutions to be effective, and therefore require the involvement of regional players. Without the presence of

nuclear risks, the possibility of developing nuclear institutions at the regional level would be absurdly costly and largely redundant¹, given the presence of an already consolidated global nuclear regime².

To fully define nuclear risks, it is useful to distinguish them conceptually from threats. Threats pertain to situations in which ‘there are actors that have the capabilities to harm the security of others and that are perceived by their potential targets as having intentions to do so’³. Risks emerge in the absence of direct threats and as negative externalities⁴ from other states’ behaviours. Risks, as well as threats, can unintentionally result in harm. Risks do not necessarily bring less serious consequences than threats to the security of states⁵, but they invoke a different response. ‘Institutions meant to cope with security threats will have rules, norms and procedures to enable the members to identify threats and retaliate effectively against them’⁶. Institutions created to deal with nuclear risks primarily aim to mitigate negative externalities resulting from states’ interdependence. Therefore, they aim to

¹ Emmanuel Adler and Michael Barnett assume that ‘precipitating conditions’, such as demographic shifts, technological changes or external threats, are triggering factors for states to begin considering the formation of security communities’ although, as they note, ‘there is no expectation that these initial factors would produce trust or mutual identification’ in E. Adler, and M. Barnett, *Security Communities*, (Cambridge: Cambridge University Press, 1998), p. 38. Similarly, in my theoretical framework, the presence of nuclear risks can be considered a precipitating condition but the presence of a regional power is still necessary for the demand for cooperation to actually lead towards the establishment of an institution

² A few works explore in which ways regional public goods emerge. Sandler argues that regional public goods tend to emerge in relation to the failure to provide global public goods, and as a necessity by clubs of states to exclude other states from the enjoyment of these goods. The discussion is conducted in T. Sandler, *Global and Regional Public Goods: A Prognosis for Collective Action*, *Fiscal Studies*, vol. 19, no.1, 1998, pp. 221-247.

³ H. Haftendorn, R. Keohane, and C. Wallander, eds., *Imperfect Unions: Security Institutions over Time and Space*, (Oxford: Oxford University Press, 1999), p. 25

⁴ David Lake offers a clear definition of externalities in the context of regional security complexes. He writes: ‘Externalities are costs and benefits that do not accrue only to the actors that create them. They are also known as spillover or neighborhood effects’ in Lake and Morgan, *Regional Orders: Building Security in a New World*, p. 50

⁵ Robert Jervis explains that the decision of a state to adopt policies to strengthen its defence posture may unintentionally trigger a defensive response from neighbouring countries, possibly escalating into an arms race or, worse, into open antagonism. Nuclear risks may therefore generate severe security consequences, even if they are not intended to do so. The argument is explained in Jervis, *Cooperation Under the Security Dilemma*, pp. 167-214

⁶ Haftendorn, Keohane, and Wallander, *Imperfect Unions: Security Institutions over Time and Space*, p. 26

increase information sharing and communication, harmonise policies and regulations, and continue to identify possible new areas for cooperation among its member states.

Nuclear risks function as enablers of the demand for regional nuclear institutions⁷ if they display four main features. First, such risks have to entail significant material consequences. In the nuclear sector, risks must be tangible and concrete to move states towards institution building. Risks with non-material origin, such as those deriving from ‘mind-sets and sensibilities and new ways of thinking about organising political life,’⁸ may induce states to cooperate informally, but they do not offer a sufficient and concrete incentive towards new institution building *per se*. Second, risks must be credible, in the sense that states are fully aware of the consequences of dangers materialising and thus are willing to bear the costs deriving from new cooperation⁹. The so-called demonstration effect¹⁰ that is the materialisation of such risks in the past constitutes a significant incentive to instigate states to cooperate. Third, risks must be relatively imminent. Particularly in the nuclear sector, where

⁷ The thesis is not interested in explaining how the demand for building new institutions is formulated and conveyed; yet in two of the three case studies explored, namely Latin America and Southeast Asia, the demand behind new nuclear institution building has been instigated by the weakest states that, in a situation of vulnerability, voice the need for additional cooperation. In the case of Latin America, the idea of establishing a mutual system of verification and control of the Brazilian and Argentinean nuclear programs was raised initially by Argentina in a position of greater security vulnerability to Brazil. Similarly, in the case of Southeast Asia, Singapore has been at the forefront of regional nuclear cooperation, demanding the establishment of new institutions to mitigate risks of nuclear terrorism in the region. The sense of security vulnerability perceived by the city-state and heightened by the rapid diffusion of nuclear technology in the region has prompted the country to become proactive in raising the demand for new institutions

⁸ Adler and Barnett, *Security Communities*, p. 38 and p. 51

⁹ Robert Jervis, exploring the conditions necessary to establish security regimes, observes that ‘war and the individualistic pursuit of security must be seen as costly’ by states (in his analysis of great powers) in order for security cooperation to materialise. In particular, he points out that: ‘If decreased cooperation in that sphere is not viewed as a cost, then an important incentive for cooperation will be absent’. Albeit indirectly, Jervis remarks that one of the fundamental conditions for states to cooperate in the security realm is precisely the presence of risks (that must be perceived as such by states). This can be similarly applied to the nuclear sphere. In cases where nuclear risks are perceived as unproblematic, or even worse, are pursued as a part of a terror strategy, cooperation in their resolution would be unfeasible. The discussion around conditions for the creation of security regimes is conducted in R. Jervis, *Security Regimes, International Organization*, vol. 36, no. 2, 1982, pp. 360-362

¹⁰ Walter Mattli and Ngaire Woods discuss the impact of ‘demonstration effects’ in inducing states to produce stricter regulatory frameworks. The concept is examined in W. Mattli, and N. Woods, eds., *The Politics of Global Regulation*, (Princeton: Princeton University Press, 2009), p. 21. Besides the presence of demonstrated effects, even the role of an epistemic community or an international organisation is critical in raising state’s awareness of the consequences of specific perils

defection and opportunism are endemic problems, it is unlikely that states will agree to cooperate on risks that may or may not materialise in the long term. Finally, risks must be trans-national in nature, requiring a collective solution to be confronted effectively. If a country with superior capabilities were able to go it alone, that would largely jeopardise the possibility of cooperation.

Nuclear risks can originate in a diverse range of factors, some of which specific to the regional context in which they emerge, and others more properly linked to global factors. In the regional context, because of the geographical proximity among regional member states, the decision by one country to open a national nuclear program can upset the fragile equilibrium within the corresponding region and result in negative externalities for neighbouring countries. These externalities may be mitigated if regional member states possess strong governance capacities, or if regional organisations are in place that can ensure the appropriate response to emerging regional risks. Nevertheless, domestic nuclear politics bears repercussions at the regional level precisely due to geographical proximity among states and the high risks that nuclear technology always entails.

At the same time, however, regions are also ‘porous’ and their security is largely affected by power dynamics at the global level. That was particularly evident during the Cold War, when the security of several regions was endangered by the heightened nuclear rivalry between the U.S. and the Soviet Union, and regions risked becoming the playground of a nuclear stand-off between the two global powers. In the post-Cold War era, a change in the direction of nuclear policies of the United States, as the only remaining superpower, may translate into negative externalities

and risks for regions. For example, the controversial U.S.-India deal in 2005 and the U.S. launch of a global nuclear security agenda, have both significantly impacted regional stability. The U.S.-India deal prompted Pakistan to seek much closer nuclear ties to China, and the resulting expansion of the Pakistani nuclear program lowered regional security in South Asia but also affected neighbouring areas such as Southeast Asia. The increasing focus of the U.S. on nuclear security has also brought important repercussions at the global level and, more importantly, at the regional level. At the global level, the United States' commitment to fight nuclear terrorism has led the country to seek the establishment of binding institutions, such as UN Resolution 1540, which would require all countries to set up and establish export and border control policies. These new global regulatory policies have severely infringed upon the mandate and authority of regional organisations, which are now increasingly forced to act as enforcers of these global policies to the detriment of policies that are more regionally specialised.

The supply-side condition: the presence of a regional power

Nuclear risks that diffuse at the regional level affect the states of a region in different ways. Depending on the governance capacities of individual states, nuclear risks can impose different costs. For example, the risks implied by a country's decision to develop nuclear technology will be perceived as proportionately higher by those countries lacking in sufficient emergency preparedness and response capabilities. Nuclear risks also vary in distribution; geography is a critical element in determining the distributive effects of risks, as noted by David Lake and Patrick Morgan¹¹. A country that borders directly on another with an active nuclear program will be more

¹¹ The role of geography in facilitating the formation of regional security institutions is discussed by David Lake and Patrick Morgan in Lake and Morgan, *Regional Orders: Building Security in a New World*, p. 50

exposed to potential negative externalities. Furthermore, the magnitude of risks is also determined by the nature of the relations between countries. For instance, if two countries entertain positive relations, it will be much easier for them to cooperate effectively to mitigate externalities in the event that one of the two countries embarks on the development of a nuclear program.

Because nuclear risks at the regional level do not affect regional players in the same manner, issues of coordination in responding to these risks may emerge. States may be reluctant to share the costs of responding to risks equally if they are only marginally involved. Some may be less able to contribute than other, more developed states. Therefore, if the presence of nuclear risks favours demand for regional nuclear cooperation, the presence of a regional power acting as a facilitator during the process of regional institution building is critical.

As it was suggested in the introductory chapter, the presence of a regional power is particularly important in the context of institutional proliferation, that is, in the establishment of regional institutions in an issue-area, such as nuclear, that is already served by a consolidated global regime. Not only will the regional power need to provide adequate incentives to overcome the concerns that normally arise in collective bargaining and related to the unequal impact of risks on a group of states, it will also need to surmount the inevitable disincentive of states from committing to additional governance mechanisms at the regional level, given that they have already committed to global institutions. Furthermore, some states may not possess sufficient resources for both regional and global commitments. Others that are entangled in alliances or strong bilateral cooperation with the United States may be reticent to

devise new institutions in an issue-area such as nuclear, where the U.S. holds its highest national security interests. The challenges of instigating institutional proliferation are profound, and the simple presence of risks is not sufficient to encourage states to cooperate further. Thus, the presence of a state owning significant material and ideational capabilities and strong incentives to instigate and support the deepening of cooperation is indispensable. In my framework, regional powers are such states.

Regional powers are defined in this thesis as countries that are ‘economically, politically and culturally interconnected to a region, are ready to assume leadership in their regions, display the necessary material and ideational capacities for leadership and are highly influential in regional affairs.’¹². From this working definition, some important characteristics of regional powers can be deduced. Firstly, regional powers do not operate in a vacuum, but are interconnected with a region, constituting an important source of complex interdependence¹³. Regional powers can be effective and credible leaders at the regional level because they share with their neighbours much the same identity, culture, and resources¹⁴. At the same time, this interdependence makes regional powers less threatening and more credible than the

¹² Flesmes, *Regional leadership in the global system: Ideas, Interests and Strategies of Regional powers*, p. 323

¹³ It was noted that: ‘while a global power can be any state in the system, a regional power must be embedded geographically within its region. And while a global power must have opportunity and willingness above and beyond other states in the system, regional powers must be strong and active relative to the region’ in T. Volgy, R. Corbetta, K. Grant, and G. Baird, eds., *Major Powers and the Quest for status in International Politics: Global and Regional Perspectives*, (New York, U.S.: Palgrave MacMillan, 2011), p. 138

¹⁴ Embeddedness in a given geographical area makes regional powers more suitable to instigate and support regional institution building processes than middle powers. While middle powers are interested simply in supporting multilateral processes of cooperation, regional powers have direct interests in their region, making them more credible leaders. The distinction between middle powers and regional powers is presented in Flesmes, *Regional leadership in the global system: Ideas, Interests and Strategies of Regional powers* p. 322. The role of middle powers is also explored in E. Jordaan, *The concept of a middle power in international relations: distinguishing between emerging and traditional middle powers*, *Journal of Political Studies*, vol. 30, no. 1, 2003, pp. 165-181

U.S. or great powers in the eyes of other regional players¹⁵. In spite of their relatively abundant resources, regional powers are not completely autonomous in the design of their own policies and interests, as their interests are intertwined with those of their region¹⁶. In addition, any regional power is constrained in its interests and behaviour by the U.S. at the global level. This potentially mitigates any apprehension of hegemonic aspirations of a regional power among other regional players lending support to its leadership. Finally, regional powers can facilitate new institution building since they possess sufficient resources to overcome concerns over relative gains.

All the aforementioned attributes of regional powers make them suitable leaders of regional nuclear institution building. Nevertheless, to argue that regional powers lead simply because they can, although true, is a rather reductive proposition. There are several reasons behind regional powers' interest in leading the costly undertaking of nuclear institution building. Thomas Pedersen has explained that 'regional institutionalization is a typical product of the grand strategy pursued by regional powers'¹⁷ to establish and maintain primacy within its corresponding regional grouping. According to Pedersen, regional powers aim to rule through 'co-operative hegemony', that is, through regional governance institutions. The resulting

¹⁵ This point is articulated by Richard Higgott and Kim Richard Nossal in reference to the hegemonic aspirations of China. The authors argue that many states in Southeast Asia are reasonably concerned about the rise of China, which, in contrast to regional powers such as Indonesia, cannot be constrained by regional institutions and therefore poses a far greater threat. The argument is developed by R. Higgott and K.R. Nossal, Australia and the Search for a Security Community in the 1990s, in Adler and Barnett, *Security Communities*, p. 286-287

¹⁶ Several scholars have underlined how regional powers, although powerful, remain largely constrained by the regional context in which they operate. And although regional powers have a special role to play in supporting and sustaining processes of regional institution building, in order to succeed in the exercise of their leadership, they need to gather political consensus and befriend followers. For a discussion on regional powers and the corresponding regions: D. Lake and P. Morgan, eds., *Regional Orders: Building security in a new world order*, (The Pennsylvania State University Press, 1997); D. Flemes, ed., *Regional leadership in the global system: Ideas, Interests and Strategies of Regional powers*, (London, UK: Ashgate Publishing Limited, 2010)

¹⁷ The reference to Pedersen and his contribution to the understanding of the motives prompting regional powers to lead in regional institution building is made in D. Flemes, and T. Wojczewski, *Contested Leadership in International Relations: Power Politics in South America, South Asia, and Sub-Sahara Africa*, *GIGA Papers of the Research Programme: Power, Norms and Governance in International Relations*, no 121, 2010, p. 9

‘aggregation of power is of particular importance to a regional power aspiring to a global role because it enables it to use its region as a basis of projecting power in world affairs’¹⁸. In particular, the use of regional cooperation may be critically instrumental in competing with major great powers and with the American Hegemonic leadership in key issue-areas, where both the regional power and the U.S. hold vested interests.

The fulfillment of both demand- and supply-side conditions leads to nuclear institutional proliferation at the regional level. In the absence of a regional focal point, when risks are nonetheless present, regional players, especially the strongest ones, will tend to initiate unilateral ad hoc strategies to mitigate existing risks. The lack of a regional focal point¹⁹ will likely hamper the rise of collective-action solutions. In situations where risks are not present, there are few incentives for states to engage in nuclear institution building. Nevertheless, if it is present, a regional power may still sustain informal cooperation at the regional level to prevent the emergence of risks in its region. Such informal cooperation does not necessarily lead to the creation of institutions *per se*, but it may be conducive if risks begin to emerge

¹⁸ Flesmes and Wojczewski, *Contested Leadership in International Relations: Power Politics in South America, South Asia, and Sub-Sahara Africa*, p. 9. The concept of ‘co-operative hegemony’ is developed by Thomas Pedersen, in T. Pedersen, *Cooperative Hegemony: Power, Ideas and Institutions in Regional Integration*, *Review of International Studies*, vol. 28, no. 4, 2002, pp. 677-696

¹⁹ The idea that a focal point is necessary to solve coordination problems in world politics dates back to the writings of Thomas Schelling. In his most famous work, *The Strategy of Conflict*, Schelling argued that some situations have natural focal points, such as meeting at Grand Central Station if two people become separated in New York City. Over time, however, the debate around focal points led to the understanding that together with natural focal points, constructed ones can equally facilitate cooperation. Norms, rules, regulatory standards and - in a broader interpretation - institutions are all constructed focal points which are pivotal in facilitating the attainment of inter-state agreements. Given that a group of states will have very different interests and preferences in a given issue-area, the presence of constructed focal points facilitates the sharing of information and expectations among states, and also helps to make the behaviour and the intentions of states more predictable, hence facilitating the successful conclusions of agreements. The idea of a ‘focal point’ as it is used in this thesis simply denotes the existence of a state that, as *primus inter pares* within a given regional context, is able to harmonise and accommodate the many different interests of the various regional players and therefore lead the successful establishment of nuclear institutions at the regional level. For a discussion on focal points, see T. Schelling, *Strategy of Conflict*, (Cambridge, Mass.: Harvard University Press, 1960); A. Stein, *Coordination and collaboration: Regimes in an anarchic world*, *International Organization*, vol. 36, 1982, pp. 299-324; D. Snidal, *Coordination versus Prisoners’ Dilemma: Implications for International Cooperation and Regimes*, *The American Political Science Review*, vol. 79, no. 4, 1985, pp. 923-942

over time. Table 1 below provides a few regional examples for each of the categories. This thesis seeks to examine exclusively case studies in the right lower quadrant, where the presence of risks and the presence of a regional power have led to the formation of regional nuclear regimes.

Table 1 – Variables and Institutional Proliferation Outcome

Presence of Nuclear Risks	Presence of a Regional Power	
	No	Yes
No	No institutional proliferation	Possible informal cooperation to prevent risks (The case of the South Pacific nuclear cooperation)
Yes	Unilateral strategies to mitigate local risks in the absence of alternative collective mechanisms; no institutional proliferation (The failed case of nuclear cooperation among the Gulf Countries)	*Institutional proliferation (The cases of Latin America, Southeast Asia and Europe in Chapter IV, V and VI respectively)

Explaining the leadership of regional powers

In responding to the demand for new nuclear cooperation, regional powers may display leadership in various ways: they may encourage dialogue and collective decision making processes; they may design and propose institutional solutions; they may offer material incentives to those states that are reluctant to cooperate, and they may represent the group of states in negotiations with other stakeholders involved in the institution building process²⁰. The way in which regional powers are able to exercise leadership in regional nuclear institution building will be critical in influencing how these institutions are to be designed and ultimately their interplay with the U.S. global nuclear regime. The leadership of regional powers is influenced

²⁰ An in-depth discussion on the various roles that regional powers can play in regional institutionalisation is developed in Flesmes and Wojcowski, *Contested Leadership in International Relations: Power Politics in South America, South Asia, and Sub-Saharan Africa*, pp. 9-10

by two relationships in particular: the nuclear alignment between the regional power and the United States; and the level of regional embeddedness that regional power entertains with its regional neighbours and the region in general.

The level of nuclear alignment between the regional power and the United States

The first factor influencing a regional power's leadership in the design of a regional nuclear institution is its level of nuclear alignment with the United States. Nuclear alignment is defined here as the degree of similarity or dissimilarity of regional powers' nuclear policies' priorities from the ones espoused by the United States at the global level. The existence of a high nuclear alignment between the United States and a regional power means, essentially, that the two states' nuclear policy portfolios are similar in regards to the type of nuclear policies they want to satisfy at the global level and the priority they assign among their preferred policies.

The level of global nuclear alignment, whether low or high, between the regional power and the U.S. is critical to understanding the ways in which the regional power will choose to interact with the United States at the global level, and in which ways it will seek to use the demand for regional nuclear cooperation to its advantage. In cases of low nuclear alignment, the nuclear policies' priorities of the regional power substantially diverge from those displayed by the United States at the global level. Therefore, this variance presents a powerful incentive for the regional power to use regional nuclear cooperation to counterbalance, challenge and oppose the U.S. global nuclear agenda through the creation of a regional nuclear regime (*divergence*) that diverges radically from that of the U.S. at the global level. Conversely, when the priorities espoused by the regional powers are very similar, or even identical, to

those of the United States, this generates a powerful incentive for the regional power to devise regional nuclear institutions that reinforces the agenda they support together with the United States at the global level (*convergence*).

The level of regional embeddedness of the regional power within its region

The second factor determining how regional nuclear regimes will be designed and their interplay with the U.S. global nuclear regime is the level of regional embeddedness of the regional power within its own regional context. In the thesis, ‘regional embeddedness’²¹ is a bi-dimensional variable composed of two elements: the level of regional nuclear alignment between the regional power and its closest contender at the regional level, and the level of commitment of the regional power towards the regional integration process. Precisely as in the case of global nuclear alignment, regional nuclear alignment captures the degree of similarity or dissimilarity of regional powers’ nuclear policies’ priorities from the ones entertained by the most influential regional secondary powers. In this thesis, a secondary power is a country which is highly influential in regional affairs, with resources that allow it to significantly obstruct and/or challenge the leadership of the regional power, but incapable of supplanting that power as leader of their region. Where the preferences of the regional power and secondary players are rather similar, then the regional power will face fewer constraints in the exercise of its leadership. When the

²¹ This thesis chooses to use the term ‘embeddedness’ rather than ‘integration’ because of its far-reaching meaning. The term ‘integration’ is almost always used to indicate a process of institution building based on the voluntary limitation of state sovereignty in the pursuit of collective economic or financial policies at the regional level. Yet the term does not help to understand the degree of importance and relevance that a region plays in the foreign policy of a regional power. The common understanding is that if a region displays a high flow of intra-regional trade, regional powers will highly value regional cooperation because of the large benefits deriving from it. Conversely, if intra-regional trade flow is low, the common assumption is that regional powers will most likely prioritise global cooperation over regional. This is not the case in Southeast Asia, where the level of intra-regional trade and economic cooperation remains largely limited. Indonesia, as the regional power, has essentially made ASEAN and regional cooperation the centerpiece of its entire foreign policy. To understand the preferences of regional powers, therefore, it is not sufficient to look only at the status of institutional integration. An analysis of the degree of importance that the regional power assigns to the regional dimension is indispensable

preferences of the two countries significantly diverge, the secondary player will have an incentive to monitor and keep accountable the regional power, which will therefore be more constrained in the type of leadership it can exercise in nuclear institution-building. In neither of these cases however, are regional powers completely free to single-handedly dominate the process of institution-building. Their regional context and the power relationships with regional neighbors will always be an highly influential variable that they will have to take into consideration in the exercise of their leadership role.

If the level of nuclear alignment between the regional power and secondary players is key to understanding the type of support that regional powers may have in the development of specific policies, the way in which the regional power will handle and respond to the constraints posed by these secondary players will be critical to determine the institutional outcome. The way in which a regional power handles agreements or disagreements with secondary players is largely determined by the level of commitment that the regional power displays vis-a-vis the regional integration process. In cases where the regional power and the secondary players share the same goal, it is self-evident that the regional institution-building process will not pose very daunting challenges, as all the key players are aligned on what priorities regional cooperation ought to satisfy. Conversely, in situations where key players disagree on nuclear preferences, the level of commitment of the regional power to the regional integration process becomes important. In situations where there is an high divergence of nuclear interests among key regional players, yet the regional power is fully committed to the regional integration process, the regional power will likely pursue some sort of accommodating policy to satisfy the secondary

player and avoid damaging the integration process of the region. In situations where regional powers' level of commitment to the integration process is low, due to disagreements with secondary players about preferences, the regional power will opt for unilateral policies over costly compromise, therefore leaving the regional institutional landscape patchy and fragmented. The level of commitment of the regional power to the regional integration process (beyond nuclear cooperation) is therefore exceedingly important to determine ultimately how the regional power will handle possible challenges to its nuclear policies, preferences and leadership from within its region.

Some important factors may play a role in influencing the level of commitment of regional powers to the process of regional cooperation, accommodation of other regional players and the pursuit of collective governance. For instance, the level of economic interdependence of the regional power within the region is very influential in encouraging a high level of commitment. If the economy of a regional power is heavily intertwined with the economy of its region, the regional power will have high motivation to avoid hurting the process of regional integration, and probably will be more disposed to accommodate and compromise on nuclear policies. Conversely, if its economy is more intertwined with the global economy, the regional power will have fewer incentives to protect the regional integration process for the satisfaction of its nuclear preferences. Another important factor in determining the level of commitment of the regional power to the regional integration process is whether the integration process has thus far produced tangible and visible improvements in the security and prosperity of the region itself. If these tangible results can be clearly attributed to the regional integration process, the regional power will be more

cautious about the way in which it will lead in the establishment of a regional nuclear institution-building process, and will most likely adopt accommodating, inclusive positions in regard to other regional players.

Regime interplay: definition, variants and hypotheses

The type of leadership that regional powers display in the design and creation of regional nuclear institutions will influence the way in which regional nuclear regimes are designed as well and the type of interplay with the global nuclear regime. Regime interplay refers to situations in which the contents, operation or consequences of one regime are significantly affected by another²².

As briefly mentioned in the introductory chapter, the idea of exploring interplay among regimes, rather than among institutions, was inspired by the consideration that at both global and regional levels, nuclear governance is realised out through a multiplicity of institutions. Regime interplay, as it is conceived in the context of my thesis, is a result of the various institutional interactions occurring between regional and global nuclear regimes. There are several methodological options for investigating institutional interplay²³, but I chose to explore it based on two dimensions: goals and methods. To assess institutional interplay and the resulting regime interplay, I examine how regional institutions, operating in the three policy areas of nuclear disarmament, nuclear non-proliferation and nuclear security, converge with or diverge from global nuclear institutions in these dimensions.

²² The definition used in the thesis has been inspired by the definition of institutional interplay provided in Stokke, *The Interplay of International Regimes: Putting Effectiveness Theory to Work*, p. 2

²³ There are many typologies already present in the existing literature, some of which were reviewed in the introductory chapter (Chapter I)

Regime interplay as the aggregate outcome of individual institutional interplays will capture the overall orientation (either convergent or divergent) of the regional nuclear regime towards the global nuclear regime.

Regime Interplay Outcomes

There are four possible outcomes of interplay between global and the regional nuclear regimes. Each is explained in turn.

The first possible outcome is *complete divergence*, occurring when a regional nuclear regime diverges in both goals and methods from the U.S. global nuclear regime. This occurs when regional nuclear institutions operating within the regional nuclear regime are developed in order to achieve goals opposed by the U.S. at the global level. In addition, methods used in the attainment of nuclear goals on which regional and global nuclear institutions *do* converge are different to those adopted by the United States at the global level.

The second possible outcome is *substantial divergence*, when a regional nuclear regime diverges significantly in terms of goals from the global nuclear regime but converges in terms of methods. This occurs when regional nuclear institutions operating within the regional nuclear regime are developed to achieve goals opposed by the U.S. at the global level. In goals on which regional and global nuclear institutions converge, regional nuclear institutions adopt methods that are identical or complementary to those adopted by the United States at the global level.

The third possible outcome is *substantial convergence*. This modality occurs when a regional nuclear regime converges substantially in terms of goals with the U.S. global nuclear regime, but diverges in terms of methods. In this case, regional nuclear institutions operating within the regional nuclear regime are developed to achieve goals that are identical or complementary to those of the United States at the global level. But in the pursuit of these goals, regional nuclear institutions may use methods that are dissimilar to those used by the United States at the global level.

The final possible outcome is *complete convergence*, when a regional nuclear regime converges substantially with the U.S. global nuclear regime in both goals and methods. This occurs when regional nuclear institutions are developed to achieve goals that are identical or complementary to those pursued by the United States at the global level. In the pursuit of such goals, regional nuclear institutions use methods that are identical to those used by the United States at the global level.

Before formulating hypotheses on the likelihood of the occurrence of these modalities in given situations, it is appropriate here to specify the meaning in the context of this thesis of the word ‘divergence’ between the U.S. global nuclear regime and regional nuclear regimes.

The concept of ‘divergence’ in the context of this thesis does not imply that regional nuclear regimes operate with goals and methods completely different from those already set out in global institutions. After all, regional nuclear regimes will always be bound to operate within the framework set by existing global institutions because states involved in the formation of regional nuclear regimes have previously

contributed to the establishment of global regimes, and so would be reluctant to devise new institutions at the regional level that operate substantially outside of regimes in which they are themselves involved. Moreover, as global institutions respond largely to U.S. interests, total rejection of the goals and methods contained in the global regimes could trigger a reaction from the United States, potentially impairing the prospect of successful regional cooperation.

‘Divergence’ in the context of this thesis denotes either an ordering of nuclear goals that differs from those supported by the United States at the global level, or the choice of methods alternative to those used by the United States in the pursuit of specific goals. If divergence occurs along the line of goals, then the thesis speaks of substantial divergence, while if divergence simply unfolds at the level of methods, then the thesis speaks about substantial convergence to indicate that convergence over goals is more significant than a simple convergence over methods. Some empirical examples will clarify this statement.

The Latin American (Chapter IV) and Southeast Asian (Chapter V) nuclear regimes can be said to diverge from the U.S. nuclear regime because both regional nuclear regimes prioritise the goal of nuclear disarmament over other goals²⁴, such as nuclear non-proliferation and nuclear terrorism – which are instead the central concerns of U.S. global nuclear regime (as highlighted in Chapter III). Yet both of these regional nuclear regimes also deal with nuclear non-proliferation and nuclear terrorism, although they assign them secondary importance to the primary goal of nuclear disarmament.

²⁴ Although the process of prioritization of the goal of nuclear disarmament among the Southeast Asian nations is *per se* is highly contentious, as fully illustrated in Chapter V

In addition, while both cases can be defined as divergent from the U.S. global nuclear regime, the case of Latin America can be defined as a case of complete divergence, whereas Southeast Asia will instead be depicted as a case of substantial divergence. In the case of Latin America, not only does the regional nuclear regime order the priorities of goals differently to the U.S., but the goals on which it does converge with the U.S. global nuclear regime (for instance, nuclear non-proliferation), the regional nuclear regime in Latin America displays methods that are rather different from those advocated by the United States. For instance, instead of choosing to adopt the U.S.-backed model Additional Protocol, the formation of the Brazilian–Argentine Agency for Accounting and Control of Nuclear Materials (ABACC), as a unique mechanism for verification and safeguards between Brazil and Argentina, has allowed Brazil in particular to evade the strictures of the model Additional Protocol, which it considers too invasive.

Southeast Asia instead represents a case of substantial divergence because the regional nuclear regime does prioritise different goals (by committing to the pursuit of nuclear disarmament), but in the goals where it converges with the U.S. global nuclear regime (for instance nuclear non-proliferation), it adopts the same methods used by the United States at the global level, such as the adoption of the model Additional Protocol.

Hypotheses

As previously discussed, the preferences of regional powers are critical to explaining how regional nuclear regimes will be designed and how they will interplay with the U.S. global nuclear regime. More specifically, nuclear alignment between the

regional power and the United States influences the goal-orientation of a regional nuclear regime, viz., whether it diverges from or converges with the goals of the U.S. global nuclear regime. Regional embeddedness of the regional power within its regional context affects the degree to which the manifesting interplay is either convergent or divergent. Regional embeddedness therefore determines whether the convergence/divergence will be complete or substantial.

On the basis of these preliminary considerations, four hypotheses on institutional interplay can be formulated:

H1: When nuclear alignment to the United States and the degree of regional embeddedness are low, the regional power will display *hedging leadership* and will seek to devise a regional nuclear regime that is characterised by divergence in terms of goals and methods from those of the U.S. global nuclear regime (complete divergence);

H2: When nuclear alignment to the United States is low and the degree of regional embeddedness is high, the regional power will display *strategic leadership* and will devise a regional nuclear regime that is characterised by divergence in terms of goals and convergence in terms of methods with those of the U.S. global nuclear regime (substantial divergence);

H3: When both nuclear alignment to the United States and the degree of regional embeddedness are high, the regional power will display *integrative leadership* and will seek to devise a regional nuclear regime that is characterised by the convergence

in terms of goals and divergence in terms of methods from those of the U.S. global nuclear regime (substantial convergence).

H4: When nuclear alignment to the United States is high and the degree of regional embeddedness is low, the regional power will display *accommodating leadership* and will seek to devise a regional nuclear regime that is characterised by convergence in terms of both goals and methods with those of the U.S. global nuclear regime (complete convergence).

Table 2 - Hypotheses on the Modalities of Regional Powers' leadership and resulting Interplay between the Regional and the U.S. Global Nuclear Regimes

Regional Embeddedness	Nuclear Alignment	
	Low	High
Low	Hedging Leadership Hypotheses: Divergence in terms of both goals and methods (complete divergence) Empirical analysis: Brazil and the regional nuclear regime in Latin America (Chapter IV)	Integrative Leadership Hypotheses: Convergence in terms of goals and divergence in terms of methods (substantial convergence) Empirical analysis: France and the regional nuclear regime in Europe (Chapter VI)
High	Strategic Leadership Hypotheses: Divergence in terms of goals, convergence in terms of methods (substantial divergence) Empirical analysis: Indonesia and the regional nuclear regime in Southeast Asia (Chapter V)	Accommodating Leadership Hypotheses: Convergence in terms of goals and convergence in terms of methods (complete convergence) Empirical analysis: South Africa and the African nuclear regime (briefly discussed in this chapter)

The two variables of global nuclear alignment and regional embeddedness determine the nature of the leadership that the regional power will offer in the establishment of a regional nuclear regime and the way in which that regime will be designed and will interplay with global institutions.

It is important to note that these two variables are dynamically correlated, and both affect regional powers' leadership simultaneously. For example, in cases where there is low alignment of regional power to the U.S. preferences, and the regional power has an incentive to design a regional nuclear regime that will completely diverge with the global nuclear institutions (which will be sure to challenge, albeit indirectly, the interests of the United States), the type of regional embeddedness that the regional power entertains with its region will ultimately determine the way in which the regional regime will actually materialize. This is so because the regional power will have to accommodate, compromise, and adjust its own nuclear plans in order to secure support and consensus from other regional players.

The table therefore seeks to represent, in a very simplified form, the interaction between the relationships that the regional power entertains at both global and regional levels. This dual interaction, globally with the United States and regionally with its neighbours, is critical in determining the type of leadership the regional power will choose to adopt.

In the first two case studies, of *hedging* and *strategic* leadership, regional powers will direct an institution building process that will ultimately lead to the formation of regional nuclear regimes divergent from the U.S. global nuclear regime.

The case of *hedging leadership* signifies the most acute rivalry and competition between the regional power and the United States. Low nuclear alignment with the United States indicates that the regional power regards the preferences of the U.S. in the nuclear realm as problematic and disputable. The regional power will therefore view the creation of a regional nuclear regime as an opportunity to challenge U.S. goals, while prioritising others that the regional power believes to be more critical and compelling. In addition, given the low regional embeddedness, its closest contender does not have significant resources to fully constrain or substantially influence the leadership of the regional power, nor does the regional power display willingness to accommodate interests of the other states in order to strengthen regional cooperation. This will lead to substantial institutional fragmentation within the regional nuclear regime, which may be characterised by divergent and opposing policies and a substantial lack of coherent vision.

The case of *strategic leadership* still signifies rivalry, although milder than in the previous case. Strategic leadership is displayed when the nuclear alignment of regional powers with the United States is low, but the regional embeddedness of the regional power within its region is high, and the regional power is therefore expected to favour the satisfaction of collective interests over individual ones. Because of its low alignment to the nuclear policies of the United States, the regional power will dispute the interests that the United States holds at the global level by seeking to devise regional nuclear institutions that prioritise goals differently to the U.S. global nuclear regime. Yet because of its high regional embeddedness, other players in the region are able to substantially influence its own interests and the regional power may display a substantial commitment to the regional process itself, hence being

willing to accommodate other players' interests in the establishment of a regional nuclear regime. This means that while the regional power will seek to devise a regional nuclear regime that does prioritise goals divergent from the U.S. global nuclear regime, it will nonetheless seek to accommodate regional players on other fronts, especially if these players share U.S. interests. For instance, a regional power may try to incorporate other goals into the regional nuclear framework, or ensure that regional nuclear cooperation operates according to methods that are shared and supported by regional secondary players as well as the United States, even though this would constitute a costly compromise for the regional power.

In the last two case studies of *integrative* and *accommodating* leadership, regional powers will direct an institution building process that ultimately will lead to the formation of regional nuclear regimes that converge with the U.S. global nuclear regime, albeit with some important differentiations.

In the case of *integrative leadership*, the regional power shares U.S. interests at the global level (high nuclear alignment), yet at the same time it is constrained by its regional setting and particularly by other regional players operating within the region. It must therefore devise a regional nuclear regime that is inclusive of other regional players' interests. Here, high nuclear alignment suggests that the regional power does not have any interest in challenging the leadership and interests of the United States, yet the alignment between the regional power and the United States may be questioned by other regional players that are less favourably disposed towards this proximity. To maintain regional cooperation, the regional power will be forced to downplay its alignment with the United States and to adopt a more

moderate leadership encompassing other, opposing views. This may therefore result in substantial convergence of the regional nuclear regime with the U.S. global nuclear regime in terms of goals, and divergence in terms of methods.

Finally, in the case of *accommodating leadership*, regional embeddedness of the regional power is low and thus the country does not need concern itself with the challenges posed by other regional players; nor does the regional power display a willingness to accommodate the interests of other regional players in order to strengthen regional cooperation. Therefore, in devising regional nuclear institutions, the regional power will opt for full support of U.S. interests, given its high nuclear alignment with the U.S.. Hence, high nuclear alignment with the United States and the low regional embeddedness will secure institutional alignment of the regional regime to the U.S. global nuclear regime in terms of goals and methods.

The limitation of the theoretical model

Like any theoretical framework, the one developed within this thesis is not exempted from drawbacks and weaknesses. Both the theory and the typology of regional powers' leadership do display some limitations that are worth acknowledging. The theory posits that two variables – the presence of nuclear risks and the presence of a regional power – are necessary conditions to foster the establishment of regional nuclear regimes. The theory does not dwell on explaining the origins of these nuclear risks, and when and how they emerge. It does offer some indications of the possible origins of some of these nuclear risks – such as the decision of a country to acquire nuclear technology, therefore creating negative externalities for other regional neighbours – but not a more systemic search of the origins of these risks. The intent

of the theory is not to provide an explanation of where and when local nuclear risks are generated, but simply to show that in the presence of such risks (wherever they come from), there is an actual rise in the demand of regional nuclear cooperation.

It is in the design of the typology where some theoretical limitations of the matrix itself ought to be acknowledged. Regional powers' leadership is determined by two main relations: the relation of the regional power with the United States (in terms of nuclear preferences) and the relation of the regional power with secondary players (equally in terms of nuclear preferences). In the empirical case studies, the thesis illustrates the type of nuclear preferences of the regional power, and its similarity or dissimilarity with U.S. preferences at the global level, but it does not explain where these preferences come from. In the case of Brazil, for instance, the thesis shows that since the 1960s Brazil entertained nuclear preferences largely divergent from the ones of the United States. While the United States was lobbying internationally for non-proliferation policies, Brazil took a leading role in efforts towards nuclear disarmament, while simultaneously eyeing the possibility of undertaking its own military nuclear program. These preferences (and their divergence from the ones of the United States) are historically traced and illustrated, but their origin is not explained. The nuclear preferences of the regional powers under examination, in other words, are taken as "exogenous" as they emerge and are conveyed by regional powers themselves through diplomatic and official statements delivered at international, global and regional forums, such as during the NPT RevConf, among others. To trace back the origins of regional powers' preferences would have required an in-depth examination of domestic politics (which features prominently in works such as that of Etel Solingen). While I do acknowledge that this omission may

be important, I reiterate here that the thesis, and the purpose of the research, is not intended to detail why Brazil developed specific nuclear preferences in the 1960s, or how the country has changed them in the 1970s or 1980s, but rather to explain how the country directed and influenced regional nuclear processes to get these preferences satisfied.

Another point of weakness in the development of the typology is that preferences of all regional powers, secondary players and the United States are considered static. For example, Indonesia is depicted as having low nuclear alignment with the United States and high regional embeddedness with Southeast Asia. Assuming preferences as static allows for a much simpler and clearer-cut explanation categorizing a regional power's leadership. In generating a model that does assume preferences as static, one of the main theoretical rationales is the fact that countries very rarely radically change their nuclear policies. If a country is a non-nuclear-weapons state and adamantly opposes nuclear weapons, it is highly unlikely that the country will fundamentally change its nuclear preferences in a time-frame of 60 years. The belief therefore is that substantially all countries since the first global nuclear negotiations of the 1950s have decided what type of policy they want to embrace and espouse, and that they have remained consistent with those policies to present.

Yet, such a view ought not to be so static – the model may accommodate more dynamism. For instance, it is conceivable that as the global influence of the United States increases and regional powers are socialized within an American-led nuclear agenda, the contentious low alignment that countries like Brazil and Indonesia historically have entertained with the United States gradually makes space for a

higher alignment. At that point it would be possible to see that as nuclear alignment between regional powers and the United States improves, so do the ships between regional powers and secondary players, therefore moving from a hedging or strategic leadership towards a more integrative or even accommodating leadership. These possible shifts are represented below.

Finally, the typology is built by two nominal variables (global nuclear alignment and regional embeddedness) which simply vary from low to high. This keeps the typology parsimonious, and compromises the richness which derives from the multi-dimensionality and complexity of these two variables. Yet the fact that the thesis chooses to define nuclear alignment as low or high not only has been a choice of convenience, but also bears a theoretical rationale. The matrix consciously moves away from providing a numerical measurement of these variables, and instead categorizes them in broad binary terms, allowing some complexity to enter through the broad definition of what “high” and “low” actually mean. Furthermore, both variables – global nuclear alignment and regional embeddedness – do not necessarily capture a specific policy, but rather an orientation of the relationship that the regional power entertains at the global level with the United States and at the regional level with its own region. Therefore the high and low category are considered the best way to capture variation in the types of relationships that regional powers develop at the global and regional levels, and at the same time to ensure sufficient broadness in the measurement.

Operationalizing the variables

Now that the variables of the theoretical framework have been introduced, a few questions remain on how to explore and measure the concepts that have been developed. It is important to emphasise at this stage that my research favours a qualitative approach in the development of the case studies, in that while statistics and quantitative measurements form part of the preliminary investigation, the case studies are developed in depth through historical analysis integrated with archival research and interviews conducted in the field.

The first issue is related to the identification of regional powers in each of the three regions I have examined, namely Southeast Asia, Latin America and Europe. Such identification is not particularly problematic in the cases of Southeast Asia and Latin America because the majority of the scholars and experts fundamentally agree on Indonesia and Brazil respectively. The case of Europe is more problematic because most of the literature (and the empirical evidences) points to the existence of an EU-directorate composed of France, the United Kingdom and Germany²⁵. The chapter on Europe ultimately sets out France as the regional power for two main reasons: its nuclear technological superiority (and the prospects of future expansion of its nuclear energy program) and for its undeniable willingness to lead in nuclear institution building in Europe, willingness not displayed by the other two countries. Firstly, in the nuclear context technological capabilities and know-how bear particular clout as they strengthen the credibility of the country seeking to lead a collective process to design nuclear policies. The possession of nuclear technology (civilian as well as military) is for the regional power itself an important incentive to remain engaged in

²⁵ The most recent article discussing the power parity among the three countries is Lehne, S., The Big Three in EU Foreign Policy, *Carnegie Europe*, *Carnegie Papers*, 2012

multilateral governance processes (whether they be regional or global), in order to formulate policies favourable to its own nuclear interests. In the context of Europe, the only nuclear program currently in expansion is the French program, in contrast to the U.K. and Germany. This entails that in the future the country will remain active and relevant in global and regional nuclear settings as the country continues to hold substantial interests in the nuclear sector. Finally, according to the working definition provided earlier, a regional power is not only a country with superior material capabilities (and in the case of France such a superiority could be questionable) but it is also a country willing to lead. And France largely satisfies this last condition.

Another variable to be studied is the level of *nuclear alignment* between the regional power and the United States. The assessment of whether there is nuclear alignment between the regional power and the United States will be conducted through a qualitative analysis of their individual nuclear positions, as on display during the various NPT Review Conferences of 1975-2010. I believe this will offer a comprehensive understanding of their individual nuclear preferences as well as the depth of their alignment on key nuclear issues. The analysis of nuclear alignment levels will be augmented by interviews I have conducted with government officials of the three regional powers under review and of the United States. This will uncover some of the ‘unspoken’ perceptions of the U.S. in the nuclear sector and of its interests. Although individual interviews may be biased accounts, cumulatively they are a powerful tool to tease out hidden ideas and values underpinning relations between the two countries²⁶.

²⁶ The different methods used in the dissertation are explained in the Methodology section of the introductory chapter

The concept of *regional embeddedness* will also require a combination of different measurements. It will be examined according to two main elements:

- 1) The regional alignment of nuclear preferences between the regional power and secondary powers.
- 2) The level of regional commitment and willingness to lead.

These two variables are explained below.

First, in order to examine the level of regional alignment between the regional power and the secondary players, some criteria must be chosen to identify secondary players. The identification of the secondary players within regions will be done with indicators similar to the ones used to identify regional powers. For instance, all countries in a region – other than the regional power – that possess an active nuclear program should be considered significant secondary players, because these states possess the technological expertise necessary to support or challenge the leadership that the regional power will provide in the crafting of regional nuclear regimes. Yet how can we differentiate between a regional power and a secondary player? Generally, secondary players display significant deficiencies in relation to regional powers. They may be small in territorial size and with fewer material resources than regional powers. An example could be Singapore in relation to Indonesia. Singapore is possibly the most high-technologically advanced country in the region (including in terms of military capability). But its tiny size and its high dependence on foreign trade make it vulnerable to regional dynamics and far less capable of projecting leadership than Indonesia, the most geographically extended, most populated and vastly energy-rich country with a long history of nuclear technology development. Nevertheless Singapore, more than any other state in Southeast Asia, is has a major

influence on the ability of Indonesia to lead at the regional level as the city-state is the largest investor in Indonesia's economy. In other cases, secondary players may be more economically challenged than regional powers, and therefore impaired in their ability to lead. A clear case is Argentina, in the context of Latin America. Despite the fact that the country has developed a sophisticated nuclear program, the ability of Argentina to lead in regional nuclear politics has been profoundly tamed by its enormous financial difficulties. As a result, Argentina has kept a low profile on this issue, which has proved advantageous for Brazil. Finally, secondary players may be highly reluctant to display the type of leadership that regional powers are able and willing to pursue. A case in point is Germany, in the context of the European Union. Although the country has a significant nuclear industry and remarkable expertise, it has consistently shied away from taking the lead in regional institution-building processes, almost always remaining on the sidelines and supporting France, which is willing to take the leadership in this area of European cooperation.

Second, in order to understand the level of regional nuclear alignment between the regional power and secondary players, as in the case of global nuclear alignment, the thesis uses a qualitative analysis. In order to map the position of secondary players, I have reviewed their positions as displayed during the various NPT Review Conferences of 1975-2010. This understanding of their preferences is then complemented with a survey of their statements and positions within respective regional organizations. For instance, in the case of Singapore, I examine the statements released by the country at meetings of the ASEAN, ASEAN Regional Forum, and ASEAN +3 dialogue. In the case of Argentina and Mexico (another secondary player which is considered highly influential in the case of Latin

America), I traced its historical and current positions within the Organization of American States, MERCOSUR, and the OPANAL (the agency in charge of implementing the Nuclear Weapons Free Zone Treaty in Latin America). Finally, in the case of the European Union, the preferences of Germany are mainly identified by examining the type of policies it has proposed through the statements released by the German Government at the EU Council of Ministers.

This mapping of secondary players' preferences is then enriched by a comprehensive set of interviews with officials of these countries, which provided additional insight perspective on their preferences and views on the leadership provided by the regional powers in their respective regions.

The most difficult indicator to measure is the level of commitment that the regional power displays within its regional setting. Commitment is generally defined within the -literature as 'a strong belief in a given organization, a willingness to exert considerable efforts on behalf of that organization and a desire to maintain organizational membership'²⁷. Commitment is also linked to the ability and willingness of the regional power to exercise leadership. Such a definition may appear redundant or even unnecessary; after all, wouldn't all states endowed with material superiority being compelled to lead? The answer to this is not always affirmative – material superiority does not automatically translate into the ability to lead. Many examples can be cited in support of this claim²⁸. Yet in the IR

²⁷ R.T. Mowday, R. Steers, and L.W. Porter, The Measurement of Organizational Commitment, *Journal of Vocational Behavior*, vol. 14, 1979, p. 225

²⁸ In Southeast Asia, for example, both Singapore and Malaysia display economic and military capabilities equal to those of Indonesia. Yet Indonesia is acknowledged as a regional power both within ASEAN and at a global level. It is the only country representing Southeast Asia at the G-20 meetings.

scholarship, virtually no indicators or databases are able to capture such a concept and to measure it. Some scholars have used proxy indicators, such as the level of ‘willingness’ of a state to engage with neighbouring countries, and with the region as a whole. There are a few databases available to measure the commitment of a state, such as the Integrated Data for Events Analysis (IDEA), which codes the degree of willingness of one country to engage at the bilateral level with other players operating in the same region. But these quantitative measurements are extremely limited, and therefore I predominantly chose to explore regional powers’ commitment to regional nuclear institution-building through interviews and historical analysis.

Nuclear alignment and regional embeddedness will be measured as binary variables, although they are far from being so. The decision to measure them according to a low/high dichotomy is predominantly dictated by the desire to keep the theoretical framework as straightforward as possible. The table below summarises the indicators that will be used to define them.

Table 3 – Variables and Indicators

Variable	Indicators	
	Low	High
Nuclear alignment	Opposing positions at the NPT Review Conferences (1975-2010)	Converging and reinforcing positions at the NPT Review Conferences (1975-2010).
Regional Embeddedness	Opposing positions at the NPT Review Conferences (1975-2010) and at the regional forums; low commitment of the regional power to its region and to regional cooperation	Converging and reinforcing positions at the NPT Review Conferences as well as in key regional forums ; high commitment of the regional power to its region and to regional cooperation

Finally, in order to study the interplay between regional nuclear regimes and the U.S. global nuclear regime, the thesis conducts a few selection processes. Firstly, the thesis chooses to explore regime interplay as it unfolds in the three policy areas of nuclear non-proliferation, nuclear disarmament and nuclear security. It selects regional and global nuclear institutions operating within these policy-areas and compares them in terms of the goals and methods that they use. The various institutional interplays are the elements ultimately constituting the regime interplay between the regional nuclear regime and the global nuclear regime.

Whilst the selection of nuclear institutions to explore at the regional level is relatively straightforward given the relatively low number of institutions currently operating in these policy areas, a challenge is instead posed by the selection of the global nuclear institutions, given their high number. In the selection of which global nuclear institutions to examine, I have adopted criteria that I briefly outline here. Firstly, the thesis defines an institution in very broad terms, as a ‘connected set of norms and rules embedded in stable and ongoing social practices’²⁹. Therefore in the identification and examination of key institutions at the global and regional levels, the thesis looks at both treaties and organizations alike. Secondly, all selected institutions display long-lasting commitment to cooperation among their signatory states³⁰. This means that such institutions are not created ad hoc simply to respond to a current problem, but are intended to be sustaining and increasingly relevant to tackling various emerging nuclear risks. Thirdly, they have a global impact. Although their membership varies (some are ‘club institutions’, others are global in

²⁹ Hurrell, *On Global Order*, p. 59. For a more detailed discussion on institutions refer to footnote 3 of Chapter 1

³⁰ The idea of formality is highly debated, in the sense that they all have statements of principles and actions. The choice to explore cases of formal institutions and hard-law is primarily dictated by methodology. Yet such a choice does not dismiss the importance of soft-law. For a discussion on soft-law: K. Abbott and D. Snidal, *Hard and Soft Law in International Governance*, *International Organization*, vol. 54, no. 3, 2000, pp. 421-456

membership), they are designed to have a clear impact at the global level, and are not limited to a geographical area. Initiatives and institutions created at the national level will not be part of the study³¹. Finally, they are landmark institutions in the sense that their creation has been critical in the advancement of new ideas and norms in global nuclear governance.

In order to specifically understand the goals that the U.S. is pursuing through and within these institutions I have explored in depth official statements of the United States in these institutions. For instance, I have examined all U.S. statements at the Nuclear Non-Proliferation Treaty Review Conferences (NPT RevConf) and at the Nuclear Non-Proliferation Treaty Preparatory Committees (NPT PrepCom) from 1975-2012, as well as key national documents such as the 1993, 2002 and 2010 Nuclear Posture Reviews, which were useful to explain the context and the rationale leading the United States to the recent establishment of several global institutions such as the Proliferation Security Initiative. This documentary analysis has been complemented by an in-depth study of key nuclear literature and by a wide array of interviews with U.S officials and nuclear experts, which have helped to distil the goals and methods that have received the highest attention from the U.S. in terms of rhetoric, international activism, and funding. I am aware that such a distillation process remains an over-simplification of a much more complex setting, yet such simplification is necessary to be able to study the interplay of the U.S. global nuclear regime with the three regional nuclear regimes that have been selected for the empirical investigation.

³¹ For example, the study does not explore national policies developed and adopted by the U.S. Administration, such as the Department of Defense Counter-proliferation Initiative developed under the Clinton Administration or the 'full-spectrum dominance' approach advanced by the last Bush Administration

Conclusions

This chapter has set out a theoretical framework for examining institutional proliferation in the nuclear sector at the regional level. It suggests that power considerations are significant in two instances of the proliferation process. First, power is important as a supply-side condition for proliferation. As the thesis highlights in both its theoretical claims and its empirical investigation, together with demand-side conditions the presence of a regional power endowed with sufficient resources is critical in bringing about institution building. Second, power considerations influence both the goals and methods that regional nuclear regimes will come to assume and how the interplay with the global nuclear regime will unfold. The level of nuclear alignment between the U.S. and regional powers will be critical in determining whether regional nuclear institutions will seek to challenge or strengthen the preferences of the United States at the global level.

In cases of low nuclear alignment, the U.S. interests in global nuclear governance will be seen by the regional power as questionable and U.S. power primacy within global nuclear institutions as something to be challenged. In such cases, regional nuclear institution building will be used as a mechanism to question U.S. interests and its global nuclear primacy. Conversely, in cases of high nuclear alignment, the nuclear interests of the regional power are similar to those of the United States, meaning that the U.S. global nuclear regime satisfies regional power's interests. Therefore the power primacy of the United States will not be questioned, but rather will be strengthened to ensure the maintenance of a global nuclear regime that is favourable to both U.S. interests and the interests of the regional power.

The level of regional embeddedness constitutes the other power relationship that will largely determine the way in which regional nuclear regimes are designed and their interplay with the global nuclear regime. Depending on the power asymmetry existing within each region between the regional power and the other regional players, regional nuclear institution building will either consist of a process of inclusion and accommodation of the main interests shared by all regional players, or will simply entail devising an institution in which largely the interests of the regional power are favoured.

The following chapter (Chapter III) will investigate U.S. nuclear preferences at the global level. Understanding U.S. nuclear interests will serve as the benchmark against which convergence or divergence between the regional and global nuclear regimes will be assessed. Chapters IV to VI will apply the theoretical framework of the thesis to three regional nuclear regimes: Latin America (Chapter IV), Southeast Asia (Chapter V), and Europe (Chapter VI). Drawing upon empirical evidence from archive documents collected during fieldwork, official records and interviews, each chapter will explain the leadership role played by a regional power in nuclear institutional proliferation at the regional level. Each chapter comprises four parts: an overview of the regional nuclear regime and its constituent elements; a short historical illustration of how the regional nuclear regime has come about (the demand-side), an analysis of the regional power's leadership in light of its nuclear alignment with the U.S. and its regional embeddedness (the supply-side), and a conclusion that reflects on the current regional-global nuclear regime interplay and the future of nuclear cooperation in the region.

**Table 4- A Summary of modalities of interplay between the Regional and U.S. Global Nuclear Regimes
on goals and methods**

Goals and Methods of the U.S. Global Nuclear Regime	Interplay of Regional Nuclear Regime with the U.S. Global Nuclear Regime			
	Hedging (the case of Latin America)	Strategic (the case of Southeast Asia)	Integrative (the case of the European Union)	Accommodating (the case of Africa)
ORDERING OF GOALS				
Nuclear Non-Proliferation	Nuclear Disarmament	Nuclear Non-Proliferation	Nuclear Non-Proliferation	Convergent
Nuclear Security	Nuclear Non-Proliferation	Nuclear Disarmament	Nuclear Security	-----
Arms control	Nuclear Security	Nuclear Security	Arms control	-----
METHODS PURSUED				
Strengthening verification system (the model Additional Protocol)	Divergent (ABACC, no model Additional Protocol)	Convergent	Convergent (EURATOM and model Additional Protocol)	Convergent
Support of coercive measures for counter-proliferation	No regional support	No official regional support (however unilateral adhesion by the majority of ASEAN member states to PSI)	Official EU support to PSI, however emphasis is ‘effective multilateralism’ and on the use of force as last resort	Convergent
Development of regional borders and export control policies	Inter-American Convention on Terrorism (Borders control policy, no regional cooperation on export control)	ASEAN Convention on Counter-Terrorism (Borders control policy, no regional cooperation on export control but bilateral agreements)	EU Dual-Use Export Control regulation (1994, 2009) EU New Lines for Action (2008), to combat proliferation of weapons of mass destruction and their delivery systems (2008)	-----

Chapter III:

The U.S. Global Nuclear Regime

The central endeavour of this thesis is to investigate the emergence of regional nuclear regimes and examine their interplay with the U.S. global nuclear regime. The thesis poses two interrelated questions. This first question, ‘what conditions have led to the formation of regional nuclear regimes despite the existence of an already consolidated set of institutions at the global level?’ is answered by an explanation that is complementary to the functional explanation elaborated within the neoliberal institutionalist framework. The thesis seeks to demonstrate that due to the leadership of regional powers, regional nuclear regimes have emerged around the world to respond to local nuclear risks, but they have simultaneously offered regional powers an avenue to exercise power in response to, but outside the specific orbit of, the U.S. leadership at the global level.

The second question, ‘what are the features of the interplay between regional nuclear regimes and the global nuclear regime?’ presents a more complex puzzle. The thesis sheds light onto various nuclear policies adopted in the regional context, and explains how such policies diverge from or converge with the nuclear policies that the U.S. has sponsored and sustained at the global level. To explain the ways in which regime interplay manifests between the regional nuclear regimes and the global nuclear regime crafted by the U.S., the thesis looks at two distinct power relations: the level of alignment of nuclear preferences between the regional power and the United States (nuclear alignment), and the level of regional embeddedness of the regional power within its region.

The focus of study is not to compare the various regional nuclear regimes between themselves, but rather to understand the ways in which interplay unfolds between these regional nuclear regimes and the interests of the United States at the global level. The reason for such a choice (focussing on the regional-global nexus) has been dictated by my interest in demonstrating that institutional proliferation in the nuclear realm is not only functional, but also driven by power-seeking considerations among regional powers.

In the broader framework of my thesis, this third chapter serves as a bridge between the preceding theoretical section and the subsequent empirical analyses, which illustrate at greater length the regional nuclear regimes as they have emerged in three different contexts: Latin America, Southeast Asia and Europe. The focus of this chapter is to explore and highlight the main goals and methods pursued by the United States in the governance of three nuclear policy areas at the global level: nuclear non-proliferation, nuclear disarmament, and nuclear security. These goals and methods represent what the thesis refers to as ‘the U.S. global nuclear regime’, and regional nuclear regimes will be assessed on whether they converge or diverge from the U.S. global nuclear regime based on the goals and methods highlighted in this chapter. Therefore the U.S. goals and methods as they are described in the following pages represent the benchmark against which regime interplay of regional nuclear regimes to the global regime will be assessed. The distinction between goals and methods will become significant in the context of the regional analyses¹. The division of U.S. nuclear goals and methods according to different policy areas is of course artificial as

¹ In some cases, for instance that of the European Union, the goals are aligned to the U.S. global regime, but the methods that the EU has adopted are different. Such divergence – although not significant, as in the case of a different prioritisation of the goal itself – still needs to be explored in greater detail, because it may bear important consequences

‘the extent of the overlap among these principles is increasingly recognized’².

Nevertheless the decision to maintain a distinction of goals and methods according to these three policy areas will become relevant in the analysis of interplay between the global and regional nuclear regimes.

Before proceeding to an illustration of the contours and features of the U.S. global nuclear regime, two additional caveats are necessary. Firstly, although I seek to illustrate the goals that the U.S. has sought to pursue in global nuclear governance, this chapter is not concerned with explaining the domestic origins of such goals. Numerous studies³ already exist on that subject, and the scope of this thesis is to take U.S. nuclear goals as a departure point to explore regional nuclear regimes and the leadership of regional powers in the chapters that follow. The second caveat is that in the illustration of such goals and methods, the chapter inevitably proceeds by oversimplification, reviewing only some of the institutions and initiatives that the U.S. has led. The intention here is not to give a full account of all the existing global nuclear institutions, which would repeat the comprehensive work of other scholars⁴. It is, rather, to sketch out the preferences of the U.S. around nuclear governance as they have emerged in the development of global nuclear institutions. The criteria for

² T. Findlay, *The Future of Nuclear Energy to 2030 and Its Implications for Safety, Security and Nonproliferation*, *CIGI Report*, 2010, Chapter IV: p. 9

³ Various works analyse and explain U.S. nuclear politics, as well as different dimensions of U.S. governance of nuclear technology and weapons. On U.S. and nuclear weapons: R. Jervis, *The Illogic of American Nuclear Strategy*, (Ithaca: Cornell University Press, 1984); N. Tannenwald, *The Nuclear Taboo: The United States and the Non-Use of Nuclear Weapons since 1945*, (Cambridge: Cambridge University Press; 1999); L. Freedman, ed., *The Evolution of Nuclear Strategy*, 3RD Edition, (Houndmills, Hampshire: Palgrave Macmillan, 2003). On the United States and nuclear non-proliferation: G. Perkovich, *Principles for Reforming the Nuclear Order*, *IFRI Security Studies Center, Proliferation Papers*, 2008; V. Utgoff, ed., *The Coming Crisis: Nuclear Proliferation, U.S. interests, and World Order*, (Cambridge, Mass.: MIT Press, 2000)

⁴ The works that have been used the most to build the background of this chapter are: J. Dhanapala, *Multilateralism and the Future of the Global Nuclear Nonproliferation Regime*, *The Nonproliferation Review*, 2001, pp. 99-106; T. Findlay, *The Future of Nuclear Energy to 2030 and Its Implications for Safety, Security and Nonproliferation*, *CIGI Report*, 2010; T. Ogilvie-White, and D. Santoro, *Slaying the Nuclear Dragon: Disarmament Dynamics in the Twenty-First Century*, (Athens, Georgia: University of Georgia Press, 2012); M. Reiss, and R. Litwak, *Nuclear Proliferation After the Cold War*, Woodrow Wilson Center Special Studies, 1994; D. Joyner, *International Law and the Proliferation of Weapons of Mass Destruction*, (Oxford: Oxford University Press, 2009); W. Walker, *Nuclear Order and Disorder*, *International Affairs*, vol. 76, no. 4, 2010, pp. 703-724

institutional selection have been provided in the section on operationalisation of variables in Chapter II.

Is There One Global Nuclear Order?

My thesis chooses to analyse what I define as the U.S. global nuclear regime. In this chapter I have stated that the U.S. global regime is composed of the goals and methods that the U.S. has sought to pursue in global nuclear governance. In broader terms, the U.S. global nuclear regime can be considered as the ordering of a particular set of goals, objectives and values pursued by the United States in the nuclear sector. The study of U.S. goals in the nuclear sector is just one of many possible angles from which to begin studying the more complex and extensive global nuclear architecture. By specifying the aim to analyse the U.S. global nuclear regime, this thesis rejects the conventional idea of the existence of one global nuclear order.

In the international relations literature, the concept of order is intrinsically problematic and frequently contested. Yet the conventional nuclear literature seems rather unconcerned over the complexity carried by the term, and as such it is frequently used and misused by analysts and scholars alike without an agreed definition. For example, an IAEA report issued in May 2008 exhorts states to walk the extra mile and ‘take on a bold agenda to reinvigorate the global nuclear order so as to reduce risks while allowing rapidly growing contributions to human wellbeing from nuclear technologies’⁵. Yet there is no clear definition behind that ‘nuclear order’, prompting Kapur and other scholars to criticise that ‘terms such as nuclear

⁵ International Atomic Energy Agency, *Reinforcing the Global Nuclear Order for Peace and Prosperity: The Role of the IAEA to 2020 and Beyond*, Report prepared by an independent commission at the request of the Director General of the IAEA, May 2008, p. 5

order are widely used as political slogans and have been embraced without subjecting them to strict academic scrutiny’⁶.

William Walker, who more than any other scholar has committed to identifying characteristics of the nuclear order presumed to be in existence, defines the international nuclear order as ‘the international order developed to address the distinctive set of problems, issues and goals associated to nuclear technology’⁷. Yet that definition leaves open a considerable set of important and conceptually challenging questions: What are the problems that such an order seeks to tackle? Who sets the priorities among such problems? What are the criteria under which such problems are prioritised? When is such a prioritisation carried out?

In the nuclear realm, as in many other areas in international politics, order is fundamentally shaped by actors’ interests, power and also beliefs in a broader sense. The attainment of a global nuclear order can emerge only from a process of accommodation, negotiation and competition among different states’ views of what the global nuclear order should actually entail. Of course, the attainment of an international nuclear order is intrinsically important because ‘a primary objective of international ordering is to reduce enmity to a more benign and contained rivalry. More ambitiously, its purpose lies in reducing both enmity and rivalry to a sustained condition of forbearance or amity wherein states and other actors define their relations as intrinsically cooperative and strive to revise life and liberty by peaceful

⁶ K. Ashok, Rogue States and the International Nuclear Order, *International Journal*, vol. 51, no. 3, Summer 1996, p. 420

⁷ Walker, *A Perpetual Menace*, p. 10

means alone'⁸. Yet in the nuclear realm, a sector closely connected to vital national security interests, 'the pursuit of order in this context is inherently problematic, will always be contentious and entail political struggle, has to operate simultaneously at several levels and can probably never end'⁹.

Given the complex nature of nuclear relations and the monumental challenge of reaching a common vision over the goals, objectives, norms and values that must be prioritised in a global nuclear order, my thesis rejects the existence of such an order and presumes instead the existence of a global nuclear architecture comprising a wide array of institutions and organisations, mandated to respond to different risks, threats and problems posed by the existence of nuclear technology and its various applications. The prioritisation among these different risks, threats and problems and the ordering of goals, norms and values is precisely the realm of nuclear politics where inter-state dynamics of cooperation and competition play out. Ultimately, I agree with Walker when he writes that: 'Deterrence, non-proliferation, arms control disarmament counter-proliferation and the other common foci of international nuclear politics and discourse are aspects of the quest for order rather than primary objectives that can stand on their own'¹⁰.

Nonetheless, the special status occupied by the U.S. global nuclear regime within the existing global nuclear architecture has to be acknowledged. The United States, through its leadership, has been able to organise and support loose institutions and initiatives, piloting nuclear entities into a cohesive legal and institutional framework

⁸ W. Walker, *Weapons of Mass Destruction and International Order*, (London: IISS, *Adelphi Paper* 370, 2004), p. 10

⁹ Walker, *A Perpetual Menace*, p. 2

¹⁰ Walker, *A Perpetual Menace*, p. 2

oriented towards the attainment of clear goals, namely - and predominantly - nuclear non-proliferation and nuclear security. The U.S. global nuclear regime is the most successful attempt to turn a disorganised and unstructured global nuclear architecture into a global nuclear order. Since the end of World War II, and especially since the end of the cold war, other states have attempted to offer an alternative to the U.S. global nuclear regime and its ordering. The NAM, whose activism peaked between the 1970s and the '90s, sought to provide another option, crafting a different global nuclear regime centered on nuclear disarmament. But divisions within the movement as well as the political and economic troubles of some of its most prominent members, such as Indonesia, Egypt and South Africa, impaired this bloc from succeeding in its endeavours¹¹ and left a lack of alternatives to the U.S. global nuclear regime.

The U.S. Global Nuclear Regime at a glance

Walker unabashedly affirms that global nuclear governance is almost entirely a U.S. project, and while other players such as China, the USSR and key non-nuclear weapons states have had important roles leading up to key treaties and conventions, the input and leadership of the U.S. has been indispensable. He writes: 'throughout the nuclear age, most of the ordering ideas and most of the desire and power to realize those ideas came from the U.S. The American attitude towards the nuclear order has therefore always been monarchical, even in periods when its notion of order has been essentially liberal. The U.S. has unquestioningly conferred upon itself

¹¹ Several accounts exist on how the unity of the Non-Aligned Movement waned. One such account is offered in W. Potter, and G. Mukhatzhanova, *Nuclear Politics and the Non-Aligned Movement*, (London: the International Institute for Strategic Studies, 2012). The authors highlight how political divisions within the movement and disputed leadership forced the NAM to adopt an increasingly pragmatic position on several nuclear issues rather than maintaining the ideological stance which had previously characterised the movement. The authors mention how divisions within the NAM undermined the ability of the movement to speak in one voice on key issues, such as the extension of the NPT in 1995, the handling of the Iranian nuclear crisis, and involvement in the nuclear security agenda launched by President Bush and continued by President Obama

unique rights to decide when the game and its rules should be changed’¹². Moreover, with the increasing consolidation of power by the United States in the 1990s and in the 21st century, many of the new ideas and proposals have come directly as U.S.-designed, U.S.-shaped and U.S.-lobbied initiatives.

The way in which the U.S. has sought to organise and order the global nuclear architecture is directly correlated with the ways in which the country has imagined and conceived of its own status and role in the international system. In this sense, the pursuit of a global nuclear order for the United States should not be regarded as in isolation from its efforts in designing and establishing a more comprehensive global order.

Three elements largely define the U.S. global nuclear regime:

- 1) Its goals: to ensure stability within the international system by freezing the number of nuclear weapons states through an increasingly strict nuclear non-proliferation policy (nuclear non-proliferation); to ensure stability within the international system by controlling the number of nuclear weapons through arms control agreements with the Soviet Union in particular, and then with Russia (arms control and disarmament); and to continue strengthening national as well as collective preparedness to respond to current and emerging nuclear threats around the world, such as the threats posed by non-state actors (nuclear security).
- 2) Its methods: ‘à la carte multilateralism’¹³.

¹² W. Walker, *Nuclear Order and Disorder*, p. 709

¹³ U.S. State Department official Richard Haass has labelled the approach of the George W. Bush Administration as one of ‘à la carte multilateralism’, which works as follows: ‘We will look at each agreement and make a decision rather than come out with a broad-based approach’. This approach in the nuclear sector is not new.

- 3) The nature of U.S. leadership: substantially *real-politik* and highly pragmatic, yet in some instances also personality-driven.

Walker writes: ‘nuclear weapons created an imperative within the states system. It placed the creation of order of an inclusive and comprehensive kind at or near the centre of global political inquiry and action’¹⁴. But the ways in which the United States has used its leadership in the pursuit of such an order has much less to do with democratic involvement of the international community towards a common vision than with the development of institutions for the pursuit of an equilibrium, predicated on the acceptance of the presence of nuclear weapons in the hands of a few states¹⁵. The pursuit and maintenance of nuclear equilibrium – or nuclear stability, as it had been called during the cold war – remains at the centre of U.S. leadership in global nuclear governance to date.

During the cold war, stability was identified with the idea of strategic stability between the U.S. and its global rival, the Soviet Union. In the context of superpower competition, attaining strategic stability came to be considered the cornerstone of the global deterrence strategy of both superpowers. Attaining nuclear parity - if not in actual numbers, at least in the destructive capability of both nuclear arsenals - was

Edward Luck underlines how ‘the patterns of American ambivalence toward multilateral rules and organizations, born of a deeply ingrained sense of exceptionalism, remain a defining characteristic of U.S. foreign and security policy’, in R. Foot, N. MacFarlane, and M. Mastanduno, *U.S. Hegemony and International Organizations*, (Oxford: Oxford University Press, 2003), p. 2

¹⁴ Walker, *A Perpetual Menace*, p. 2

¹⁵ William Walker notes that ‘the central question of the nuclear age has been how to draw states into a logic representing a pragmatic middle way - logic of restraint. This has entailed accepting the presence of nuclear weapons in the world for the time being whilst placing limits on their possession and use without unduly impeding either deterrence or the diffusion of nuclear materials and technologies for civil purposes’, in Walker, *A Perpetual Menace*, p. 5

based on the assumption that mutual vulnerability would have created the necessary conditions to avoid a nuclear war¹⁶.

In the post Cold-War period, characterised by high uncertainty, the need to guarantee stability has grown even stronger for the United States, prompting it to devise two strategies. Firstly, the U.S. engaged in consistent efforts towards nuclear arms control with its then primary adversary, the Soviet Union¹⁷. Arms reduction treaties have significantly reduced the number of stockpiled weapons retained by the superpowers, while still allowing the maintenance of strategic stability at the global level. Secondly, strategic stability has been pursued more broadly as a global strategy to prevent other states from acquiring nuclear weapons and to freeze the number of nuclear weapons states. To do so, the U.S. has designed and implemented an increasingly strict nuclear non-proliferation policy, oriented towards state actors and later on complemented by the development of nuclear security policies that more explicitly target non-state actors. In the 1990s, nuclear non-proliferation policies were also integrated into a counter-proliferation approach consisting of a set of policies and institutions entailing the use of coercive hard power measures to halt instances of proliferation when prevention failed.

¹⁶ Strategic stability consisted in the inability of both parties to destroy entirely the other's nuclear capabilities without the adversary being able to retaliate against the aggressor. The vulnerability created by nuclear parity was at the core of the deterrence strategy of the Cold War. Harkabi defined it as 'a situation where the initiation of war by surprise no longer assures any gain or advantage. A situation is stable therefore when there is no temptation to force the issue; it is a situation of mutual neutralization in which both the householder and the burglar know that even if one slays the other, the latter will manage to retaliate posthumously'. In Y. Harkabi, *Nuclear War and Nuclear Peace*, (Jerusalem: Israel Program for Scientific Translations, 1966), p. 48. For an in-depth exploration of the issue: C. Gray, Strategic Stability Reconsidered, *Daedalus*, vol. 109, no. 4, 1980, pp. 135-154; D. Yost, Strategic Stability in the Cold War: Lessons for Continuing Challenges, *IFRI, Proliferation Papers*, 2011; L. Freedman, ed., *The Evolution of Nuclear Strategy*, 3rd Edition, (Houndmills, Hampshire: Palgrave Macmillan, 2003)

¹⁷ The recurrence of the language of the Cold War and the contemporary relevance that the concept of strategic stability maintains is illustrated by the joint press release by the United States and Russia on strategic stability, at the successful conclusion of the negotiations for the START II agreement. In the press release, the two countries state that they are 'committed to continuing the development of a new strategic relationship based on mutual trust, openness, predictability and cooperation', June 18, 2012
Available at: <http://www.whitehouse.gov/the-press-office/2012/06/18/joint-statement-president-united-states-america-barack-obama-and-preside> (accessed on July 27th, 2012)

While nuclear non-proliferation and arms control constitute the core nuclear goals of the U.S. at the global level, the possibility of attaining a ‘world free of nuclear weapons’ that is, complete nuclear disarmament, is present in U.S. rhetoric and nuclear discourse and remains a desirable goal, only attainable under specific conditions. As Daniel Joyner has correctly remarked, ‘The original balance of principles underlying the NPT has for over a decade been distorted particularly by nuclear-weapons-possessing governments led by the United States in favour of a disproportionate prioritisation of non-proliferation principles and an unwarranted under-prioritisation of peaceful use and disarmament principles’¹⁸.

In the achievement of its goals, the United States has frequently resorted to the creative use of multilateral processes¹⁹. For instance, the U.S. has never hesitated to devise highly selective international instruments such as club governance (as in the case of Nuclear Security Summits or PSI) and or to resort to the exclusive UN Security Council (as in the case of UN Resolution 1540) to legislate on nuclear matters, particularly when such matters were perceived as vital to U.S. security. The U.S. has equally displayed a pragmatic leadership, allowing the country to tolerate and in some instances encourage double-standard policies and behavioural exceptionalism from some allied states, such as France, India and Israel²⁰. In addition, the U.S. itself has displayed inconsistent behaviour, ranging from withdrawing its political commitment to key treaties that the country had previously

¹⁸ Joyner, *Interpreting the Nuclear Non-Proliferation Treaty*, p. 1

¹⁹ Refer to note 13, chapter III

²⁰ This schizophrenic and erratic policy has inevitably also hurt the commercial interests of many developing countries interested in getting deals with the U.S. for nuclear technology transfer. After one intense debate, the Philippines ambassador remarked: ‘the policy followed by the United States in the area of nuclear supply had gone through three stages: generosity, then restriction and finally denial. The policy was all the more unpredictable since political bodies were involved in its formulation with all the subjectivity which that entailed’. Reported in the official documents of the NPT Second Review Conference, 1980: NPT/CONF. II/C.II/SR. 6, p. 301

endorsed, as in the case of the ABM Treaty, to pressing countries to sign treaties with which the U.S. is itself reluctant to comply, such as the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT).

John Ikenberry writes, ‘paradoxically the United States has been the greatest champion of multilateral institutions in the twentieth century, urging on the world all sorts of new organisational creations, but it has also tended to resist entangling itself in institutional commitments and obligations’²¹. To explain the pragmatic, and frequently controversial, position of the U.S., in nuclear governance, Stephen Zunes has argued that ‘the primary concern of the United States is not the prospect of horizontal nuclear proliferation *per se* but any challenge to its military hegemony in the post-Cold War world’²². Yet part of the contradictory policies of the U.S. in regard to nuclear governance has to be attributed to the complex web of political and economic relations that define the U.S. domestic political landscape. In this sense, dealings between the President and the Senate have proven to be critical in shaping the U.S. nuclear posture during all White House administrations.

The goals and methods comprising the U.S. Global Nuclear Regime

The nuclear issues that have received the greatest attention from the U.S. are related to nuclear proliferation, arms control and, increasingly, nuclear terrorism.

²¹ Foot, MacFarlane, and Mastanduno, *U.S. Hegemony and International Organizations*, p. 49

²² S. Zunes, *The United States and the Undermining of Nonproliferation Regime*, in D. Krieger, ed., *The Challenge of Abolishing Nuclear Weapons*, (New Brunswick, New Jersey: Transaction Publishers, 2011), p. 164. To support his claim, Zunes then reviews and explains the position of the U.S. regarding regional nuclear-weapon-free zones, arguing, ‘This is why both Republicans and Democratic administrations have been skeptical of efforts to establish nuclear free zones since it would require the U.S. to remove its nuclear weapons from certain strategically important part of the globe and would require allies such as Israel, India and Pakistan to dismantle their nuclear arsenal. The U.S. has not only consistently violated the many regional nuclear free zones already in place (like the Bangkok treaty by bringing ships armed with nuclear warheads into the water of Japan) but it also loudly opposed the creation of a nuclear free zone in Nordic Europe or the Balkans. Similarly a draft UN Security Council resolution in December 2003 calling for the establishing of the NWFZ in the Middle East was tabled due to a threatened U.S. veto even though UN Security Council Resolution 687, which addresses the Iraq nuclear program, explicitly placed Iraqi disarmament as the first step of establishing a NWFZ for the entire region

Preventing nuclear proliferation among state actors

There is little doubt that the prevention of nuclear proliferation tops the American nuclear agenda, but such concern is obviously not monopolised by the U.S.. Hans Blix argued: ‘there is almost universal support for the view that the world would be an even more dangerous place if there were more nuclear weapons states. There would be more fingers on more triggers and probably a greater risk that a trigger might be pulled with incalculable consequences. It is easy to see, therefore, that there is a collective interest in avoiding the spread of nuclear weapons to further countries’²³.

Many nations and trans-national movements have mobilised to halt the spread of nuclear weapons, yet the U.S. influence and leadership in formulating and shaping global nuclear non-proliferation policies outshines all other contributions. As Sidodia, Krishnappa, and Singh have noted, ‘the fate of the nuclear non-proliferation regime is tied not just to the U.S. dominance but also to the U.S. interest. It was created, sustained and maintained by the U.S. because it was in the American interest, and the U.S. was able to convince others in that project. Other powers including the Soviet Union may have independently concluded that non-proliferation was also in their interest but it is unlikely that they would have been able to create such a regime in the absence of American leadership. Through much of its history, the U.S. bore the burden of maintaining and promoting the regime’²⁴.

²³ B. Schneider, Nuclear Proliferation and Counter-proliferation: Policy Issues and Debates, *Mershon International Studies Review*, vol. 38, no. 2, 1994, p. 217

²⁴ N.S. Sisodia, V. Krishnappa, and P. Singh, *Proliferation and Emerging Nuclear Order in the Twenty-First Century*, (New Delhi: Institute for Defense Studies and Analyses, 2009), p. 24

The central idea underpinning the U.S. approach to nuclear non-proliferation and instigating many of the U.S. initiatives on this front is simple: nuclear proliferation poses a vital threat to U.S. security and to collective security overall, because it undermines strategic stability, and ought to be prevented or halted at all costs. In an unequivocal statement in support of nuclear non-proliferation policies, the 1975 U.S. Senate stated: ‘...the spread of nuclear weapons poses an increasing threat to the peace and security of all nations and the maintenance of international stability and security would be greatly weakened if not made impossible in a world of many nuclear powers’²⁵.

This idea has remained central to U.S. nuclear policies and has been reiterated by various presidents over the years. During the second NPT Review Conference in 1980, President Jimmy Carter remarked that ‘the acquisition of nuclear explosives by additional states would decrease the security of the states acquiring them, decrease the stability of the regions in which they are located and increase the risks of nuclear conflict’²⁶. Going further than his predecessors, President Bill Clinton called the proliferation of weapons of mass destruction ‘the most significant threats that all of our people will face in the next whole generation’²⁷. He asserted that such proliferation ‘constitutes an unusual and extraordinary threat to the national security, foreign policy and economy of the United States’, and declared a national emergency to deal with that threat²⁸. Finally, President George W. Bush unceasingly worked at

²⁵ Text of a Resolution adopted on 6 May 1975, by the United States of America and sent to the state parties of the NPT review conference, NPT/CONF/21, 12 May 1975

²⁶ Message of the President of the United States Jimmy Carter delivered at the NPT Review Conference on 12 August 1980: NPT/CONF.II/11

²⁷ United States Senate, The Proliferation Primer, A Majority Report of the Senate Subcommittee on International Security, Proliferation and Federal Services, Committee on Governmental Affairs, January 1998, available at: <http://www.missilethreat.com/repository/doclib/19980100-Senate-prolifprimer.pdf>

²⁸ Executive Order no. 12, 938 WKLY COM.PRES. DOC 2386, November 14, 1994. Clinton’s Secretary of State, Dr. Madeleine Albright, also declared that the proliferation of WMD is the most overriding security interest

the UN Security Council level to obtain a political declaration that ‘proliferation of weapons of mass destruction constitutes a threat to international peace and security’²⁹.

Clearly, the most important legal instrument for the prevention of nuclear proliferation is the Nuclear Non-Proliferation Treaty (the NPT), which the U.S. designed and bargained hard for with the Soviet Union at the height of the Cold War. Articles 1 and 2 of the NPT, in particular, directly speak to the goal of preventing nuclear proliferation and in order to ensure compliance to these NPT articles, the U.S. has developed two main methods:

1. The establishment of a mechanism of verification based on safeguards led by the IAEA;
2. The development of coercive instruments to be activated in cases when prevention measures (such as the NPT) fail to deter states from pursuing nuclear weapons (counter-proliferation).

Method 1: Safeguards System

The famous quote from President Ronald Reagan, ‘Trust but verify’, embodies the importance that U.S. Administrations has assigned to the establishment of verification and control systems in preventing and halting nuclear proliferation. Since the very beginning of negotiations for the creation of the IAEA and the NPT, the

of our time. The statement is cited in W. Drozdiak, US Pushes NATO on Arms Proliferation, *Washington Post*, Dec 17, 1997

²⁹ Text of the UNSC Resolution 1540, 2004

U.S. have thus put forward proposals for the creation of a system of comprehensive safeguards³⁰.

The safeguards system comprises ‘an extensive set of technical measures by which the IAEA Secretariat independently verifies the correctness and the completeness of the declarations made by States about their nuclear material and activities’³¹. The verification system based on safeguards must remain dynamic at all times in order to adjust to technological advances in nuclear applications. In an exemplary statement made during the NPT Review Conference in 1985, the U.S. delegate Ronald J. Bettauer clearly stated that ‘...safeguards could not be static since additional nuclear facilities and new nuclear processing activities were regularly coming into operation, and hence continued steps to ensure adequate political, technical and financial support were essential’³².

The U.S. has worked intensively to develop system of safeguards and ensure they are adaptable to rapid technological changes. The International Atomic Energy

³⁰ In the course of the negotiations with the Soviet Union for the establishment of the Intermediate Nuclear Force Treaty (INF), President Reagan frequently pointed out the need to have solid verification systems to provide the necessary credibility to the commitments that both the United States and the Soviet Union were ready to make towards each other. A discussion of Reagan’s approach to the INF is discussed in W. Watson, *Trust but Verify: Reagan, Gorbachev. and the INF Treaty*, *The Hilltop Review*: vol. 5, no. 1, Article 5, 2011. In 1946, the historical Baruch Plan developed by the Roosevelt’s Administration was already centred on the idea of establishing a multilateral agency mandated to verify the non-diversion of nuclear technology towards military scopes. According to K.D. Kapur, the main point of controversy between the United States and the Soviet Union was precisely over the issue of verification: ‘the Americans wanted first control and then disarmament. The Soviets wanted first disarmament and then control’. In K.D. Kapur, *Soviet Non-proliferation Diplomacy and the Third World*, (Delhi, India: Konark Publishers, 1993), p. 5. Most recently, opposition of the U.S. administration in ratifying the Comprehensive Nuclear-Test-Ban Treaty (CTBT) has frequently been attributed to the impossibility of verifying the commitments to the Treaty. The position of the Senate was exemplified by the statement of Senator Lugar: ‘the goal of the CTBT is to ban all nuclear explosions worldwide: I do not believe it can succeed. I have little confidence that the verification and enforcement provisions will dissuade other nations from nuclear testing. Furthermore, I am concerned about our country’ ability to maintain the integrity and safety of our own nuclear arsenal under the conditions of the treaty’, Statement by Senator Lugar (R-IN) in Opposition of the CTBT, Lugar Press Release, October 7, 1999

³¹ Definition provided in the main IAEA web-site, <http://www.iaea.org/ourwork/sv/safeguards/what.html>, and cited in W. Bowen, M. Cottee and C. Hobbs, Multilateral Cooperation and the prevention of nuclear terrorism: pragmatism over idealism, *International Affairs*, vol. 88, no. 2, 2012, p. 350

³² NPT/CONF.III/C.II/SR.2, P. 272-273

Agency³³, established in 1957, represented the first safeguarding system, yet its original mandate, negotiated with the Soviet Union, remained largely unsatisfactory³⁴ for the United States, which began searching for alternative and stricter verification mechanisms. The real revolution came with the NPT, which entered into force in 1970. The treaty imposed a multilateral obligation on non-nuclear-weapons states to declare and place all of their nuclear materials, facilities and activities under IAEA safeguards, hence the terms ‘full-scope’ or ‘comprehensive’. Under Article 3 of the treaty: ‘each non-nuclear weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency’s safeguards system’³⁵. An additional step towards an even stricter system of verification was made in the aftermath of the discovery in 1991 of the Iraqi clandestine military nuclear program, when the Board of Governors of the IAEA, upon solicitation by the U.S. and the European Union, agreed on the so-called model Additional Protocol (AP).

The AP requires states to provide the IAEA with extensive information on all their nuclear fuel cycle activities³⁶, hence allowing the agency to develop a more accurate view of the state’s nuclear ambitions. Prior to the development of the AP, ‘the

³³ In particular, the IAEA safeguards provided the U.S. with an alternative to direct U.S. inspection of U.S.-supplied nuclear items, as required by bilateral and multilateral agreements for cooperation authorised by the Atomic Energy Act of 1954

³⁴ The first safeguarding system imposed by the IAEA entered into force in 1965 but was very limited in scope. It established that only the equipment, materials or technology transferred through the IAEA itself ought to be monitored to ensure they were not diverted to military purposes

³⁵ NPT, Article 3

³⁶ The Additional Protocol requires states to produce a more expanded declaration regarding nuclear-fuel-cycle activity being carried out within their territory. This expanded declaration must include details on nuclear materials and the facilities involved in producing, processing and utilising them, as required under IAEA - INFCIRC/153. In addition, it must include information on all nuclear fuel cycle-related research and development activities that do not themselves involve nuclear materials, but that may be used in the production of nuclear materials, including activities being carried out in privately owned facilities. Second, the Additional Protocol also gave the IAEA access comparable to that specified under the original INFCIRC/153 and allowed it to conduct special inspections, including surprise inspections

IAEA's role was essentially one of verification of the details on the location and handling of nuclear materials provided to the agency through national reporting. In order to fulfil this role, the IAEA was to engage in routine inspections of declared facilities including sampling of the environment within and outside of such facilities. The system of verification was however constructed to impose the minimum burden necessary upon Non-Nuclear-Weapons States and to be applied in a manner designed to avoid hampering technological development to avoid undue interference in civilian nuclear energy and to reduce to a minimum the possible inconvenience and disturbance to the state³⁷. At the same time, however, the information that the IAEA was able to collect through the NPT safeguards system proved insufficient to detect serious cases of non-compliance such as that of Iraq, because of the restrictions imposed on the IAEA during the conduction of inspections. The AP constituted a remarkable achievement to enhance the power and the authority of the IAEA and the credibility of the nuclear non-proliferation system altogether, but given the highly invasive nature of the inspections that could be carried out under the model Additional Protocol, and to ensure a high degree of support from member states, adherence to the AP was made voluntary³⁸.

The increasing centrality that the Additional Protocol plays with regard to U.S. nuclear non-proliferation policies is clearly signaled by two pieces of evidence: the country itself has signed the Model Additional Protocol in 1998 – although, because of its nuclear-weapon state status, the U.S. is not required to do so under the NPT. Second, the country has increasingly promoted the AP protocol as an integral part of

³⁷ Joyner, *Interpreting the Nuclear Non-Proliferation Treaty*, p. 61

³⁸ Nevertheless, the introduction of a more stringent verification system spurred sour reactions from several non-nuclear-weapons states, who perceived it as a new way to prevent them from acquiring nuclear technology and to ensure their continuing technological dependence on the most developed countries

the safeguarding system of the IAEA, suggesting that the AP would become necessary for countries to be eligible for nuclear technology agreements with the United States. At the opening remarks of the 2007 Preparatory Committee meeting, the U.S. special representative for nuclear non-proliferation, Christopher Ford, said that states that are party to the NPT ‘should support a call for [...] universal adherence to the IAEA Additional Protocol as the new standard for international nuclear safeguards’³⁹. More recently, in seeking support from the other NPT nuclear-weapons-states for universal adoption of the AP, the U.S. introduced UN Security Council Resolution 1887 (2009), which calls upon states to ‘sign, ratify and implement the Additional Protocol, which together with comprehensive safeguards agreements constitute essential elements of the IAEA safeguards system’⁴⁰.

Method 2: Counter-Proliferation

The second instrument developed by the United States to halt nuclear proliferation entails coercive measures, which in some cases may take the form of military interventions. The addition of coercive instruments to the multilateral diplomatic efforts of non-proliferation was largely triggered by the dramatic changes in the geopolitical context during the 1990s. ‘... The strategic threat environment after the Cold War ended was more diverse and uncertain. A whole range of possible threat scenarios was recognised as posing potentially serious short and long term challenges’⁴¹. In addition, revelations about Iraq’s nuclear weapons programme in the aftermath of the 1991 Gulf War showed the weaknesses and gaps of present nuclear non-proliferation strategies to prevent the acquisition of and contain the

³⁹ C. Ford, *A Work Plan for the 2010 Review Cycle*, 2007. The text of the work plan is available at: <http://2001-2009.state.gov/t/isn/rls/rm/84044.htm> (last accessed on May 31st, 2012)

⁴⁰ United Nations Security Council Resolution 1887, 2009, Adopted 29 September 2009, S/res/1887 (2009), p. 4

⁴¹ McDonough, *Nuclear Superiority: The New Triad and the Evolution of Nuclear Strategy*, p. 29

attempts by regional powers and rogue states in pursuing weapons of mass destruction (WMD)⁴².

The 1990s in particular had been characterised by the American perception of 'hostile third world states with large military forces and nascent WMD capabilities as rogue states or nuclear outlaws bent on sabotaging the prevailing world order'⁴³. And the threat posed by the rise of regional powers dissatisfied with the status quo that would be eager to access nuclear technology for non-peaceful use became a central obsession of the Clinton Administration⁴⁴. The development of counter-proliferation strategies therefore became a way to cope with the increasing instability and uncertainty of the international system and the potential collapse of the global nuclear non-proliferation regime.

Barry Schneider has described the distinction between non-proliferation and counter-proliferation in the following way: 'non-proliferation features the velvet glove of the diplomat whereas the latter features the iron fist of the military'. In President Bush's terms, non-proliferation is 'the ability to prevent states and terrorists from acquiring WMD', while counter-proliferation is the 'ability to counter the threat and use of WMD by states and terrorists against the United States, our military forces, and friends and allies'⁴⁵.

The idea of introducing counter-proliferation measures was explained by the Clinton Administration's Secretary of Defense, Les Aspin, who argued, 'The policy of

⁴² Reiss, and Litwak, *Nuclear Proliferation After the Cold War*, p. 16

⁴³ Klare, *Rogue States and Nuclear Outlaws*, p. 26

⁴⁴ The discussion on how the Clinton Administration became concerned over rising powers is developed in Reiss and Litwak, *Nuclear Proliferation After the Cold War*, p. 16-20

⁴⁵ G. W. Bush, *National Strategy To Combat Weapons of Mass Destruction*, 13 February 2006. p. 16

prevention through denial won't be enough to cope with the potential of tomorrow's proliferators'⁴⁶. Whereas the approach was developed initially within its National Security Strategy⁴⁷, the U.S. also gradually moved to pursue a more multilateral and inclusive counter-proliferation strategy.

The first collective initiative developed within NATO and in partnership with France (a country that the U.S. then regarded as being at the forefront of the fight against terrorism) led in 1994 to the establishment of the Senior Defense Group, a working group mandated to facilitate intelligence sharing, threat assessment and management among the NATO allies. The full expression of a global counter-proliferation approach however is epitomised by the Proliferation Security Initiative (PSI) launched by President George W. Bush in May 2003. The then director of the CIA, George Tenet, told the Senate Select Intelligence Committee on February 11, 2003: 'the desire for nuclear weapons is on the upsurge. Additional countries may decide to seek nuclear weapons as it becomes clear their neighbours and regional rivals are already doing so. The domino theory of the twenty-first century may well be nuclear'. Therefore a global counter-proliferation approach to mitigate the risks of nuclear proliferation was deemed urgent and necessary.

PSI is a global counter-proliferation initiative involving a coalition of like-minded states committed to halting instances of proliferation around the globe. The initiative

⁴⁶ Secretary of Defense Les Aspin, Defense Counter-proliferation Initiative Created, 8.DEF. ISSUES 68, Dec. 7, 1993

⁴⁷ The U.S. National Security Strategy of 1993 featured, for the very first time, a counter-proliferation strategy that included a wide range of policies. The strategy consisted of two elements: passive defense and active defense. The former was developed to mitigate the impact of a WMD attack on the American people, through the improvement of emergency preparedness plans. Active defense instead included the Ballistic Missile Defence (BMD), which would 'allow the U.S. to undertake counter-proliferation missions against WMD-armed rogue states more freely, while reducing the probability of successful retaliation by those adversaries'. The U.S. counter-proliferation strategy of the U.S. is explained in McDonough, Nuclear Superiority: The New Triad and the Evolution of Nuclear Strategy, pp. 34-35

has been depicted as ‘a loose consortium of states informally constituted around a common set of hortatory principles expressing an individual government’s determination to act whenever possible, unilaterally or cooperatively, against WMD-related trafficking’⁴⁸. The main scope of the PSI is ‘to preclude specific actors from obtaining WMD related materials and technologies or to degrade and destroy an actor’s existing WMD capability’⁴⁹. The signatory states accept to undertake: ‘specific actions in support of interdiction efforts regarding cargoes of WMD, their delivery systems, or related materials, to the extent their national legal authorities permit and consistent with their obligations under international law and frameworks’, and ‘to take action to board and search any vessel flying their flag in their internal waters or territorial seas, or areas beyond the territorial seas of any other state, that is reasonably suspected of transporting such cargoes to or from states or non-state actors of proliferation concern, and to seize such cargoes that are identified’⁵⁰.

The interest of the U.S. in giving a specific imprint to such an initiative is evident in the way in which the country had identified the criteria for PSI membership. The core group of the initial 11 states⁵¹ had the following elements in common: ‘1) a strong counter-proliferation track record; 2) demonstrable loyalty to the U.S.; 3) geographic diversity; and 4) a willingness and the wherewithal to contribute significantly’⁵².

⁴⁸ D. Cooper, Challenging Contemporary Notions of Middle Power Influence: Implications of the Proliferation Security Initiative for ‘Middle Power Theory’, *Foreign Policy Analysis*, vol. 7, no. 3, 2011, p. 324. The Statement of Interdiction Principles which represents the Charter of the Initiative can be accessed at: <http://www.state.gov/t/isn/c27726.htm> (accessed last on May 25th, 2012)

⁴⁹ D. Joyner, The Proliferation Security Initiative: Nonproliferation, Counter-proliferation and International Law, *The Yale Journal of International Law*, vol. 30, no. 2, 2005, p. 520

⁵⁰ From the Official web-site of the PSI. The Statement of Interdiction Principles which represents the Charter of the Initiative, can be accessed at: <http://www.state.gov/t/isn/c27726.htm> (accessed last on May 25th, 2012)

⁵¹ The core group of states that provided invaluable support to the United States in the preliminary phases of the launch of the PSI were Australia, France, Germany, Japan, the Netherlands, Portugal, Spain, the United Kingdom, and Poland

⁵² Cooper, Challenging Contemporary Notions of Middle Power Influence, p. 324

Preventing non-state actors from acquiring nuclear technology

If nuclear non-proliferation sits at the center stage of U.S. nuclear policies, the attacks of 9/11 have also prompted the country to adopt a more holistic approach to emerging nuclear risks⁵³. In addition to increasingly stricter non-proliferation measures, one of the most tangible results of 9/11 was the growing attention paid to nuclear terrorism⁵⁴ and towards the development of nuclear security instruments to respond to it. The 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’⁵⁵.

While the definition does not necessarily suggest a clear target group, in the policy realm the concept of nuclear security has become increasingly connected to the threats posed by non-state actors in their pursuit of nuclear weapons and technology. In 1980, because of an initiative put forward by the United States, the international community adopted the Convention on the Physical Protection of Nuclear Material (CPPNM), which calls on states to ensure that nuclear material for civilian purposes under their jurisdiction is protected during international transport⁵⁶. However, the

⁵³ Bowen, Cottee, and Hobbs, *Multilateral Cooperation and the prevention of nuclear terrorism: pragmatism over idealism*, p. 349

⁵⁴ According to projections of Ferguson and Potter, scenarios of nuclear terrorism can emerge as follows: 1) the theft or illicit purchase of an intact nuclear weapon from a national arsenal and its detonation; 2) the theft or illicit purchase of fissile material to make and detonate an improvised nuclear device; 3) attacks on, or the sabotage of, either civil or military nuclear facilities such as power reactors or spent fuel ponds to release radioactivity; or 4) the theft or illicit purchase of non-nuclear radioactive materials to make and detonate a radiological dispersion device or to make and deploy a radiation emission device. These scenarios are reported in Bowen, Cottee, and Hobbs, *Multilateral Cooperation and the prevention of nuclear terrorism: pragmatism over idealism*, p. 350-351.

⁵⁵ IAEA Nuclear Security Achievements, 2002-2011, *Working To Build a Global Response to a Global Threat*. The concept of nuclear security is distinct from nuclear safeguards, which are used to verify that state parties to the NPT do not divert fissile material to military use. Nuclear security now chiefly focusses on non-state actors.

⁵⁶ Given the limited mandate of the Convention and the extremely poor monitoring and sanctioning system related to it, an amendment to the CPPNM suggested by the IAEA board of governors was passed in 2005 to facilitate cooperation to recover nuclear materials and to establish new norms for the physical protection of nuclear materials. The amendment will enter into force only after it is ratified by two-thirds of the current 134 parties to the CPPNM. The U.S. has so far not done so

convention had a very narrow mandate and an almost non-existent monitoring and sanctioning system.

Nuclear security attracted attention during the Bush Administration era, but gained global visibility and political momentum under President Barack Obama, who made it one of the central tenets of his nuclear strategy. In his historical speech in Prague in April 2009, 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’⁵⁷. This commitment was further strengthened by UNSC Resolution 1887, adopted in a special session chaired by Obama himself. Echoing Obama’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’⁵⁸ 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’⁵⁹.

Method: Border and Export Control as a Legal Responsibility of All States

To minimise the risks of technology smuggling to non-state actors, the United States has sought to make nuclear security (together with the fight against nuclear terrorism) a legal obligation of all states. Whereas nuclear security had been considered for years to be ‘an activity exclusively rested upon the sovereignty and

⁵⁷ In the speech President Obama mentioned a few strategies, such as: ‘efforts to convert research reactors and other non-power-generating reactors to use low-enriched uranium, which is more difficult to divert towards military applications.’ The full text of the speech is available at: http://www.huffingtonpost.com/2009/04/05/obama-prague-speech-on-nuclear-security_183219.html (accessed last on 10th September, 2012)

⁵⁸ Remarks by Hillary Clinton, Renaissance Mayflower Hotel, Washington D.C., 21 Oct. 2009. The text is available at: <http://www.state.gov/secretary/rm/2009a/10/130806.htm> (last accessed on September 26th, 2012)

⁵⁹ Refer to note 59

responsibility of individual states⁶⁰, the U.S. has begun casting it as a collective responsibility due to the intertwined nature of the threats posed by nuclear terrorism. In a recent report, the IAEA itself notes that ‘the responsibility for nuclear security within a state rests with the state, which has to ensure [...] the security of nuclear material’. But it also equally contends that ‘the threat of nuclear terrorism has been recognized as a matter of grave concern by all states. States also recognize that the effectiveness of the nuclear security regime in one state depends on the effectiveness of the nuclear security regimes in other states’⁶¹.

The adoption of the Franco-American-sponsored UN Security Council Resolution 1540 crystallises the U.S.-held belief 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 ‘to 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’⁶². Two types of laws are considered critical in the fight against nuclear

⁶⁰ Statement of the Group of 77 and China during the IAEA Board of Governors starting 7 September 2009, delivered by H.E. Ambassador Eugenio María Curia, Permanent Representative of Argentina. The text of the speech can be accessed at: <http://www.g77.org/vienna/IAEASEPTBOARD09.htm> (last accessed on September 19th, 2012). The idea that nuclear security should remain a prerogative of countries at the national level has been increasingly emphasised by many states of the Non Aligned Movement. Several statements from the NAM and delivered at the NPT Review Conferences have firmly reiterated this point

⁶¹ IAEA Nuclear Security Series. Revision 17.04, 13 September 2010, Fundamentals of a state’s nuclear security regime: p. 4

⁶² Article 2 UN Resolution 1540 Text

terrorism: border control regulations and export control laws⁶³, both of which are now a legal responsibility of each state under UN Resolution 1540.

To be clear, the United States has been active in the promotion and design of collective export control regulations since the beginning of the 1970s, when in the aftermath of the Indian Nuclear test (1974), the country began lobbying for the formation of the Nuclear Supplier Group (NSG), a de facto cartel composed of the most powerful nuclear technology export countries, willing to identify common guidelines and rules to inform their commercial deals with third parties. Yet until 2004, no efforts were made to attempt to regulate export-control policies at the global level because of the clear infringement on national sovereignty. Concerns over nuclear terrorism, however, superseded national sovereignty rationale and prompted the U.S. to move towards a far more assertive strategy.

Olivia Bosh and Peter Van Ham have appropriately captured the shift in U.S. policy in the following way: ‘One could argue that Resolution 1540 creates the foundation of a new system of global governance for dealing with the nexus of WMD proliferation, terrorism and illicit trafficking. It is important to note that the Resolution has direct consequences for all states; domestic legal structures, imposing upon each country the requirement to criminalise WMD proliferation by and among

⁶³ 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’. The text of the UN Resolution 1540 is accessible at the following web-site: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/328/43/PDF/N0432843.pdf?OpenElement> (accessed on July 10th, 2012)

non-state actors and to implement effective controls. This is a departure from the governance model whereby UN member states, through a long process of debate and negotiation, come to agree upon shared standards and norms. The strategic imperative of the 9-11 security environment has dictated a swifter and less consensual model⁶⁴.

The significance of UN Resolution 1540 is not only due to the national repercussions it bears on the individual countries that are now expected to develop border and export control laws, but also due to its implications at the regional level. Although the Resolution itself does not assign a central role to regional organisations, it nonetheless mentions ‘the need to enhance coordination of efforts on national, sub-regional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security’. UN Security Council Resolution 1526 on the subject of terrorism, passed shortly before 1540, urges: ‘all States and encourages regional organizations, as appropriate, to establish internal reporting requirements and procedures on the trans-border movement of currency’⁶⁵.

In addition to UNSC Resolution 1540, 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. The initiative calls on states to

⁶⁴ Senators C. Levin and J. Reed, Towards a More Responsible Nuclear Non-proliferation Strategy, *Arms Control Today*, vol. 34, no. 2, January-February 2004, pp. 9-14 cited in T. Olivia Bosch and P. Van Ham, eds., *Global Non-proliferation and Counter-Terrorism: the Impact of UNSCR 1540*, *Clingendael Institute and Royal Institute of International Affairs Report*, 2007, p. 5

⁶⁵ Security Council, UN document S/RES/1526, 30 January 2004, op. para. 5

voluntarily adopt and implement the principles of the initiative by incorporating those principles into their national legislation. Finally, during the Obama Administration, the U.S. has launched its newest nuclear security initiative, the Nuclear Security Summits – the first held in Washington in 2010 and the second held in Seoul in 2012. These summits were ‘designed to raise international awareness of nuclear terrorism to develop a consensus on the threat and to secure a set of specific commitments from participants’⁶⁶. During the summits, states were expected to make national commitments in a multilateral setting, thus emphasising the interdependence of the threat posed by nuclear terrorism and non-compliant or governance-weak countries.

Ensuring strategic stability through arms control and if possible, nuclear disarmament

The remarkable institutional activism displayed by the U.S. in tackling proliferation risks among state and non-state actors heavily contrasts with its ambivalence towards the actual presence and possession of nuclear weapons. The seminal work of Robert Art has shed light onto the doubts harboured by the U.S. administration regarding the development of a nuclear military program in the aftermath of World War II. He writes: ‘at the outset of Post World War II, the factions arguing for the construction of a large nuclear force were neither numerous nor powerful; they faced a large element of the scientific community that vociferously opposed further militarisation of nuclear technology. The US Army and Navy and a significant portion of the Air Force favoured powerful conventional forces and not huge nuclear forces and a

⁶⁶ Bowen, Cottey, and Hobbs, Multilateral Cooperation and the prevention of nuclear terrorism: pragmatism over idealism, p. 364

considerable segment of the governmental elite was genuinely undecided about what precisely to do with atomic weapons'⁶⁷.

Such indecision reflects the thoughtful consideration of the U.S. on the potential consequences of widespread dissemination of nuclear weapons and the use of such weapons in warfare. It also explains why, overall, the United States has been generally favourably disposed to and even proactive on arms control strategies. That partiality allowed successive U.S. administrations to forge confidence and trust with the Soviet Union, keep under control the numbers of nuclear weapons, and gradually move towards a far less threatening international system.

Overall, the position of the U.S. on nuclear weapons can be summarised as follows:

- 1) Arms control is positive and, if accomplished under the right conditions and verification system, it may enhance the stability of the international system, build trust and confidence, and increase strategic stability;
- 2) Nuclear disarmament as an end goal is conditional upon specific favourable conditions (nuclear non-proliferation), in the absence of which it is not attainable (and is perhaps inimical to U.S. security).

To distinguish between arms control and nuclear disarmament: 'arms control efforts are efforts which seek and which are designed by policy to effect a limitation or reduction of their subject weapons technologies but which do not intend nor are designed by policy to achieve the complete elimination of those weapons.

⁶⁷ R. Art, *America's Grand Strategy and World Politics*, (London: Routledge, 2008), p. 141

Disarmament efforts on the other hand are part of such a policy program whose stated object is complete elimination of their subject weapons from national arsenals, even if that program is to be implemented through multiple progressive steps⁶⁸.

The NPT itself correlates the two concepts in Article VI, which states that ‘each state party to the NPT undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control’. Arms control, in other words, is seen as a temporary means to the end goal, which remains the total disbandment of all nuclear (and conventional) weapons. In addition, the NPT recognises that the attainment of nuclear disarmament and, more broadly, general disarmament is the collective responsibility of all states. However, given the intractable resistance of nuclear-weapon states in this regard, the nuclear disarmament agenda has been largely shaped by non-nuclear weapon states. On the front of nuclear disarmament, the U.S. has been reactive rather than proactive.

Method: Arms control Agreements

In the area of arms control, however, the U.S. leadership has displayed particular creativity. Successive U.S. administrations have considered arms control agreements to be both attainable and desirable to ensure strategic stability and reduce external threats. In one of the most comprehensive statements in support of arms control, delivered during the 1980 NPT Review Session, the U.S. delegate pointed out: ‘the process [of arms control] is fraught at every step with technical problems and

⁶⁸ Joyner, *Interpreting the Nuclear Non-Proliferation Treaty*, p. 36

political sensitivities of an unprecedented nature. The United States would not allow itself to be discouraged by those difficulties [...] not only because of its commitments under Article VI of the Treaty, but also because balanced and verifiable arms control could make a major contribution to the security of the United States and the entire world. Moreover it was the only rational solution because as President Carter had stated, “if the world could not control the power to destroy, it could neither guide its destiny nor preserve its future”⁶⁹.

All U.S. administrations have, in different ways, contributed significantly to the cause of arms control. In 1969, during the Nixon Administration, the Soviet Union and the U.S. began negotiating the first Strategic Arms Limitation Talks (SALT). By 1972, these negotiations had produced the Anti-Ballistic Missile (ABM) Treaty and the SALT interim agreement, which capped U.S. and Soviet intercontinental ballistic missile forces. In 1987, President Ronald Reagan signed the Intermediate-range Nuclear Forces (INF) Treaty, which eliminated an entire class of ground-launched ballistic and cruise missiles. In 1991, as the Soviet Union was breaking up, President George H. W. Bush signed the first Strategic Arms Reduction Treaty (START I), whereby the Soviet Union and the U.S. began to reduce their deployed strategic arsenals and undergo a bilateral verification regime. Under G.W. Bush, in 2003, the Moscow Strategic Offensive Reduction Treaty (SORT), entered into force to reduce strategic arsenals to between 1,700 and 2,200 operational warheads by 2012. Finally, in 2010 during the Obama Administration, the START II was signed and ratified by Congress, to further reduce the number of deployed strategic nuclear weapons in the hands of the two countries.

⁶⁹ U.S. delegate, NPT Review Conference 1980, NPT/CONF.II, SR.2, p. 15

The U.S. has cast arms control as an indispensable step towards nuclear disarmament and given the undeniable progress achieved by the U.S. (and Russia) on this front, the U.S. has frequently asserted that it is in compliance with Article VI of the NPT, dealing specifically with disarmament⁷⁰. During the 2007 NPT Review Conference, for instance, the United States boldly stated that ‘the U.S. is justifiably proud of its disarmament related record’⁷¹. Of course, the situation is far more multifaceted than stated above.

Nuclear weapons still sit at the centre of the defense policy of the U.S., and in this regard remain indispensable. Their potential dismantling is linked to the plausibility of global conditions in which the need for nuclear deterrence would vanish. An interesting attempt by the U.S. Senate⁷² in 2008 to look closely at the conditions for attaining nuclear disarmament observed that the ambivalence of the U.S. Administration with regard to nuclear disarmament ‘reflects our differences over whether the conditions can ever be created that might enable the elimination of nuclear weapons’⁷³. As William Walker has correctly observed, ‘strengthening one of the NPT pillars - nuclear disarmament - implied dismantling what had come to be regarded as the nuclear order’s and indeed one of the global security order’s main pillars: the system of deterrence. Its dismantlement might be considered a desirable pre-eminent objective. But if nuclear disarmament were to be feasible and stable it would have to build upon a shared understanding of the means and consequences of

⁷⁰ The article states: ‘Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.’

⁷¹ Disarmament the U.S. and the Treaty of Non-proliferation of Nuclear Weapons, Working Paper submitted by the U.S., 3 May 2007, NPT/CONF.2010/PC.1/WP.19

⁷² The Bipartisan Congressional Commission on the Strategic Posture of the United States was composed of six Republicans and six Democrats, and chaired by former U.S. Secretary of Defence William Perry. The Senate decided to convene the Commission in preparation for the Nuclear Posture Review, which was scheduled to occur in 2010

⁷³ America’s Strategic Posture, Final Report, 2009, Executive Summary, p. XIX. The full text of the final report is available at: http://www.usip.org/files/file/strat_posture_exec_sum.pdf (last accessed on September 25th, 2012)

doing away with nuclear deterrence in regional and global contexts upon initiatives to bolster other war-discouraging processes and institutions and upon solid commitments to protect states and people against the age-old problem of break-out⁷⁴.

Nuclear Disarmament as a desirable goal rather than an obligation

Given the challenge of attaining the necessary conditions for nuclear disarmament, the U.S., has increasingly displayed a tendency to characterise nuclear disarmament not as an obligation, but rather as a goal attainable only in the presence of favourable conditions. In 2007, Christopher Ford, the U.S. special representative for nuclear non-proliferation under the Bush administration, argued that ‘the language about negotiations needing to be “pursue(d) ...in good faith” clearly leaves open the possibility that such negotiations might not take place, let alone succeed. It would hardly have been difficult for the drafters (as a matter of grammar and syntax, at least), to require the engagement in or conclusion of negotiations. But to specify instead merely the *pursuit* of negotiations in good faith acknowledges the reality that a party may honestly try, but fail – perhaps through no fault of its own, such as in the event of a failure of good faith by other parties – to bring about a meaningful negotiation or agreement’⁷⁵.

An essential condition to drive the U.S. to undertake even the idea of nuclear disarmament is the compliance of all states to their non-proliferation obligations. The link between non-proliferation and disarmament has been emphasised by many U.S.

⁷⁴ Walker, *A Perpetual Menace*, p. 122

⁷⁵ C. Ford, *Debating Disarmament: Interpreting Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons*, *Nonproliferation Review*, vol. 14, no. 3, November 2007, p. 403

administrations⁷⁶. Andrew Semmel, a nuclear non-proliferation official in the State Department under President George W. Bush, stated in the 2003 Preparatory Committee: ‘there is a simple logic: more states with nuclear weapons means a more dangerous world. It also means that the overall NPT goal of the elimination of nuclear weapons would become even more difficult to achieve’. And Christopher Ford wrote in 2007: ‘nonproliferation noncompliance undercuts the aspirations of the international community to nuclear and to more general disarmament, as expressed in the Preamble and Article VI of the NPT. If the emergence of new nuclear weapons possessors cannot be stopped, new regional or global nuclear arms races are likely to develop and/or become entrenched, and the risk of nuclear warfare could increase dramatically’⁷⁷.

In fairness, Bush’s hard-line stance on nuclear disarmament has been softened by the Obama Administration. In his speech in Prague, Obama stated: ‘America’s commitment is to seek the peace and security of a world without nuclear weapons’. Yet his policies have been a mixture of both conventional and innovative approaches. Besides a new arms control treaty with Russia, Obama committed to the ratification of the Comprehensive Nuclear Test Ban Treaty and to the development of a treaty ‘that verifiably ends the production of fissile material intended for use in state nuclear weapons’, a stance largely in line with demands advanced by non-nuclear-

⁷⁶ The idea that compliance to nuclear non-proliferation obligations is conditional upon progress made towards nuclear disarmament had been categorically rejected by many U.S. administrations preceding the Obama Presidency. For instance, when the Eighteen-Nation Disarmament Committee (ENDC) passed a resolution calling for ‘general and complete disarmament and for a non-proliferation treaty giving close attention to the various suggestions that the agreement could be facilitated by adopting a program of certain related measures’, the U.S. did support the resolution but only on the basis of its explicit understanding that such related measures did not imply a package deal’, in C. Ford, *Debating Disarmament: Interpreting Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons*, p. 405

⁷⁷ C. Ford, *A Work Plan for 2010 Review Cycle: Coping with challenges facing the nuclear non-proliferation treaty*, by Christopher Ford, U.S. Special Representative for Nuclear Non-Proliferation, p. 3. The full text is available at: [http://www.un.org/en/conf/npt/2007/statements/United States 30 04 pm.pdf](http://www.un.org/en/conf/npt/2007/statements/United%20States%2004%20pm.pdf) (last accessed on October 5th, 2012)

weapons states in many forums. Subsequent important steps included UN Resolution 1887, which resolves to ‘create the conditions for a world without nuclear weapons’, and the 2010 Nuclear Posture, in which, for the first time, the U.S. recognised the link between disarmament and proliferation, a link that the previous administrations proved highly reluctant to acknowledge. The document reads: ‘by reducing the role and numbers of U.S. nuclear weapons - meeting our NPT Article VI obligations to make progress towards nuclear disarmament - we can put ourselves in a much stronger position to persuade our NPT partners to join with us in adopting the measures needed to reinvigorate the non-proliferation regime and secure nuclear materials worldwide’⁷⁸. The document states that the U.S. has an obligation to make progress towards nuclear disarmament⁷⁹.

While the U.S. administration has taken important steps, the most fundamental demands of non-nuclear weapon states on nuclear disarmament have yet to be made concrete in clear, binding commitments. Within the so-called 13 Steps to Disarmament strategy, approved by the 2000 NPT Review Cycle to establish key steps for moving countries to fulfill their obligations under Article VI, some concrete and verifiable measures demanded by the non-nuclear-weapons states to the Nuclear Weapons States were:

1. Entry into force of the Comprehensive Test Ban Treaty (CTBT)
2. A nondiscriminatory, multilateral and effectively verifiable treaty banning the production of fissile material for use in nuclear weapons – i.e., the Fissile Material Cut-off Treaty (FMCT)

⁷⁸ United States 2010 Nuclear Posture Review, Executive Summary, pp. v-vi

⁷⁹ Specifically, the U.S. Nuclear Posture Review asserts: “...By reducing the role and numbers of U.S. nuclear weapons – and thereby demonstrating that we are meeting our NPT Article VI obligation to make progress toward nuclear disarmament”, United States 2010 Nuclear Posture Review, p. 7

3. A diminishing role for nuclear weapons in security policies

Although President Obama has committed to such demands, their realisation remains highly problematic. Regarding the CTBT ratification, while Obama stated in 2009 that his administration would ‘immediately and aggressively pursue U.S. ratification of the CTBT’, no progress has since been made. The then Undersecretary of State, Ellen Tauscher, stated that the administration would ‘make no attempt to seek ratification [of the CTBT] unless we believe it can actually pass’⁸⁰, an outcome that remains extremely unlikely given the high political opposition of the Senate to the ratification of the CTBT.

Similarly, action on the FCMT remains stalled. Although the Obama Administration has been particularly supportive on this front and has suggested a work plan to initiate FMCT negotiations at the UN Conference on Disarmament, the issue has languished, largely due to the obstinacy of Pakistan and the deterioration of relations between the U.S. and Pakistan, but also due to reluctance on the part of the U.S. Senate⁸¹.

In terms of the diminishing role of nuclear weapons, the 2010 Nuclear Posture Review revealed the weakness of Obama’s approach. The document reiterated the importance of ‘strategic deterrence and stability at reduced nuclear force levels’ and the ‘strengthening of regional deterrence and reassurances of U.S. allies’ as core objectives. The Posture Review was the first to assert the need to use strategic nuclear balancing to protect key allies that may be feeling the ‘pressures of

⁸⁰ D. Horner and T. Z. Collina, Pressing a Broad Agenda for Combating Nuclear Dangers; an interview with Undersecretary of State Ellen Tauscher, *Arms Control Today*, vol. 39, November 2009, p. 8-9

⁸¹ Ogilvie-White and Santoro, Slaying the Nuclear Dragon, Disarmament Dynamics in the 21st Century, p. 24

neighbouring major powers asserting stronger regional roles, in some cases by nuclear means'⁸², adding that for this reason the U.S. would continue to assure these partners 'through the continued forward deployment of U.S. forces in key regions, strengthening U.S. and allies' non-nuclear capabilities and the continued provision of extended deterrence'. In the 2012 NPT PrepCom, a U.S. working paper stated: 'the U.S. President also reiterated that as long as nuclear weapons exist, the U.S. will maintain a safe, secure and effective arsenal both to deter potential adversaries and to assure U.S. allies and other security partners that they can count on the security commitment undertaken by the U.S.'. In this regard, a senior political officer of the UN Office for Disarmament Affairs, during an interview for this study stated: 'this administration is basically business as usual'⁸³.

Regional Nuclear Regimes in the World of U.S. Nuclear Preferences

Having described the U.S. global nuclear regime, the final section of this chapter will be used to explore relationships between regional nuclear regimes and the U.S. global regime and to set the context in which regional regimes will be further explored in the following chapters.

The emergence and maintenance of a global nuclear regime, specifically ascribable to U.S. leadership and power, has triggered both support and resistance within the international system. The U.S. leadership in global nuclear governance has received support and cooperation from states that espouse similar goals or that are favoured by the global nuclear regime. In the same vein, the U.S. leadership has been resisted by

⁸² United States 2010 Nuclear Posture, p. 53

⁸³ Interview with a Senior Official at the United Nations Office of Disarmament, 9 May 2012, during the 2012 NPT PrepCom, Vienna

countries that do not share the goals and methods pursued by the U.S. at the global level.

Michael Barnett and Raymond Duvall have noted: ‘power and resistance are mutually implicated because the social relations that shape the ability of actors to control their own fates are frequently challenged and resisted by those on the receiving end’⁸⁴. Nevertheless, current nuclear literature seems to suggest that resistance to the U.S. global nuclear regime is itself in a state of crisis⁸⁵. Walker gloomily writes: ‘what can be observed is a struggle to stem this tide and orchestrate a shift in the opposite direction - towards lower levels of armaments held by fewer nuclear armed states and back to ordering strategies that emphasize balance, mutual obligation and restraint, and through the cooperative strengthening of regulatory instruments of control’⁸⁶. Echoing Walker, Sverre Lodgaard states: ‘the bargain that was struck between the three pillars of the NPT, non-proliferation, disarmament and peaceful uses, has been severely undermined. Today common ground no longer exists’⁸⁷. These scholars all point out the fundamental absence of a cohesive global alternative to the U.S. global nuclear regime. There are instances of resistance by small groups of states in various multilateral forums, but they are fragmented and disjointed, unable to propel momentum towards the establishment of a comprehensive new framework for global nuclear governance.

In addition, fundamental disagreements exist among states today on what goals should be at the centre of global nuclear efforts: tackling of proliferation crises,

⁸⁴ Barnett and Duvall, *Power in Global Governance*, p. 22

⁸⁵ J. Simpson, The nuclear non-proliferation regime: back to the future?, *Disarmament Forum*, no. 1, 2004, pp. 5-9

⁸⁶ Walker, *A Perpetual Menace*, p. 7

⁸⁷ Krieger, *The Challenges of Abolishing Nuclear Weapons*, p. 79

mitigation of the risks posed by nuclear terrorism, or disbandment of nuclear weapons altogether. Related to such disagreements, other important divergences have emerged on the methods that countries are willing to use in the attainment of such goals. There is a profound dissonance between states willing to use coercive measures and hard power in order to prevent or halt proliferation, and states instead convinced that multilateral efforts, diplomacy and dialogue are the only useful instruments for the successful mitigation of nuclear risks.

These disagreements on both goals and methods, as they have surfaced during global multilateral processes, exist among states regardless of their status as nuclear or non-nuclear weapon states, of their regional affiliation or cultural affinity. In terms of goals, as this chapter has already highlighted, the United States has worked primarily to strengthen global nuclear non-proliferation policies. Several non-nuclear-weapons states have responded by lobbying for significant concessions and achievements in the area of nuclear disarmament. Yet bargaining over the prioritisation of these two goals is a far more complicated affair and cannot be reduced to a simple contraposition of preferences between the United States and the non-nuclear weapon states. Within this group, many divergent views coexist. Some powerful non-nuclear-weapons states, such as Mexico and South Africa, see the two goals as equally important, whereas Brazil and some like-minded states see nuclear non-proliferation as important but ultimately subordinate to the broader cause of nuclear disarmament. In terms of methods, the increasing willingness of the United States, the UK, France and some other powerful states to use coercive measures has been checkmated by equally influential states, such as Germany and China, expressing reservation over

the use of such measures. Meanwhile, other non-nuclear weapon states, including Singapore and Argentina, have readily embraced the idea of counter-proliferation.

In the context of substantial institutional paralysis and a lack of creative nuclear thinking to unlock such impasse, the rise of regional nuclear regimes can play two critical roles: they can provide the laboratory for normative change⁸⁸ and they can empower states to initiate alternative nuclear governance processes at a global and regional level.

Regional nuclear regimes are an essential component to global nuclear governance, and they have historically played a critical role in the advancement of the global nuclear agenda. Andrew Hurrell has noted that ‘historically, the regional preceded the global’⁸⁹. This can be seen also in the case of nuclear governance. For instance, discussions among Western European countries for the establishment of a regional mechanism for nuclear cooperation long preceded the creation of the International Atomic Energy Agency in 1957. Negotiations among Latin American countries towards the establishment of a regional nuclear-weapons-free zone treaty antedated the negotiations for the Nuclear Non-Proliferation Treaty (1968). And the NPT itself, in Article VII, recognises the possibility of states creating regional arrangements⁹⁰.

These examples suggest that cooperation on nuclear risks has enjoyed critical importance in the framework of regional cooperation, and in some cases broad-

⁸⁸ These dimensions through which to analyse regional nuclear regimes have been drawn from the discussion on the role of regions in the contemporary global international society developed by Professor Hurrell in Hurrell, P, *On Global Order*, Chapter 10: One World? Many Worlds?

⁸⁹ Flermes, *Regional leadership in the global system: Ideas, Interests and Strategies of Regional powers*, p. 16.

⁹⁰ In particular, the article states that ‘nothing in this treaty affects the right of any group of states to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories’. UN General Assembly Resolution 3472B, 1975

reaching regional security integration processes can be attributed to the positive experiences of successful nuclear cooperation. They equally suggest a complex intertwining between the processes of nuclear governance at the global and regional level. On the one hand, regional processes are influenced by the global processes. For instance, systemic changes that heightened nuclear rivalry between the United States and the Soviet Union during the Cold War prompted the creation of nuclear-weapons-free zone treaties. Nevertheless, advancements in regional nuclear cooperation can equally provide an important incentive for new global processes of cooperation to emerge.

Regional nuclear regimes, for instance, can provide important settings for normative change which will eventually be reflected at the global level. Regional nuclear cooperation can bring new ideas and norms to life, and offer much more hope than current global processes. In contrast to global nuclear cooperation, which is designed to operate as a minimum common denominator among countries with widely disparate ranges of capabilities and values, regional nuclear cooperation may benefit from an on-going process of socialisation among states that are geographically proximate and are also connected by a complex interdependence of culture, economics, politics and security. For this reason, regional nuclear cooperation can be more ambitious in what it seeks to accomplish. And as Hurrell has argued, the idea of regions as ‘harbingers of change and possible transformation’⁹¹ has a long history.

Finally, regional nuclear governance processes are also important because they can serve as mechanisms for the projection of power by countries that in global contexts

⁹¹ Hurrell, *On Global Order*, p. 253

would play a more marginal role. Regional nuclear regimes are important insofar as they empower states other than great powers to take charge of nuclear governance and to be involved in nuclear institution building. The regional dimension of nuclear governance differs from all other forms of nuclear governance (ranging from the global to the trans-national), because, in order to be successful, it must be locally initiated and sustained. The local ownership of regional nuclear governance was highlighted by the United Nations already in 1975 when the UN General Assembly provided the first definition of a nuclear-weapons-free zone as ‘any zone [...] which any group of States, in the free exercises of their sovereignty, has established by virtue of a treaty or convention whereby the statute of total absence of nuclear weapons to which the zone shall be subject, including the procedure for the delimitation of the zone, is defined’. Following such a statement, a study commissioned by the UN General Assembly itself in order to investigate the principles of and conditions for attaining successful disarmament at the regional level noted: ‘it is for those states to determine the modalities of their regional approach to disarmament. A disarmament measure can emanate only from the express will of each state to whose territory and or armed forces it applies’⁹².

This autonomy of regional nuclear cooperation processes from global dynamics presents states with an important setting in which to exercise power and leadership away from global processes and institutions led by the United States. The incentives for regional powers to lead regional nuclear cooperation processes reside not simply in being able to exercise power in the corresponding region, but also in the consequences that such regional processes may bear at the global level. Institution

⁹² UN Resolution 33/91E of 16 December 1978 p. 45. The text of the Resolution is available at: <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/361/09/IMG/NR036109.pdf?OpenElement> (last accessed on May 31st, 2012)

building could be pursued by regional powers as a strategy to acquire greater influence and greater visibility on the global stage, although indirectly and without bearing the costs of directly challenging the hegemonic interests of the United States. In addition, in the context of a global nuclear governance impasse, regional powers do not *per se* possess adequate resources to resolve such an impasse, but they do possess adequate resources to move the process forward at least at the regional level. Therefore, when they experience high dissatisfaction with the global status quo, regional powers may see regional processes as a strategy to sidestep those global policies that they oppose. Conversely, in cases where regional powers are satisfied with the current nuclear status quo, they may still resort to regional nuclear processes in order to strengthen and consolidate such a status quo.

The various considerations on the role of regional nuclear cooperation in the broader framework of global nuclear governance will be further explored in the following chapters, as the thesis moves on to the examination of the three regional nuclear regimes of Latin America, Southeast Asia and Europe.

Chapter IV: Brazil's Hedging Leadership and the Latin American Nuclear Regime

'Nuclear weapons have a more basic meaning, enhancing power and a sense of dominance for their possessors, which constitutes a serious obstacle to the democratization of international relations and international peace and security'
(Ambassador Guerreiro, Brazilian Delegate to the Nuclear Non Proliferation Review Conference, New York, 2010)

This empirical chapter analyses the features and drivers of the regional nuclear regime in Latin America and seeks to outline the ways in which, and the reasons why this nuclear regime diverges from the U.S. global nuclear regime illustrated in the previous chapter. The central proposition of this chapter is that the regional nuclear regime of Latin America that has slowly emerged since the Cuban Missile Crisis in 1962 is the by-product of two distinct yet concurrent processes: firstly, a process of resistance carried out by some Latin American countries – but by Brazil in particular – to U.S. nuclear agenda internationally and within Latin America itself; secondly, a process of improbable and not always successful accommodation of diverging interests among Brazil, Argentina and Mexico, the three nuclear countries of Latin America.

The regional nuclear regime that has emerged from these two processes diverges from the U.S. global nuclear regime in three strands: 1) in its unconditional, unwavering support of the goal of nuclear disarmament; 2) in the creation and maintenance of a unique nuclear non-proliferation system of safeguards and verification between the two most advanced nuclear-technology producers of the region, Brazil and Argentina, which substantially eludes the demand of the U.S. for universal adoption of the model Additional Protocol; and 3) in the fragmented support it has extended to the American

nuclear security agenda as it has developed within the context of inter-hemispheric cooperation.

To explain the rise of the Latin America nuclear regime, this chapter looks in particular at the problematic, often hostile relationship between Brazil and the United States, and at recurring disagreements among Brazil, Argentina and Mexico over nuclear policies. The relationship between Brazil and the United States is described in the chapter as being of low nuclear alignment given the significant divergences in their nuclear interests. Such differences in the ways in which the two countries have understood and approached nuclear politics have widened over time and have led Brazil to engage at the regional level to formulate policies specifically aimed at limiting, constraining or undermining the U.S. nuclear agenda. The United States, on the other hand, in the aftermath of 9/11, has sought a re-engagement with Latin America to gain support for its nuclear security and stricter nuclear non-proliferation agenda, further straining its relationship with Brazil, which has opposed such an agenda¹⁸³. Although Brazil has sought to exercise distinct leadership in shaping regional nuclear policies, low regional embeddedness and its ambivalent relationship with the other two nuclear players of the region, Mexico and Argentina, have undermined its ability to generate consensus towards a more explicitly counter-hegemonic regional nuclear agenda in Latin America. As a result of these two complex relations, the nuclear institutional landscape of Latin America has emerged as a variegated melting pot of different institutions responding to sometimes conflicting interests.

¹⁸³ The position of Brazil on nuclear security is explained later in the chapter. Although Brazil has not necessarily contested the seriousness and gravity of nuclear terrorism, the country has consistently remarked that the only way to prevent any risk of smuggling of weapons of mass destruction is through their total elimination

Regional nuclear cooperation in Latin America: a preliminary overview

The geographical proximity of the Latin American region to the United States makes it extremely difficult, if not impossible, for any regional institution building process to take place in complete isolation from the hegemonic influence of Washington. In a way, almost all regional cooperation processes in Latin America have been either directly instigated by the U.S.¹⁸⁴ or have emerged in response to U.S. hegemony. The regional nuclear regime is no exception.

Historically, it can be argued that regional nuclear cooperation in Latin America has been conceived and realised within three distinct institutional settings¹⁸⁵: intra-regionally, involving all Latin American countries; bilaterally between Brazil and Argentina in South America; and more recently, nuclear cooperation has expanded to include the United States at an inter-hemispheric level. The hegemonic presence of the United States has influenced all phases through which regional nuclear cooperation has come in existence.

The first regional nuclear institution in Latin America, the Treaty of Tlatelolco, was conceived in the context of intra-regional relations among Central and Latin American countries. The negotiations of what had become the first global nuclear-weapon-free zone treaty took place in the context of the Cold War and were significantly motivated

¹⁸⁴ The United States has been instrumental in setting up the current regional security architecture. Latin America has historically been considered to be critical to U.S. security, and efforts towards security cooperation between the United States and Latin American countries have antedated the establishment of U.S.-European security agreements. For instance, the first defense pact pursued by the U.S. in the immediate aftermath of World War II had been with the Latin American countries, and not with Western Europe, in the form of the Inter-American Treaty of Reciprocal Assistance (TIAR, but conventionally known as the Rio Treaty), established in 1947

¹⁸⁵ With regard to the different types of regionalism that Latin America exhibits, Andrew Hurrell has noted: 'In the context of Latin America, regionalism has historically meant two very different things: intra-regional cooperation between the countries of Latin and Central America themselves and inter-American or hemispheric cooperation involving the United States', in A. Hurrell, *Latin America in the New World Order: A Regional Bloc of the Americas?*, *International Affairs*, vol. 68, no. 1, 1992, p. 122

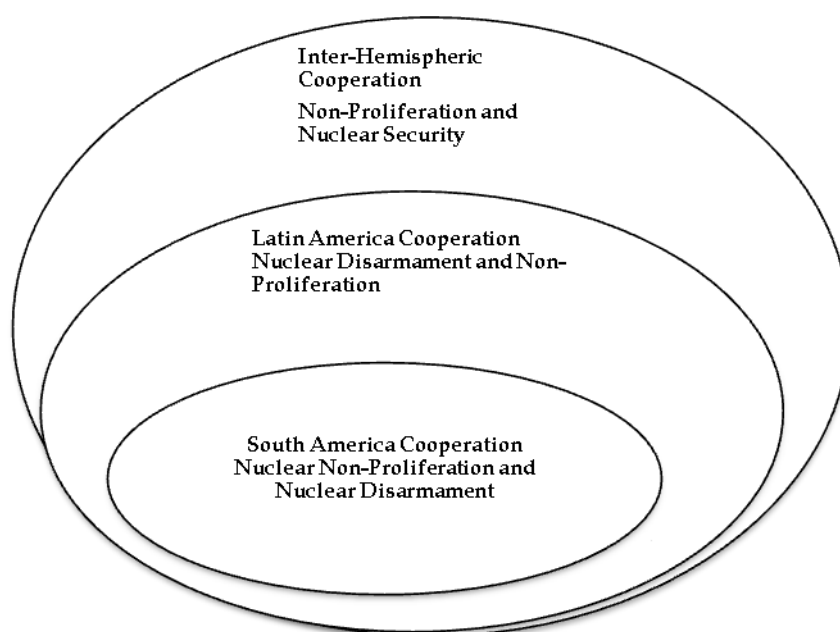
by the urgency felt by many Latin American countries to prevent the region from becoming entrapped in a superpower nuclear confrontation. In this respect, the Treaty of Tlatelolco reflects the centrality of nuclear disarmament concerns among Latin American countries and the subordination of the goal of nuclear non-proliferation to the more crucial goal of eliminating nuclear weapons altogether.

At the beginning of the '80s another level of cooperation began to surface exclusively within South America and primarily involved the two nuclear states of Brazil and Argentina. This second level of cooperation began during the rapprochement phase between the two countries after a long period of rivalry and mutual mistrust, and in response to the tightening nuclear non-proliferation policies of the United States against nuclear-seeker countries. The nuclear cooperation efforts of Brazil and Argentina, formally initiated in 1979, led to the establishment of several agreements, the most significant of which were the Agreement between Argentina and Brazil for the Exclusively Peaceful Use of Nuclear Energy (1991), and the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials, or ABACC (1991). These institutions were established by Argentina and Brazil to facilitate information exchange and greater transparency between their respective nuclear programs, thereby reducing concerns and misperceptions over each other's intentions regarding proliferation. This bilateral system of accountability was chiefly responsible for reducing animosity between the two contracting parties, but it also significantly improved the regional nuclear non-proliferation agenda of Latin America as a whole.

Finally, the most recent institutional setting in which Latin American nuclear cooperation has been pursued is the inter-hemispheric framework of the Organization of

American States (OAS). After several years of inactivity, 9/11 and its aftermath transformed the OAS into the fulcrum of several new initiatives, as the United States sought a re-engagement with Latin America to gain support of its nuclear security and nuclear non-proliferation agenda. One of the most remarkable successes of the OAS has been the ratification of the Inter-American Convention Against Terrorism (2002), which established a regional framework in the fight against terrorism and nuclear terrorism in the Americas. The nuclear agenda developed in the context of inter-hemispheric cooperation is, in contrast to those developed in other settings, more explicitly skewed in favour of U.S. global nuclear preferences but has also found support among some Latin American countries, most notably Argentina and Mexico.

Graph 1: Key institutional settings for the formulation of nuclear policies in Latin America



These three levels, through which the regional nuclear regime has evolved, have each become salient at specific points in history characterised by the presence of nuclear risks and a certain distribution of power within the region. The multi-level development of the Latin America nuclear regime has brought two normatively different nuclear governance frameworks into co-existence. The first framework, developed in the context of

cooperation among Latin American and South American countries, has been conceived by counter-hegemonic impulses during and immediately after the Cold War; the second framework, developed in the context of inter-hemispheric cooperation after the attacks of 9/11, has instead been generated by the re-assertiveness of U.S. hegemonic leadership in Latin America.

The regional nuclear regime and its interplay

There are a few elements that characterise the Latin America regional nuclear regime. Firstly, regional nuclear cooperation has been developed within a thinly institutionalised background. The few regional organisations that have emerged in the security realm are weak, and therefore the governance of nuclear risks in the region has been the responsibility of a handful of powerful and developed states such as Brazil, Argentina, Mexico and the United States. Secondly, and related to the first point, the lack of strong regional organisations signals the widespread lack of trust and confidence among Latin American countries. In this context, marked more by competition and distrust than by cooperation and amity, the degree of regional embeddedness is alone determined by the amity between the regional power, Brazil, and its most powerful contenders, namely Argentina and Mexico.

From the standpoint of the goals that regional nuclear cooperation has pursued, there is little doubt that historically the main triggering motive for Latin America countries to cooperate has been a genuine desire to contribute to the advancement of the agenda of nuclear disarmament. Over time, nuclear non proliferation and nuclear security have become important goals at least for some, if not all, of the Latin America states but certainly the emphasis on nuclear disarmament has been maintained and perpetuated also in the mandate of new security institutions which have emerged in the more exclusive

context of South America. This progression of goals has been exemplified by the order in which regional institutions have emerged. Three institutions can be considered the core of the regional nuclear regime of Latin America: The Treaty of Tlatelolco (1967), the Agreement between Argentina and Brazil for the Exclusively Peaceful Use of Nuclear Energy¹⁸⁶ (1991), and the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials, or ABACC (1991). These institutions were recently joined by a fourth institution, the Inter-American Convention Against Terrorism, ratified in 2002 within the OAS.

Goals and methods of the Latin American nuclear regime

Nuclear Disarmament

The determination among the Latin American countries to contribute to global nuclear disarmament through a regional initiative was one of the main reasons behind the negotiations for the establishment of a nuclear-weapon-free zone in Latin America. The Treaty for the Prohibition of Nuclear Weapons in Latin America, conventionally known as the Treaty of Tlatelolco, was conceived in 1962 in the aftermath of the Cuban Missile Crisis in response to the sense of urgency among many Latin American countries to insulate their region from the heightening tension between the two superpowers. The Treaty of Tlatelolco comprises 32 articles and two additional protocols to be ratified by the nuclear weapons states and crystallises the total rejection by the Latin American countries of the system of nuclear deterrence and of nuclear weapons.

The Treaty asserts that ‘nuclear weapons ... constitute an attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable’, and,

¹⁸⁶ Many agreements between Argentina and Brazil preceded the 1991 Agreement. Nevertheless this agreement constitutes a turning point because it was the first binding agreement and because it introduced a verification and inspection system on both nuclear programs

therefore, ‘general and complete disarmament under effective international control is a vital matter which all the people of the world equally demand’. It therefore declares Latin America as a denuclearised area and ‘prohibits the testing, use, manufacture, production, or acquisition by any means as well as the receipt, storage, installation, deployment, and any form of possession of nuclear weapons in Latin America’.

To achieve the goal of nuclear disarmament, at least in Latin America, the Treaty subjects both nuclear and non-nuclear weapons states to strict obligations, differently to the NPT. Article 1 of the Treaty of Tlatelolco binds the contracting parties to prohibit in their territories the ‘receipt, storage, installation, deployment, and any form of possession of any nuclear weapons’¹⁸⁷. Whereas the NPT does not prohibit the deployment of nuclear weapons insofar as such devices remain fully within the control of nuclear weapons states, the Treaty of Tlatelolco instead denies any such right and unequivocally excludes the possibility that nuclear weapons can be deployed in the region. Also, the Additional Protocol II of the Treaty demands nuclear weapons states to ‘respect the statute of denuclearisation of Latin America and the Caribbean in respect of warlike purposes....’ and ‘to undertake not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean’.

The centrality of nuclear disarmament in the regional cooperation framework has endured, even after the end of the Cold War, and with the deepening of regional integration in South America, it has acquired political salience¹⁸⁸. For instance, the

¹⁸⁷ D. Robinson, The Treaty of Tlatelolco and the United States: a Latin America Nuclear Free Zone, *The American Journal of International Law*, vol. 64, 1970 p. 286

¹⁸⁸ MERCOSUR in its first political statement in 1999 emphasized the ‘support... in the improvement of instruments and mechanisms for the non-proliferation of nuclear weapons... aimed at achieving the objective of nuclear

Constitutive Treaty of the Union of South American nations (UNASUR), the creation of which was largely led by Brazil, includes the full commitment that South American countries fulfill the goal of nuclear disarmament through integration, as ‘a decisive step towards the strengthening of multilateralism and the rule of law in international relations in order to achieve a multi-polar, balanced and just world in which the sovereign equality of states and a culture of peace prevail and in a world free of nuclear weapons and of weapons of mass destruction’¹⁸⁹.

Nuclear Non-proliferation

Where the determination to contribute to the elimination of nuclear weapons has been central to stimulating regional nuclear cooperation, concerns over nuclear proliferation has not triggered the same momentum, at least initially. For example, in the Treaty of Tlatelolco, the goal of nuclear non-proliferation is seen as subordinated to the broader goal of nuclear disarmament. Indeed, the Treaty remarks that ‘non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage’¹⁹⁰. In this sense the Treaty acknowledges the link between nuclear non-proliferation and nuclear disarmament but in contrast to the U.S. global nuclear regime, it does not cast nuclear disarmament as conditional upon the satisfaction of nuclear non-proliferation conditions. To be clear, the Treaty of Tlatelolco includes a series of clauses to ensure nuclear non-proliferation in the region. It creates an ad-hoc agency, OPANAL (in English, the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean), assigned to monitor the implementation of the Treaty of Tlatelolco and endowed with specific authority for control and

disarmament and all aspects of non-proliferation’, Political Declaration MERCOSUR, Bolivia and Chile as a Zone of Peace issued at Ushuaia, Argentina, on July 24, 1999, article 4

¹⁸⁹ The text of the Constitutive Treaty of the South American Union of Nations (UNASUR) is accessible at: <http://www.comunidadandina.org/INGLES/csn/treaty.htm> (last accessed on September 12, 2012)

¹⁹⁰ Treaty of Tlatelolco, Additional Protocol I, available at <http://opanal.org/opanal/Tlatelolco/Tlatelolco-i.htm> (last accessed on June 8th, 2012)

inspection (Article 15). This regional system is then integrated into another system of control carried out by the IAEA (Article 13) on the basis of agreements stipulated individually by the signatory countries¹⁹¹.

In this sense, the Treaty attempts to prevent risks of proliferation among its member states. Nevertheless, the Treaty, especially in the eyes of the United States, was too permissive, when it was originally drafted. This permissiveness derives from the fact that the Treaty allows the carrying out of peaceful nuclear explosions (Article 18), which the NPT (Article II) clearly prohibits. The Treaty of Tlatelolco controversially states: ‘the contracting parties may carry out explosions of nuclear devices for peaceful purpose including explosions which involve devices similar to those used in nuclear weapons – or collaborate with third parties for the same purposes’. A U.S. spokesperson remarked: ‘a nuclear explosive device intended for peaceful purposes can be used as a weapon or can be easily adapted for such use. Moreover the technology of making nuclear explosive devices for peaceful purposes is essentially indistinguishable from the technology of making nuclear weapons’¹⁹². Therefore, according to the U.S., by maintaining the right of countries in Latin America to conduct peaceful nuclear energy explosions, the Treaty substantially undermined its effectiveness as a nuclear non-proliferation mechanism.

The allegedly leniency of the Treaty vis-à-vis peaceful nuclear explosions (PNEs) and its subordination of the goal of nuclear non-proliferation to nuclear disarmament can be

¹⁹¹ Special inspections can be carried out by both the IAEA and OPANAL (Article 16) at the request of the IAEA or at the request of any contracting party. According to John Redick, ‘this inspection by demand by which all Tlatelolco parties agreed to provide full and free access to all places and all information as necessary, was considered a unique and important Tlatelolco contribution to nuclear non-proliferation’, in J. Redick, *The Tlatelolco Regime and Non-proliferation in Latin America*, *International Organization*, vol. 35, no. 1, 1981, p. 5

¹⁹² Statement by the U.S. Ambassador Adrian Fisher, ENDC/PV.280, August 9, 1966, pp. 13-16 Documents on Disarmament, 525, (1966)

explained by two main factors. Firstly, the scant diffusion of nuclear technology¹⁹³ convinced many countries of the lack of tangible proliferation risks in the region and thus they were not propelled towards nuclear proliferation by any collective sense of urgency. Secondly, the permissiveness towards PNEs was largely engineered by Brazil, with the support of Argentina. During the negotiations of the Treaty, Brazil sought to preserve the conditions - such as the right to PNEs - necessary for the future development of a nuclear program that the country had already begun to plan.

However, the goal of nuclear non-proliferation attracted more political attention from Brazil and Argentina during the 1970s when relations between the two countries turned highly contentious and both countries began to see nuclear programs as an indispensable element in power projection and in the quest for regional leadership. Such rivalry descended, albeit briefly, into nuclear rivalry and prompted the initiation of clandestine military programs on both sides. From the 1980s a series of political declarations and agreements between the two countries contributed to the de-escalation of tensions and eventually led to the signature of the Agreement for the Exclusively Peaceful Use of Nuclear Energy (1991).

More than any other agreements signed before it, the 1991 Agreement plays a fundamental role in strengthening the regional nuclear non-proliferation regime of Latin America for at least two reasons. Firstly, the Agreement solves the loophole of the peaceful nuclear energy explosions, left open with the Treaty of Tlatelolco. In Article 1 of the 1991 Agreement, Brazil and Argentina state that: ‘the parties undertake to use the nuclear material and facilities under their jurisdiction or control exclusively for peaceful

¹⁹³ At the start of the negotiations of the Treaty of Tlatelolco, Argentina was the only country with an active nuclear energy program, and Mexico and Brazil were beginning to explore the viability of initiating a nuclear program. No other country in the region possessed neither the technological skills nor the resources to jumpstart a nuclear program

purposes’, while in Article 2 they both renounce the right to conduct peaceful nuclear explosions because: ‘bearing in mind that at present no technical distinction can be made between nuclear explosive devices for peaceful purposes and those for military purposes, the parties also undertake to prohibit and prevent in their respective territories and to abstain from carrying out [...] the testing, use, manufacture [...] of any nuclear explosive device’¹⁹⁴. In this sense, the agreement strengthened the overall regional nuclear non-proliferation approach embedded in the Treaty of Tlatelolco. Secondly, the 1991 Agreement, which was the first legally binding agreement between the two countries, introduced the idea of a joint system of verification and control for both nuclear programs. The Common System of Accounting and Control of Nuclear Materials (henceforth the SCCC, from the Spanish ‘Sistema Común de Contabilidad y Control’), which was put in place through the agreement, is ‘a set of procedures established by the parties to detect with a reasonable degree of certainty whether the nuclear materials in all their nuclear activities have been diverted to uses not authorized’¹⁹⁵. In essence, the system obliges both parties to disclose information on their nuclear programs to each other and to allow inspections of nuclear facilities by their counterparts. These verifications are conducted by a central executive body – the ABACC, in English, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials – which receives financial and technical support from the parties in carrying out its activities.

¹⁹⁴ Agreement between the Republic of Argentina and the Federative Republic of Brazil for the exclusively peaceful use of nuclear energy, IAEA, INFCIRC/395, 26 November 1991. The text of the Treaty is accessible at: <http://www.iaea.org/Publications/Documents/Infcircs/Others/infcirc395.pdf> (last accessed on September 10th, 2012)

¹⁹⁵ Annex on the Basic Guidelines for the Common System of Accounting and Control of Nuclear Materials, Article 1 Paragraph, 1

Nuclear Security

Since 9/11 regional nuclear cooperation has moved towards the inter-hemispheric level and within the institutional framework of the OAS, where cooperation on nuclear security and nuclear non-proliferation has been vigorously pursued by the United States, with the support of Argentina and Mexico in particular. A high point for the U.S. was the creation of the Inter-American Convention Against Terrorism¹⁹⁶ in 2002, promoted by then Secretary of State Colin Powell as ‘the first new international treaty since September 11 targeted at improving our ability to combat terrorism’¹⁹⁷. The Convention includes a series of measures intended to prevent, combat and eradicate terrorism, such as cooperation on border controls (Article VII), and the adoption of regulatory policies to halt the financing of terrorism (Article IV)¹⁹⁸. Many of these measures reappeared in UN Resolution 1540, adopted two years later.

The terrorism convention also strengthened an already existing institution, the Inter-American Committee on Terrorism (CICTE), established on the initiative of Argentina in 1998. With the adoption of the Convention, the U.S. pledged \$1 million to help the growth of CICTE as ‘a technical body devoted to increasing counterterrorism expertise in the Americas’¹⁹⁹. In 2008, CICTE finally adopted a compendium identifying key steps to strengthening hemispheric cooperation in the fight against terrorism, including

¹⁹⁶ AG/RES. 1840 (xxxII-O/02), Inter-American Convention Against Terrorism, adopted at the OAS Second Plenary session held on June 3, 2002. The text of the Convention is available:

http://www.oas.org/xxxiiga/english/docs_en/docs_items/AGres1840_02.htm (last accessed on September 10th, 2012)

¹⁹⁷ U.S. Department of State, International Information Programs, Transcript: Powell Stresses Security at OAS General Assembly, Washington file, June 3, 2002 cited in M. Sullivan, *Latin America: Terrorism Issues, CRS Report for the U.S. Congress*, September 16, 2006, p. 6

¹⁹⁸ AG/RES. 1840 (XXXII-O/02) Inter-American Convention Against Terrorism (Adopted at the second plenary session held on June 3, 2002)

¹⁹⁹ The U.S. Department of State, through the International Information Programs, donated \$1 Million To Combat Terrorism in Western Hemisphere, according to Mark Sullivan, , cited in Sullivan, *Latin America: Terrorism Issues*, p. 6

specific measures ‘to prevent the acquisition of nuclear chemical and biological weapons by non-state actors’²⁰⁰.

Given the remarkable activism of OAS, Thomas Wuchte, the current OSCE Head on Anti-Terrorism Issues, and former U.S. special coordinator for United Nations Security Council Coordination (UNSCR) 1540, has said, ‘The OAS has taken a leading role in helping to initiate a complementary regional approach to the broad non-proliferation goals of Resolution 1540. It is essential that we move from words to action, recognizing that each country will tailor its plan of action to reflect its own national priorities. The U.S. strongly supports regional and inter-governmental organizations working with the Committee (of Resolution 1540)’²⁰¹.

Nuclear security has not been the only goal pursued by the United States. Nuclear non-proliferation has equally received attention through a number of initiatives and resolutions pursued by the U.S. within the OAS. Among the most important of these is the 2003 Declaration on Security in the Americas, which acknowledges key security threats in the region, including ‘the possibility of access, possession, and use of weapons of mass destruction and their means of delivery by terrorists’. For this reason, the declaration calls all Latin American states to adopt more stringent nuclear non-proliferation laws including the ratification of the model Additional Protocol. In particular the declaration invites states to ‘support the International Atomic Energy Agency (IAEA), including the universal application of the Agency’s safeguards system [...] and establish national standards and controls on exports of specialized materials,

²⁰⁰ The compendium states ‘adoption of domestic controls to fulfill member states obligations under UN Security Council Resolution 1540 including by establishing appropriate controls over related materials and refraining 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’, CICTE Compendium, Section C.5, 2008

²⁰¹ Presentation by Thomas A. Wuchte, U.S. Resolution 1540 coordinator, February 2011, Permanent Council of the Organization of American States, Committee on Hemispheric Security, OEA/Ser.G, CP/CSH/INF. 251/11 18 February 2011, p. 2-3

technology, and expertise that could contribute to the preparation, production, or use of weapons of mass destruction and their means of delivery',²⁰².

Regime interplay between the Latin American nuclear regime and the U.S. global nuclear regime

A historical perspective is necessary to assess the interplay between the Latin American regional nuclear regime and the global nuclear regime of the United States. If one maintains an historical perspective on how the regional nuclear regime has evolved then it is possible to state that, at least initially, it diverged completely from the U.S. nuclear preferences. However gradually, such divergence has been progressively smoothed and reduced as result of two processes: firstly, cooperation between Brazil and Argentina on nuclear non-proliferation has indirectly benefited the U.S. non-proliferation agenda at the regional and global level; secondly, the increasing involvement of the United States at the inter-hemispheric level has made regional cooperation more lenient to the U.S. goals at the global level. And, although it is true that divergences have been smoothed over time, significant differences persist nonetheless between the two regimes in terms of both goals and methods.

In terms of goals, the regional nuclear regime in Latin America prioritises goals differently to the U.S. global nuclear regime. In particular, the regional nuclear regime in Latin America has been established and remains committed to the advancement of global nuclear disarmament, whereas the U.S. global nuclear regime is centred on the goal of non-proliferation. Aware of this divergence, in rhetoric the U.S. has sought to underplay the emphasis on nuclear disarmament as exhibited in the contexts of both Latin America

²⁰² Declaration on Security in the Americas, Text available at: http://www.oas.org/documents/eng/DeclaracionSecurity_102803.asp (last accessed on 28th May, 2012)

and South America. For instance, the U.S. continues to cast the Treaty of Tlatelolco as a non-proliferation instrument, hence rejecting its broader call for nuclear disarmament, which was the original intent of its founders²⁰³. United States Ambassador Burke recently reiterated the view of the U.S. on the Treaty of Tlatelolco with the following, ‘Regional arrangements such as nuclear-weapon-free zones have long been accepted as an important part of the multilateral non-proliferation and arms control architecture. As reaffirmed in the Final Document of the 2010 Review Conference of the Nuclear Non-Proliferation Treaty (NPT), nuclear-weapon-free zones such as Tlatelolco can be important regional complements to the NPT and the broader global non-proliferation regime’²⁰⁴. But the U.S. reading of the Treaty of Tlatelolco strategically underplays what was a much more ambitious project of the contracting parties to the Treaty of Tlatelolco: ‘desiring to contribute so far as lies in their power towards ending the armaments race, especially in the field of nuclear weapons’, and recalling that ‘militarily denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage’²⁰⁵.

In addition, regional efforts to advance the global nuclear disarmament agenda have not waned since the end of the Cold War but rather they have multiplied in the regional context through several initiatives. Firstly, through the advocacy role that OPANAL, the agency mandated to ensure the implementation of the Treaty of Tlatelolco, has undertaken both in the region and worldwide. Secondly, through the institution building

²⁰³ Given the treaty’s unquestionable refusal to countenance nuclear deterrence, Professor John Redick has written, ‘The explicit intention of the Treaty is to contribute to halt the nuclear arms race and ultimately to advance the global cause of nuclear disarmament. The architect of the treaty, Alfonso Garcia Robles, who I knew well, viewed it (the Treaty) as an arms control and above all as a disarmament treaty: preventing the development of nuclear weapons by Latin American nations or their introduction in to the region by nuclear weapon states, and I agree with his view’, Discussion with Professor Redick, July 31st, 2012

²⁰⁴ OPANAL Commemoration of 45th Anniversary of the Treaty of Tlatelolco, Ambassador Susan F. Burk, Special Representative of the United States President for Nuclear Non-proliferation, Panel on Lessons Learned and Good Practices in the Creation and Consolidation of Tlatelolco, Mexico City, Mexico, February 14, 2012

²⁰⁵ Treaty of Tlatelolco, Preamble

process of South America²⁰⁶ that in line with the original spirit of Tlatelolco has placed the demand for the elimination of nuclear weapons at the exact centre of the regional security cooperation framework.

The two regimes are also divergent in terms of how the goal of nuclear non-proliferation has been prioritised and pursued. Nuclear non-proliferation is possibly the policy-area in which the most acute divergence between the two nuclear regimes has emerged. It is also in this nuclear policy-area where Brazil has most sought to assert itself as regional leader, by consistently rebuffing the political pressures from Washington to support the U.S. global nuclear non-proliferation agenda.

Firstly, while nuclear disarmament remains a central undertaking of regional nuclear cooperation in Latin America, the regional commitment to nuclear non-proliferation, which is central to U.S. global concerns, has been questioned and undermined for several years by the individual pursuit by Brazil and Argentina of clandestine nuclear military programs. The decision of Brazil and Argentina in the 1980s to commit to nuclear non-proliferation was not dictated by a desire to respond to U.S. pressure, but rather by domestic factors, such as the difficult democratisation processes occurring at that time in both countries, necessitating economic resources for national development, which were concurrently diverted into the pursuit of clandestine programs. The greater economic requirements for national development further served to instill a desire to halt the costly and unsustainable competition between Brazil and Argentina. Therefore, whereas regional cooperation on nuclear non-proliferation has gradually begun to converge with

²⁰⁶ Both the Brazil-led institutions of MERCOSUR and UNASUR have delivered political statements in open support to the elimination of nuclear weapons. MERCOSUR statement is cited in footnote 6 of the present chapter, UNASUR declaration will be reviewed later in the chapter

U.S. global preferences from the 1990s onwards, the explanation of such convergence has to be sought in intra-regional dynamics rather than in commitment of Latin American countries to extend support to U.S. policies.

Secondly, the way in which Brazil in particular has pursued regional institution building to attain the goal of nuclear non-proliferation shows its political willingness to substantially contribute to the mitigation of risks posed by nuclear proliferation in the region, but concurrently it also mirrors its fundamental unwillingness to be subjected to the U.S.-driven nuclear non-proliferation agenda. In this sense, while there is a convergence between the two regimes on the goal of nuclear non-proliferation, there is a significant discrepancy in the methods chosen by the regional nuclear regime to pursue such a goal in at least two ways: firstly, the most advanced nuclear countries in Latin America continue to elude requests of the U.S. to sign the model Additional Protocol; secondly, there is no regional support of the U.S.-crafted counter-proliferation agenda.

As discussed in Chapter III, one of the most important methods adopted by the United States to ensure nuclear non-proliferation has been to consistently strengthen the verification and inspection systems of the IAEA. Most notably, the ratification of the model Additional Protocol has come to be considered by the United States as an indispensable tool through which to fight the risks of nuclear proliferation in the 21st century. Latin America overall has a mixed record of adhesion to the model Additional Protocol. Many countries have ratified it, including Cuba, but the largest countries have not, including Brazil, Argentina and Venezuela. In addition, Latin America is the only region in the world that has been able to produce an alternative to the IAEA universal safeguard system and to the model Additional Protocol. Through the development of the

ABACC, Brazil and Argentina in particular have established a unique system of safeguards and verification that substantially eludes the demand of the U.S. for universal adoption of the model Additional Protocol. Although this verification system constitutes the cornerstone of regional nuclear non-proliferation cooperation primarily due to its enhancement of cooperation between the two most advanced nuclear countries in the region, hence preventing technological competition between them, it equally constitutes the most dramatic divergence from U.S. global preferences.

The two countries, but Brazil in particular, have consistently rebuffed U.S. pressures to sign the model AP, describing it as too invasive and too risky for developing countries. During my interview with Ambassador Guerreiro at the 2012 NPT Review Conference in Vienna, the Ambassador told me that the Brazilian government sees no political conditions - neither domestic nor international - to encourage the country to ratify the model AP. At the domestic level, Brazil is still a developing country and therefore the model AP is considered to be potentially harmful for the technological development of the country. Internationally, Brazil has already made several concessions to the United States, such as ratifying the NPT in 1998, and thus no further nuclear commitments will be made by the country without concrete advancements in the disarmament agenda²⁰⁷. In addition, both Brazil and Argentina have consistently argued that the ratification of the model AP is fundamentally redundant given the already established verification and inspection system that the two countries have in place through the ABACC. In this regard, Brazil has frequently cast the ABACC system as a perfect alternative to the model Additional Protocol of the IAEA. A recent communiqué, jointly released by the

²⁰⁷ Interview with Ambassador Guerreiro, 2 May 2012, at the NPT PrepCom, Vienna

presidents of Argentina and Brazil, emphasises that ‘the ABACC’s existing safeguards agreement is providing the highest guarantees as regards nuclear safeguards’²⁰⁸.

Nuclear experts do not, however, necessarily share this view. Peter Carter, head of Nuclear Non-Proliferation at the UK’s Department for Energy and Climate Change, asserted: ‘everyone believes that Brazil and Argentina harbour no intentions to proliferate. That is beside the point. The point really is that it cannot be argued that ABACC is a perfect alternative to the Additional Protocol. It really is not. The access to a country’s full nuclear program that it ensured through the quadripartite agreement between ABACC and the IAEA does not even get close to what the IAEA can do through the model AP. In the specific case of both countries, given the nuclear capabilities in their possession, it is of the utmost importance to see their nuclear program secured under an AP agreement’²⁰⁹.

Whereas Argentina has increasingly become amenable to the idea of signing onto the model AP, it is the position of Brazil that draws the fiercest criticism. The U.S. has frequently cast Brazil’s position vis-à-vis the Additional Protocol as a significant loophole to be solved as quickly as possible. In a cable leaked in 2009, the U.S. ‘urged Brazil to show leadership on non-proliferation and that there be no distance between Brazil and the U.S. on the non-proliferation front’²¹⁰. But as long as the ABACC system remains in place, Brazil continues to have very little incentive to adopt the AP.

²⁰⁸ The Joint Communiqué was released in July 2011. The text is available on the web site of ABACC: <http://www.abacc.org.br/?p=4407&lang=en>

²⁰⁹ Interview with Peter Carter, UK Department for Energy and Climate Change, 4 May 2012 at the 2012 NPT Prep Com Conference, Vienna

²¹⁰ Cable, Brasilia, Brazil and US hold frank constructive talks on nuclear non-proliferation issues, 04 BRASILIAN 913 confidential, 15/04/2004

In addition to displaying resistance to signing the Additional Protocol, Latin American countries, and above all Brazil and Venezuela, have shown great scepticism with regard to U.S. global counter-proliferation strategy. Cooperation on counter-proliferation in the form of support for the Proliferation Security Initiative, as an example, is virtually non-existent. There are no official declarations at the regional or hemispheric level supporting the initiative, and the efforts of the three supporters in the region, Argentina, Chile and Columbia, have largely been overshadowed by the majority of countries, including Brazil and Mexico, remaining aloof. Brazil has adopted a diplomatic position, arguing that the initiative itself is ‘a fair exercise but not one that Brazil had studied in depth or considered joining until now’²¹¹ and Mexico has maintained a similar position, claiming that it still has ‘many questions on how the PSI functions and how PSI participation would benefit Mexico’²¹².

Finally, while it is true that several initiatives have emerged on nuclear security, many of these initiatives, if not all, have been instigated or encouraged by the United States. In this sense, Latin American countries can hardly claim ownership of a regional nuclear security agenda that has emerged in the context of inter-hemispheric cooperation largely driven by the United States. This lack of ownership has also translated into a significantly low level of compliance to the Inter-American Convention Against Terrorism and to several U.S.-led initiatives such as UN Resolution 1540. For example, nothing concrete has been achieved in the development of intra-regional border policies and export control regulations, despite intense lobbying by Argentina and Mexico at the regional level, and by the U.S. at the inter-hemispheric level. The strongest opposition has come from Brazil, primarily for economic reasons. After several years of stagnation,

²¹¹ WikiLeaks, Classified Cable, Brazil: A/S Rademaker’s meeting with Foreign Ministry Officials on NPT, available at: <http://www.scoop.co.nz/stories/WL0504/S00007.htm>

²¹² Mexico PSI follow up, Leakoverflow08STATE82699, Following up with Mexico on PSI, 31 July 2008

Brazil began to entertain the possibility of increasing exports of military goods and technology as part of its national development efforts. The Brazilian Defence Strategy of December 2008 specifically mandates ‘efforts to revitalize Brazil’s defence industry by promoting exports of Brazil defence products’²¹³, and this has largely jeopardised the possibility of establishing a regional export control regulation.

Adam Blackwell, the OAS Multidimensional Security Secretary, has explained the dissatisfactory level of cooperation on nuclear security in the region with a number of reasons. During our interview, he argued that ‘in some cases, it is because of the lack of capacities, and some countries have come forth to ask for the assistance of the OAS to help them to fulfill their obligations. Mexico has shown great leadership, and we are opening new projects with Mexico. But in other cases, the problem is clearly political’²¹⁴. When prompted to comment on Brazil’s support of the regional and global nuclear security agenda, he confined his comments to the following: ‘so far, Brazil has never asked for any assistance from the OAS in this policy area. Whether this means they are not interested in doing something about it or they don’t need any help, I cannot say’.

Less concerned with political correctness, Monica Hertz has attributed the low level of compliance of Latin American countries with the U.S. nuclear security agenda to two main issues: ‘the capacity of states and the perceived legitimacy deficit of the UN Resolution 1540. Although the WMD non-proliferation regimes hold significant legitimacy in Latin America, the absence of a move towards implementation of Article VI of the NPT [nuclear disarmament] is seen as an expression of the lack of respect for

²¹³ Brazil export control son military sales: how they work, Cable, Monday 22 June 2009, 09BRASILIA34, accessible at: <http://www.cablegatesearch.net/cable.php?id=09BRASILIA796>

²¹⁴ Phone Interview with OAS Multidimensional Security Secretary Blackwell, 2 August 2012

the regime from major powers. On the other hand, although counter-terrorist activities are performed and accepted as crucial by most governments, the nature of Resolution 1540 establishing a legislative role for the Security Council may be seen as a threat to the legalist tradition of the region [...] a more interventionist and wider role for the Security Council is not well accepted in most countries'²¹⁵.

Table 1 – The goals and methods of the Latin American Regional Nuclear Regime

Differences between the two regimes	The Latin America Regional Nuclear Regime	U.S. Global Nuclear Regime
Ordering of goals	Nuclear Disarmament (Through binding treaty: Tlatelolco)	Nuclear Non-proliferation
	Nuclear Non-proliferation (Among Latin American countries, through the binding treaty of Tlatelolco; Among Brazil and Argentina, through bilateral Agreement)	Nuclear Security
	Nuclear Security through Inter-American Cooperation	Arms control
Methods pursued	ABACC as an alternative to the model Additional Protocol	Strengthening verification system (the model Additional Protocol)
	Absence of regional support	Support of coercive measures for counter-proliferation
	Inter-American Convention on Terrorism (Borders control policy, no regional cooperation on export control)	Development of regional borders and export control policies

Explaining the establishment of a regional nuclear regime in Latin America

In the context of Latin America, external and internal nuclear risks have been remarkably low and any risks have involved only a handful of countries. Nevertheless, the potential nuclear standoff between the USSR and the U.S. at the height of the Cold War (exemplified by the Cuban Missile Crisis) and the need felt in particular by Argentina to

²¹⁵ M. Herz, Resolution 1540 in Latin America and the Role of the Organization of American States, in L. Scheinman, ed., *Implementing Resolution 1540: the role of regional organizations*, (United Nations Institute for Disarmament Research, UNIDIR, 2008), p. 19

respond to and mitigate ‘mistrust and controlled rivalry’²¹⁶, particularly in its relations with Brazil, have certainly operated as triggering factors to move the region towards more institutionalised cooperation.

The Cuban Missile Crisis (1962)

The first crisis that prompted Latin America to demand regional nuclear cooperation was the Cuban Missile Crisis in 1962. The crisis started when reconnaissance photos taken by airplanes, the most sophisticated U.S. technology of the time, showed that missile bases were being built by the Soviets in Cuba, 90 miles away from the coast of Florida. The decision of President John F. Kennedy to impose a naval embargo ultimately prevented an escalation into a nuclear Armageddon but served as an important catalyst for nuclear cooperation²¹⁷. In response to the demand for regional cooperation in the aftermath of the Crisis, Brazil took the lead in presenting a resolution for a Latin American nuclear-weapon-free zone at the 17th Regular Session of the UN General Assembly²¹⁸. In January 1963, Mexico responded favourably to the proposal and at the United Nations in April 1963 a joint declaration by five Latin American powers²¹⁹, with the notable exception of Argentina, formally introduced the idea of the establishment of Latin America as a denuclearised region.

²¹⁶ Email exchange with Professor John Redick, July 27, 2012

²¹⁷ Of the Cuban Missile Crisis, Graham Allison has said: ‘for thirteen days of October 1962, there was a higher probability that more human lives would end suddenly than ever before in history’ in G. Allison, *Conceptual Models and the Cuban Missile Crisis*, *The American Political Science Review*, vol. 63, no. 3, (Sep., 1969), p. 689

²¹⁸ M. Serrano, *Common Security in Latin America, The 1967 Treaty of Tlatelolco*, (London: Institute of Latin American Studies, 1992), p. 18

²¹⁹ At the initiative of the government of Mexico, the presidents of Bolivia, Brazil, Chile, Ecuador and Mexico on 29 April 1963 issued a joint declaration in which they agreed ‘to announce forthwith that their governments are prepared to sign a multilateral Latin American agreement whereby their countries would undertake not to manufacture, receive, store or test nuclear weapons or nuclear launching devices . . . in order that Latin America may be recognized as a denuclearized zone as soon as possible’, Reported in Final verbatim record of the Conference of the Eighteen-Nation Committee on Disarmament [Meeting 201], ENDC/PV.201 p. 18, 1963

The crisis was crucial in leading Latin American countries towards regional nuclear cooperation for at least three reasons. Firstly, the crisis served to reveal the fundamental weakness of the strategy of nuclear deterrence developed by the United States and the USSR and upon which the security of Latin American countries had been premised for years. For several decades the 'responsibility for regional security and defence of the hemisphere had gradually been transferred to the United States. This process originated in the projection of American power over the region following the formulation of the Monroe Doctrine in 1823'²²⁰. With increasing disenchantment from nuclear deterrence, Latin American countries began to take charge of their own security and to pursue regional neutrality so as to protect the region from the security externalities of the Cold War.

Secondly, the almost automatic alignment between several Latin American countries, including Brazil, and the United States, considered to be the ultimate security guarantee, was becoming increasingly costly for Latin American states at the heightening of the superpowers' rivalry. Lowenthal posited that 'From World War II until the 1970s the relationships between the United States and Latin America was shaped by the hegemonic presumption of the United States: that is, the idea that the United States had the right to insist on political, ideological, diplomatic and economic solidarity - not to say subservience - throughout the Western Hemisphere'²²¹. Such an automatic alignment to the United States came to be seen as potentially lethal for the security of many Latin American states as the risk of being entrapped into a nuclear confrontation between the two countries loomed large.

²²⁰ Serrano, *Common Security in Latin America*, The 1967 Treaty of Tlatelolco, p. 5

²²¹ A. Lowenthal, *From Regional Hegemony to Complex Bilateral Relations: The United States and Latin America in the Early 21st Century*, *Nueva Sociedad*, no. 206, 2006, p. 1

Thirdly, mounting awareness of the vulnerabilities of the region to the political dynamics of superpowers was coupled with the increasing concern for the overall fragility of the regional integration process. With an almost inexistent regional institutional framework in place, key countries like Brazil and Mexico realised that disagreements within the region could easily have become prey to exploitation by superpowers, hence triggering a dangerous escalation of violence within the region itself. As David Robinson has remarked, ‘introduction of nuclear weapons into the region would have a destabilizing effect on the relations between the major nuclear powers. The Cuban Missile Crisis of 1962 made this point eminently clear. The introduction of nuclear weapons in Latin America would also stimulate a new arms race among the nations on that continent, a race that their economies and their foreign relations could ill afford’²²².

For these reasons, a demand among Latin America countries was increasingly emerging for the development of regional mechanisms that could insulate the region from Cold War dynamics of rivalry and competition. Such demand also found fertile ground within the superpowers themselves²²³ and therefore eventually led to the emergence of the Treaty of Tlatelolco.

The Brazil-West Germany Deal (1975)

If the Cuban Missile Crisis was fundamental in instigating regional nuclear cooperation towards disarmament, another crisis in 1975 has instead been fundamental in the consolidation of the regional nuclear non-proliferation agenda, through the development of cooperation between Brazil and Argentina. In 1975 the United States, reacting to the

²²² Robinson, *The Treaty of Tlatelolco and the United States*, p. 282

²²³ The Crisis had made the United States and the Soviet Union aware of each other vulnerabilities and since then both countries have appreciated that their long term interests might best be served by increased emphasis on cooperating towards reduction of nuclear weapons. The positive effect of the Cuban Missile Crisis for global nuclear disarmament and arms control has been acknowledged by several historians such as William Foster, Lawrence Freedman and Robin Ranger among others

Indian nuclear test of the previous year, established the U.S. Nuclear Regulatory Commission (NRC) with the precise aim of tightening dual-use export control policy and to oversee new nuclear technology transfer agreements. Among the first decisions taken by the NRC was the decision to halt a project led by Westinghouse, the leading American nuclear technology company of the time, to build Brazil's first nuclear reactor.

Among U.S. officials, the refusal of Brazil to ratify the NPT in 1968 was increasingly considered problematic in light of the nuclear ambitions harboured by the country. From the perspective of Brazil, the suspension of the commercial deal with Westinghouse was considered extremely damaging to the economic development of the country. The drastic rise in oil prices, which spiked during the 'oil shock' of 1973, increased the necessity for Brazil and other developing countries to seek alternative energy sources and nuclear energy offered a viable option²²⁴. On a more strategic level, the technological development of Argentina and mounting rivalry between the two countries had prompted Brazil to initiate a parallel military nuclear program, the sustainability of which was then threatened by the decision of the U.S. to suspend the transfer of technology to Brazil²²⁵.

To overcome the blow resulting from the embargo, Brazil pursued a commercial deal with West Germany in 1975 as 'the largest transfer ever made of nuclear technology to a developing country'²²⁶. From the proliferation standpoint, the most problematic part of the Brazil-West Germany agreement was that the contract entailed the transfer to Brazil of 'complete fuel cycle' technology, including technology for uranium enrichment. Such

²²⁴ G. Gardini, Making sense of Rapprochement between Argentina and Brazil, 1979-1982, *Revista Europea de Estudios Latinoamericanos y del Caribe*, vol. 80, 2006; D. Flandes, Brazil's Nuclear Policy, From Technological Dependence to Civil Nuclear Power, *GIGA Working Papers*, No. 23, 2006

²²⁵ L. Bandeira, Brazil as a Regional power and Its Relations with the United States, *Latin American Perspectives*, vol. 33, no. 3, 2006, pp. 12-27

²²⁶ N. Gall, Atoms for Brazil, Dangers for All, published jointly by *Foreign Policy*, no. 23 and *Bulletin of the Atomic Scientists (June issue)*, 1976, p. 155

a contract largely altered several nuclear equilibria within South America and at a broader hemispheric level. There are two reasons for this: firstly, until that point Brazil had had only limited experience with nuclear research reactors yet through the deal the country was provided with uranium enrichment capabilities, despite operating outside the NPT framework. Although the deal contained a strict system of safeguards, it was nonetheless seen as remarkably weakening the impact and the overall credibility of the NPT. Secondly, the agreement marked the end of Brazil's technological subjugation to the United States. Nuclear technology transfers had been used for several years by the United States as a bargaining chip to control and influence Brazilian foreign policy and to secure allegiance to the U.S., but the West Germany contract finally provided Brazil with much sought after nuclear technology and at the same time was abruptly severing technological dependence on Washington.

In the context of Latin America, Brazil's agreement with West Germany further weakened the already fragile nuclear non-proliferation system put in place by the Treaty of Tlatelolco. Argentina, as the most technologically advanced country, began to appreciate that the rapidly emerging superiority of Brazil needed to be both accommodated and constrained through collective arrangements. More explicitly, Resende writes: 'Argentine strategists and diplomats acknowledged by the early 1970s that Brazil's regional hegemony was indeed more reality than aspiration. Brazil's joint projects and commercial expansion invariably extended its regional dominance'²²⁷. The personal commitment of Argentina's administration to avoid a costly competition with Brazil proved equally important. According to Professor Wheeler, 'There were anxieties in Buenos Aires that a nuclear deal between Brazil and West Germany signalled

²²⁷ J. Resende-Santos, *The Origins of Security Cooperation in the Southern Cone*, *Latin American Politics and Society*, vol. 44, no. 4, 2002, p. 97

Brasilia's [sic] determination to acquire nuclear weapons. Recognizing the dangers of a regional nuclear arms race and believing that this could be averted, key Argentinian officials publicly emphasized their confidence in the peaceful intentions of the Brazilian programme',²²⁸.

Brazil's emerging regional hegemony was not the only concern that prompted Argentina to articulate a demand for cooperation with Brazil. The United States responded to the Brazil-West Germany deal by instituting a commercial embargo against Brazil and pressed several allies to follow suit. At the same time, in 1977, Canada yielded to U.S. pressure and suspended the transfer of an enrichment plant to Argentina, on the basis of lack of sufficient safeguards. From Argentina's perspective, the discriminatory policy to which the two countries had been subjected was an opportunity to explore bilateral cooperation, given the heavy costs to their respective programs that such embargoes would have imposed. Thus the Argentinian ambassador to Washington made public Argentina's interest in 'establishing a common Argentinian-Brazilian front to resist U.S. opposition to the construction of enrichment plans',²²⁹.

U.S. re-engagement with Latin America post 9/11

Finally, the third phase of consolidation of the regional nuclear regime in Latin America occurred in the immediate aftermath of the terrorist attacks against the United States on the 11th September 2001. The attacks per se did not spur any new demand for additional nuclear cooperation by the Latin American countries, but rather prompted a revitalisation of moribund inter-hemispheric settings such as the OAS. Nevertheless, 9/11 was exploited by the United States to re-engage with the Latin American region in an attempt

²²⁸ N. Wheeler, Beyond Waltz's Nuclear World: More Trust May Be Better, *International Relations*, vol. 23, no. 3, 2009, p. 436

²²⁹ Serrano, Common Security in Latin America: The 1967 Treaty of Tlatelolco, p. 59

to gain support for its global 'war on terror'. The Latin American region in particular came to be seen as a potential source of instability given the weak governance capacities of some of its member states and thus the U.S. considered the strengthening of existing inter-hemispheric security architecture to be of paramount importance in the prevention of potential terrorist risks from its southern borders²³⁰.

The re-engagement of the United States in the Latin American security cooperation after years of relative detachment was pursued through two means: at the bilateral level and through inter-hemispheric cooperation within the OAS. At the bilateral level, for example, the United States significantly increased its military spending in Latin America and 'beginning in the period 2005-2007 five Latin American countries in the region were among the top 20 global recipients of U.S. military assistance'²³¹. Specifically, it was at the level of hemispheric cooperation within the OAS that the United States began displaying a clear commitment to designing a new inter-hemispheric security framework. Such a re-engagement was mostly unwelcomed and resisted by some Latin American countries because of its excessive focus on security matters and distancing from what the Latin American countries considered to be their most compelling economic and developmental necessities. Jorge Castaneda, Mexico's former Minister of Foreign Affairs stated: 'the resulting post-September 11 picture is not pretty from a Latin America point of view, although there is certainly no lack of understanding, or even support throughout the Americans for the US fight against terrorism. But the United

²³⁰ According Mark Sullivan, 'over the years the United States has been concerned about threats to Latin America and Caribbean nations from various terrorist or insurgent groups. The 2004 U.S. country reports on terrorism for instance notes that international terrorism threat in the western hemisphere remained low in 2004 compared to other regions of the world but also maintained that terrorists may seek safe haven, financing recruiting illegal travel documentation or access to the U.S. from the area and pose serious threats.', in M. Sullivan, Latin America: Terrorism issue, U.S. Congressional research service, *Report for the United States Congress*, 2005, p. 1

²³¹ According to Just the Facts 2010 website, Colombia is the 5th largest recipient of U.S. military aid, followed by Bolivia (8th), Peru (10th) Mexico (12th) and Ecuador (20th)

States has replaced its previous, more visionary approach to relations in the western hemisphere with a total focus on security matters'²³².

The shift orchestrated by the U.S. towards security, as well as a growing assertiveness by the country to control and direct the 21st century Latin American security agenda prompted however two very different responses from the countries in Latin America. On one hand, countries that had struggled and continue to struggle economically had very little option but to align and coalesce with the U.S. security efforts in the hopes of ultimately becoming the recipients of monetary aid and technical assistance. Mexico and Argentina are examples of this - although their increasing economic subordination to the U.S. had already largely been realised in the 1990s. An alternative path was taken by countries that were locked into a competitive, even adversarial, relation with the U.S.; these countries saw the re-engagement of the U.S. in the region as an opportunity to gather consensus for new regional institution building specifically oriented towards limiting and constraining the hegemonic agenda and ambitions of the U.S.. This alternative path was chosen by Brazil (along with Venezuela and Bolivia, just to name a few) that, given its miraculous development, was endowed with greater possibilities than Mexico and Argentina to detach itself from economic dependence on the U.S. and pursue more global interactions.

Explaining regime interplay

In the three main crises that have unfolded in Latin America and subsequently increased demand for nuclear cooperation, Brazil has played a critical role in facilitating the process to meet such demand. Brazil has not necessarily led by itself, but it has sought

²³² J. Castaneda, The Forgotten Relationship, *Foreign Affairs*, vol. 82, no. 3, 2003, p. 67

support from Mexico on the front of nuclear disarmament, and from Argentina on nuclear non-proliferation. Although both Mexico and Argentina have been instrumental in bringing about the current regional nuclear regime, neither has exercised leadership on a par with Brazil. Brazil deserves special prominence because of three main elements that distinguish it from other nuclear states in the region: a natural sense of regional entitlement; willingness and capability to face the political costs and risks associated with counterbalancing or opposing U.S. hegemony on nuclear governance issues in both regional and global settings; and the centrality of nuclear technology in the quest for greater power status.

Firstly, the aspirations and sense of entitlement to regional leadership have been much more acute in Brazil than in Mexico and Argentina. ‘Since the early twentieth century, Brazil’s major foreign policy aspirations have been to achieve international recognition in accordance with its belief that it should assume its natural role as a big country in world affairs’²³³. Brazil’s natural sense of entitlement to regional leadership, frequently cast as Brazilian arrogance by other Latin American countries, is rooted in its size and population, natural resource endowments and economic superiority. For these reasons alone, the United States acknowledged the special status of Brazil early on. For example, a famous quote from President Nixon confirms the centrality of Brazil within its region in the eyes of the U.S. administration: ‘as Brazil goes, so will go the rest of that Latin American continent’²³⁴.

²³³ M.S. De Lima, and M. Hirst, Brazil as an intermediate state and regional power: action, choice and responsibilities, *International Affairs*, vol. 82, no. 1, 2006, p. 21

²³⁴ American President Richard Nixon toasting the Brazilian President Emilio Medici, during an official visit to Washington, D.C., December 7, 1971

Furthermore, the economic growth of Brazil, in contrast to that of Mexico and Argentina, has allowed the country to become increasingly independent from the United States and has allowed it to play an extremely vital role both regionally and internationally. Because of its economic growth, Brazil ‘stood apart from the general move towards the U.S. that characterised hemisphere relations in the second half of the 80s and through the 90s most prominently. It sought to avoid confrontation with the US and promoted improved relations with the US government but was reluctant to become too closely involved with many aspects of the US regional agenda’²³⁵. Even more so, the political independence of Brazil ensured by impressive economic growth has empowered the country to experiment with the formation of new institutions, such as UNASUR and MERCOSUR, as alternatives to the U.S. regional agenda. Historically, Argentina has favoured an isolationist policy. Its severe financial and economic needs have curtailed its ability to lend active leadership in the nuclear sector, and ‘have placed the country in the orbit of American control, further limiting its decision-making autonomy’²³⁶. Mexico, both at the regional and global levels, has been one of the most prominent advocates in the cause for nuclear disarmament, but its leadership has been severely undermined by internal security problems, coupled with economic issues and increasing reliability on U.S. aid. Some of the Brazilian scholars interviewed for this chapter remarked that Mexico has lost part of its independence because it is ‘too involved with its own problems and in a suffocating dependence on the U.S.’²³⁷.

Finally, Brazil has been the most active in the development of regional nuclear institutions because of the fundamental importance that nuclear technology holds for the country. It is not the technological superiority of Brazil over the other two states, but the

²³⁵ M. Hirst, *The United States and Brazil, A Long Road of unmet expectations*, (New York: Routledge, 2005), p. 74

²³⁶ Phone interview with Professor Clovis Brigagão, 13 August 2012

²³⁷ Exchange of emails with Professor Antonio Jorge Ramalho, University of Brasilia, July 28th, 2012

prospect of its nuclear investments in the future²³⁸, that places the country in an altogether different category. Since the 1960s, the acquisition of nuclear technology had been associated with the much broader project of national modernisation led by the military elite of the country and was therefore seen as strictly interrelated to the national prestige and development of the country²³⁹ and its importance has continued to grow over the years. A recent report by the World Policy Institute notes: ‘The Brazilian government views nuclear power as an essential component of its future energy supplies, predicting large increases in the country’s demand for electricity in the coming decades’²⁴⁰. A report released in 2010 by Eletrobras, the Brazilian national energy agency, stated: ‘the Committee for Development of the Brazilian Nuclear Program (Comitê de Desenvolvimento do Programa Nuclear Brasileiro, or CDPNB) has approved proposals in the areas of electric energy, fuel cycle, nuclear waste.... These proposals include, among others, the construction of the additional 4 [nuclear] reactors and the attainment of self-sufficiency in the fuel cycle by 2014’²⁴¹.

Economic issues in both Argentina²⁴² and Mexico²⁴³ have severely impaired the prospects of significant expansion in their nuclear programs. In the case of Brazil,

²³⁸ According to Norman Gall, ‘Argentina became the first Latin American nation to operate a research reactor in 1968, when the National Atomic Energy Commission (Comisión Nacional de Energía Atómica, or CNEA) began operating the region’s first – and so far only – chemical plant for reprocessing plutonium and in 1974 Argentina started up Latin America’s first nuclear power plant’, in Gall, *Atoms for Brazil Dangers for All*, p. 183. According to data from the World Nuclear Association (WNA), Argentina has two nuclear reactors generating nearly one-tenth of its electricity, another reactor is about to be finished. Mexico has two nuclear reactors, generating almost 5% of its electricity, but its great reliance on gas has slowed down prospects for further nuclear investments. Brazil has two nuclear reactors, generating 3% of its electricity; a third reactor is under construction, and four more large reactors are under consideration, to be built by 2020

²³⁹ The argument is advanced by B. Becker and C. Egler, *Brazil a new regional power in the world economy, a regional geography*, (Cambridge: Cambridge University press, 1992), p. 84.. In the book the authors underlined also how nuclear technology became part of a comprehensive geopolitical strategy that also entailed 1) the rapid integration of the entire national territory implying the definite incorporation of the Amazon 2) and the projection of the nation into the international space. Both these elements can also be found in the 2008 National Defence strategy of the country

²⁴⁰ M. Lerner, In Latin America, Nuclear Power on Shaky Ground, *World Policy Institute*, online blog, on May 14, 2012

²⁴¹ Fifth National Report, of Brazil for the Nuclear Safety Convention, 2010, p. 2

²⁴² <http://www.boell.de/ecology/climate/climate-energy-argentina-uncertainty-nuclear-future-11771.html>

however, the importance of nuclear energy in its national development plan echoes the centrality that nuclear technology commands within its strategic position. The Brazil National Strategy of Defence, released in December 2008, unconditionally cast the nuclear sector as one of the ‘three decisive sectors of national defense’²⁴⁴, along with cybernetics and space, and the sector which by its very nature ‘transcends the limits between development and defence’²⁴⁵. The Strategy outlines how the development plan will be guided by ‘national independence achieved by an autonomous technological capacity including [...] the nuclear strategic sector. Whoever does not master critical technologies is neither independent for defence nor for development’²⁴⁶. The symbolic marrying of economic and strategic interests that nuclear energy satisfies has led Brazil to ‘engage with great fervour in all multilateral processes where nuclear energy is discussed. These forums will continue to see Brazilian pro-activeness in shaping and influencing policies which have impact onto our development, economy and security’²⁴⁷.

The Treaty of Tlatelolco

When Brazil suggested the establishment of the Treaty of Tlatelolco in the immediate aftermath of the Cuban Missile Crisis in October 1962, the main goal in mind was the insulation of Latin America from future nuclear rivalries by taming nuclear weapons states when operating in Latin America. From Brazil’s perspective, the Treaty would also substantially contribute to the overall global campaign towards the elimination of

²⁴³ Nuclear Power Trends in the World, released by the James Baker III Institute of Public Policy, Rice University, in May 2008, stated about Mexico, ‘The state monopoly on the use of nuclear power remains a relatively large obstacle to its use. Given the large up-front cost of constructing nuclear plants and the many needs of the Mexican government for funds to invest in other infrastructures, it is not surprising that there aren’t plans to increase nuclear generating capacity’, p. 36

²⁴⁴ The Brazil National Strategy of Defense, Rationale, p. 5. The full text is available at: http://www.defesa.gov.br/projetosweb/estrategia/arquivos/estrategia_defesa_nacional_ingles.pdf (last accessed on June, 8th, 2012)

²⁴⁵ The Brazil National Strategy of Defense, p. 33

²⁴⁶ The Brazil National Strategy of Defense, p. 9

²⁴⁷ Phone Interview with Dr. Olga Cortes Rabelo Leão Simbalista, Planning Director, (Assessora da Presidência), Electrobras, 24 January 2011

nuclear weapons. However, by the time that negotiations on the Treaty began in 1964, the Brazilian government had changed, and the military junta that came to power had begun considering the possibility of initiating a nuclear program. Therefore while remaining consistent in its rhetoric towards nuclear disarmament in the actual negotiation phase Brazil staunchly pursued the development of a bland treaty permissive towards development of nuclear technology.

The design of the Treaty of Tlatelolco was particularly influenced by two relationships: the low nuclear alignment between Brazil and the United States; and the low regional embeddedness among Brazil, Argentina and Mexico during the negotiations. The low regional embeddedness between Brazil and Argentina, and their emerging rivalry in particular, pushed the two countries to assume the role of spoilers against Mexican efforts to draft a comprehensive, rigorous agreement with balanced commitments on both disarmament and non-proliferation.

With regard to Brazil-U.S. relations, the moment in which Brazil conceived the idea of a regional nuclear-weapon-free zone in Latin America coincided with the launch of its independent foreign policy, after several years of automatic alignment with the United States. Prior to 1961, Brazil had been tied into an almost automatic alignment to the U.S., and during the years of the Cold War, ‘Brazil as a loyal ally of the U.S. tended to blame the Soviet intransigence and duplicity for the failures to accept verification and inspection measures and to support American determination to proceed with disarmament only under carefully controlled situations’²⁴⁸. The situation changed when

²⁴⁸ Robinson, *The Treaty of Tlatelolco and the United States: a Latin America Nuclear Free Zone*, p. 293

Brazil launched its independent foreign policy based on the following tenets²⁴⁹: 1) to practice coexistence; 2) to pursue disarmament; 3) to assist anti-colonialism; 4) to defend the independence and autonomy of less developed countries; 5) to promote solidarity with the underdeveloped world; and 6) to resist great-power influence. Nuclear and general disarmament became an important feature of Brazil's new foreign policy, as it came to be seen as increasingly connected to the broader cause of development. The then Brazilian government argued: 'the developing countries would continue to be deprived of funds for development as long as the developed countries persisted in spending large sums on arms. Therefore, the Brazilians urged that money spent by the powers on arms be transferred to programmes designed to fight poverty in the underdeveloped countries'²⁵⁰.

One of the main reasons for the launch of the independent foreign policy was the growing disenchantment of Brazil from the United States. For several years Brazil had sought the development of nuclear technology by maintaining loyalty to the U.S., but on several occasions its aspirations were consistently disappointed by the flip-flopping attitude of Washington²⁵¹. In 1961 President Quadros noted that the Brazil's position of subordination to the United States had ultimately damaged the national interests of the country. He stated: 'we had been relegated unjustifiably to an obscure position while even in our own hemisphere there were accumulating errors and problems in our way that jeopardized our very future. We gave up the subsidiary and innocuous diplomacy of

²⁴⁹ The tenets of Brazil's Independent Foreign Policy are discussed in K.L. Storrs, *Brazil's independent foreign policy, 1961-1964: background, tenets, linkage to domestic politics, and aftermath*, (Cornell University, 1972)

²⁵⁰ H Rosenbaum, and G. Cooper, Brazil and the Nuclear Non-proliferation Treaty, *International Affairs*, vol. 46, no. 1, 1970, p. 75

²⁵¹ Flesmes recalls a few episodes where the expectations of Brazil went unmet by the U.S. He writes: 'after great sources of uranium had been discovered in Brazil in the 1930s, Brazil concluded an agreement with the United States for the common exploitation. Three subsequent agreements were intended: Brazil should be compensated for its uranium supplies by nuclear technology from the U.S. Nevertheless already in 1952 the U.S. refused specific compensation and the Brazil's nuclear program failed again', in Flesmes, *Brazil's nuclear policy: From technological dependence to civil nuclear power*, p. 6

a nation aligned with worthy though alien interests and to protect our rights placed ourselves in the forefront convinced as we were of our ability to contribute with our own means to the understanding of people²⁵².

The most obvious way to challenge the U.S. superiority was by engaging both at the global and regional levels with the global disarmament campaign, and this is precisely what Brazil did in the four years following President Quadros' statement. In addition, the Cuban Missile Crisis provided Brazil with a window of opportunity to exercise leadership in its own region and devise an institution with the goal of limiting and constraining U.S. power in the region. Nevertheless, when negotiations opened in 1964 the military junta had overthrown – with the partial blessing of the U.S. – the Quadros Administration, and came to power with the ambition of turning Brazil into a nuclear power. Throughout the Tlatelolco negotiations Brazil thus oscillated between aspirations of nuclear disarmament and national interests in a nuclear energy program.

Seeking to accommodate both goals, during the negotiations of Tlatelolco Brazil displayed a rather hectic and inconsistent leadership, which culminated in its acting as a regional spoiler. Two main positions thus emerged during negotiations: the position of Brazil as intransigent on nuclear disarmament but accommodating towards nuclear proliferation; and the position of Mexico as more flexible towards the requirements on nuclear disarmament but more resolute towards nuclear proliferation. For instance, Brazil lobbied for more stringent rules to bar the possibility of nuclear weapons states to transport or transit nuclear weapons, while Mexico opted for a more flexible position, leaving each country to decide on its own whether to permit such a transit within its own

²⁵² J. Quadros, Brazil New Foreign Policy, *Foreign Affairs*, 1961, p. 19

area of sovereignty²⁵³. And, against the position taken by Brazil, Mexico lobbied for the idea of giving nuclear weapons states the right to make interpretative statements under the Treaty, to ensure smooth ratification and support for the pact. The divergence between Mexico and Brazil did not centre on different commitments towards nuclear disarmament. Rather, they disagreed on approach: the pragmatism of Mexico versus the more ideological position of Brazil. Both John Redick²⁵⁴ and Monica Serrano²⁵⁵ argue that the more accommodating position of Mexico vis-à-vis NWSs was not so much deriving from a greater proximity to NWSs and the U.S. specifically, but rather was triggered by the determination of Mexico to attain an agreement. On several occasions Mexico argued that the ideological position of Brazil would instead undermine the prospect of attaining such a deal.

Brazilian obstructionist behaviour was not only influenced by geopolitical considerations, but was equally driven by concerns over regional power distribution. The country was motivated²⁵⁶ by the clear intention to keep the Treaty as permissive as possible to prevent possible harm its future nuclear intentions. Such interest was explicated in the absolute, unconditional position of Brazil to retain within the treaty the right to execute peaceful nuclear energy explosions, a position also backed by the Argentinian government. In addition, the mounting rivalry between the two nuclear power seekers affected negotiations in another significant way. Brazil demanded extreme conditions for the entry into force of the treaty such as: 'that all states of Latin America must ratify; A protocol must be signed and ratified by all five nuclear powers including

²⁵³ The difficult negotiation between Mexico and Brazil is detailed in Serrano, M, (1992), *Common Security in Latin America, The 1967 Treaty of Tlatelolco*, London: Institute of Latin American Studies

²⁵⁴ Exchange of emails with Professor Redick, on July 31st, 2012

²⁵⁵ Serrano, *Common Security in Latin America: The 1967 Treaty of Tlatelolco*, p. 35

²⁵⁶ As noted by Professor Redick, while Brazil was in the midst of negotiations for the Treaty of Tlatelolco, a sudden change of government brought a military regime to power, and it modified Brazil's bargaining positions, with regard to the production and acquisition of nuclear technology

China; A second protocol must be signed by all non-continental states having de jure or de facto jurisdiction over territories in the area of Latin America and finally all parties to the Treaty must enter into bilateral treaties with IAEA for provision of safeguards²⁵⁷. But when Mexico responded by formulating an eclectic system which allowed the Treaty to enter into force exclusively for countries 'which wish to abide voluntarily by the status of denuclearization'²⁵⁸ of the Treaty, Brazil refused to ratify it. A similar decision was taken by Argentina, immediately afterwards. The absence of the ratification of the two main nuclear countries constituted a major blow to the credibility of the Treaty of Tlatelolco for several years.

Cooperation with Argentina

Argentina's demand for the cooperation of Brazil in the aftermath of the embargo established by the United States was received favourably by Brazil, and the convergence of interests between the two rivals eventually resulted in a series of declarations and agreements between 1979 and 1989. The most important of these remains the Agreement for the Exclusively Peaceful Use of Nuclear Energy²⁵⁹ (1991) because through this, cooperation between the two countries became legally binding and took on an international and regional outlook. The Agreement contains a number of far-reaching and legally binding commitments. Besides reconfirming the determination to use nuclear energy exclusively for peaceful purposes, the agreement led to the establishment of a Common System of Accounting and Control of Nuclear Materials (SCCC) and of its bi-national parent, the ABACC, as the most exclusive verification system thus far devised in the world.

²⁵⁷ Serrano, *Common Security in Latin America: The 1967 Treaty of Tlatelolco*, p. 58

²⁵⁸ ENDC, PV. 287, Feb. 21, 1967, par. 71, documents on disarmament, p. 102-103

²⁵⁹ The agreement was preceded by the Argentine-Brazilian Declaration on Common Nuclear Policy, signed at Foz do Iguacu, Brazil, on 28 November 1990

Two factors must be considered to understand the reasons behind devising such an agreement and a specific bilateral verification and inspection system: the low level of nuclear alignment between the U.S. and Brazil, and the low level of regional embeddedness, not only between Argentina and Brazil, but also between the two countries and their Latin American counter-parts. The decision of Brazil to respond favourably to the demand for cooperation by Argentina was partly motivated by the mounting antipathy characterising relations between the U.S. and Brazil²⁶⁰, exemplified in 1977 by Brazil's denunciation of the 1952 military agreement with the United States. The deal with West Germany as well as the staunch opposition of Brazil to sign the NPT had alienated the U.S. administration and with the incoming Carter Presidency, the U.S. Congress added Brazil - and Argentina - to the list of countries that were not to be dealt with in any form of military or technological cooperation. The embargo applied by the U.S. led to considerable economic issues for Brazil and the prospect of being able to sustain the full costs of a nuclear program seemed increasingly unfeasible. Therefore a nuclear agreement with Argentina would have entailed nuclear know-how and technology sharing which would have alleviated at least in part the costs of the nuclear program²⁶¹.

In addition, the formation of both the SCCC and the ABACC served an important international goal. At the international level, the two countries continued to oppose the discriminatory nature of the NPT and the hegemonic influence exercised by the United States, yet through the bilateral system of safeguards they were able to appease the many

²⁶⁰ Possibly the 1980s were the lowest point in the relations between the U.S. and Brazil. In 1979 Brazil condemned the Soviet invasion of Afghanistan but refused to support the U.S. proposed sanctions at the UN. In the mid 1980s the country was involved in arm export to Libya, and Iran which were strongly criticised by the United States and finally in 1986 the country reinstated its relations with Cuba, cited in Flandes, Brazil's nuclear policy: From technological dependence to civil nuclear power, p. 6

²⁶¹ R. Stanley, Co-Operation and Control: The New Approach to Nuclear Non-Proliferation in Argentina and Brazil, *Arms Control*, vol. 13, no. 2, 1992, p. 202

calls for more accountability and transparency in their nuclear programs. Julio Carales has remarked that prior to the 1990 Agreement and the decision to institute ABACC, the words ‘inspection’ and ‘safeguarding’ were nowhere to be found in the agreements between Brazil and Argentina. Many foreign observers were inclined to view Argentine-Brazilian nuclear cooperation as a means of distracting international suspicion from the ultimately non-peaceful intentions of the nuclear programs of both countries’²⁶². Therefore the system satisfied a dual aim: to mitigate mistrust and competition between the two parties and to achieve regional and international credibility.

Firstly, the decision of Brazil to pursue a cooperation agreement with Argentina by establishing a binding system of verification and inspections had been dictated by the low level of regional embeddedness between the two countries and with the rest of the region. The decision of Brazil and Argentina to pursue cooperation, although strategically important for both countries, was not conceived in a climate of mutual trust and cooperation but rather was based on the pragmatic considerations that cooperation would ultimately have been necessary and less costly than competition for both countries. Selcher comments: ‘both countries are now willing to disagree on some points of foreign policy and to pursue differing objectives without imputing ulterior motives to the other side. On the other hand, neither will all sense of competition be removed nor will an *entente cordiale* or joint hegemony develop to be the mainspring of foreign policy for either Brasilia or Buenos Aires’²⁶³. The system that was put in place was fundamentally a system of ‘cooperation for verification through the policy of neighbour

²⁶² J. Carales, The Argentine-Brazilian Nuclear Rapprochement, *The Non-proliferation Review*, vol. 2, no. 3, 1995, p. 42

²⁶³ W. Selcher, Brazilian-Argentine Relations in the 1980s: From wary rivalry to friendly competition, *Journal of Inter-American studies and world affairs*, vol. 27, no. 2, 1985, p. 24

watch neighbour'²⁶⁴ and thus the system had to be binding and entail a certain degree of invasiveness so as to convince each state of the other's commitment to adhesion.

Secondly, the pursuit of cooperation with Argentina was for Brazil also a way to reduce the reputational costs resulting from its nuclear policy. The decision of the country to pursue a nuclear deal with Germany and its refusal to sign the NPT had attracted scepticism and mistrust among even Latin American countries and Brazil had become increasingly isolated. The position of Brazil in the region was described by Jon Rosenbaum and Glenn Cooper in the following manner: 'the government's antagonists insist that the NPT policy is jeopardizing Brazil's pacific image and influence in Latin America. They claim that Brazil's NPT policy has alienated the Latin American nations and thwarted one of the country's major aspirations, the leadership of Latin America.....Criticism of Brazil's position does not mean that the Latin American countries have given their enthusiastic approval to the Treaty, but rather than they have been unwilling to endanger the opportunity to halt nuclear proliferation'²⁶⁵. A cooperation agreement with Argentina was seen as reparatory of Brazil's refusal to sign the NPT and would have shown Brazil's willingness to cooperate with other countries on nuclear issues.

Brazilian leadership in post-9/11 Latin America

This third phase, which is still developing, is characterised by low nuclear alignment between Brazil and the U.S. and low regional embeddedness between Brazil and Argentina and Mexico, aggravated by an increasing alignment between Argentina and

²⁶⁴ Irma Arguello Phone Interview, 14 July 2012

²⁶⁵ Rosenbaum and Cooper, Brazil and the Nuclear Non-proliferation Treaty, p. 84-85

the United States on the front of nuclear security and an alignment between Mexico and the U.S. on the front of nuclear non-proliferation.

Brazil's signing of the NPT in 1998 won praise from the Clinton administration, but it did not alter its unwavering commitment regarding nuclear disarmament. To underline this stance, the ratification of the NPT by the Brazilian government was accompanied by a declaration: 'in view of the auspicious international trends, Brazil had decided to accede to the NPT on the understanding that effective measures would be taken towards the total elimination of nuclear weapons'²⁶⁶. Both at the global level, through the New Agenda Coalition²⁶⁷, and by engaging in institution building in South America, Brazil began promoting concrete measures to achieve disarmament.

At the same time, Argentina and Mexico began to take on a preeminent role in the parallel process of institution building conducted at the inter-hemispheric level by the United States. Since the 1990s, the two countries have increasingly gravitated to within the U.S. area of influence and in the nuclear sphere they have become the strongest supporters of the U.S. in Latin America. Argentina has adhered to and sustained virtually all U.S.-led initiatives launched since 2001, including the PSI, the Global Initiative to Combat Nuclear Terrorism and the Nuclear Security Summits of 2010 and 2012, in which Argentina actively participated. In addition, the country has increasingly shown its willingness to sign the model Additional Protocol. The Argentinians have made it clear that their current position does 'not represent an Argentine rejection of the AP. The Argentinian government had not staked out an ideological or theological position against

²⁶⁶ Ambassador Amorim, Brazil delegation, NPT/CONF. 2000/28, PART IV, p. 29

²⁶⁷ Brazil is one of the founders of the New Agenda Coalition (NAC), together with Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden. This inter-regional group was established in 1999, and since then it has been credited with numerous initiatives submitted both at the NPT Review Conferences and within the UN Commission on Disarmament, aiming to promote concrete and verifiable steps towards the total elimination of nuclear weapons

the AP and had been surprised in the past by Brazil's strong stand'²⁶⁸. Yet the non-ratification of the Additional Protocol is attributed to the agreement in force with Brazil through ABACC and to 'the importance of the two countries moving forward together in order to maintain regional equilibrium, which was important given the history of conflict between Argentina and Brazil'²⁶⁹. Within the OAS, Argentina has played an active role in promoting the U.S.-designed nuclear security agenda at both regional and global levels. This is due to the fact that Argentina, similarly to the U.S., has been the target of terrorist attacks and therefore shares similar security concerns with the United States. Particularly within Latin America, Argentina has incessantly lobbied, so far with little success, for more stringent border and export controls and has organised and led training sessions across Latin America to boost compliance with Resolution 1540²⁷⁰.

The alignment between Argentina and the United States has found a third invaluable supporter in the Mexican government. Whereas that country has not necessarily played a crucial role in nuclear security at the regional level, it has nonetheless advanced the agenda at the global level, acting as vice-chair of the 1540 Committee in 2009-2010. Mexico has been instrumental in strengthening the support of Latin American countries towards the ratification of the Additional Protocol, which still suffers from lessened support within the region. It is Mexico's position that 'inspection authority of the IAEA should be strengthened through the universal adoption of the model Additional Protocol'²⁷¹. To demonstrate its commitment, Mexico has signed and ratified the Additional Protocol (which entered into force in March 2011). Within the OAS it offered

²⁶⁸ U.S. Embassy cable - 09BUENOSAIRE964, Argentina enthusiastic and responsive on non-proliferation issues in meetings with the White House Special Assistant, August 2009

²⁶⁹ U.S. Embassy cable - 09BUENOSAIRE964, Argentina enthusiastic and responsive on non-proliferation issues in meetings with the White House Special Assistant, August 2009

²⁷⁰ OAS Committee on Hemispheric Security, OEA/CP/CSH/SA-165/11, 21 March 2011 record of the meeting of 17 February 2011

²⁷¹ NPT/CONF. 2005*/57 PART III, p. 31

a resolution²⁷² in 2003 calling on states ‘who have yet done so to negotiate and implement as soon as possible agreements with the International Atomic Energy Agency (IAEA) for application of that Agency's safeguards to their nuclear activities, as stipulated in Article 13 of the Treaty of Tlatelolco and to reaffirm its commitment to continue striving for a non-proliferation regime that is universal, genuine, and non-discriminatory in every aspect’²⁷³. The resolution seemed timely: it was released roughly during the period in which the Brazilian government had announced that it ‘will begin enriching uranium in 2004 for its civilian nuclear energy program and could possibly export uranium in coming years’²⁷⁴.

The flourishing of declarations within the OAS, in some cases indirectly targeting Brazilian nuclear policies, are an obviously worrying sign for Brazil because they reveal a level of mistrust lingering against them within Latin America²⁷⁵. For countries such as Mexico, ‘the position of Brazil vis-à-vis the model Additional Protocol, as well as the low-key participation in nuclear security activities has significant consequences for the security of the entire region, given the strategic importance [of Brazil]’²⁷⁶. Nevertheless, despite regional criticism, Brazil has sought to resist the U.S.-driven nuclear agenda in Latin America through a variety of strategies. It has openly criticised the U.S. call for coercive measures in the fight against terrorism. For instance, when the U.S. sought in 2004 to impose an accord that would have turned the Inter-American Defence Board into the hemisphere-wide coordinator of a U.S.-led counterterrorism strategy, Brazilian Vice President and Acting Defence Minister Jose Alencar delivered the most comprehensive

²⁷² OAS official documents, AG/RES 1937

²⁷³ OAS official documents, AG/RES 1937 Articles 3 e 4 AG/RES. 1937 (XXXIII-O/03)

²⁷⁴ The announcement was reported by the Nuclear Threat Initiative web site on October 7th, 2003 on the following web site: <http://www.nti.org/gsn/article/brazil-announces-uranium-enrichment-plans/>

²⁷⁵ Crandall, R, (2011), *The Post American Hemisphere: Power and Politics in an Autonomous Latin America*, Foreign Affairs, Vol. 90., No. 3, p. 89

²⁷⁶ Interview with the Mexican Ambassador Alejandro Diaz Perez-Duarte, 2 May 2012, during the 2012 NPT PrepCom, Vienna

rejection of U.S. Defence Secretary Donald Rumsfeld's proposal. He said: 'some favour the use of force to combat terrorism and the international proliferation of weapons of mass destruction, while others like ourselves defend cooperation in combating structural threats reflected in extreme poverty, hunger and the growth of inequality'²⁷⁷.

Brazil has also sought to nurture its relation with Mexico in the fight against nuclear disarmament and has offered up several proposals to maintain the centrality of nuclear disarmament, calling for the ratification of the Comprehensive Nuclear Test Ban Treaty, in particular²⁷⁸. Such resolutions have been accompanied by a series of capacity building training sessions organised by the Brazilian Ministry of Defence and the Mexican government, aimed at 'strengthening the institutional capacity of countries of Latin America for full implementation of the Treaty'²⁷⁹.

Brazil has also tried to obstruct U.S. agenda through passive resistance. A cable leaked in 2009 highlighted Washington's frustration over the positions taken by Brazil on issues relating to counter-proliferation and counter-terrorism: 'U.S.-Brazil cooperation is often limited by the Government of Brazil's unwillingness to speak out against anti-democratic actions in the hemisphere and to take proactive steps to address key issues such as nuclear non-proliferation and counter-proliferation concerns and expand its international leadership in meaningful ways'²⁸⁰.

²⁷⁷ B. Van Auken, US-Latin American tensions over 'war on terror', *Newsonline*, 23 November 2004 available at <http://wsws.org/articles/2004/nov2004/rums-n23.shtml>

²⁷⁸ Inter-American Support for the Comprehensive Nuclear-Test-Ban Treaty, Resolution adopted at the fourth plenary session, held on June 10, 2003, AG/RES. 1938 (XXXIII-O/03). Several other resolutions have then followed

²⁷⁹ AG/RES. 2273 (XXXVII-O/07) INTER-AMERICAN SUPPORT FOR THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY^{279/} (Adopted at the fourth plenary session, held on June 5, 2007)

²⁸⁰ Friday 2 October 2009, Secret Section 01 of 04 Brasilia Number 001216 SIPDIS, Subject Brazil: scene setter for October 5-7 visit of U.S. Deputy Coordinator of Regional Affairs Shari Villarosa

Finally, Brazil has focussed much more intensely on the process of institution building in South America, where it has been instrumental in the creation of two major institutions: UNASUR and MERCOSUR. In their respective political statements both institutions have emphasised their full commitment to a nuclear agenda with the clear primary goal of eliminating nuclear weapons.

Conclusions

In Chapter II, this thesis sets out the theoretical framework and formulates a few hypotheses. In particular, it argues that ‘when nuclear alignment to the United States and the degree of regional embeddedness are low, the regional power will display *hedging leadership* and will seek to devise a regional nuclear regime that is characterised by divergence in terms of goals and methods from the ones of the U.S. global nuclear regime (complete divergence)’.

The leadership of Brazil can be considered *hedging* for two reasons. First, it has sought to challenge U.S. nuclear preferences in at least two ways: by pursuing and maintaining the centrality of nuclear disarmament in both Latin American and South American regional nuclear frameworks; and by refusing to subject itself to the U.S. global nuclear non-proliferation agenda²⁸¹. Nevertheless, the leadership of Brazil has also been *hedging* in the context of relations with its Latin American counterparts. The country has clearly displayed an ambivalent approach to regional cooperation and it did not hesitate to act as a regional spoiler in processes that fundamentally threatened its main interests.

²⁸¹ Brazil rejects more than anything else the over-emphasis that the U.S. has placed on nuclear proliferation so as to strategically shift the focus away from nuclear disarmament

Low nuclear alignment between Brazil and the United States

Scholars have defined Brazil's relationship with the United States as 'relatively distancing'²⁸², and one of 'constrained disagreements'²⁸³. Andrew Hurrell states: 'the relationship had been characterized both by real clashes of interest, by deep and persistent divergences in the way in which the two countries view the international system, and by a recurrent sense of frustration'²⁸⁴. This is also true for their nuclear relations, in which the distance between the two positions is remarkably wide and has widened over time.

A brief survey of the major statements released by Brazil show its position as antithetical to that of the United States. Among its forceful assertions, in 2010 the country stated that: 'Brazil considers that non-proliferation efforts are but a means of fulfilling the highest aspirations and purposes of the Treaty which are aimed at avoiding the risk of a nuclear war and achieving the goal of a safer nuclear weapons free world'²⁸⁵. And at the 2005 NPT RevConf, a spokesperson for Brazil stated: 'the pursuit of nuclear disarmament was also necessary to alleviate the international community's concern about proliferation'²⁸⁶. Such positions see nuclear non-proliferation as a subordinate goal to nuclear disarmament, a concept also clearly ingrained in the Treaty of Tlatelolco. Brazil's interpretation of the link between disarmament and non-proliferation challenges the U.S. position, which instead sees nuclear non-proliferation as an essential condition to attaining concrete steps towards nuclear disarmament (Chapter III).

²⁸² A. Hurrell, Brazil and the New Global Order, *Current History*, vol. 109, no. 724, 2010, p. 1

²⁸³ Hirst, The United States and Brazil, A Long Road of unmet expectations, p. 74

²⁸⁴ Hirst, The United States and Brazil, A Long Road of unmet expectations, p. 74

²⁸⁵ 2010 Review Conference of the Parties to the Treaty, NPT/CONF. 2010/50, VOL. II, p. 251

²⁸⁶ NPT/CONF.2005/57 PART III, p. 156

Brazil categorically rejects the idea of nuclear deterrence, despite it being central to U.S. national defence strategy. In our interview in Vienna, Ambassador Antonio Jose Vallim Guerreiro told me that the reliance on nuclear weapons to preserve world order is ‘an insane argument which is no longer credible’²⁸⁷. The centrality of nuclear disarmament is so fundamental for Brazil that in its National Defence Strategy released in 2008, the country affirmed that it would ‘not adhere to amendments to the treaty extending restrictions of the treaty until the nuclear weapons states advance in the central premise of the treaty: their own nuclear disarmament’²⁸⁸.

With regard to the goals of nuclear non-proliferation and nuclear security, although Brazil shares concerns with the U.S. over nuclear terrorism, its policy prescriptions are diametrically opposite. In its report to the UN 1540 Committee, the Brazilian government has argued that ‘the risk that weapons of mass destruction and related technologies may fall into the hands of non-state actors or terrorists only strengthens the need to work towards complete nuclear disarmament’²⁸⁹. Its position contrasts with that of the U.S., which sees a compelling necessity to adopt and strengthen ad-hoc counter-proliferation and non-proliferation measures against non-state actors.

The low nuclear alignment between the U.S. and Brazil has brought the latter to use regional cooperation as a means to re-address the current status of nuclear governance at the global level and to skew cooperation more explicitly in favour of nuclear disarmament.

²⁸⁷ Interview with Ambassador Guerreiro, 2 May. 2012, at the NPT PrepCom, Vienna

²⁸⁸ Brazil National Strategy of Defence, 2008, p. 34

²⁸⁹ 2005 Review Conference of the parties to the NPOT, NPT/CONF. 2005/43 20 May 2005 Implementation of the Treaty, Brazil, p. 436

Low regional embeddedness among Brazil, Mexico and Argentina

My analysis defines the relationship between Brazil and the other two nuclear states to be of *low regional embeddedness* for two main reasons: first, there are key differences between the nuclear interests of Brazil and those of Argentina and Mexico; hence the realisation of regional nuclear policies presents remarkable challenges and has not always been successful. The differing stances of the three countries have significantly weakened relations with the U.S. as they are unable to speak with one voice, leading to contradictory and fragmented policies. Second, Brazil has displayed a noncommittal approach to Latin America, engaging pragmatically to satisfy its national interests without necessarily investing in the development of long-lasting institutions.

This half-hearted commitment to the region is clearly visible in the historical account provided in the previous pages. Brazil did not hesitate to act as a regional spoiler during negotiations for the Treaty of Tlatelolco, nor has it developed any particular interest in supporting regional cooperation in recent years. The power asymmetry between Brazil and the rest of the region has certainly not encouraged the country to pursue positions that are more accommodating of other players' views. Nevertheless, relations among Mexico, Argentina and Brazil remain the real fulcrum of the regional nuclear regime; where the three countries' interests converge, genuine regional cooperation can be attained. For instance, the shared goal of nuclear disarmament gave rise to the Treaty of Tlatelolco and has remained the central theme in regional nuclear cooperation. Yet considerable differences over nuclear non-proliferation and nuclear security policies remain among the three countries and undermine the possibility of further cooperation at the Latin American level.

Regarding nuclear non-proliferation, the proximity of Argentina and Brazil has allowed for the establishment of the ABACC system. Nonetheless, it is important to note that the system came into existence because Argentina, in a position of inferiority to Brazil, opted for a more conciliatory policy towards its larger neighbour. The power asymmetry between the two countries remains a major source of apprehension for Argentina. For example, an unclassified but highly confidential cable leaked in March 2011 reveals Argentinian concerns over the direction of Brazil's nuclear policies. It clearly suggests a lack of trust between the two countries but notes in particular the deep sense of vulnerability felt by Argentina. The cable recounted a meeting between U.S. and Argentinian officials to discuss the various plans of Brazil to expand its nuclear capabilities, and stated that 'For the moment, Argentina looked on Brazil as a proliferation risk the way they looked at Germany, Japan or South Korea – countries that could develop and detonate nuclear weapons in no time if they wanted to do so, but whose strong and democratically-based commitment to international rules would in almost all scenarios prevent this decision'²⁹⁰.

Such apprehension of the future position of Brazil has led Argentina to lean more favourably towards the United States, and to lend more support to nuclear policies such as the ratification of the model Additional Protocol, which Brazil adamantly opposes. During my interviews with various Brazilian officials, I asked them to comment on statements made by Argentina regarding the possibility of ratifying the model AP. Professor Brigagão took a dismissive stance and described these statements as 'simple political moves to upset Brazil'²⁹¹.

²⁹⁰ WikiLeaks, 241660, Argentine MFA Shares Some Concerns About Brazilian Foreign Policy, Nuclear Potential Thu, 24 Dec 2009 available at <http://www.cablegatesearch.net/cable.php?id=09BUENOSAIRE51305>

²⁹¹ Phone interview with Professor Clovis Brigagão, 13 August 2012

On the other hand, Mexico has expressed less vulnerability to and anxiety of Brazil, despite intense arguments between the two countries during the negotiation process of Tlatelolco. Most recently, Mexico has intensified its commitment to nuclear non-proliferation and nuclear security policies to become 'a leading example in Latin America'²⁹². These efforts have played in favour of the U.S. nuclear agenda and have substantially moved the focus of regional nuclear cooperation further away from nuclear disarmament.

Regime interplay and the future of Latin America nuclear governance

Given the absence of any powerful challenger to Brazil's power or any strong regional organisation that could coerce it into more accommodating positions, the regional nuclear regime has for several years largely mirrored Brazilian interests on both nuclear disarmament and nuclear non-proliferation issues. However, the situation is becoming increasingly complex with greater involvement of the United States in the region and the emergence of a group of countries, led by Argentina and Mexico, determined to provide meaningful contributions to the U.S. nuclear agenda. Although these countries remain incapable of coercing Brazil into unwanted collective policies, they can still offer an important support to the United States and can play a powerful role in forging new regional nuclear policies. Therefore, although the regional nuclear regime continues to diverge from U.S. interests, such divergence is shrinking considerably over time and tilting more explicitly in favour of U.S. national interests.

In this respect, the new emphasis placed by Brazil on carving out a new institutional framework within South America should be read as a new phase of the counter-

²⁹² Interview with the Ambassador Guerreiro, 2 May 2012

hegemonic history that has characterised Brazil-U.S. relations. One recent cable reveals U.S. awareness of Brazil's project: 'the likelihood that the Brazilian Foreign Ministry will reject new policy-level proposals for regional security cooperation as the Government of Brazil focuses on building up regional security architecture in South America that does not include the U.S.'²⁹³. The decision to declare unconditional support to nuclear disarmament within the Constitutive Treaty of UNASUR demonstrates the continuous determination of Brazil to maintain the centrality of nuclear disarmament to nuclear politics in Latin America and serves as a consistent reminder of the unfulfilled global nuclear obligations of the United States.

²⁹³ Friday 2 October 2009 Secret Section 01 of 04 Brazilian, Number 001216 SIPDIS subject Brazil: scene setter for October 5-7 visit of Deputy Coordinator of regional affairs Shari Villarosa

Chapter V: Indonesia Strategic Leadership and the Southeast Asia Nuclear Regime

Some scholars may be sceptical of the overall claim of this chapter that a regional nuclear regime has emerged and is thriving in Southeast Asia, a region known for its loose governance systems, half-hearted regional integration and irremediably slow – although democratic – decision-making processes²⁹⁴. According to Michael Malley²⁹⁵, regional cooperation in the nuclear sector is reproducing the governance modalities traditionally adopted by ASEAN in the governance of other sectors. This means that regional nuclear initiatives tend to occur frequently at an informal level, and that they remain substantially extemporaneous, often taking place in the absence of a comprehensive long-term approach. Yet that view is not necessarily shared among scholars and is partially contested by the analysis offered in this chapter.

While it should not be denied that nuclear cooperation, as it has surfaced in Southeast Asia, remains partially affected by endemic institutional weaknesses and lack of policy cohesiveness among the ASEAN member states, it has nonetheless reached levels of institutionalisation and formalisation largely unknown in other sectors. One striking example is that two of the three binding treaties that ASEAN has been able to ratify, the Southeast Asia Nuclear-Weapon-Free Zone Treaty (SEANWFZT) and the ASEAN Convention on Counter Terrorism (ACCT), respectively deal directly and indirectly with the risks posed by nuclear weapons and their proliferation. Besides these two institutions,

²⁹⁴ The discussion on the governance modalities adopted by ASEAN, and a thorough explanation of their cultural and political significance is contained in several works authored by Amit Acharya such as: A. Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the problem of regional order*, (Abingdon: Routledge; 2001); A Regional Security Community in Southeast Asia?, *Journal of Strategic Studies*, vol. 18, no.3, 1995, pp. 175-200

²⁹⁵ M. Malley, 'Bypassing Regionalism? Domestic Politics and Nuclear Energy Security', in D. K. Emmerson, ed., *Hard Choices: Security, Democracy, and Regionalism in Southeast Asia* (Stanford, CA: Shorenstein Asia-Pacific Research Center, 2008; Singapore: Institute of Southeast Asian Studies, 2009), pp. 241, 256

myriad declarations and other institutional instruments have recently been put in place, further institutionalising the commitment of ASEAN and its member states towards nuclear governance.

The subtle yet significant divergence that regional nuclear governance displays from the conventional ASEAN 'way' of governance of other sectors can be explained by two factors. On one hand, the severity of nuclear risks that the region has historically faced since the creation of ASEAN in 1967 has prompted a sense of urgency and has compelled states within the region itself to act responsibly and in more formalised fashion to respond to such risks. Indonesia, the country that more than any other has aspired to regional leadership, had been particularly eager to establish nuclear institutions that would be sufficiently strong to ensure and maintain Southeast Asia as a denuclearised area by binding great powers to abide by specific rules of conduct when operating in and transiting through the Southeast Asian region. Secondly, given the high geo-strategic relevance that Southeast Asia has come to assume for the United States, particularly in the war against terrorism, Washington has also been proactive in pushing ASEAN to produce credible and legally binding institutions that would ensure the commitment of its member states to the fight against nuclear proliferation and terrorism.

Subsequently it should be noted that in the case of nuclear governance, the alleged lack of policy cohesiveness of ASEAN nuclear agenda must not be attributed to its low institutional capacities to construct a more unitary approach, but rather to the determination of ASEAN and its member states to reach consensual decisions based on a thorough process of accommodation of different, frequently antithetic perceptions and views of nuclear risks by the member states themselves. In this sense, the ASEAN

nuclear regime with all its various inconsistencies is a political choice rather than an unintended consequence of institutional decision-making deficiencies.

This chapter ultimately contends that the current regional nuclear regime in Southeast Asia should be read as the outcome of a bargaining process between Indonesia's nuclear interests and the United States on the one hand, and Indonesia and Singapore on the other hand. The complex relationship between Indonesia and the U.S., characterised by low nuclear alignment, has prompted Indonesia to use regional nuclear cooperation as a platform to poke significant holes in the agenda of nuclear disarmament²⁹⁶ both at the regional and global levels. Nevertheless, these attempts have been frequently checkmated by countries such as Singapore, which is more favourably disposed to the U.S. nuclear agenda and is interested in designing a regional regime that encompasses obligations of non-proliferation. Ultimately, the high regional embeddedness of Indonesia with Southeast Asia, deriving from the uncompromising relevance that Indonesia assigns to ASEAN and its regional unity²⁹⁷ and from complex interdependence with Singapore, has led Indonesia to recast its nuclear leadership in a more accommodating, softer fashion. This accommodation results in a substantial divergence from the U.S. global nuclear regime, but not a total rejection of U.S. nuclear interests, and this divergence is today shrinking and levelling out.

²⁹⁶ Interview with Febrian Ruddyard and Daniel Simanjuntak, 11 October 2011 Jakarta. In one of the key passages of the interview, both my interviewees clearly stated that risks of nuclear proliferation are brought to the region by Global North countries and therefore, to eliminate nuclear risks from the region, the only realistic option is to regulate the behaviour of Nuclear-Weapons States

²⁹⁷ Interview with Dewi Fortuna Anwar, 12 October 2011, Jakarta

The regional nuclear regime in Southeast Asia: a preliminary overview

The two defining characteristics of the regional nuclear regime in Southeast Asia are firstly, its unique role within the ASEAN regional security integration process and secondly, its overly complex institutional architecture that has evolved over the years.

Nuclear governance enjoys a special place within the process of regional integration in Southeast Asia. Since the establishment of ASEAN in 1967, the development of security architecture in the region has coincided and symbiotically developed in conjunction with a regional nuclear architecture. It is through dealing collectively with nuclear risks that confidence and trust among ASEAN founders have begun to emerge. It is through discussion on the modalities and features of establishing a nuclear-weapon-free zone that the region has begun to grapple with its own territorial sovereignty and boundaries²⁹⁸. Finally, it is through ‘the management of nuclear risks that ASEAN has started engaging the great powers on equal terms and with a sense of entitlement over its own political and geographical space’²⁹⁹. The importance of nuclear governance in the regional integration process is exemplified by the ASEAN charter, adopted in 2008, which outlines the critical steps necessary to transform ASEAN into a Political Community. It sets out in Article 1, Paragraph 3 the goal to: ‘preserve Southeast Asia as a nuclear-weapon-free zone and free of all other weapons of mass destruction’³⁰⁰. The commitment of ASEAN to work towards nuclear disarmament and nuclear non-proliferation continues to mature alongside the strengthening of its own regional integration³⁰¹.

²⁹⁸ Several of my interviewees in Jakarta have pointed out the critical importance of nuclear cooperation for the establishment of an ASEAN security agenda. Among them: Lina Alexandra (29 September 2011); Makmur Keliat (4 October 2011); Ambassador Wibisono (6 October 2011)

²⁹⁹ Interview with Ambassador Makarim Wibisono, 6 October 2011, Jakarta

³⁰⁰ Article 1, paragraph 3, ASEAN charter (2008)

³⁰¹ Interview with Dr. Termak Chalermphanupap, 7 October 2011, Jakarta

The fact that the Southeast Asian regional nuclear regime has been developed concurrently with the process of regional integration has important implications for how the concept of ‘regional embeddedness’, as it is used in this thesis, should be explored in the context of this region. Throughout this chapter, regional embeddedness is examined mainly in terms of the convergence or divergence of nuclear interests between Indonesia and Singapore, rather than in terms of the relation between Indonesia and ASEAN. Furthermore, despite the contrasting views held by both countries, regional embeddedness is depicted as high throughout the chapter.

The decision to look at regional embeddedness in terms of the nature of the bilateral relations between Indonesia and Singapore is dictated by the fact that many of the nuclear negotiations within ASEAN, particularly at its inception, took place in a modestly institutional context in which ASEAN played more of a symbolic than a substantive role. This means that many of the nuclear policies developed in the region, particularly during the Cold war, were the by-products of relations and decision-making processes involving predominantly the most powerful states, such as Indonesia, above all, with Singapore (and Malaysia). This has changed over the course of the years due to ASEAN acquiring increasing skills and capacities of its own, yet ASEAN nuclear policies remain predominantly conceived - at least in the preliminary stages - within inter-state bilateral relations, and are subsequently shared and discussed at the regional level. In the nuclear realm, bilateral relations between Indonesia and Singapore remain to date the most influential.

Furthermore, the decision of casting regional embeddedness as high, despite the substantial differences characterising Indonesia and Singapore respective nuclear

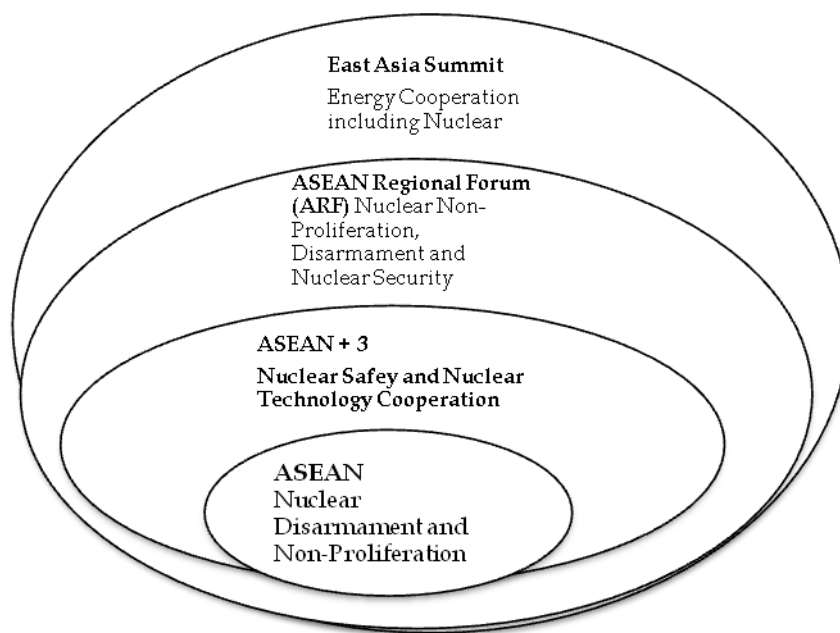
policies, is motivated by the fact that for both countries, ASEAN and regional unity remain the primary goals. Therefore, although they are both willing to bargain hard within ASEAN towards defining nuclear policies in line with their interests, simultaneously they are aware of their interdependence and of the need for accommodation to prevent harming ASEAN and the pursuit of regional unity.

Finally, as in many other sectors, in the nuclear realm ASEAN member states have produced an impressive number of institutions of a diverse nature. Many of them, like in the most conventional ASEAN way, are non-binding working groups and networks, whereas others are instead binding and endowed with enforcement mechanisms. It should be noted, however, that in the governance of nuclear policies, institutions that deal with the security dimension of nuclear weapons and their proliferation are preferably binding and crafted within ASEAN. In international forums such as the East Asia Summit, which involves also powerful outsider countries, cooperation is pursued by ASEAN - in a more informal manner - in issues that do not have a security implication, but rather pertain to the economics of nuclear technology, such as the facilitation of energy investments and technology transfer. The production of multiple forums for discussions around nuclear technology (whether their security or economic implication) should be seen as a skillful tactic on the part of ASEAN and its member states to harvest the benefits of cooperation with the most technologically powerful states while minimising outsider interference in the crafting of the most sensitive ASEAN nuclear policies related to security management.

This strategy of appeasement of outsider powers has not been always successful, a notable exception being the ASEAN Regional Forum in which, the Inter-Sessional

Meeting on Nuclear Non-Proliferation and Disarmament (henceforth ISM-on-NPD), has been established in 2009. It is mandated to promote inter-regional cooperation on issues related to nuclear disarmament, nuclear non-proliferation and nuclear security, although in a non-binding fashion. Such an institution was lobbied for by the United States and is a tangible sign of the forceful re-engagement that the U.S. has sought in Southeast Asia on issues particularly vital to its national security. The various institutional levels through which the regional nuclear regime has come into being can be fitted together like Russian nesting dolls³⁰² as Graph 1 illustrates.

Graph 1 – The regional nuclear regime of Southeast Asia



³⁰² Given that the focus of this thesis is to explore regional nuclear governance in the three policy areas of nuclear disarmament, non-proliferation and nuclear security, the two institutional settings that will be analysed are ASEAN itself and the ASEAN Regional Forum. The graph below was inspired by the interpretation of Ellen Frost, who has argued that the architecture of existing Asian organisations may be best represented in a concentric circles model that laps outward and recedes depending on the political circumstances and diplomatic opportunities. E. Frost, *Asia's New Regionalism*, (Boulder: Lynne Rienner, 2008), pp. 131-132

The regional nuclear regime and its interplay

Three institutions can be considered to be at the core of the regional nuclear regime in Southeast Asia: the Southeast Asia Nuclear-Weapon-Free Zone Treaty (SEANWFZT), also called the Bangkok Treaty, the ASEAN Convention on Counter Terrorism (ACCT), and the ARF Inter-Sessional Meeting on Nuclear Non-Proliferation and Disarmament (ISM-on-NPD). ASEAN has created many institutions over the past 40 years, but nonetheless these three are the most significant as each represents an important shift in regional nuclear governance. SEANWFZT introduced the regional agenda of nuclear disarmament and non-proliferation, the ACCT set the basis for regional nuclear security cooperation, and the ARF Inter-Sessional Meeting on Nuclear Non-Proliferation and Disarmament represented a significant expansion of the ASEAN nuclear agenda to involve external powers such as the United States.

In terms of goals, the Southeast Asia nuclear regime reflects the high diversity in the interests of its founders. As leader of the Non Aligned Movement, Indonesia sought regional cooperation as a means to limit great powers in the region and to advance progress towards nuclear disarmament. Singapore pursued regional cooperation as a means to commit Southeast Asian countries to non-proliferation and thereby gain the credibility and trust of the United States, and ultimately its protection. Between these extremes, the other founders of ASEAN - Thailand, Malaysia and the Philippines - adopted a more balanced and accommodating approach to equally address both goals. Although nuclear disarmament remains a critical element of the regional nuclear regime, this chapter assumes that nuclear non-proliferation is its primary goal. Firstly, differently from the goal of nuclear disarmament, the goal of nuclear non-proliferation has been agreed upon by all states in the region. As this chapter will subsequently demonstrate,

the ambition of Indonesia to see Southeast Asia as a denuclearised area remains contested by some states in the region, and Singapore in particular, that consider the U.S. nuclear deterrence umbrella still indispensable to their survival. Secondly, ASEAN has paid increasing attention to the issue of nuclear non-proliferation and with the increase in the number of nuclear technology seekers in the region, nuclear non-proliferation tops today's ASEAN security agenda. Finally, the record of the regional nuclear disarmament strategy is rather weak. As I will explain, although all Southeast Asian member states have ratified the Treaty of Bangkok, none of the region's nuclear-weapons states have ratified the Treaty's two additional protocols pertaining to the behaviour of nuclear-weapons states when operating in the region, and therefore without the consent of the nuclear-weapons states, the Treaty has a symbolic power in the realm of nuclear disarmament. In recent times, the goal of nuclear security has been added to the ASEAN nuclear agenda, although with political resistance from some countries, above all from Indonesia. The goal has acquired increasing preeminence thanks to the efforts of Singapore, who has led in the development of numerous initiatives in line with the U.S. global nuclear security agenda.

Goals and methods of the Southeast Asian nuclear regime

Nuclear Non-Proliferation

The non-proliferation record of the region, although certainly not perfect, has been frequently and proudly depicted by ASEAN officials as 'impeccable'³⁰³. All ASEAN member states are parties to the NPT and all but one (Brunei) to the IAEA, and all have agreed upon comprehensive safeguards with the agency. As it has been revealed by the IAEA itself, 'as of March 2012 no ASEAN state had been reported as having breached

³⁰³ Interview with Dr. Termak Chalermphanupap, Jakarta, 7 October 2011

its NPT required safeguards agreement'³⁰⁴. This climate of compliance and reliability continues to reinforce confidence and trust in the region and further reduce any incentive to proliferate.

Although concerns over nuclear non-proliferation were shared by some countries, above all Singapore, the issue was not seen to be as pressing as the desire for nuclear disarmament by Indonesia, given the limited diffusion of nuclear technology in the region at that time. Nevertheless, Singapore felt that the Treaty would only be credible if it included both goals, thus paving the way for negotiations for the Southeast Asia Nuclear-Weapon-Free Zone Treaty in 1971, which should be regarded as the cornerstone of regional nuclear governance. The overall scope of the Treaty is to ban the production, transport or stationing of nuclear weapons in the whole Southeast Asia area³⁰⁵. The first of its two parts defines and regulates the behaviour of ASEAN member states in regard to nuclear proliferation. The second part of the treaty, enhanced by an additional protocol³⁰⁶, details the responsibilities and the expected nuclear demeanour of Nuclear Weapon States (NWS) when operating in the region. This treaty entered into force in 1995.

The treaty clearly strengthens the norm of nuclear non-proliferation, because by ratifying the treaty, 'the signatory states agree to subject any peaceful energy programmes to rigorous nuclear safety assessment conforming to guidelines and standards recommended by the IAEA and to support the continued effectiveness of the

³⁰⁴ D. Santoro, ASEAN's WMD Scorecard, *Pacific Forum CSIS, Issues&Insights*, vol. 12, no. 3, 2012, p. 6

³⁰⁵ Article 3 of the Southeast Asia Nuclear-Weapon-Free Zone Treaty clearly states: 'Each State Party undertakes not to, anywhere inside or outside the Zone: (a) develop, manufacture or otherwise acquire, possess or have control over nuclear weapons; (b) station or transport nuclear weapons by any means; or (c) test or use nuclear weapons. The Treaty can be downloaded from: <http://www.aseansec.org/2082.htm>

³⁰⁶ In order to distinguish between the additional protocol of the IAEA (AP) and the one contained in the Southeast Asia Nuclear Weapon-Free Zone Treaty, I will refer to the former as the IAEA Additional Protocol

international non-proliferation system based on the NTP and on the IAEA safeguards system³⁰⁷. Furthermore, all signatory states are monitored by an Executive Commission, which is mandated to oversee the implementation of the treaty and to impose sanctions on non-compliant behaviour³⁰⁸.

Regional commitment towards nuclear non-proliferation has become increasingly visible over the years, particularly with the deepening of ASEAN regional integration. In 2007, ASEAN released the plan of action for the implementation of the Southeast Asia Nuclear-Weapon-Free Zone Treaty, which explicitly ‘encourages states parties to complete their accession to the IAEA safeguard agreement and join international agreements e.g. the Comprehensive Test Ban Treaty (CTBT), The Convention on Nuclear Safety, and the IAEA Additional Protocol’³⁰⁹. The increasing importance that nuclear non-proliferation policies have acquired within ASEAN is in part due to the growing interest among many Southeast Asian countries towards possible investments in nuclear energy. The poor record held by the region in terms of the ratification of the model Additional Protocol³¹⁰ has heightened concerns for the future safety and security of the region and Singapore has called for more proactive and credible non-proliferation policies. Indonesia too has endorsed the shift towards a more explicit engagement on nuclear non-proliferation, as the country considers it strategic to ‘raise the profiles of SEANWFZT and ASEAN's contribution to non-proliferation’³¹¹. Indonesia hopes that in showing full commitment to nuclear non-proliferation, this could facilitate efforts to

³⁰⁷ Article 10-11 of the SEANWFZT

³⁰⁸ Article 9 of the SEANWFZT

³⁰⁹ SEANWFZ Plan of action 2007

³¹⁰ Out of the ten ASEAN member states, only three countries have ratified the model Additional Protocol of the IAEA. Indonesia was the first country to ratify it (1999), followed by Singapore (2008), and the Philippines in 2010. Yet the ratification of Malaysia, Thailand and, most controversially, Myanmar, remain pending. This information is taken from Santoro, ASEAN's WMD Scorecard, Pacific Forum CSIS, Issues & Insights, p. 6-8. The low adherence to the IAEA Additional Protocol is predominantly explained by the very limited diffusion of nuclear technology across the region. Similarly, Brunei does not hold membership at the IAEA because the lack of nuclear infrastructures in the country

³¹¹ From the official web site of ASEAN: <http://www.aseansec.org/26690.htm>

dispose nuclear-weapons states to fulfil their obligations towards nuclear disarmament at the regional by ratifying the relevant protocol of the SEANWFZT³¹².

The work of ASEAN on nuclear non-proliferation has been integrated by several other initiatives within the ASEAN Regional Forum³¹³ (ARF) where, in contrast to the ASEAN context, the United States in particular (frequently backed by the European Union) has spotted an opportunity to influence the choice of ASEAN regional nuclear policies, either directly or through the work of allied countries such as Singapore. The ARF has therefore used inter-regional dialogue to strengthen the commitment of its member states towards nuclear non-proliferation and nuclear security policies, which are in line with the overall goals of the United States at the global level.

In 2004, prompted by a proposal from the United States, the ARF issued a comprehensive statement on non-proliferation, also known as the Jakarta Statement on Non-Proliferation. This statement held particular significance, because in it the ARF member states clearly acknowledge that ‘the proliferation of weapons of mass destruction in all its aspects and their means of delivery constitutes a threat to international peace and security and a growing danger to all states’ but equally declare that ‘a multilateral approach to security, including disarmament and non-proliferation, contributes to maintaining international order’³¹⁴. And most recently, during the 3rd ARF ISM-on-NPD in 2011, Singapore delivered a briefing on the importance of transparency

³¹² Interview with Dr. Febrian Ruddyard and Daniel Simanjuntak, 11 October 2011, Jakarta. Both interviewees pointed out that Indonesia pressed ASEAN to introduce two UN Resolutions at the General Assembly to bring greater visibility and political support to the Bangkok Treaty [A/C.1/62/L.19/Rev.1](#) (GA 62/31) 17 October 2009 and UNGA 62/31 (L.19//Rev.1). These efforts were conducted at the global level concurrently with Singapore’s efforts at the regional level to strengthen the regional policies on nuclear non-proliferation and nuclear security

³¹³ The ARF was established by ASEAN in 1993 in an attempt to create a venue for multilateral security dialogue between ASEAN members and states with significant stakes in the security and stability of the region

³¹⁴ ASEAN regional forum statement on non-proliferation Jakarta, 2 July 2004 accessed at: <http://www.aseansec.org/16247.htm> (accessed on July 31, 2012)

in both non-proliferation and disarmament and highlighted how ‘the Additional Protocol is an important step for all states to undertake to develop confidence in a state’s peaceful intentions in pursuit of nuclear power’³¹⁵.

Nuclear Disarmament

The attainment of a denuclearised Southeast Asia was certainly Indonesia’s chief goal when it began to lead the negotiations towards the drafting of the Bangkok Treaty. For this reason, the preamble of the Treaty notes how the Treaty ‘will contribute to the progress towards general and complete disarmament of nuclear weapons and to the promotion of international peace and security’³¹⁶. Nevertheless, other states, such as Singapore, were not necessarily adverse to the idea of contributing to the global disarmament agenda through regional cooperation, but favoured a more balanced pursuit of disarmament and non-proliferation policies.

In an attempt to reconcile the divergent nuclear interests of Southeast Asian countries, the SEANWFZT was devised so as to be regarded as a salient mechanism for nuclear non-proliferation, but also as a powerful tool for nuclear disarmament³¹⁷. From the standpoint of nuclear disarmament, the Treaty challenges the influence and power exercised by superpowers in Southeast Asia by constraining their nuclear posture and military interests in the region, and in this way it mitigates the risks of a potential nuclear arms race by making the use of nuclear weapons in the region impracticable. Equipped with a protocol to be signed by the nuclear-weapons states, which ‘goes beyond other

³¹⁵ Co-Chair final report, of the 3rd ARF ISM-on-NPD, 2011, point. 26

³¹⁶ Preamble, Treaty of Southeast Asia Nuclear-Weapon-Free Zone

³¹⁷ Interview with Ambassador Sastrohandoyo Wiryono, 13 October 2011, Jakarta

existing Nuclear-Weapon-Free Zone agreements³¹⁸, SEANWFZT is a clear political declaration from ASEAN member states - and from Indonesia as instigator of the Treaty – towards the prevention of any possibility of a nuclear war in the region. In this regard, the protocol asserts that ‘each state party undertakes not to use or threaten to use nuclear weapons against any State Party to the Treaty. It further undertakes not to use or threaten to use nuclear weapons within the Southeast Asia Nuclear-Weapon-Free Zone’³¹⁹. This protocol adds an international dimension to an otherwise purely regional agreement³²⁰, with specific repercussions on the distribution of power within the international system.

Two main weaknesses have thus far undermined the effectiveness of the ASEAN nuclear disarmament agenda. Firstly, precisely due to its ambition to denuclearise Southeast Asia, which remains one of the most strategic regions for great powers, the protocol of SEANWFZT has thus far not been ratified by any of the nuclear-weapons states. Secondly, the text of Treaty itself features some inconsistencies in regulating the behaviour of great powers and Southeast Asian countries. The Treaty states: ‘each state party on being notified may decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircrafts and navigation by foreign ships through its territorial sea or archipelagic waters and overflight of foreign aircraft above those waters in a manner not governed by the rights of innocent passages’³²¹. This ambiguous article largely undermines the overall scope of the Protocol, which is to ensure and maintain Southeast Asia as a denuclearised zone.

³¹⁸ Inventory of International Non-proliferation Organizations and Regimes, James Martin Centre for Nonproliferation Studies, The Treaty of Bangkok, updated August 2012, p. 2

³¹⁹ 1995 Protocol to the Treaty on the Southeast Asia nuclear-weapon-free zone, signed by heads of states at the 5th ASEAN Summit in Bangkok, Thailand, on 15 December 1995

The document can be found at: www.aseansec.org/POLITICS/POLAGR7B.htm (accessed on 30 July 2012)

³²⁰ R. Muetzenich, Nuclear-Weapon-Free Zone in Southeast Asia, *AussenPolitik*, vol. 48, no. 4, 1997, pp. 391-401

³²¹ Article 7 of the SEANWFZT

Nuclear Security

Since 9/11 and the Bali bombing in Indonesia (2002), ASEAN has begun engaging in a more consistent manner with issues related to terrorism and nuclear terrorism³²². Its nuclear agenda has become increasingly aligned with that of the U.S., although the undertaking of specific initiatives has demanded noticeable efforts in the accommodation of preferences, attitudes and risk perceptions that are widely diverse among Southeast Asian countries. Initially, ASEAN chose to deal with the issue of terrorism by opting for the formulation of vague conventions and declarations dealing with terrorism-related issues at large, while maintaining the sanctity of the principle of non-interference as the basis of ASEAN inter-state relations. For instance, the ASEAN Declaration on Joint Action to Counter-Terrorism, issued in 2001 immediately after 9/11, condemned ‘acts of terrorism in all its forms and manifestations ... as a profound threat to international peace and security ... which require concerted action’ Yet it goes on to say that ‘all cooperative efforts to combat terrorism at the regional level shall consider joint practical counter-terrorism measures in line with specific circumstances in the region and in each member country’,³²³.

The situation has begun to evolve, with the successful formulation and adoption of the ASEAN Convention on Counter Terrorism (2007), which entered into force in 2011 thanks to the leadership of Singapore and the signature of six ASEAN countries³²⁴. The Convention has 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

³²² In reality, even before 9/11, ASEAN had already begun to work on terrorism-related issues

³²³ 2001 ASEAN Declaration on Joint Action to Counter Terrorism, Bandar Seri Begawan, 5 November 2001 available at: www.aseansec.org/5620.htm, (accessed on 30 July 2012)

³²⁴ The ACCT was ratified by Brunei, Cambodia, Philippines, Singapore, Thailand and Vietnam and entered into force in 2011

new forms of terrorism'³²⁵. In addition, and more so than other ASEAN documents, the Convention contains a list of concrete steps and operational measures to reinforce ASEAN's response to terrorist threats. And 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 ... enhance intelligence exchange and sharing of information and enhance existing cooperation towards developing regional databases under the purview of the relevant ASEAN bodies'.

In the context of ARF, the U.S. was able to secure an impressive string of declarations all in favour of nuclear security commitments and towards the implementation of UN Resolution 1540. For instance, the 2004 Jakarta Declaration on Non-proliferation clearly stated: 'the ARF supports in line with Article 25 of the UN Charter the adoption of the UN Security Council 1540 on non-proliferation of weapons of mass destruction'. Furthermore, 'ARF participants would carry out cooperative actions to strengthen measures against proliferation of WMD including implementing effective export control and enforcement measures'. In 2007 the ARF issued a statement 'on supporting national implementation of United Nations Security Council Resolution 1540', stating that: 'implementation of the resolution remains a national responsibility, the ARF participants will nonetheless endeavour to provide as and when appropriate additional information to the 1540 Committee on national implementation as part of the ongoing process of UNRSCR 1540 implementation'³²⁶. The importance of these statements resides not so much in their ability to oblige countries to comply, as they are all non-binding; they

³²⁵ Article VI, areas of cooperation, 2001 ASEAN declaration on Joint Action to Counter Terrorism, Bandar Seri Begawan, 5 November 2001 available at: www.aseansec.org/5620.htm, (last accessed on 30 July 2012)

³²⁶ Supporting National Implementation of UNSCR 1540, issues at the 14th ASEAN Regional forum in Manila, Philippines on 2 August 2007

serve to maintain the visibility and the focus on key nuclear issues, which may otherwise become overlooked in the ASEAN agenda.

Regime interplay between the Southeast Asia nuclear regime and the U.S. global nuclear regime

The many facets of the Southeast Asia regional nuclear regime hold varying degrees of significance for countries within the region, and the designation of either convergent or divergent from the U.S. global nuclear regime is very dependent on the perspective of each country. However, as this chapter argues, because its continued promotion of and focus on the goal of nuclear disarmament, the regional nuclear regime must be interpreted as substantially divergent, although not completely, from the U.S. global nuclear regime. Although the goal may have been undermined by the refusal of the nuclear-weapons states to ratify the protocol of the Treaty or by the compromise of the phrasing of the Treaty itself, it would be a gross underestimation to consider it as residual in the ASEAN nuclear agenda.

Firstly, the fact that the regional nuclear regime diverges from U.S. global nuclear interests, particularly in terms of nuclear disarmament, is exemplified by the hostility with which Washington has received and opposed the ratification of the SEANWFZT. For instance, former President Ronald Reagan, in an interview with an Indonesian journal, predicted that the arrangements of the SEANWFZT would ‘in fact increase the risk of war’ because the Treaty would have altered the strategic stability between the U.S. and the USSR by preventing the U.S. from deploying nuclear weapons in Southeast Asia, hence providing a strategic advantage to the Soviet Union. This was echoed by his Secretary of State Schulz, who claimed that anything that restricts the activities of the

U.S. without placing substantial restrictions on any other state should be viewed as reducing U.S. nuclear deterrence capacities³²⁷. The hostility that has endured continues to be symptomatic of the contemporary relevance that SEANWFZT still bears in a post-Cold War world. Secondly, the pending ratification of the SEANWFZT by NWSs has been consistently used by Indonesia in both global and inter-regional forums to remind these states of their unfulfilled obligations vis-à-vis the NPT. In this respect, the Treaty of Bangkok serves as a political instrument for Indonesia to maintain the salience of the nuclear disarmament issue in the ASEAN regional nuclear agenda, and also on a global level.

The perpetuation of a demand for regional and global nuclear disarmament is the defining feature of the regional nuclear regime's substantial divergence from the global regime whereas ASEAN nuclear non-proliferation and nuclear security, the latter still in the making, are increasingly converging with and aligning to the U.S. global nuclear regime. The support lent by ASEAN to nuclear non-proliferation indicates the willingness to engage with and support the goals of the United States at the global level. Even in the goal of nuclear security, important progress has been made in recent years. However, these convergences to U.S. global nuclear regime must be qualified. In terms of nuclear non-proliferation, some scholars³²⁸ consider ASEAN support to the U.S. counter-proliferation agenda in Southeast Asia to be virtually non-existent. And at the time of writing, ASEAN collectively has never shown any support of the U.S.-led Proliferation Security Initiative. Yet the situation is far more nuanced, and the absence of

³²⁷ Nelia Sancho, Manila Standard newspaper, 25 June 1987. The newspaper reports that then-U.S. Secretary of State George Schulz was aggressively lobbying against the Southeast Asia Nuclear-Weapon-Free Zone Treaty, and that this move clearly indicated a Cold War in the Pacific. The report goes on to say that such a Cold War was actually initiated by the U.S., which was now losing it

³²⁸ M. Valencia, *The Proliferation Security Initiative: Making Waves in Asia*, (London: International Institute for Strategic Studies, Adelphi Paper 376, 2005); Djalal, H., Proliferation Security Initiative (PSI): Indonesia Perspective, *The Indonesian Quarterly*, Vol. 35, No. 2, 2007

ASEAN statements in support of the PSI does not necessarily imply a lack of support at the national level. Indonesia (and Vietnam) has been the most vocal in opposing the U.S.-led initiative. The country, the largest archipelagic country in the world, has expressed concerns that PSI ‘could fundamentally affect the development of the Law of the Sea and maritime issues’, and may ‘negatively affect freedom of navigation on the high seas’³²⁹. More importantly, the initiative could bear negative repercussions for collective security and inter-state relations within the region where ‘overlaps and disputes are plentiful, many boundaries remain to be resolved ... and many emerging threats are essentially maritime’³³⁰. Yet Indonesia’s position is in the minority. Singapore was the first Asian country to sign onto the Initiative. The country has repeatedly expressed enthusiasm towards the Initiative because, so the country claims, ‘counter-proliferation is one of its core national security interests’³³¹. Singapore has been joined by traditional allies of the U.S., such as the Philippines, as well as Cambodia and Brunei. Further countries such as Malaysia³³² and Thailand have expressed their intention to support the Initiative. Therefore the coalition of countries in Southeast Asia supporting the U.S. global counter-proliferation strategy is growing rapidly.

In terms of nuclear security, ASEAN has achieved remarkable progress with the Convention on Counter Terrorism, although some weaknesses are still to be addressed. For instance, the development of export control policies at both the national and regional levels remains highly unlikely since powerful states, like Indonesia, do not display sufficient political will for such undertakings. As Tania Olgivie-White has noted,

³²⁹ Intervention by the representative of the Indonesian Government at the conference “*The Proliferation Security Initiative and the Sovereignty and Security of Nations*, U.S. Pacific Command, International Military Operations and Law Conference” hosted by the Malaysian Government at Kuala Lumpur, April 2007. The position of Indonesia is reported in a Cable leaked by Wikileaks on 26 June 2006. Cable reference: 07JAKARTA1757

³³⁰ Valencia, *The Proliferation Security Initiative: Making Waves in Asia*, p. 14

³³¹ Valencia, *The Proliferation Security Initiative: Making Waves in Asia*, p. 14

³³² First ARF Inter-Sessional Meeting on Non-Proliferation and Disarmament, Co-Chairs Summary Report, 1-3 July 2009, point 14, p. 316

‘Several of the Southeast Asian reports to the UN Resolution 1540 Committee suggest that complacency is a key problem where the important issues of export control are concerned. And although such controls are widely viewed by non-proliferation experts as an essential element in any comprehensive non-proliferation and anti-terrorism framework, most ASEAN members have traditionally regarded them with suspicion, viewing them as barriers to economic development or as part of a deliberate strategy on the part of the most developed states to maintain the status quo. This attitude has hindered the introduction of appropriate controls in some of the most vulnerable ...major trans-shipment and assembly points for critical strategic dual use goods and technologies’³³³.

In addition, the U.S.-drafted UN Resolution 1540, which requires states to set up national regulations, including border and export control regulations, to tame risks of nuclear proliferation among non-state actors, has encountered considerable scepticism from ASEAN senior officials³³⁴ and from key ASEAN member states such as Indonesia and Malaysia. Overall implementation of the Resolution at the national level remains low across the region³³⁵. The disappointing situation of national nuclear security commitments has had further repercussions on regional cooperation. Dr. Termsak Chalermpananupap, Director of the Political Security Unit of ASEAN, told me: ‘ASEAN has not yet developed any regional approach to export control of strategic goods, and the overall level of regional capacities exclude the possibility of attaining one in the imminent future’³³⁶. Nevertheless the Convention has been the very first step towards the development of a comprehensive regional border control policy. New mechanisms for

³³³ T. Ogilvie-White, Non-proliferation and Counter-terrorism Cooperation in Southeast Asia: Meeting Global Obligations through Regional Security Architectures? *Contemporary Southeast Asia*, vol. 28, no. 1, 2006, p. 10

³³⁴ Interviews with Termak Chalermpananupap, 7 October 2011 and with John Cartin, 18 October 2011, Jakarta

³³⁵ Interview with Dhannanjaya Sunoto, 12 October 2011, Jakarta

³³⁶ Interview with Dr. Termsak Chalermpananupap, 7 October 2011, Jakarta

intelligence gathering and exchange of information have been put in place and ASEAN is working rather effectively with key donors such as the European Union and the United States to strengthen its nuclear security record. Although a regional export control policy has not yet materialised, conversations in this regard are definitely ongoing at the inter-state level. Ambassador Lim Thuam Kuam underscored during our interview that a key strategy pursued by Singapore to consolidate the ASEAN nuclear security agenda was bilateral cooperation. The pursuit of bilateral cooperation, he explained³³⁷, allowed Singapore to openly bypass the resistance of some countries within the ASEAN regional framework. The Southeast Asia regional regime diverges from the U.S. global nuclear regime in the following way:

Table 1 – The goals and methods of the Regional Nuclear Regime in Southeast Asia

Differences between the two regimes	The Southeast Asia Regional Nuclear Regime	U.S. Global Nuclear Regime
Ordering of Goals	Nuclear Non-Proliferation (Through binding treaty)	Nuclear Non-proliferation
	Nuclear Disarmament (Through binding treaty, pending ratification by NWSs)	Nuclear Security
	Nuclear Security (Through binding Convention)	Arm Control
Methods pursued	Convergent	Strengthening verification system (the model Additional Protocol)
	No official regional support (however unilateral adhesion by the majority of ASEAN member states to PSI)	Support of coercive measures for counter-proliferation
	ASEAN Convention on Counter-Terrorism (Borders control policy, no regional cooperation on export control but bilateral agreements)	Development of regional borders and export control policies

³³⁷ Interview with Singapore Ambassador Lim Thuam Kuan, 19 October 2011, Jakarta

Explaining the establishment of a regional nuclear regime in Southeast Asia

Southeast Asia should not be considered a peaceful region. Since the end of World War II, the region has been both the theatre and the playground of global rivalry between the Soviet Union, the United States and increasingly China, and it has been upset by internal turmoil (Indonesia-East Timor-Aceh), wars of occupation (Vietnam-Cambodia), and military stand-offs (Malaysia-Indonesia, Malaysia-Singapore) among its member states and a lack of trust among some regional players endures. Nevertheless, on the nuclear front, Southeast Asia has been spared from direct threats deriving from the nuclear arms race (as in South Asia), proliferation cascade (as in the Middle East) or direct nuclear confrontation (as in Europe). This has greatly influenced the modalities in which the countries have chosen to design and implement nuclear policies. Rather than reacting to specific threats, Southeast Asian states have crafted policies to prevent nuclear risks from escalating into real threats to their regional stability.

Two main historical junctures have signalled the beginning and the consolidation of regional nuclear cooperation: the internationalisation of the Vietnamese-Cambodia war in 1970, and the U.S. military re-engagement with the region in 2002, in the aftermath of 9/11. The risks resulting from the former crisis inspired Southeast Asian states to begin to develop regional security strategies, including one focussed on the nuclear issue. The U.S. war on terror has instead broadened the region's approach to nuclear governance to include policies related to nuclear non-proliferation and nuclear security. The significance of these events will be explained in turn.

The Chinese Nuclear Test and the Internationalisation of the Vietnam-Cambodia conflict (1964-1970)

In broad terms, regional security cooperation was prompted by the complex climate that existed through the Cold War. The intense zero-sum ideological and military confrontation between the United States and the Soviet Union during the Cold War polarised Asia into two rival blocs and pushed countries to seek protection through an alignment with one or the other of the superpowers³³⁸. ASEAN itself emerged largely as the by-product of regional security preoccupations among its member states 'to ensure their stability and security from external interference in any form or manifestation in order to preserve their national identities in accordance with the ideals and aspirations of their people'³³⁹. Among such preoccupations, a potential nuclear stand-off among superpowers stationed in Southeast Asia had increasingly become a real possibility and the creation of ASEAN was a first attempt to respond to this.

A few years prior to the creation of ASEAN, the detonation of the first Chinese nuclear device in October 1964 had triggered an intense and animated debate in Washington on the best way to send a credible signal to deter China from acquiring nuclear weapons, while also preventing a nuclear proliferation cascade in Asia as a whole. In such a crisis, the pivotal role played by Southeast Asia was clear to both the U.S. and Indonesia. For the United States, a series of considerations made Southeast Asia critical to the China's Atomic Test. Firstly, by 1962 China had extended its considerable influence over several communist countries in the region, but particularly over North Vietnam, which was locked into a bloody civil war with South Vietnam, a country heavily armed by the U.S.

³³⁸ J. D. Giorciari, The Balance of Great-Power influence in contemporary Southeast Asia, *International Relations of the Asia-Pacific*, vol. 9, 2009, pp. 157-196; E. Goh, Great Powers and Hierarchical Order in Southeast Asia, *International Security*, vol. 32, no.3, 2007-2008, pp. 113-157

³³⁹ R. Emmers, *Cooperative Security and the Balance of Power in ASEAN and the ARF*, (London: Routledge, 2003), p. 16

The acquisition of nuclear capabilities by China would have made nuclear transfer to North Vietnam a likely possibility with unthinkable consequences. Secondly, in order to prevent other countries, such as India, Japan and Australia, from 'going nuclear' in response to the Chinese nuclear threat, the U.S. had to gain credibility in South Vietnam³⁴⁰ in order to assure its allies that the military protection of the U.S. was still a reliable and credible guarantee³⁴¹. Historical records now show that the U.S., albeit briefly, considered the possibility of using nuclear weapons against North Vietnam in order to terminate the civil war and concurrently to signal its disapproval of China becoming a nuclear-weapons state.

As the biggest and resourceful country of the region, for Indonesia the strategic calculations of the Kennedy Administration underscored the vulnerability of Southeast Asia and of the individual security of each state in the region; with the increasing power of China, and the heightening of rivalry between China and the U.S., these superpowers would increasingly compete for the domination of Asia. According to Ambassador Makarim Wibisono, 'through the crisis, Indonesia began to understand that the security and stability of Southeast Asia could only be viably guaranteed by keeping out of their region any nuclear device'³⁴².

However, the China nuclear test did not at that time spark any real demand for regional nuclear cooperation due to the lack of any viable regional setting (ASEAN was created in 1967) and because the most powerful country of the region, Indonesia, was itself

³⁴⁰ US National Archives and Records Administration, *Memo Rostow To Rusk, Nuclear Proliferation and the Crises in Southeast Asia and the Atlantic*, November 4, 1964, RG 59, lot 70D 199, p. 1

³⁴¹ The crisis generated by Chinese nuclear test was later remedied through the pursuit of more stringent nuclear non-proliferation policies and diplomatic negotiations. Nevertheless, the prediction of Kennedy that the Chinese nuclear test would trigger a nuclear domino effect in Asia was correct. India's nuclear tests and current deployment plans have much more to do with China and the U.S. than with Pakistan. Most experts mark the beginning of the Indian nuclear program as China's 1964 test. J. Cirincione, *The Asian Nuclear Reaction Chain*, *Foreign Policy*, Spring 2000, p. 127

³⁴² Interview with Ambassador Makarim Wibisono in 6 October 2011, Jakarta

politically unwilling to cooperate at the regional level as it was tied into a confrontation with its neighbour, Malaysia. Nevertheless, immediately after the creation of ASEAN, a second crisis opened over the internationalisation of the conflict between Vietnam and Cambodia. This time, however, conditions were more conducive to the generation of demands for regional nuclear cooperation. Beginning in 1970, with the deposition of the pro-U.S. government of Cambodia by the hands of North Vietnam, which was sustained by the Chinese regime, interference from great powers increasingly occurred, in order to influence relations between Cambodia and Vietnam, and to affect the political orientation of the various governments in Indochina.

Although such a crisis was not explicitly a nuclear crisis, it nonetheless generated a notable militarisation of the region and brought in almost direct collision nuclear-weapons states supporting different regimes entangled in a violent confrontation. Indonesia seized the opportunity presented by this second crisis to formulate the demand for the establishment of Southeast Asia as a neutral region. Such a demand could only have emerged from Indonesia as that that time, it was the only country in Southeast Asia not entangled in an official or unofficial alliance with one of the superpowers³⁴³. The conditions were also ripe for this demand to succeed. By 1970, Indonesia had normalised its relations with its neighbour, Malaysia after the period of confrontation and rivalry, and the two countries joined hands in establishing ASEAN as the very first attempt towards a cohesive regional security architecture.

³⁴³ 'Although regional cooperation began in a period of high polarization between superpowers in Southeast Asia, equally the ASEAN founding members, at the exception of Indonesia, were themselves dependent upon Western security. 'The Philippines was home to major American military bases and shielded by the U.S. protective umbrella. Thailand had security arrangements with the U.S., and Malaysia and Singapore had the five power defence agreement with Australia, New Zealand and the United Kingdom.' in R. Emmers, *Cooperative Security and the Balance of Power in ASEAN and the ARF*, (London: Routledge, 2003), p. 25

The U.S. military re-engagement in Southeast Asia and the Bali Bombing (2002)

The second crisis that generated an additional demand for nuclear cooperation at the regional level was sparked by two concurrent events: the U.S. military re-engagement in Southeast Asia in the aftermath of 9/11 and the terrorist attack in Bali³⁴⁴, Indonesia, in October of the same year. Both events brought Southeast Asia to the forefront of the U.S.-led war on terror, but equally they infringed upon the intra-regional equilibrium among countries in the region. The events occurred in the same year and sparked Indonesia and Singapore to make demands for nuclear cooperation, but for very different reasons.

The centrality of Southeast Asia in the context of the global war on terror is illustrated by a series of official statements emanating from the U.S. administration. Firstly, the region began to be cast by American media and policy-makers alike as a region in which terrorism was largely endemic and therefore ensuring a Southeast Asia free from terrorism constituted the ‘the second front in the global war on terror’³⁴⁵. 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’³⁴⁶. 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

³⁴⁴ Amit Acharya has defined Southeast Asian domestic terrorism as ‘the most serious security threat in the region since the Indochina conflict’, in A. Acharya, and A. Acharya, *The Myth of the Second Front: Localizing the ‘War on Terror’ in Southeast Asia*, *The Washington Quarterly*, 2007, p. 75

³⁴⁵ A. Acharya, *Terrorism and Security In Asia: Redefining Regional Orders?*, *Asia Research Centre, Working Paper*, No. 113, 2004, p. 2

³⁴⁶ M. Manyin, *Terrorism in Southeast Asia*, Congressional Research Service Report for U.S. Congress, Updated November 18, 2003

is a time of transition in Southeast Asia, and at the top of our policy priorities is waging the war against terrorism³⁴⁷.

The U.S. sought the re-engagement with Southeast Asia in two ways. It primarily pursued the strengthening and consolidation of military partnerships with traditional allies such as the Philippines³⁴⁸ and Singapore, but additionally explored new opportunities for cooperation with countries that were highly strategic but did not gravitate in the area of U.S. influence, like Indonesia³⁴⁹. This was achieved through providing these countries with troops in the fight against terrorism and financial resources for military and counter-terrorism operations. Concurrently, the U.S. sought to heavily influence ASEAN security agenda by lobbying ASEAN, although unsuccessfully, to create binding institutions that were more directly oriented towards the fight against terrorism. Outcomes included the non-binding ASEAN-U.S. Joint Declaration for Cooperation to Combat International Terrorism (August 2002), and the ARF ISM-on-NPD (2009), to facilitate coordination with ASEAN member states. According to a U.S. official, ‘the choice of multilateral cooperation was clearly also strategic for us to be able to overcome the resistance of individual ASEAN countries to lend support towards specific counter-terrorism policies’³⁵⁰.

³⁴⁷ James Kelly, Testimony before the United States House of Representatives, International Relations Committee, June 2004

³⁴⁸ 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 J. Putzel, Political Islam in Southeast Asia and the U.S.-Philippines alliance, in M. Buckley, and R. Fawn, *Global Responses to Terrorism: 9/11, Afghanistan and Beyond*, (London: Routledge, 2003)

³⁴⁹ Indonesia became a top priority for the Bush Administration due to its huge Muslim population and its strategic regional relevance. In 2005-2006, the country received approximately \$700 million for counter-terrorism measures, and an additional \$74 million in development aid. In A. Ba, China and ASEAN: Re-navigating Relations for a 21st century Asia, *Asian Survey*, vol. 43, no. 4, 2003, p. 644

³⁵⁰ Interview with John Cartin, 18 October 2011, Jakarta

The re-engagement of the U.S. in Southeast Asia had dramatic repercussions at the ASEAN level, in regard to the evolution of the regional nuclear agenda and, more importantly, the position of leadership historically held by Indonesia in its formulation. The revived U.S. presence and the U.S. agenda in the region raised two distinct demands among countries allied to the U.S., such as Singapore, and among countries such as Indonesia, that have traditionally rejected U.S. influence in the region. For Singapore, the presence of the U.S. served as an important empowerment mechanism to raise new demands for cooperation in areas such as the fight against terrorism, into which ASEAN member states had historically been reluctant to venture. Conversely, the reconfiguration of power and influence in Southeast Asia seriously undermined the 'ability of Indonesia to lead in a region of states far less amenable to follow'³⁵¹ and further sparked the demand articulated by Indonesia to put in place institutional mechanisms at the regional level to lessen U.S. influence and resist its attempts to dominate the ASEAN security and nuclear agenda.

Finally, the Bali Bombing in 2002, which killed 202, sparked another set of rather distinct reactions. For Singapore, the Bali Bombing was an additional reason to join the U.S. fight against terrorism (including nuclear terrorism), but it also provided an important incentive for the country to lead the regional efforts within ASEAN. Besides the obvious security preoccupations, Singapore had been increasingly concerned that the reputation of Southeast Asia as a region with endemic problems of terrorism would affect its economy. As Prime Minister Goh pointed out in the aftermath of 9/11, 70% of the Singaporean economy is based on the service demand of external countries³⁵². The

³⁵¹ Interview with Dewi Fortuna Anwar, 12 October 2011, Jakarta

³⁵² The high dependence of Singapore on external demand for services is perceived as a great source of vulnerability for the country, whilst also constituting its largest source of revenue. The most relevant speech delivered by a

government thus had a significant incentive to take decisive security measures in order to preserve the country's reputation as a safe destination for foreign direct investment and a hub for security or intelligence exchange in Southeast Asia. It also began to demand within ASEAN a more serious commitment by neighbouring countries, particularly Indonesia³⁵³, which Singapore has always perceived as too lenient towards tolerating rebel groups and terrorist organisations. For Indonesia, instead, the Bali Bombing was a painful reminder that any support that the government would have extended to a U.S. or to an ASEAN initiative against terrorism would have further served to radicalise part of its vast Muslim population and implicitly triggered an even more cautious and critical approach to the U.S. led war on terror.

Explaining regime interplay

In the two main crises that have unfolded in Southeast Asia and subsequently increased demand for nuclear cooperation, the country that has played the most critical role has been Indonesia. However, the leadership role exercised by Indonesia must be qualified. In responding to the first crisis of 1964-1970, Indonesia was the genuine regional leader, by both articulating the demand for regional cooperation to protect Southeast Asia from Cold War destructive externalities, and formulating a preliminary response to the demand itself. In the second crisis, sparked by the U.S. re-engagement in the region, the leadership of Indonesia has emerged as more problematic. Whilst the demand for nuclear cooperation to tackle issues related to nuclear terrorism had been raised primarily by Singapore, Indonesia first acted as a spoiler, but ultimately conceded to Singapore. Yet the resistance of Indonesia to adhere to nuclear security policies was important to

Singaporean official on the economic impact on terrorism is: Speech by Prime Minister Goh Chik Tong at the Dialogue Session with Union Leaders members and employers, 14 October 2001

³⁵³ S. Febrica, Securitizing Terrorism in Southeast Asia, *Asian Survey*, vol. 50, no. 3, May/June 2010, p. 580

underscore how indispensable Indonesia's support was in Southeast Asia if nuclear policies were to be credible and effective.

The special role enjoyed by Indonesia as '*primus inter pares*' in the governance of the nuclear sector within ASEAN largely stems from the combination of material and ideational capacities displayed by the country. The special status of Indonesia within ASEAN³⁵⁴ and on a global scale can be attributed to the country's geostrategic location (between the Pacific and Indian oceans), the size of its population (half of the total population of the region), and a significant endowment of natural resources. Its strategic status had been historically acknowledged by several key players, such as the United States and the European Union, and was further crystallised when Indonesia was the first Southeast Asian country to join the exclusive G-20 in 1999. Nevertheless, the leadership of Indonesia within ASEAN has always been controversial for other countries. As Donald Nuechterlein has argued: 'Indonesia represents a dilemma for its neighbours: on the one hand its participation is essential in any regional grouping which stands a chance of keeping the great powers at arm's length; but on the other, Indonesia is so vast in size and resources that it has been a source of deep anxiety to its neighbours since the late 1950s'³⁵⁵. This is the country that cannot be left out of negotiations within the region, but whose involvement implies a kind of subordination of other players to its leadership.

In the nuclear sector, Indonesia's leadership is all the more visible. Its technological superiority and its activism on the global stage have made the country the natural architect and instigator of regional nuclear policies. The country entered its nuclear

³⁵⁴ M. Leifer referred to Indonesia's special status in Southeast Asia as 'Indonesia regional entitlement', in M. Leifer, *Indonesia's Foreign Policy*, (London: George Allen & Unwin, 1983)

³⁵⁵ D. Nuechterlein, Southeast Asia in international politics: a 1975 perspective, *Asian Survey*, vol. 15, no. 7, Jul 1975, pp. 574-585, p. 581

period in the 1960s, almost at the same time as India and China. In the development of its still-active nuclear research program, Indonesia has partnered with and courted the most important nuclear countries³⁵⁶, including the United States, Russia, Japan and South Korea. Over time, the country has also developed a solid regulatory system, overseen by two agencies, BATAN and BAPETEN, and a multitude of national policies, laws and treaties³⁵⁷. ‘With three nuclear research reactors, a range of other nuclear science facilities and a cadre of trained scientists and engineers, Indonesia has more nuclear science expertise than any other member of ASEAN’³⁵⁸. Such expertise has provided Indonesia with solid credentials to exercise a role of *primus inter pares* in regional nuclear governance³⁵⁹.

Indonesia’s activism on the global stage has further strengthened its credentials as regional leader. Although the country was a latecomer in the ratification of the NPT³⁶⁰ (1979), it has made a substantial contribution to the establishment and development of the current global nuclear regimes. Indonesia was one of the founders of the International Atomic Energy Agency, and as leader of NAM, it has been - and still remains - one of the most active countries in sponsoring resolutions demanding the enactment of nuclear disarmament both within the UN Commission on Disarmament and during the various NPT Review Cycles. In 1992, the country created the NAM Working Group on Disarmament, which it has chaired and coordinated ever since. In 2002, Indonesia was appointed chairman of the IAEA 46th Conference and in 2010, during the Nuclear Non-

³⁵⁶ D. Syahril, Fukushima: Learning from Accidents on the Nuclear Road, *Strategic Review*, August 2011, vol. 1, no. 1, pp. 20-21

³⁵⁷ One of the most important laws affecting Indonesian prospects for the development of a civilian nuclear program is Law No. 17, passed with Presidential Decree in /2007 and which clearly declares the intention of the Indonesian government to develop a nuclear program by 2019

³⁵⁸ M. Fitzpatrick, *Preventing Nuclear Dangers in Southeast Asia and Australia*, (London: IISS Strategic Dossier, 2009), p. 61

³⁵⁹ Interview with Zurias Elias, 14 October 2011, Jakarta

³⁶⁰ The country agreed to sign the NPT two years after it came into effect, and ratified it in 1979

Proliferation Review Treaty Conference, the country was invited to participate as a member of a focus group (composed exclusively of representatives of 16 countries, including the five nuclear-weapons states) to provide expertise and advice on the resolution of compelling issues, such as the North Korean and Iranian nuclear crises. Indonesia's global visibility on the issue has consolidated its regional prestige and ascendancy. This has bestowed upon the country the responsibility to lead collective efforts towards the development of a regional security architecture and a nuclear order within ASEAN.

The way in which Indonesia has acted in both crises is the result of two main relations: its nuclear alignment to the U.S. and its level of regional embeddedness with ASEAN and with Singapore.

Indonesian leadership in the formulation of the Southeast Asia Nuclear-Weapon-Free Zone Treaty

In the immediate aftermath of the Chinese nuclear test (1964) and even more so during the internationalisation of the Vietnam-Cambodia war, Indonesia took the lead in articulating the need for regional nuclear cooperation. Concerned with possible exploitation of the internal vulnerability³⁶¹ of the region by the superpowers operating in Southeast Asia, Indonesia began to act proactively to strengthen regional security cooperation against outsider interference. To insulate the region from great-power politics, an initial step taken by Indonesia in 1971 was to promote the adoption of the

³⁶¹ J.L.S. Girling, offering a rather uncompromising yet accurate narrative of Southeast Asia in its pre-ASEAN era: 'Violence is a great source of uncertainty and violence through external intervention or civil war has touched every country in Southeast Asia – some almost continuously at one time or another in the past thirty years' in J.L.S. Girling, Regional Security in Southeast Asia, Journal of Southeast Asian Studies, vol. 2, Special Issue 1, March 1971, p. 56-57

Declaration of a Zone of Peace, Freedom, and Neutrality³⁶² (ZOPFAN). The Declaration contained fourteen points and ‘called for ASEAN’s members to use their commitment to national and regional resilience as the basis for the neutralisation of Southeast Asia aimed at preventing any form or manner of interference by outside powers’³⁶³.

The importance of ZOPFAN to the eventual establishment of the regional nuclear regime resides in the fact that the Declaration was the first to assert the interest among Southeast Asian countries in establishing a nuclear-free zone, ‘as in the “Treaty for the Prohibition of Nuclear Weapons in Latin America” and the Lusaka Declaration proclaiming Africa as a nuclear-free zone, for the purpose of promoting world peace and security by reducing the areas of international conflicts and tension’³⁶⁴.

Although the idea of a nuclear-weapon-free zone treaty had been voiced by Indonesia in 1971, it was another 13 years before the first draft of the Treaty was completed. In 1984 at the Jakarta Meeting of ASEAN Foreign Ministers, Indonesia introduced a proposal entitled ‘Basic principles for arrangements on the establishment of a nuclear-weapon-free zone in Southeast Asia’. The actual negotiations were largely influenced by two main relations: on the one hand, the low nuclear alignment between Indonesia and the U.S.; on the other hand, the high level of commitment displayed by Indonesia to regional integration and to ASEAN (high regional embeddedness), in spite of its contentious relation with Singapore during the actual negotiation of the SEANWFZT.

Indonesia first began to lead efforts towards a neutralisation of the region while entertaining rather adversarial relations with the United States, and thus Jakarta seized

³⁶² The declaration also asserts that ‘all foreign bases are temporary and remain only with the expressed concurrence of the countries concerned and are not intended to be used directly or indirectly to subvert the national independence and freedom of states in the area’

³⁶³ T. Huxley, *Insecurity in the ASEAN Region*, (London: Royal United Services Institute for Defence Studies, 1993), p. 16

³⁶⁴ ZOPFAN Declaration 1971

the opportunity to use the regional platform as a way to hamper the power and the influence of the United States in Southeast Asia. Paradoxically, it was in fact the Chinese nuclear test that marked the end of amicable relations between Indonesia and the United States.

Prior to 1964, the U.S. had been rather cooperative with Jakarta and had provided substantial economic and military aid in the hope of preventing Indonesia from falling into the Communist Soviet area of influence. Nevertheless, military involvement of the U.S. in Vietnam (1961) began to alter, among other factors, perceptions held by Indonesia of the U.S., which was increasingly seen as an imperialist hegemonic country. Finally, when President Sukarno responded positively in 1964 to the Chinese nuclear testing and further declared that pursuing nuclear weapons was equally in the interests of Indonesia, this abruptly ended the U.S.-Indonesia nuclear cooperation, which had been initiated under the Atoms for Peace framework in the 1950s, and signalled the beginning of a long period of tension and hostility between the two countries. After the resignation of President Sukarno in 1967 and the subsequent election of President Soeharto, relations between improved but the country continued to gravitate around the idea of pursuing a 'free and active' foreign policy, which had been the main manifesto of Sukarno's foreign policy. In addition, the Soeharto government continued to pledge its support to the idea, one deeply embedded in the national political discourse of Indonesia that regional resilience did not derive from pledging alliance to external powers, but had to be rooted in the security, development and stability of each of its members in a free and independent regional context³⁶⁵. SEANWFZT was a precise response to the desire of insulating the region from the current and future negative externalities deriving from the

³⁶⁵ The concepts of a 'free and active foreign policy' and 'regional and national resilience' are discussed by Dewi Fortuna Anwar in D. F. Anwar, ASEAN and Indonesia: Some reflections, *Asian Journal of Political Science*, vol. 5, no. 1, 1997, p. 25

competition between great powers that ‘Indonesia believes will always be present in Southeast Asia’³⁶⁶.

The second relation largely influencing the way in which SEANWFZT had been conceived was the relation between Indonesia and Singapore in the context of the newly formed ASEAN. Divergences between the two countries abounded and were centred around the discussion of how to best ensure the security of the region in the midst of an internationalised conflict, whether through the pursuit of regional independence and disarmament, as Indonesia favoured, or through ‘bandwagoning’ to the U.S., as advocated by Singapore and the Philippines. According to Indonesia, ‘regional arrangements were essential to enable smaller countries to counter the effects of rivalry among the major powers, defuse regional tensions and foster conditions conducive to their economic and social development. In a nuclear-weapon-free zone the non-nuclear weapon states would be able to play a bigger role than the nuclear-weapon states and demonstrate in practice their commitment to the cessation of the arms race and to nuclear disarmament’³⁶⁷.

Singapore’s view was substantially different. The city state, which regarded ASEAN and the regional integration project with both scepticism and caution, consistently emphasised that without the U.S. ‘acting as a balancer, the region would be inherently unstable’³⁶⁸. In regard to the formation of a regional nuclear-weapon-free zone, Singapore claimed that ‘although we support the development of nuclear-weapon-free zones ... we must recognise that unless and until the basic structure and dynamics of

³⁶⁶ Interview with Ambassador Makarim Wibisono, 6 October 2011, Jakarta

³⁶⁷ Intervention by the Indonesian Delegate, Official Documents of the NPT Review 1985, NPT/CONF.IV/MC.II/S.R. 4, p. 318

³⁶⁸ Speech delivered by Goh Chok Tong, Senior Minister at the Asia Society Conference, Bangkok, 9 June 2005

international relations change in a fundamental way, all states will give security the foremost priority in their policies. It is the prime value without which other values cannot be realised. Therefore a pragmatic and not a purist or ideological approach to nuclear-weapon-free zones should be encouraged³⁶⁹. Furthermore, Singapore feared that by supporting SEANWFZT, its trust-based relationship with the United States would have been compromised and with it, the protection that the small city state needed in a region of instability and competition between great powers.

Given the political stalemate in its own region, Indonesia sought to use the global stage offered by the NPT Review Conferences to gain political support towards its regional initiative. In 1985, at the Third NPT Review Conference, the country submitted a proposal for the establishment of ‘properly constituted and effective nuclear-weapon-free zones freely arrived at by the States of the region’³⁷⁰. Yet although the proposal received overall global sympathy, it fundamentally failed to unlock the situation back home. Finally, given the acute objections of Singapore regarding the treaty, Indonesia explored a political compromise. ‘Any attempt to force the issue would undermine ASEAN harmony, with no tangible impact on the policies of individual member states which will continue to be guided by national concerns, objectives and interests’³⁷¹.

During the 20th ASEAN Ministerial Meeting, held between 15-16 June 1987, Indonesia was the only ASEAN member state making any reference to SEANWFZT. It seized the opportunity to address some of the concerns voiced by Singapore and to offer a way out from the political stalemate. Indonesia emphasised the need for the Treaty to be a

³⁶⁹ Statement by Ambassador Vanu Gopala Menon, Permanent Representative of Singapore to the UN, at the 2010 NPT, 6 May 2010

³⁷⁰ Indonesia proposal presented at the 1985 NPT Review Conference, NPT/CONF.III/55, 12 September 1985, p. 169

³⁷¹ M. Alagappa, A Nuclear-Weapon-Free Zone in Southeast Asia: Problems and Prospects, *Australian Journal of International Law*, vol. 41, 1981, pp. 178

collective effort of all ASEAN member states and, as such, it ought to be presented and supported by all³⁷². Furthermore, Indonesia claimed that the Treaty also had to receive the ‘concurrence and endorsement of the nuclear powers’, although in the proposal tabled at the NPT Review Conference in 1985, Indonesia had advocated the right of small powers to form regional nuclear agreements regardless of the support of the great powers. Most importantly, ‘Indonesia noted that the intention was not to undermine nuclear deterrence but to provide for security at lower levels of armament and that there was no demand at this stage for the U.S. to give up its bases in Southeast Asia’³⁷³. As testimony to its fundamental commitment towards regional cooperation, Indonesia carefully redrafted the Treaty and included an ambiguous and tortuous article that would allow foreign ships and aircraft to transit in the area upon authorisation of the concerned states, ‘knowing that it would be highly unlikely that any nuclear-weapons states would notify the presence of nuclear warheads on their ships’³⁷⁴. This was done in order to respond to and to satisfy the security needs of Singapore, thus gaining its support in the ratification of the Treaty.

Prompted to reflect on whether the specific compromise accepted by Indonesia in the establishment of SEANWFZT had undermined the country’s position of leadership and the ASEAN nuclear disarmament agenda, Ambassador Saratyohostrono noted: ‘the art of leadership is to know when to push for certain policies and when to withdraw and let others’ voices prevail. This is a game we [Indonesia] have played for a long time. This is what the ASEAN process is all about. We have never believed in coercive power and hard unconditional pressure, but in cooperation, even if it means compromises. As long

³⁷² M. Alagappa, *Towards a Nuclear-Weapon-Free Zone Treaty in Southeast Asia*, *ISIS Research note*, Malaysia Institute for Strategic and International Studies, 1987, p. 54

³⁷³ Associated Free Press, *Indonesia, Malaysia move for nuclear weapons ban*, June 16, 1987

³⁷⁴ Article 7 of the SEANWFZT

as such compromises do not completely distort the ultimate aim of our proposals, Indonesia has no problem accepting compromises if this means moving the agenda forward and being better able to cooperate with our Southeast Asian friends. We are a big country, you know. Indonesia can endure compromises and backlashes for a greater good³⁷⁵.

In the aftermath of 9/11

The second phase of development of the regional nuclear regime in Southeast Asia has been characterised by low nuclear alignment between the U.S. and Indonesia and by high regional embeddedness between Indonesia and ASEAN. This is a phase in which, at least initially, Indonesia has acted as a regional spoiler and Singapore has taken the lead in institution building around nuclear security, empowered by the presence and support of the United States.

Since the 1960s, relations between the U.S. and Indonesia have been characterised by political distancing and mistrust, although this has never amounted to open hostility as it did during the Sukarno Presidency. In the aftermath of 9/11, Indonesia joined the international community in expressing its firm rejection of ‘the barbaric and indiscriminate acts carried out against innocent civilians’³⁷⁶. Nevertheless, the tone of the Indonesian government’s support of the U.S. rapidly changed with the decision of the U.S. to declare war to Afghanistan, and it was further worsened by the decision to invade Iraq. The engagement of the U.S. in Southeast Asia was received by Indonesia as a potential challenge to both its regional leadership and to the autonomy of the region overall. Given the strategic position of Indonesia, the country became the most important

³⁷⁵ Interview with Ambassador Saratyohostrono Wiryo, 13 October 2011, Jakarta

³⁷⁶ Febrica, *Securitizing Terrorism*, p. 581

interlocutor for the U.S., which initially sought to allure Jakarta through military and economic aid in order to secure its full support in the war on terror. Indonesia, however, rejected the new emphasis placed by the U.S. on the threat of terrorism and pointed out that for Indonesia, separatism was a more pressing issue than terrorism³⁷⁷. This dismissal of terrorism is also echoed in Indonesia's sceptical approach to the attempt by the U.S. to gain support for counter-proliferation strategies, as well as for its emerging nuclear security agenda.

Singapore responded to the U.S. agenda very differently. According to David Wright-Neville 'in no country in Southeast Asia, except Singapore is the U.S. bilateral counter-terrorism cooperation trouble free'³⁷⁸. As previously remarked, Singapore had both security and economic motives to send strong signals regarding its commitment to the fight against terrorism. The country has therefore raised the demand for additional cooperation within ASEAN, but it has also provided inputs for the establishment of institutions and support for U.S. initiatives at the regional level. For instance, Singapore has signed onto virtually all initiatives launched by the U.S. including the counter-proliferation operations of the Proliferation Security Initiative, the Nuclear Security Summit, and the Global Initiative to Combat Nuclear Terrorism, among others. At the regional level, the country has led efforts with regional cooperation towards the implementation of UN Resolution 1540 and the adoption of regional export and border control policies. Among the most successful outcomes of these efforts is the ratification of the 2007 ACCT.

³⁷⁷ Febrica, *Securitizing Terrorism*, p. 585

³⁷⁸ D. Wright-Neville, *Prospects Dim: Counter-Terrorism Cooperation in Southeast Asia*, in A. McCreddy, *Fighting terrorism on the Southeast Asian front*, *Woodrow Wilson Asia Report*, June 2003, p. 5

Indonesia's fear that the proximity of Singapore to the U.S. would increase U.S. interference in ASEAN affairs has led the country to devise a strategy to counterbalance the increasing assertiveness of Singapore within the realm of security (and nuclear) cooperation. In 2003 Jakarta proposed a further deepening of the regional security integration process through the formation of the ASEAN Community, which in the view of Indonesia would consist of three main pillars: a political security to be designed by Indonesia, an economic agenda to be developed by Singapore and a socio-cultural cooperation agenda to be drawn up by Malaysia. Indonesia viewed stronger regional cooperation as critical to maintaining the relevance of Southeast Asia in an increasingly globalised world, yet equally an underlying motive was to 'keep the U.S. out from policies that Indonesia perceives extremely sensitive to its own domestic politics'³⁷⁹.

More nuanced, the ASEAN Political-Security Community Blueprint prepared by Indonesia confirms this motive when it states: 'conscious that strengthening of ASEAN integration through accelerated establishment of an ASEAN community will reinforce ASEAN's centrality and role as the driving force in charting the evolving regional architecture ... the ASEAN leaders decided to accelerate the establishment of an ASEAN Community by 2015'³⁸⁰. Among the proposals to strengthen political and security cooperation, Indonesia recommended the implementation of the Southeast Asian Nuclear-Weapon-Free Zone Treaty and its plan of action³⁸¹, promotion of ASEAN maritime cooperation, with the establishment of a regional forum for maritime

³⁷⁹ Interview with Makmur Keliat, 4 October 2011, Jakarta

³⁸⁰ ASEAN Blue Print, Introduction point 3

³⁸¹ ASEAN Blue Print, Point A.2.4

security³⁸², and the strengthening of cooperation in addressing untraditional security issues³⁸³.

When that comprehensive proposal received a lukewarm reaction from Singapore and other countries, Indonesia began to display a more passive resistance to the undertaking of nuclear policies that ran counter to its own interests. When Singapore lobbied for the adoption of the ACCT and became the first country to ratify it, Indonesia dragged its feet³⁸⁴ out of concern for ‘the interests of Western countries which might use their diplomatic ties with some ASEAN members to interfere with our counterterrorism efforts’³⁸⁵. When Singapore lobbied for a more explicit commitment towards Resolution 1540, Indonesia rejected the call for stricter export control policies, despite the fact that Resolution 1540 clearly marks it as an obligation of all states, by claiming that it ‘lacks a sense of urgency because Indonesia does not produce or export sensitive dual-use goods’³⁸⁶. In addition, the country claimed that ‘although Indonesia supported all efforts aimed at the total elimination of nuclear weapons, there must be some kind of guarantees for countries, particularly developing ones, to obtain materials, including nuclear chemical and biological materials for peaceful purposes. Export control should not be used as a trade barrier; therefore there should be a multinational negotiated legal instrument that complements existing unilateral agreements’³⁸⁷.

Finally, in the ARF setting, Indonesia has increasingly displayed resistance to the possibility of the U.S. hijacking the agenda. Interestingly, the ASEAN Political-Security

³⁸² ASEAN Blue Print, Point A.2.5

³⁸³ ASEAN Blue Print, Point B.4.1 and B.4.2

³⁸⁴ E. Sihite Indonesia Accused of Dragging Feet on ASEAN Terror Pact, Jakarta Globe, March 06, 2012

³⁸⁵ Y. Al Muzzammil reported by M. S. Aritonang, Indonesia set to ratify ASEAN anti-terror pact, The Jakarta Post, March 09 2012

³⁸⁶ Interview with Jose Tavares, Jakarta, Indonesia, 4 October 2011, Jakarta

³⁸⁷ Z. P. Hakim, Counterterrorism moves may hurt trade, Jakarta Post, 14 July 2004

Community Blueprint cites the need to ‘build the necessary institutional framework to strengthen the ARF process in support of the ASEAN Political-Security Community’, and one of the proposals is to increase the decision-making weight of ASEAN by ‘enhancing the role of the Secretary General of ASEAN in the ARF’³⁸⁸. Furthermore, the idea of creating an Inter-Sessional Committee on Nuclear Non-Proliferation and Disarmament within ARF, first advanced by the U.S. and Singapore in 2007, was painstakingly obstructed by Indonesia and negotiations were stalled for over two years because Indonesia claimed the need to include nuclear disarmament in the mandate of the Committee³⁸⁹.

Yet increasingly Indonesia has come to make significant turnarounds in its positions, and has become more accommodating. In regards to the ACCT, the country finally acceded to its ratification in March 2012, five years after having signed it. Because of the high political costs that such a decision would entail at the domestic level, Indonesia felt compelled to explain and frame its decision in favour of ratification by emphasising that the country believes the ‘Convention has more to offer compared to other international conventions of its kind because it facilitates rehabilitation programs for terrorists... and respects territorial sovereignty and integrity’³⁹⁰. Nonetheless, its decision was extremely significant, particularly in the context of regional relations, especially with Singapore.

Although Indonesia remains sceptical, the country has increasingly shown attention to the requests of Singapore to cooperate on the nuclear security front. At the Nuclear

³⁸⁸ ASEAN Blue Print, Point B.1.3

³⁸⁹ The plan to establish such a committee was initiated in 2007 by the United States. The original idea was to create a forum in which to discuss issues related to non-proliferation, but Indonesia staunchly rejected the one-sided approach to nuclear governance. The negotiations for the establishment of the committee are analyzed in Fitzpatrick, *Preventing Nuclear Dangers in Southeast Asia and Australia*, pp. 15-16

³⁹⁰ Minister of Foreign Affairs Marty Nagalegawa, Hearing with House Commission I Indonesia Parliament, reported in the Jakarta Post, March 09, 2012

Security Summit in Seoul in 2012, for instance, Indonesia played a constructive role, proposing that ‘every participating nation should be equipped with legislative models to help each government speed up the ratification of relevant nuclear conventions, treaties and initiatives, as well as international legal instruments and frameworks. The legislative model should also include a checklist that can provide guidelines for countries in accordance with their own respective internal legal processes’. At the Summit, Indonesian President Susilo Bambang Yudhoyono also pledged to prepare a presidential decree on the safety and security of nuclear institutions, which was generally perceived as a positive development for overall regional cooperation³⁹¹.

Conclusions

In the theoretical framework developed in Chapter 2, the thesis posited that: ‘When nuclear alignment to the United States is low and the degree of regional embeddedness is high, the regional power will display *strategic leadership* and will devise a regional nuclear regime that is characterised by divergence in terms of goals and convergence in terms of methods with those of the U.S. global nuclear regime (substantial divergence)’.

The leadership of Indonesia in the establishment of the Southeast Asia nuclear regime can be described as strategic for several reasons. First, the country has used regional cooperation to constrain and limit great powers when operating in the region, and to boost the global nuclear disarmament agenda by devising a powerful regional nuclear-weapon-free zone treaty. But in particular, rivalry and antagonism with the United States have been an important incentive for Indonesia to strengthen ASEAN unity (and the regional integration process) to minimise the possibility of U.S. interference in the

³⁹¹ B. BT Saragih, Republic of Indonesia’s proposal on legislation welcomed, The Jakarta Post, March 28 2012

region. Its leadership has also been strategic because at the same time, the country has tried to accommodate the preferences of other players, particularly Singapore, to preempt harming the already fragile regional integration process. Indonesia has engaged in a skillful balancing act: it has challenged U.S. preferences through regional cooperation, but simultaneously it has accepted political compromises when such regional cooperation was at risk of failing. Thus at the regional level, although still aiming to contain the leadership of the U.S., Indonesia has emerged as a leader much more accommodating of U.S. preferences than it is at the global level. This is because Indonesia assigns high centrality to ASEAN and views regional unity as indispensable to its own security.

The low nuclear alignment between Indonesia and the United States

In the context of Indonesian foreign policy, its relationship with the U.S. can be best described as one of *realpolitik* and low security alignment. While Indonesia has acknowledged the presence and influence of the United States within Southeast Asia *as a matter of fact*, it has consistently refused to extend its political and military support to American hegemonic aspirations in the region³⁹². As Ciorciari states, ‘Indonesia generally recognizes the U.S. as the sole superpower; however, this is not to say that Indonesia accepts the U.S. presence in Southeast Asia as legitimate’³⁹³. Whereas Indonesia has attempted to strengthen its national security through the development of regional security architecture within Southeast Asia, repelling any alliance with great powers, the U.S. pursuit of strategic bilateral alliances³⁹⁴ in Southeast Asia has been

³⁹² Interview with P.L.E Priatna, 8 October 2011, Jakarta

³⁹³ Ciorciari, *The Balance of Great-Power Influence in Contemporary Southeast Asia*, International Relations of the Asia-Pacific, pp. 167

³⁹⁴ Deputy Secretary of State James Steinberg afforded a privileged position to the American bilateral alliance structure in Southeast Asia, as he underscored in his remarks in 2009: ‘There is no question that institutions play a critical role in building the capacity to address transnational challenges. At the same time we continue to believe that strong bilateral relationships form the cornerstone of stability in the region, beginning with our vibrant alliance with

consistently regarded by Indonesia as impairing its regional ambitions and as harmful to regional stability overall. Similarly, the United States has taken issue with what it perceives to be Indonesia's sense of regional entitlement³⁹⁵ and historically, Washington has opposed Indonesian leaders regarded as authoritarian, undemocratic or destabilising to U.S. regional interests.

In the nuclear realm, such hostility is nurtured by fundamentally opposing views of priorities in global nuclear governance. While Indonesia has perceived the existence of nuclear weapons as an existential threat to the collective security of the region and has categorically rejected the idea of nuclear deterrence as an instrument for stability, the U.S. has based its national defense upon the possession, maintenance and modernisation of nuclear weapons. Nuclear non-proliferation concerns should be read, according to Indonesia, 'in the full context, not in separation with other elements, namely disarmament and cooperation on nuclear technology'³⁹⁶. The U.S. has, for years, categorically rejected the link between disarmament and non-proliferation, and has focussed almost exclusively on the latter.

Even when the two countries have found themselves in agreement over some nuclear policies, the modalities they have pursued in the fulfilment of such policies have radically diverged. A case in point is the model Additional Protocol³⁹⁷. The U.S. has sought to make the Additional Protocol mandatory for all states, as shown in Chapter III, while Indonesia as a leader within the NAM has frequently remarked: 'it is fundamental

Japan, South Korea and Australia'. Speech delivered to the 18th general meeting of the Pacific Economic Cooperation Council, Washington, D.C., 12 May 2009, p. 3-4

³⁹⁵ Interview with John Cartin, 18 October 2011, Jakarta

³⁹⁶ A. Khalik, Indonesia blocks U.S. initiative on nuclear weapons at ARF, The Jakarta Post, 3 August 2007

³⁹⁷ In a report submitted to the IAEA, Indonesia noted: 'the role of the IAEA as the competent authority for strengthening the non-proliferation regime through its comprehensive safeguards a verification procedures and additional protocol has been consistently supported by Indonesia', Report submitted by Indonesia, Implementation of the NPT, 2005 Review Conference, NPT/CONF. 2005/45, P. 446 submitted on 20 May 2005

to make a clear distinction between legal obligations and voluntary confidence-building measures and that such voluntary undertakings shall not be turned into legal safeguards obligations³⁹⁸.

Such divergence in preferences and leadership modalities has manifested at multiple levels. At the global level, hostility between the two countries has been long-lasting, and has translated into a series of diplomatic stalemates, particularly during the NPT Review Conferences. Such antagonism is best exemplified first by the refusal of Indonesia to ratify the NPT until 1979, because of its discriminatory nature (although the country had actually signed it in 1970), and later by the persistent demand made by Indonesia as leader of the Non-Aligned Movement for nuclear-weapons states to pursue nuclear disarmament, and by its refusal to extend the NPT indefinitely. And precisely due to the continuing asymmetry of obligations and the unsatisfactory progress towards disarmament, at the 1995 NPT Review Conference, Indonesia and a handful of developing states challenged the U.S.-sponsored proposal to extend the Nuclear Non-Proliferation Treaty indefinitely³⁹⁹.

The decision to vote against the indefinite extension of the NPT (instead, in favour of a 25-year extension)⁴⁰⁰ gave Indonesia the historic opportunity to reiterate two fundamental points of its nuclear policy: 1) that Indonesia perceived the global nuclear regime to be skewed in favour of the most powerful states; and 2) that the biases of the

³⁹⁸ Safeguards, working paper submitted by the NAM to the Treaty Preparatory committee 2010, NPT/CONF.2015/PC.I/W.P.26 submitted on 24 April 2012

³⁹⁹ As the delegate of the U.S. administration stated at the time, 'President Clinton noted that the U.S. believes that nothing is more important to international security than the achievement of the indefinite extension without conditions of the treaty. In that view we associated ourselves with an overwhelming majority of the parties to the treaty'. Statement released by the U.S. delegate at the NPT Review Conference, 1995

⁴⁰⁰ Indonesia position at the NPT Review Conference 1995 is expressed in the letter of the Indonesian delegation addressed to the Secretary General of the 1995 Review and Extension Conference of the NPT, New York, 17 April-12 May 1995

global nuclear regime should compel states to explore alternative settings, such as regional nuclear forums, where they could pursue nuclear disarmament and nuclear non-proliferation⁴⁰¹.

Furthermore, the efforts of Indonesia regarding nuclear disarmament have been countless within the UN Commission on Disarmament and within the NPT review conferences. In September 1990, together with a handful group of countries, it introduced at the NPT Review Conference, for the first time, a resolution on the ratification of the Comprehensive Test Ban Treaty. At the 2000 NPT Review Conference, the country put on the table a comprehensive working paper offering practical steps in the pursuit of nuclear disarmament. This working paper, which was supported by the Non-Aligned Movement, triggered an important discussion with the nuclear-weapons states. Eventually, it led to the adoption of thirteen practical steps towards nuclear disarmament, and a surprising commitment by the NWS to engage in serious efforts towards a nuclear-weapon-free world.

It is however at the regional level that Indonesia has had the opportunity to readjust and perhaps rebalance what it continues to perceive as a ‘fundamentally unfair global arrangement’⁴⁰². Indonesia has responded by lobbying for the formation of regional mechanisms that could limit, if not exclude, American interference in the region. In this regard, the draft of the Southeast Asia Nuclear-Weapon-Free Zone Treaty has to be read as both a functional regime responding to nuclear risks and a strategic measure by

⁴⁰¹ In his speech, Indonesia’s Minister of Foreign Affairs Marty Natelegawa also noted: ‘Indonesia has always attached great importance to Article VII of the Treaty which affirmed the right of all states to conclude regional treaties to ensure their security. The establishment of nuclear-weapon-free zones, freely arrived at by states of the region, would foster peace, stability and security. Furthermore, such zones would also contribute to the objectives of the Treaty by curbing the spread of nuclear weapons’. Statement by the Minister of Foreign Affairs of the Republic of Indonesia, NPT Review Session 2010

⁴⁰² Interview with Febrian Ruddyard, 11 October 2011, Jakarta

Indonesia to restrict U.S. access to Southeast Asia's sovereignty⁴⁰³. More recently, where the U.S. has sought to expand its influence on regional nuclear policies through the establishment of a special commission on non-proliferation within ARF, those efforts were promptly checkmated by Indonesia, which advanced the alternative idea of an inter-regional institution dealing with nuclear disarmament.

High Regional Embeddedness: Indonesia in the ASEAN family

'ASEAN is family to Indonesia. Of course in order to become a man, any boy is at some point expected to leave the nest. But that boy will never be able to engage fully with the world, if he comes from a dysfunctional family'. (Interview with Dr. Dewi Fortuna Anwar, Special Adviser to the Vice-President of Indonesia, 12 October 2011, Jakarta, Indonesia).

If the interests of Indonesia were the only interests relevant at the regional level, the ASEAN regional nuclear regime would look radically different to how it has actually emerged. It would be more divergent from the U.S. global nuclear regime. Nevertheless, relations between Indonesia and the region (and its member states), and the commitment of the country towards regional integration, has forced it to compromise by smoothing its frequently radical and sometimes ideological positions in favour of more accommodating and pragmatic views.

The creation of ASEAN in 1967, at the height of the Cold War, represented a significant accomplishment for a region with an endemic problem of instability, and Indonesia was largely responsible for that success. The centrality that Indonesia assigned to ASEAN from the point of its foundation was driven by two interrelated factors. First, the creation of ASEAN was strategic because it has allowed Indonesia to gain regional and global legitimacy after a period of military confrontation with Malaysia (1963-1968) and the

⁴⁰³ Interview with Makmur Keliat, 4 October 2011, Jakarta

controversial leadership of President Sukarno, who advocated isolation from ‘Western Imperialism’⁴⁰⁴. Second, ASEAN represented the most important tool for Indonesia to develop a regional security architecture, and to forge regional unity. As Sukarno once pointed out, ‘if one day an integrated Southeast Asia could be established, then this region could withstand external influence and intervention from anywhere both economically and militarily. A cooperative Southeast Asia, an integrated Southeast Asia, is ultimately a stronghold and bulwark to resist imperialism and colonialism in whatever form and from whatever direction’⁴⁰⁵.

The centrality that Indonesia allocates to ASEAN is visible in many dimensions but it is exemplified by the way in which Indonesia has been an unstoppable driving force behind regional integration and the way in which Indonesia has accommodated the preferences of other players. Indonesia’s relationship with the city state of Singapore, frequently characterised by ‘antipathy and distrust’⁴⁰⁶, has been the most difficult and complex to manage⁴⁰⁷. The technological and military capabilities of Singapore make the country a strong regional player and a potential rival to Indonesia’s leadership⁴⁰⁸ for at least two reasons. Firstly, Indonesia’s impressive economic development has led Singapore to become one of its largest and most powerful investors, strengthening the interdependence between the two countries. Secondly, the exclusive relationship that Singapore enjoys with the U.S. has been regarded by Indonesia as an increasing menace to regional integration⁴⁰⁹. Singapore has relentlessly advocated for tightening

⁴⁰⁴ R. Cornejo, When Sukarno Sought the Bomb: Indonesian Nuclear Aspirations in the Mid-1960s, *Nonproliferation Review*, vol. 7, no. 2, 2000, pp. 31-43

⁴⁰⁵ President Sukarno, Chairman of the ASEAN Cabinet, Presidium at the opening session of the 1966-1967 Parliament on August 16, 1966

⁴⁰⁶ T.L.C. Liang, Explaining Indonesia’s Relations with Singapore during the New Order Period: The Case of Regime Maintenance and Foreign Policy, *Institute of Defense and Strategic Studies*, Singapore, May 2011, p. 1

⁴⁰⁷ Interview with Dr. Bantarto Bandoro, Jakarta, 07/10/2011

⁴⁰⁸ B. Bandoro, Indonesia and Singapore: The Battle for Power, Money and Space, *The Indonesian Quarterly*, vol. 35, no. 2, 2007

⁴⁰⁹ Interview with Bantarto Bandoro, 7 October 2011, Jakarta

cooperation between ASEAN and the United States. Such demands have become increasingly pressing over time, with the emergence of new powers and the political and military assertiveness of China⁴¹⁰. This has led Singaporean Prime Minister Goh Chok Tong to declare that ‘whatever their public rhetoric, every Asian government understands the need for a good relationship with the U.S.’⁴¹¹.

In the nuclear realm, the differences between preferences of Indonesia and Singapore on the one hand, and the depth of the partnership between the U.S. and Singapore on the other hand, have certainly not facilitated the reaching of common policies. On the issue of nuclear disarmament, for instance, Singapore has been sympathetic to the end goal, but has ‘found problematic the ideological position taken by Jakarta over the years’⁴¹². In several international venues, Singapore has clearly stated: ‘Complete nuclear disarmament remains a very long term aspiration. We will not see it realized in any of our lifetimes’⁴¹³.

Related to the Indonesian aspirations for regional nuclear disarmament through SEANWFZT, Singapore remains rather cautious. ‘Do we really believe that just because we have a regional treaty in place, the United States or China would refrain from transferring or transporting nuclear weapons across Southeast Asia if it is in their interest to do so? Would it be credible to think that even if we ask them to inform us on whether their ships are carrying nuclear weapons when crossing our waters, they would actually

⁴¹⁰ K. He, Institutional Balancing and International Relations Theory: Economic Interdependent and Balance of Power Strategies in Southeast Asia, *European Journal of International Relations*, vol. 14, no. 3, 2008, pp. 489-518

⁴¹¹ M. Beeson, Resisting Hegemony: the Sources and Limits of Anti-Americanism in Southeast Asia, paper presented at the workshop on *Globalization, conflict and political regimes in East and Southeast Asia*, August 15-16, 2003, p. 10. The declaration was published in the Straits Times, online version, March 31, 2003, in an article entitled ‘Like it or not, Asian Governments need good ties with the US’.

⁴¹² Interview with Singapore Ambassador Lim Thuam Kuan, 19 October 2011, Jakarta

⁴¹³ Statement by Ambassador Vanu Gopala Menon, Permanent Representative of Singapore to the UN, at the 2010 NPT, 6 May 2010

tell us? I don't want to dismiss SEANWFZT; the treaty is important as a political statement, but it is its actual validity in being able to constrain great powers from behaving in a certain way that I am not sure of⁴¹⁴.

On the issue of nuclear security within the broader context of regional terrorism, Singapore's perspective is largely in tune with that of the U.S. insofar as both see Islamic terrorism as the main danger to national and regional security. Singapore Deputy Prime Minister Tony Tan described terrorism as the 'most immediate security threat facing the region'⁴¹⁵. Yet the Indonesian perspective has diverged from what was seen as the overly strategic view of terrorism held by Singapore and the U.S.; unlike Singapore, Indonesia has never acknowledged terrorism as an existential threat. For Indonesia, terrorism is 'a political issue closely tied to domestic political dynamics. Counter-terrorism and electoral politics make uneasy bedfellows in majority Muslim countries'⁴¹⁶. This has led Indonesia and Singapore to make very different, almost antithetical, choices in their national policies and in their regional approaches.

Yet the awareness of interdependence between the two countries has forced both sides to seek compromise. Singapore has long acknowledged that 'some other ASEAN countries harbor resistance to accepting initiatives presented by Singapore'⁴¹⁷, but it has increasingly underlined that on the nuclear front, 'national efforts alone cannot succeed without comprehensive implementation by and cooperation from other states to make

⁴¹⁴ Interview with Singapore Ambassador Lim Thuam Kuan, 19 October 2011, Jakarta

⁴¹⁵ Agence France Presse, 2002, cited in A. Acharya, *Terrorism and Security in Asia: Redefining Regional Order*, *Institute of Defense and Strategic Studies, Nanyang Technological University, Working Paper*, October 2004, p. 3.

⁴¹⁶ Acharya, *Terrorism and Security In Asia: Redefining Regional Orders?*, p. 2.

⁴¹⁷ Cable (2005), U.S.-Singapore Proliferation Talks Identify Future Work Agenda, SECRET SECTION 01 OF 07 SINGAPORE 003160, part 23, accessible at: <http://www.cablegatesearch.net/cable.php?id=05SINGAPORE3160> (last accessed on 01/10/2012)

non-proliferation efforts succeed'⁴¹⁸. Indonesia, aware of its regional position, understands the responsibility it bears in the regional integration process to prevent damaging the fragile process of regional integration. Accused in 2002 by Singapore of being unwilling to confront the local terrorist groups operating on its soil⁴¹⁹, Indonesia has agreed to sign, although reluctantly, the ASEAN-U.S. Joint Declaration for Cooperation to Combat International Terrorism. The country has also taken part in the various Counter-Terrorism Dialogues instigated by Singapore, although it has not lent active leadership in the organisation of those dialogues. In September 2010, Indonesia announced its decision to sign a defense cooperation pact with Singapore that grants the city state access to its air and maritime space for the conduction of military training, including counter-proliferation activities.

The future of Southeast Asia nuclear governance

The regional nuclear regime that has emerged in Southeast Asia is largely the by-product of these two complex relations. The interplay that emerges is one of substantial divergence, mainly because of the different prioritisation of goals at the regional level. While increasingly the regional nuclear cooperation has given great prominence to goals such as nuclear non-proliferation and nuclear security, which top the U.S. nuclear agenda, equally thanks to Indonesia, it continues to maintain focus also on the goal of nuclear disarmament. The pending ratification of the SEANWFZT has been used by Indonesia at both the regional and global levels to underscore the continual resistance by nuclear-weapons states from fulfilling their obligations under the NPT and has provided an important incentive for Indonesia to continue resisting U.S. interference in ASEAN nuclear affairs. The fact that the regional nuclear regime remains divergent from the

⁴¹⁸ Statement by Poo Zhi Yi Robbie, Delegate to the 64th session of the United Nations General Assembly, Thematic Debate on Nuclear Weapons, First Committee, 15 October 2009

⁴¹⁹ The Economist, Indonesia: The Challenge for Moderate Islam, 20 June, 2002

global nuclear regime should be primarily attributed to the leadership of Indonesia and its unwavering commitment to nuclear disarmament.

In terms of methods, the regional nuclear regime is on its way to becoming fully convergent with the U.S. global nuclear regime. As this chapter demonstrates, many instruments have been put in place to strengthen the ASEAN commitment to nuclear non-proliferation, and to encourage its member states to ratify the model Additional Protocol. In terms of counter-proliferation, although ASEAN did not officially endorse the initiative, the majority of its member states has either lent their support or is in the process of joining. The lack of an official acknowledgement by ASEAN is simply due to the resistance of Indonesia and Vietnam. However, the majority of Southeast Asian countries today are favourably disposed to join the PSI. Regarding nuclear security, the Convention on Counter-Terrorism has been an outstanding accomplishment, triggering intense political discussions on how to best incorporate nuclear security considerations, such as border and export control policies, into the emerging ASEAN Economic Community, the establishment of which is led by Singapore in accordance with the ASEAN charter of 2008.

The continuous convergence towards a U.S. global nuclear regime is due to the accommodating role chosen by Indonesia vis-à-vis the demands of Singapore in view of protecting ASEAN unity. Nevertheless, such compromises have proved extremely costly domestically for Indonesia itself. The government came under attack for its decision to lend support to Singapore's participation in the Proliferation Security Initiative, and as the current Indonesian Minister of Foreign Affairs, Marty Natalegawa, pointed out: 'Indonesia's engagement in ASEAN is not optional in its nature. ASEAN is a fact of

life’⁴²⁰. Yet it is difficult to predict how long such centrality will be maintained, and at what cost for both Indonesian leadership and for the overall governance of the nuclear sector in the region.

⁴²⁰ Remarks by Minister of Foreign Affairs, Dr. Marty Natalegawa, at the 7th General Conference of the Council for Security Cooperation in the Asia-Pacific, 2009

Chapter VI: France Integrative Leadership and the EU Nuclear Regime

'A France without world responsibility would be unworthy of herself, especially in the eyes of Frenchmen'¹. (Charles de Gaulle)

This quote from President De Gaulle encapsulates the scope of this last empirical chapter. The chapter seeks to illustrate how the European nuclear regime came about thanks to the vision and leadership of France towards the establishment of an economically independent and secure Europe, and how with the deepening of European integration, the ambitions of France grew and led the EU to acquire global prominence in nuclear governance.

There are many causes for France's position of leadership, but two relations have been particularly strategic in influencing the way in which France has pursued its leadership role within the European Union. The first is the country's highly successful relation with the United States in terms of nuclear cooperation. The almost perfect alignment between France and U.S. nuclear goals has facilitated the convergence of the EU regional nuclear regime to the U.S. global nuclear regime and such a convergence has in turn been critical to enhancing the U.S. global nuclear regime. The second is France's relation with Germany, which has influenced all phases of regional nuclear institution building. The Franco-German relation was initially marked by acute distrust, particularly on the part of the French in the immediate aftermath of World War II, but has rapidly shifted towards a

¹ C. de Gaulle, *Memoirs of Hope: Renewal and Endeavour*, (New York: Simon and Schuster 1971), p. 209 cited in S. Sagan, Why Do States Build Nuclear Weapons: Three models in search of a bomb, *International Security*, vol. 21, no. 3, Winter 1996-1997, p. 79

close partnership and in more recent years to an almost indivisible EU directorate shared by the two countries. France soon realised the indispensable economic and political role of Germany in the post-World War II reconstruction of Europe and therefore sought to entangle Germany in a web of institutions and agreements to harvest the power of Germany's economy and resources while preventing Berlin's rekindling of hegemonic aspirations. In the nuclear sphere, although the two countries entertain highly positive relations, some (very minor) disagreements exist, particularly over resorting to the use of force in the fight against nuclear proliferation. Germany's disapproval of the U.S. unabashed promotion of the use of coercive measures and the use of force in the area of counter-proliferation led France to diverge from the U.S. in this issue.

The chapter ultimately depicts the current regional nuclear regime in Europe as largely converging with U.S. preferences at the global level, hence serving as an important support mechanism for the U.S. at the regional and global levels. Any differences that may be found between approaches of the two regimes are minute and deemed insignificant to the ways in which they operate. Rather than casting the European nuclear regime as a countervailing nuclear regime, the chapter stresses the idea that the European nuclear initiatives are largely complementary and integrative to the U.S. global nuclear agenda.

The Regional nuclear regime of the European Union: a preliminary overview

The EU regional nuclear regime is characterised by some specific features. Firstly, until very recently, few institutions have emerged within the EU that deal with the risks of nuclear non-proliferation and nuclear security, and instead there is an abundance of institutions that respond to risks relating to nuclear safety, the harmonisation of

procedures among nuclear operators, and so on. In this sense, it can be argued that within the EU, the economic dimension of nuclear technology is better regulated than the security dimension. This can be explained by at least three factors. The strategic pursuit of regional cooperation in the nuclear energy sector was predominantly initiated for economic, and not security, reasons, in order to tackle the endemic problem of energy scarcity within Western Europe while contributing to the reconstruction of the region in the aftermath of WWII². In addition, for several decades the essential leading role of NATO in designing and implementing collective nuclear defence policies had lessened the incentives of European countries to explore a more EU-tailored approach to the management and mitigation of security risks posed by nuclear technology. Finally, striking differences existed and still persist among EU members in regards to the use and management of nuclear technology. Some member states are totally opposed to the production of nuclear energy (such as Austria and Italy), while others have not only developed a full scale civilian nuclear energy program, but also possess and run a parallel nuclear military program (France and the UK). Such differences have long impaired the EU from being able to develop comprehensive nuclear policies³.

Secondly, European nuclear cooperation, as in the case of Southeast Asian and Latin American cooperation, is a reactive cooperation, largely triggered by the presence of local and proxy risks that global institutions such as the IAEA and the NPT are unprepared to deal with. The frustrating lack of proactivity of Europe in the crafting of nuclear policies was described by one commentator in the following way: ‘Europe in contrast to the U.S. acted for a long time as if it were living on another planet. Each time

² D. Dinan, *Europe Recast: A History of European Union*, (Boulder, Colorado: Lynne Rienner Publishers, 2004), pp. 28-37

³ C. Grand, The European Union and the Non-Proliferation of Nuclear Weapons, *Chaillot Papers*, no.37, 2000, B. Tertrais, *Nuclear Policies in Europe*, (Oxford: International Institute for Strategic Studies, Adelphi Paper 327, 1999)

the European states seemed to catch up in the field of non-proliferation, the U.S. moved to a higher gear. Europe always ran behind. When the European Community member states decided to ratify the NPT in the mid 1970s, the U.S. was already pushing for stricter control in the frameworks of the nuclear supplier groups. When the EC agreed with the NSG guidelines, the Carter administration had further hardened its policies. When the EC gradually established a non-proliferation policy in the '80s and '90s, the U.S. changed the analytical framework by introducing the concept of counter-proliferation. The latter placed more emphasis on military instruments in the fight against terrorism⁴. The long delay of the EU to engage with nuclear issues should be justified by the continuous enlargement process, which has forced the EU to constantly operate at the lowest common denominator in many sectors and has impaired the region from reaching consensus on particularly divisive issues such as nuclear non-proliferation and disarmament⁵.

Finally, it is only very recently, and chiefly after 9/11, that the European Union has acquired special global salience as a key actor in global nuclear governance, mainly due to the changing nature of contemporary nuclear risks. During the Cold War, and in the logic of superpower competition, NATO as a military alliance was the organisation best suited to design and implement nuclear deterrence and containment policies against the Soviet Union. However, in the post-Cold war era, where security threats are increasingly posed by non-state actors and by the proliferation intentions of rogue states, the military capabilities and skills of NATO are misplaced to be able to handle effectively these crises. The contemporary nature of nuclear risks has thus led to a decline of the role of

⁴ T. Sauer, The Americanization of EU Nuclear Non-Proliferation Policy, *Defence and Security Analysis*, vol. 20, no. 2, June 2004, pp. 113

⁵ C. Grand, et. all., *U.S.-European Nonproliferation perspectives, A Transatlantic Conversation*, (A Report of the Center for Strategic and International Studies – CSIS, Washington, 2009), L. Grip, Mapping the European Union's Institutional Actors related to WMD Non-Proliferation, *EU Non-Proliferation Consortium, Non-proliferation Papers*, no. 1, 2011

NATO in nuclear governance and has freed up political space for the EU to exercise its leadership through diplomacy and multilateralism. During the several interviews that I held at the NATO Headquarters and at the EU Headquarters in Brussels, the decline of NATO in nuclear governance was frequently cast as a *fait accompli*, an undeniable fact. For many of my interviewees in NATO, however, the loss of relevance of the organisation was primarily attributable to France's vision for a twenty-first century Europe. Dr. Jamie Shea, NATO Deputy Assistant Secretary General for Emerging Security Challenges, told me in an interview, 'there is a process under way - whether conscious or unconscious - to exclude NATO from a series of crucial conversations related to WMD proliferation. Such isolation is in part determined by the nature of this current U.S. administration that has pursued other priorities [...] but it has in part to do with the increasing role that the EU is commanding in this area'⁶.

Ambassador Jacek Bylica, Head of the NATO Weapons of Mass Destruction Centre, echoed Dr. Shea's position, saying: 'NATO is a declining organization, and acquiring a mandate on WMD would most probably bring NATO back to prominence. This is something that France does not want to see because this would possibly overshadow the construction of an EU security policy now that the international conditions seem favourable to it. Ensuring that the formulation of nuclear policies by EU states is done within an EU framework is a strategic move. It allows France to control the process, and at the same time strengthens the EU collective capacities on this issue'⁷.

That position was confirmed by the French government, although in more nuanced terms. In one of the interviews most important for the elaboration of this chapter, held in

⁶ Interview with Dr. Jamie Shea, NATO Headquarters, 18 May 2012, Brussels

⁷ Interview with Ambassador Jacek Bylica, NATO Headquarters, 18 May 2012, Brussels

Paris at the Prime Minister's office, Dr. Fouad El-Khatib, a leading nuclear policy-maker and former senior inspector for UNSCOM, told me: 'for France, the handling of proliferation crises and the prevention of WMD do not require the operational skills of the army. Rather, it relies on the skills of intelligence services and diplomacy. The involvement of NATO - according to France - would harden the issue, would radicalize it in a way that the country is not comfortable with. On the contrary, we see the EU playing a role in the prevention of WMD proliferation because of the diplomatic skills it has, the multilateral outreach of its identity and the role it plays in development and global stability. ... The involvement of NATO in this field would be highly problematic and politically unnecessarily costly'⁸.

The regional nuclear regime and its interplay

The European nuclear regime consists of three main institutions⁹: EURATOM (1957); the European Strategy against the proliferation of WDM (2003), with its 'New Lines for Action' to combat the proliferation of weapons of mass destruction and their means of delivery (2008), and EU Council Regulation 428/2009, on dual-use items and export controls (2009).

The most important goal of the EU regional nuclear cooperation is the prevention or halting of nuclear proliferation both within the EU region and abroad¹⁰, particularly in neighbouring areas such as the Middle East, Central Asia, the Caucasus and the Balkans. The global outlook of the EU nuclear non-proliferation strategy emerged in part during

⁸ Interview with Dr. Fouad El-Khatib, 15 May 2012, Paris

⁹ Many institutions within the EU deal with other aspects of nuclear technology and cooperation, such as dealing with nuclear safety, which is outside the scope of my study

¹⁰ C. Kaunert, and S. Leonard, Introduction: European Security Governance after the Lisbon Treaty: Neighbors and New Actors in a changing security environment, *Perspectives on European Politics and Society*, vol. 12, no. 4, 2011, pp. 361-370; S. Rynning, Peripheral or Powerful? The European Union's Strategy to Combat the Proliferation of Nuclear Weapons, *European Security*, vol. 16, no. 3-4, 2007, pp. 267-288

the 1990s, but acquired momentum and salience after 9/11. Together with a continual consolidation of the EU nuclear non-proliferation agenda, nuclear security has become the second most important goal of the EU, which is today the largest donor to the IAEA Nuclear Security Fund, outspending even the United States.

Finally, nuclear disarmament remains a highly contentious issue among European countries. Political discussions on the subject remain rather disappointing and no significant advancements have been made to date.

The goals and methods of the EU Regional Nuclear Regime

Nuclear Non-Proliferation

Two out of the three institutions thus far devised by the EU on nuclear governance deal with the issue of preventing or halting nuclear proliferation. EURATOM (1957) was created as an instrument to prevent nuclear proliferation within Europe, whereas the EU Strategy against the proliferation of weapons of mass destruction (henceforth EU WMD Strategy), adopted in 2003, represents the commitment of the EU to prevent risks of proliferation outside of the region.

EURATOM is a wider system of nuclear material accountancy and control. The non-proliferation function of EURATOM has three main aspects: the community nominally owns all fissile material and it is responsible for the community's external commercial nuclear relations. This means that while negotiating directly with nuclear suppliers on behalf of its member states, the EU Commission is also simultaneously able to control the national nuclear production of its member states. EURATOM also has an inspection

and verification mandate, similar to that of the IAEA at the global level¹¹. Yet its inspections are limited to nuclear power plants for civilian use. The technology related to nuclear military programs (of the two nuclear weapons states, France and the UK) is outside of EURATOM authority.

EURATOM was the world's first regional inspection and verification system and it was created in the same year as the International Atomic Energy Agency (1957). The simultaneous creation of a regional and a global mechanism of verification and inspection has generated coordination problems¹² between EURATOM and the IAEA which were eventually settled through an agreement between the two agencies in 1992. The continued existence and maintenance of EURATOM, however, became very controversial in the eyes of the USSR and its allies who often questioned the trustworthiness of EURATOM in inspecting the civilian nuclear programs of NATO member countries¹³, given that it was effectively a self-led inspection program and thus it could be perceived as a political device for certain NATO member states to evade the more stringent procedures of the IAEA.

The existence of EURATOM, which European countries have tended to protect quite ardently, has however not detracted the European countries from extending full support and cooperation to the IAEA, whose global authority is constantly noted in EU official statements at the NPT level and elsewhere. In addition, EU member states have consistently advocated for the strengthening of the IAEA mandate and inspection

¹¹ H. Muller, European Nuclear Non-Proliferation After the NPT Extension: Achievements, Shortcomings and Needs, in Y. Boyer, C. Carle, J. Krause, H. Muller and G. Van Order, *Europe and the Challenge of Proliferation*, Chaillot Papers, no. 24, May 1996, pp. 28-29

¹² Interview with Dr. Tariq Rauf, 7 May 2012 during the 2012 NPT Prepcom, Vienna

¹³ H. Muller, *European non-proliferation policy, 1993-1995*, (Brussels: European Interuniversity Press, 1996), p. 57; K.D. Kapur, *Soviet Nuclear Non-Proliferation Diplomacy and the Third World*, (Delhi, India: Konark Publishers, 1993), p. 89

authority. The idea of the model Additional Protocol (AP) to the Nuclear Non-Proliferation Treaty was, for instance, instigated by the European Commission in 1993¹⁴. And the commitment of EU countries to the AP is exemplified by the fact that today all EU member states are signatories to the AP, and one of the conditions for accession to the EU is to have signed both the NPT and the AP. In the 2005 NPT review conference, the EU stated: ‘the European Union attached the utmost importance to reinforcing compliance with the NPT Treaty [...] the European Union viewed the IAEA Comprehensive Safeguards Agreements and the model Additional Protocol adopted in 1997 as the verification standard of the day and hoped they would be recognized as such by the conference’¹⁵.

While EURATOM is concerned mainly with aspects of non-proliferation within the EU area, the EU WMD Strategy deals with issues related to nuclear non-proliferation outside the EU area. The EU WMD Strategy was the first systematic attempt by the EU to develop a comprehensive global approach to nuclear non-proliferation. Although the strategy *per se* is not necessarily groundbreaking (it sits comfortably within the EU soft-power approach) it nonetheless features some remarkable new thinking. It comprises three basic lines for action: preventing, deterring and halting proliferation programmes worldwide¹⁶. To achieve those goals, the EU advocates the use of various instruments, including: effective multilateralism, which requires strengthening existing global institutions such as the NPT and the IAEA; promoting stable regional and international

¹⁴ In February 1993, the IAEA “acting on a proposal made by the European Union established a universal reporting system. Under this system, all NPT parties are invited to notify the IAEA voluntarily of transfers of nuclear equipment and specified non nuclear materials, such as heavy water, in addition to the notifications they already make on their exports of nuclear technology”, in D. Fischer, *New Directions and Tools for Strengthening IAEA Safeguards, The Nonproliferation Review*, Winter 1996, p. 70. The role of the EU in the establishment of the IAEA model Additional Protocol is discussed also in H. Muller, D. Fisher, and W. Kotter, *Nuclear Non-Proliferation and Global Order*, (Oxford: Oxford University Press for SIPRI, 1994); C. Braun, and C. Chyba, *Proliferation Rings: New Challenges to the Nuclear Non-Proliferation Regime*, *International Security*, vol. 29, no. 2, 2004, pp. 5-49

¹⁵ NPT/CONF. 2005/57 PART III, p. 16

¹⁶ EU Strategy Against the Proliferation of Weapons of Mass Destruction, Annex, 15708/03, DGE WMD, 2003, p. 2

environments, by engaging in preventive diplomacy and capacity-building; and creating cooperation and networks with like-minded states worldwide.

Besides the conventional EU commitment to multilateralism (although the Strategy refers to ‘effective multilateralism’), a novel idea introduced by the EU’s WMD Strategy resides in the Proliferation Clause, which signals the intention of the EU to use its economic leverage to ensure the minimisation of proliferation risks in neighbouring areas. The clause is activated in cases of a breach by the contracting party of one or more of the nuclear non-proliferation treaties and agreements. Such a breach invalidates the commercial agreement of the EU with the contracting party and leads to the cessation of cooperation and the adoption of sanctions by the EU¹⁷.

The EU’s commitment to counter-proliferation is of recent formation and has provoked some internal political disagreements among member states. While ‘intervening regional powers like France and the UK have no hesitation to use coercive power in order to halt instances of proliferation, other member states are more cautious in their approach and they fear coercion may escalate further certain crises’¹⁸. Nonetheless, the engagement of the EU with counter-proliferation and with the U.S.-led Proliferation Security Initiative has materialised in three main ways. First, the core of 11 states, initially handpicked by the U.S. and instrumental in designing the Statement of Principles of the initiative itself, featured a disproportionate EU representation (out of 11 countries, seven were EU members). This gave EU states a clear advantage in influencing and shaping the initiative. Second, all 27 EU member states are today partners of the PSI. Finally, the EU as a whole has released a declaration in support of the PSI, the only declaration

¹⁷ Council of the European Union, Report on the fight against the proliferation of weapons of mass destruction, Note 14997/03, 2003, point 8, p. 3

¹⁸ Interview with Dr. Corentin Brustlein, French Institute of International Relations, 11 May 2012, Paris

emanating from a regional body in support of a counter-proliferation initiative. Furthermore, France explicitly lobbied for the ‘New Lines for action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems’, which was adopted during the French EU Presidency in 2008. In New Lines, the EU Council officially declared EU support of the instrument of counter-proliferation with the following: ‘the European Union and its member states note that the principal purpose of the Proliferation Security Initiative complements well the objectives set out in its own strategy against the proliferation of WMD. The European Union and its member states fully endorse and subscribe to the Statement on Interdiction Principles of the Proliferation Security Initiative of 4 September 2003’¹⁹.

Nuclear Security

Today, the fastest growing area of regional nuclear cooperation within the EU has been nuclear security. The EU is the largest donor to the IAEA’s Global Nuclear Security Fund, and it is in this area where its competence and leadership have stood out.

The EU has worked to ‘put its house in order’ and has consolidated its own internal export-control policy. Until 1993, export regulations were dealt exclusively by member states²⁰, while ‘trade’ was an area of competence of the EU through the Directorate General for Trade of the European Commission. This problematic division of labour and competence had generated problems of management and regulation. After some tough rounds of negotiations, resulting in Council Regulations 1334/2000 and later 428/2009, the EU finally managed to introduce the Community General Export Authorization

¹⁹ Council of the European Union, note 10052/04 on Support of the Proliferation Security Initiative, released in Brussels, 1 June 2004

²⁰ While some of these member states joined together in informal groups, such as the Nuclear Supplier Group, the Australian Group (AG) for chemical and biological weapons, Missile Technology Control Regime (MTCR), and so on, nothing similar was established within the EU area for all EU member states

(CGEA), which waives authorisation for exporting items to friendly countries²¹, and assigned more authority and discretion to the EU regarding dual-use technologies. While the list of dual-use technologies that require an EU authorisation is decided by the EU Council through consensus, member states are individually responsible for the actual implementation of the EU Council Regulation.

In addition, the EU as a whole has supported the U.S.-sponsored UN Security Council Resolution 1540 on Nuclear Terrorism (2004) and has worked to strengthen the capacities of countries all over the world to fulfil their obligation under UN Resolution 1540. Through partnering with the IAEA, the EU has allocated an impressive 34 million euros²² to sustain IAEA efforts for improving national legislative and regulatory infrastructures, upgrading physical protection of systems and equipment, and developing and training local capacities of selected countries. In addition, the EU has also embarked on an extensive development of capacity-building measures on its own, through the EU Chemical, Biological, Radiological, and Nuclear Risk Mitigation Centres of Excellence project, launched in 2007 with an overall budget of 95 million euros for the period 2007-2013²³.

Such attention to capacity building is perceived by many in the EU as the fundamental difference in approach between the EU and the U.S., and as one EU official observed: ‘we in the EU understand that it is not sufficient to say to countries what they need to do. But we need to be there to assist, to help, to guide. Preventing nuclear terrorism and

²¹ Australia, Canada, Czech Republic, Hungary, Japan New Zealand, Poland, Norway, Switzerland and the United States

²² Data provided by Dr. Karin Burmester, IAEA Office of Nuclear Security Project Coordinator, EU Activities, during our interview, in 5 May 2012 during the 2012 NPT Prepcom, Vienna

²³ Interview with Louis-Victor Bril, 24 May 2012, Brussels

proliferation is never a top-down undertaking. It requires full cooperation. [...] above all, political will and capacities on the ground have to be equally present'²⁴.

Regime interplay between the EU nuclear regime and the U.S. global nuclear regime

The clear emphasis placed by the EU regional nuclear regime on nuclear non-proliferation and, increasingly, on the fight against nuclear terrorism suggests an undeniable convergence between the EU nuclear regime and the U.S. global nuclear regime. Another significant convergence between the two regimes resides in the position vis-à-vis nuclear disarmament, in the sense that neither the EU nor the United States has prioritised nuclear disarmament in their regional and global policies. Yet the explanation of this convergence deserves further qualification. Such convergence, I argue, is in large part simply the by-product of the choice of the EU to stay away from such a divisive issue. Therefore it is political silence, and not outright support of nuclear weapons, which marks this convergence on nuclear disarmament policies.

The divisiveness of the issue derives from the complex mosaic of preferences and interests within the European Union itself, which features two nuclear weapons states, five countries hosting NATO nuclear bases, and a bloc of countries adamantly opposed to nuclear weapons. At the EU level, there is no institution mandated to ensure, manage or facilitate the disbandment of nuclear weapons from the European Union area, and the term 'nuclear disarmament' has barely appeared in official EU documents. Discussions on the need to undertake nuclear disarmament have been conducted almost exclusively

²⁴ Interview with Louis-Victor Bril, 24 May 2012, Brussels

within the European Parliament²⁵ framework, where a clear antinuclear faction frequently points out the non-sustainability of a nuclear weapons presence on European soil. Yet the EU Council, the highest political organ of the European Union, and the EU Commission, as its main administrative body, have been largely silent on this matter, and when they have expressed support, they have been careful to refer to disarmament, rather than nuclear disarmament, in support of a reduction in conventional weapons²⁶. As an EU official within the EU Council clarified: ‘When in the EU circles we talk about disarmament and arms-control, we refer exclusively to conventional weapons, including small weapons. We *do not* refer to nuclear weapons, whose presence obviously remains a very divisive and highly contentious subject in European politics’²⁷. Given the highly contentious nature of the debate around nuclear weapons, the lowest common denominator among EU countries was to respect each other’s view and avoid opening a serious political debate, given the absence of sufficient political conditions for it to succeed.

The degree of divisiveness among European member states on the issue of nuclear disarmament has frequently been sharpened by the position of France, which, as a high defensive nuclear-weapons state: ‘since De Gaulle, has regarded its nuclear weapons as central to its autonomy in relation to its allies, including its partners in the EU’²⁸. Not only does France hold nuclear weapons at the center of its national defense posture, but it

²⁵ The most recent declaration of the European Parliament in this regard, adopted on 10 March 2010, is the ‘Implementation of the European Security Strategy and the Common Security and Defence Policy’, P7_ta (2010), which states, in part: ‘We welcome UNSC Resolution 1887 – 2009 and fully support its call for a halt to the spread of nuclear weapons and intensified efforts to achieve disarmament under strict and effective international control’. It continues: ‘the EU Parliament, stressing the need to reinforce further all three pillars of the NPT, namely non-proliferation, disarmament and cooperation on the civilian use of nuclear energy ... welcome the declarations and stated objectives of the new American administration and its commitment to take nuclear disarmament and calls on the two European nuclear powers to express their explicit support for their commitment and come forwards with new measures to achieve it’

²⁶ Interview with Mihaela Vasiu, 23 May 2012, Brussels

²⁷ Interview with Mihaela Vasiu, 23 May 2012, Brussels

²⁸ D. Yost, France’s New Nuclear Doctrine, *International Affairs*, vol. 82, no. 4, 2006, p. 111

has come to see nuclear weapons as pivotal in the collective security of the European Union. Since the 1990s, France has on several occasions tabled the idea of an EU concerted deterrence (*dissuasion concertee*)²⁹, i.e. the establishment of a collective deterrence system, based on the NATO model, for all - and only -European countries and ensured by the British and the French nuclear arsenals. Such a position has been rebuffed by anti-nuclear states like Sweden and Ireland, but it has found fertile ground in key French allies such as Germany (and the UK conditional upon the commitment towards NATO) and today the issue of a collective nuclear deterrence for Europe continues to be discussed in small groups and private circles in Paris and in Brussels.

Whereas the convergence between the EU and the U.S. nuclear regimes appear rather straightforward, a difference, albeit rather minor, emerges in terms of the methods favoured by the EU in the pursuit of its nuclear agenda. In particular, a discrepancy must be noted between the EU and the U.S. in the conditions, justifications and modalities for the use of force to prevent or halt nuclear proliferation. On this front, the consensus of the EU has not necessarily crystallised. One analyst has written, ‘The EU WMD Strategy of 2003 conveys significant acceptance of the new threats agenda as defined by the U.S. but with important shadings. It affirms shared goals with the U.S. at the broadest level (defending and actively promoting democracy and free market values), it partially accepts the new U.S. security discourse regarding the inadequacies of traditional state-based security policies and institutions. However, it also clearly rejects a number of US

²⁹ The idea of concerned deterrence was promoted by France in the ‘90s but has continued to endure to present. In 2001 President Jacques Chirac argued: “It’s France’s wish that our nuclear deterrent also contribute to Europe’s security. It thus participates in the overall deterrent that can be exerted by the democracies joined together ... In any case, it is up to the President of the French Republic to assess the harm that might be done to our vital interests in a given situation. This assessment would naturally take into account the growing solidarity of the countries of the European Union”. J. Chirac, Speech at the Institut des Hautes Etudes de Defense Nationale, 8 June 2001. The concept is also discussed by famous French nuclear experts like Boniface and Tertrais in: P. Boniface, *The Future of the French Nuclear Posture*, *Strategic Analysis*, vol. 23, no. 8, 1999, pp. 1319-1332; B. Tertrais, *Nuclear Deterrence in 2030: A French Perspective*, (Paris: Fondation pour la Recherche Strategique, February 2007), p. 7-8

methods and rationales, especially for coercive and unilateral actions'³⁰. Another asserts that: 'The EU seeks to move Washington's focus away from the new dangerous world of counter-proliferation – which also includes pre-emptive defence – and back to the promise of peaceful change inherent in the old world of non-proliferation'³¹. The question of the use of force is an issue which is not easily debated in the corridors of the EU. 'The position, as you can imagine, is not unanimous among member states, and this is also reflected in the positions and statements of the EU Council. Some states with a long tradition of counter-terrorism practices are relatively more comfortable with the idea that the EU could use coercive measures at some critical conjectures, while others, usually the most northern European countries, are rather adamantly opposed to it'³².

The use of coercive measures in cases of counter-proliferation is a sensitive issue, and thus one that keeps changing in EU discourse. In 2003, the use of coercive measures was carefully crafted in the EU's WMD Strategy as a measure of last resort, but the emphasis was clearly placed on effective multilateralism. In several documents, 'effective multilateralism' has been cast as 'the cornerstone of EU WMD strategy'³³, yet in reality, an approach based on effective multilateralism is only vaguely defined. In the WMD strategy, the EU stated that 'the main EU instruments for the time being will remain the revitalization of the existing non-proliferation regime'³⁴. To further strengthen its commitment to multilateralism, the EU in the same year declared: 'the EU is committed to a multilateral treaty system, which provides the legal and normative basis for all non-

³⁰ A. J.K. Bailes, *The European Strategy: An Evolutionary History*, SIPRI Policy Paper, no. 10, February 2005, p. 18

³¹ Rynning, *Peripheral or Powerful? The European Union's Strategy to Combat the Proliferation of Nuclear Weapons*, p. 272. The European Security Strategy identifies the proliferation of WMDs as potentially the greatest threat to our security. The strategy against proliferation argues that 'a multilateral approach provides the best way to maintain international order and hence our commitment to uphold, implement and strengthen the multilateral disarmament and non-proliferation treaties and agreements'.

³² Interview with Dr. Antonio Missiroli, 21 May 2012, Brussels

³³ House of Lords European Union Committee, 13th Report of Session 2004-05, *Report on Preventing Proliferation of Weapons of Mass Destruction: The EU Contribution*, released by the Authority of the House of Lords, London on 5 April 2005, p. 15

³⁴ Sauer, *The Americanization of EU Nuclear Non-Proliferation Policy*, p. 122

proliferation efforts. The EU policy is to pursue the implementation and universalization of the existing disarmament and non-proliferation norms. To this end we will work towards the universalization of the NPT³⁵.

Ultimately, as Elisa Oezbek has remarked, ‘Europe’s commitment to fight WMDs by means of effective multilateralism, namely by strengthening international instruments, can only be upheld if the international instruments at its disposal are effective tools to address proliferation concerns’³⁶. Therefore, the strategy does leave the option open that: ‘when these measures - including political dialogue and diplomatic pressure - have failed, coercive measures under Chapter VII of the UN Charter and international law (sanctions, selective or global interception of shipments and, as appropriate, the use of force) could be envisioned’³⁷. The convergence between the EU and U.S. nuclear regimes are represented below.

Table 1 – The goals and methods of the European Regional Nuclear Regime

Differences between the two regimes	The EU Regional Nuclear Regime	U.S. Global Nuclear Regime
Ordering of Goals	Nuclear Non-Proliferation	Nuclear Non-Proliferation
	Nuclear Security	Nuclear Security
	Arms control	Arms control
Methods pursued	Convergent (EURATOM and model Additional Protocol)	Strengthening verification system (the model Additional Protocol)
	Official EU support to PSI, however emphasis is ‘effective multilateralism’ and on the use of force as last resort	Support of coercive measures for counter-proliferation
	Convergent: EU Dual-Use Export Control regulation (1994, 2009); EU New Lines for Action (2008), to combat proliferation of weapons of mass destruction and their means of delivery	Development of regional borders and export control policies

³⁵ EU WMD Strategy, p. 5

³⁶ E. Oezbeck, The EU and Non-Proliferation Strategy: Iran as a Test case, *Strategic Assessment*, vol. 13, no. 2, August 2010 p. 77

³⁷ EU WMD Strategy, p. 16

Explaining the establishment of a regional nuclear regime in Europe

The EU nuclear regime has emerged through three distinct historical phases: the first and longest phase (1950-1990) focused predominantly on the development of the internal non-proliferation strategy; the second phase (1990-2001) was key to setting the basis of the EU export control policy, which was to become a key element in the EU nuclear security agenda; finally, the third phase (2001-present) is the deepening and widening of EU nuclear cooperation, moving from regional to global.

In the case of EU nuclear cooperation, the local risks within the region itself were relevant only in the first phase, which led to the establishment of EURATOM. In the 1990s, with its ongoing process of institutional integration of the European Union, the risks prompting the European countries to cooperate originated in the neighbouring areas and not in the EU area itself. The importance of stability and security in the region features prominently in the French 2008 White Paper, for example, which included the idea of an ‘Arc of Crisis from the Atlantic to the Indian Ocean’, and emphasised that ‘essential changes now taking place are modifying the security situation for France and Europe in this part of the world, which lies in Europe’s neighborhood and is central to its global security strategic interests’³⁸.

1953-1956: The failure of the EDF

The first phase of development of the EU nuclear regime opened with France’s rejection of the U.S. proposal for the establishment of a European Defense Community in 1953, prompting France to take the lead in searching for alternative institutional solutions to the economic and security reconstruction of Europe.

³⁸ *The French White Paper on Defense and National Security*, (Odile Jacob, Paris, 2008), p. 41

At the end of World War II, the scale of devastation in Western Europe presented Americans and Europeans alike with an unprecedented task. Resources were extremely scarce, but energy was a main concern in the process of reconstruction and future industrialisation³⁹. When planning for the reconstruction began, 25% of all energy resources in Europe were imported⁴⁰. The reconstruction plan put forth by the United States entailed significant contributions from all European countries but assigned a special role to the largest economies of France and Germany. In the U.S. plan of European reconstruction, these two countries had a significant role to play individually but even more so in cooperation, both in the economic development of Europe and later in its security and defense⁴¹. For the U.S., the steel and coal industrial complex developed by both countries prior to the eruption of WWII constituted the real engine of the industrial future of Europe and for this reason Washington encouraged and supported the rapid reconstruction of both industries⁴².

While France accepted the American monetary aid in order to revitalise its moribund industrial complex, it nonetheless objected to the prospect of a new industrialised Germany, which - according to France - could have fueled new hegemonic aspirations in the country⁴³. French anxieties were also deepened by the growing conviction among U.S. officials at the beginning of the 1950s that the re-armament of West Germany could have been a necessary - although not entirely safe - option in order to countervail a

³⁹ L. Armand, Atomic Energy and the Future of Europe, *Foreign Affairs*, vol. 34, no. 4, 1956, pp. 655-664

⁴⁰ J. Kriege, The Peaceful Atom as Political Weapon: EURATOM and American Foreign Policy in the Late 1950s, *Historical Studies in the Natural Sciences*, vol. 38, no. 1, 2008, p. 31

⁴¹ J. Helmreich, The United States and the Formation of EURATOM, *Diplomatic History*, vol. 15, no. 3, 1991, pp. 387-410

⁴² D. Petzina, W. Stolper and M. Hudson, The Origins of the European Coal and Steel Community: Economic Forces and Political Interests, *Journal of Institutional and Theoretical Economics*, vol. 137, no. 3, 1981, pp. 450-468

⁴³ Discussion of the French obsession on the reintegration of Germany can be found in several works, among the most recent: M. Creswell and M. Trachtenberg, France and the German Question, 1945-1955, *Journal of Cold War Studies*, vol. 5, no. 3, 2003, pp. 5-28; M. Eilstrup-Sangiovanni and D. Verdier, European Integration as a Solution to War, *European Journal of International Relations*, vol. 11, no. 1, 2005, pp. 99-135

potential Soviet aggression in Western Europe. The heightening of the Cold War and the growing entanglement of the U.S. elsewhere, such as in the Korean War, forced the U.S. to consider strategies to divert some of its forces from Western Europe without compromising the security of its allies. Military cooperation between France and Germany under the direction of the United States was increasingly seen as a viable plan, despite being adamantly opposed by France. The rejection by Paris in 1953 of the idea of a European Defense Community was precisely justified by the absolute unwillingness of France to see a German re-armament.

Considering some elements of the U.S. plan for the economic and security reconstruction of Europe to be unacceptable, France acted as a catalyst to raise the demand for institutional solutions alternative to those proposed by the United States. In particular, the country raised two distinct demands for cooperation: the need for a supra-national institution among western European countries that could facilitate and oversee the coordination of steel and coal production in Europe⁴⁴; and the need for the establishment of an European institution mandated to promote and facilitate cooperation on the development of nuclear energy, seen by France as the only viable option for an energy-stricken Europe.

In contrast to all other European countries, France was in a special position to raise the demand for European cooperation on nuclear energy. Firstly, France had been the most advanced European country in terms of nuclear know-how since the '30s. In the post-war

⁴⁴ The idea of the European Coal and Steel Community, which will be later referred to as the Schumann's plan named after the French Foreign Minister who proposed it, was basically the idea advanced by France that rather than empowering the industries of Coal and Steel in France and Germany individually (as the U.S. plan originally suggested), both industries ought to be placed under a joint supranational institution that would have provided for their reconstruction, support and management. By doing so, France was hoping to keep under control the re-industrialisation process of Germany that during the 1930s and 1940s had been the main source of support for the Nazi Regime and its destructiveness. The discussion is held in Kriege, *The Peaceful Atom as Political Weapon: EURATOM and American Foreign Policy in the Late 1950s*, pp. 5-44

period, however, a lack of financial resources had brought the French nuclear programme to a standstill. In addition, the United States, to whom France had turned at the end of WWII for nuclear technology assistance, had become increasingly suspicious of risks of proliferation and after the end of the war had proceeded to systematically protect its nuclear program from even its closest allies⁴⁵. From France's perspective, the proposal to develop a regional nuclear programme was not necessarily a way to bypass the U.S., whose technological primacy was making an indispensable partner, but rather it was seen as a way to tame U.S. concerns over France's nuclear ambitions by demonstrating the country's willingness to engage in collective cooperation towards the reconstruction of Europe, thereby attracting much needed help from Washington⁴⁶.

Secondly, France continued to be highly concerned about the nuclear competencies that Germany had acquired during the Nazi regime that had not been fully developed. Very little was known at the end of WWII of the actual expertise possessed by Germany in this regard and regional cooperation would have given France the opportunity to benefit from the significant nuclear advancements of the German scientists while controlling Germany's use of such know-how. Many historical accounts have underscored the French obsession⁴⁷ with the German threat at the end of WWII but very little has been said of the role played nuclear considerations in such an obsession. According to many

⁴⁵ In 1946 the United States passed the Atomic Energy Act, the so-called McMahon Act. Through the passing of the Act, the U.S. administration began to cut off British and Canadian scientists from its nuclear laboratories and to protect sensitive data related to its nuclear program. The act also sought to regulate the conditions for nuclear technology transfer for civilian use

⁴⁶ The idea is discussed in U. Kitzinger, (1960), *The New France in the New Europe*, *The World Today*, Vol. 16, No. 10, pp. 436-447

⁴⁷ According to Michael Sutton, when the UK introduced the proposal for the establishment of a military alliance along the axis UK-France (which will be later called the Western Union), the treaty at the demand of France incorporated in the preamble the need to prepare for a new war with Germany. In particular the Treaty stated the need to: "take such steps may be held necessary in the event of a renewal by Germany of a policy of aggression", in M. Sutton, *France and the Construction of Europe, 1944-2007*, (New York: Bergham Books, 2007), p. 26

of my interviewees⁴⁸, the fact that Germany had been close to acquiring nuclear capabilities was for France a source of apprehension and another powerful incentive to seek cooperation with Berlin.

Finally, a third element to explain France's demand for nuclear cooperation in Europe resides in the fact that the nuclear programme had become a source of national pride for France, particularly after the humiliation of the German invasion and occupation of France during WWII. The acquisition and development of a nuclear programme, already in the rhetoric of President De Gaulle in the immediate aftermath of WWII, had been cast as an indispensable source of economic power, through which French industrialisation could be achieved and sustained, but also as an indispensable choice for a country still willing to play a key role on the global scale⁴⁹. According to Gabrielle Hecht, 'France had lost nearly a million and a half people in the war. The industrial infrastructure was in shambles and food was scarce. To use Robert Frank's phrase, France entered the second half of the 20th century "haunted by its decline"' [...] no wonder that the establishment of the first nuclear research reactor was accompanied by exultation and enthusiasm among people'⁵⁰. De Gaulle's vision was shared by his successor, Jean Monnet, who was personally convinced that regional cooperation at the European level in a sector as strategic as the nuclear sector would have given Europe great preeminence, and would have allowed France to restore, at least in part, its global stature.

⁴⁸ Many of the French nuclear experts I have interviewed in Paris, such as Francois Heisbourg (14 May 2012), Bernard Sitt (23 May 2012), and Bruno Tertrais (23 May 2012) all underscored the anxiety felt by Paris over the unknown nuclear capabilities of Germany

⁴⁹ According to Bertrand Goldschmidt: 'The belief that nuclear power and nuclear weapons were deeply linked to a state's position in the international system was present as early as 1951, when the first French Five-Year Plan was put forward with its stated purpose being 'to ensure that in 10 years time France will still be an important country' in B. Goldschmidt, *The Atomic Complex: A Worldwide Political History of Nuclear Energy*, (La Grange Park, Ill., American Nuclear Society, 1982), p. 126

⁵⁰ G. Hecht, *The Radiance of France: Nuclear Power and National Identity after World War II*, (Cambridge, Mass.: MIT University Press, 2009), p. 3

France's demands for the pursuit of European cooperation on nuclear energy would then culminate in the formation of EURATOM. In its establishment, France would play critical part in the negotiations but the United States would also be a crucial stakeholder.

1991: The discovery of the Iraqi Clandestine Nuclear Program

The second phase of expansion of the EU regional nuclear regime occurred 40 years after the establishment of EURATOM, and opened with the discovery of the Iraqi clandestine program of weapons of mass destruction. The 40 years between these two conjectures had been instrumental in strengthening European institutions, particularly in the realm of foreign and security policy. Significant advancements had been made towards deepening European integration, primarily due to the entrepreneurship of the French government. In 1975 in Helsinki, the Conference on Security and Cooperation in Europe (CSCE) signalled the intentions among European member states to begin cooperating more closely on issues relating to the security and foreign policy of the European area and only months after, upon a proposal formulated by the French President Giscard D'Estaing, the European Council was established to provide European member states with an appropriate avenue for reaching common foreign policy positions⁵¹. Taking into account both the great activism of France and the remarkable accomplishments of regional integration in developing strong European institutions, it is hardly surprising that the Iraqi crisis prompted a collective response via European institutions, in addition to responses from individual member states.

In order to assess the impact provoked by the Iraqi crisis, it is first necessary to briefly illustrate what the crisis comprised. The Gulf War in 1991 was conducted by a coalition

⁵¹ A. Guyomarch, H. Machin, and E. Ritchie, *France in the European Union*, (London: Macmillan Press, 1998), p. 185

of states led by the United States against the regime of Saddam Hussein who had, a few months earlier, invaded Kuwait. In the immediate aftermath of the war, the United Nations Security Council established UNSCOM, a special commission mandated to find and secure the stockpiles of chemical and biological weapons that Saddam Hussein and his regime had been accumulating for years and whose existence was well known. Nevertheless, UNSCOM expeditions led to two unwelcomed discoveries: the first was the sheer size of the weapons arsenal that Saddam Hussein had been able to create; the second was that among that stockpile there were several signs to indicate that Saddam Hussein had attempted to transform the Iraqi research nuclear program, initiated in the 1970s with the support of France, into a military program using nuclear technology that he had purchased illegally⁵².

The shock of the discovery was not only due to the fact that at least on the nuclear front⁵³, Iraq had claimed to be in compliance with the NPT, of which the country had been one of the first to show support in 1969, but also the fact that other inspections and verification missions conducted by the IAEA throughout the years were never able to detect infractions of that scale. The failure of the verification and control system raised the demand for new and more stringent nuclear non-proliferation policies at the global level⁵⁴.

However, at the regional level, and within the EU in particular, the Iraqi shock had a remarkable impact far greater than in any other regional setting, which prompted the EU

⁵² Interview with Dr. Fouad El-Khatib, 15 May 2012, Paris. Approximately 150,000 chemical weapons were intact and accounted for, although records show that 75% of the arsenal had in fact been destroyed in the bombing of Baghdad and other Iraqi cities

⁵³ The discovery of biological and chemical weapons was from the legal standpoint less problematic because at that time, Iraq had not yet ratified the convention on chemical weapons nor the convention on biological weapons

⁵⁴ The consequences of the case of Iraq on the global nuclear non-proliferation approach have been discussed in Chapter III

to act boldly. There are two main reasons that can explain why the Iraqi crisis had a dramatic impact on the EU and led to demand for additional institutional response. Firstly, many European countries had continually cast relations with key Arab countries such as Iraq as ‘special’ relations and on the basis of such relations, they had frequently adopted more conciliatory policies to maintain such relations⁵⁵. The discovery of a heavily armed and dangerous Iraq destroyed any illusions of the special friendship between Europe and the Middle East and was largely responsible for a shift in European perception from an amicable Middle East to an unstable Middle East that was the source of vital threats and insecurity. Secondly, with regard to the Iraqi nuclear program, several reputational costs were raised in particular against France, which had collaborated with the Regime of Hussein for the development of the civilian nuclear programme since the 1970s⁵⁶. The reputation of France as an easy exporter of highly sensitive technology also undermined the credibility of the European Union as a global trader and the weaknesses of the European integration in terms of export control policies and trade regulations emerged forcefully at a time when European export was rapidly flourishing.

Security concerns originating in the neighbouring area of the Middle East, coupled with the perceived necessity of the European Union to restore its trade credibility to protect commercial ties with countries such as the United States (which had historically been concerned over risks of proliferation), prompted the EU to raise a demand for regional policies that could strengthen the EU collective response to weapons of mass destruction while mitigating future risks. In particular, the EU began to consider the development of

⁵⁵ The special nature of the Euro-Mediterranean relation stems from a combination of various elements; however politically, although the Arab-Israeli peace process has almost entirely been dominated by the United States, the European countries have frequently sidelined with the Palestinians, partly to counterbalance the American position overly skewed in favour of Israel. This pro-Palestinian approach has gained the European countries trust and respect among many Arab governments. E. Laipson, Europe’s Role in the Middle East: Enduring Ties, Emerging Opportunities, *Middle East Journal*, vol. 44, no. 1, Winter 1990

⁵⁶ Iraq started cooperation with France in 1974. M. Schneider, Nuclear France abroad, History Status and Prospects of French Nuclear Activities, *Foreign Countries, Report*, May 2009, p. 16

an EU dual-use export control policy that could harmonise the trade policies of EU member states and harden the trade policies of countries perceived to be too liberal, such as France.

The EU world post 9/11

Not surprisingly, the third phase opens with the attacks of 9/11, although Europe was to experience its own versions of 9/11, in Madrid in 2004 and the following year in London. Exactly like the 1991 Iraqi shock, 9/11 had global consequences. Nevertheless, as in the previous case, the EU was specifically affected by 9/11 in rather unique ways. Firstly, 9/11 highlighted the global dimension of terrorism in the 21st century and the technological sophistications of the new terrorist movements. This raised the issue within Europe and NATO on how to best secure and protect the many nuclear weapons, as well as nuclear technology stationed in the EU area. For instance, NATO allies collectively had in their possession 150-250 nuclear warheads⁵⁷, which ought to be properly secured through the enhancement of intelligence gathering and physical protection in concerned countries⁵⁸.

The necessity of securing highly sensitive material raised the issue of the inadequacy of existing EU anti-terrorist policies. Europe was not new to terrorism. However, what many EU member states had experienced in the past was domestic and politically-driven terrorism, of the type of IRA, ETA and the Red Brigades, to name a few. Until 2001, the

⁵⁷ M. Chalmers, *NATO's Tactical Nuclear Dilemma*, (Washington, DC: Royal United Services Institute, March 2010), pp. 1-2

⁵⁸ S. Andreassen and I. Williams, *Reducing Nuclear Risks in Europe*, (Nuclear Threat Initiative, 2011), pp. 17-18. The authors underscore that tactical nuclear weapons are NATO possession and therefore NATO responsibility, but nonetheless the European Union had significant stakes in ensuring that each NATO member (who was also an EU member state) took the necessary steps to secure their nuclear capabilities and prevent non-state actors from having access to them. This served as a very credible incentive for the EU to develop collective institutions to ensure compliance by all member states

EU had chosen to maintain anti-terrorism policies as an issue of national domain in which it had no specific authority.

Another reason why 9/11 impacted the European Union differently to all other regions is its political proximity to the United States. Historically, the EU has been considered the main and most important partner of the United States around the world. This has been just as true in global nuclear cooperation, where the United States has counted on the support of Europe in the establishment of several global institutions including the NPT and the IAEA. With 9/11, the U.S. ‘effectively relinquished its leadership in arms control and adopted alternative methods to avert the spread of WMD. This makes it necessary for other actors willing to uphold the existing regime to upgrade their efforts’⁵⁹. With the United States pursuing more unilateral policies in order to respond to the risks posed by global terrorism, the European Union increasingly came to perceive its role as the global keeper of existing multilateral nuclear institutions that it had contributed to create⁶⁰. The combination of these elements instigated an additional demand for the deepening of a regional cooperation that could achieve two main goals: 1) to be able to enhance EU security in a post 9/11 world; and 2) to continue to strengthen global nuclear institutions in the absence of U.S. leadership. This would lead to the establishment of the European Strategy against Proliferation of Weapons of Mass Destruction and their means of delivery.

⁵⁹ C. Portela, *The Role of the EU in the Non-Proliferation of Nuclear Weapons: The Way to Thessaloniki and Beyond*, (Peace Research Institute, Frankfurt), p. 1

⁶⁰ B. Tertrais, The European Union and Nuclear Non-proliferation: Does soft power work?, *The International Spectator: Italian Journal of International Affairs*, vol. 40, no. 3, 2008, pp. 45-57; I. Manners, Normative Power Europe: A Contradiction in Terms?, *Journal of Common Market Studies*, vol. 40, no. 2, June 2002, pp 235–258

Explaining regime interplay

If a country were to be singled out as having had the most significant impact on the development of EU regional nuclear cooperation, it most certainly be France. As previously highlighted, the country has not necessarily been instrumental in raising the initial demand for further cooperation, for this is increasingly carried out at the regional level. The leadership of France in fact resides in its ability to navigate the EU decision-making process and influence policy outcomes in line with its own national interests.

The preponderant role of France in influencing European nuclear policies has its roots in three distinct elements in France's possession. France possesses the second largest nuclear industry in the world, it projects an almost religious belief in nuclear deterrence, and it holds an explicit desire to lead towards a greater role for the EU in global affairs.

Firstly, the current nuclear industry is the second largest nuclear industry in the world, after the U.S.: 'France is the world's largest net exporter of electricity, 75 percent of which derives from its 58 nuclear reactors'⁶¹, and a key global exporter of nuclear technologies. Nuclear know-how has a long history in France and, for this reason alone, the country has developed a sense of 'entitlement' in leading, responding and governing nuclear risks. 'During World War II, the French government invested in the possibility of translating the atomic chain reaction into a military device, and in 1940 an acquired portion of uranium was received from Belgium. Three months prior to the fall of France, French scientists believed it was possible to conduct an actual chain-reaction experiment, but the Nazi invasion of France precluded the possibility of conducting any tests'⁶². In 1945, after the end of WWII, the French government established the Commissariat à l'Énergie Atomique (CEA), and stressed the importance of nuclear energy in connection

⁶¹ World Nuclear Association (WNA), Nuclear Power in France, Data available at: <http://www.world-nuclear.org/info/inf40.html> (last accessed on September 30th, 2012)

⁶² Hecht, *The Radiance of France*, p. 3

to France's industrialisation and economic development, with great support from public opinion.

Due to the importance of nuclear energy for the whole economy of the country, France has played a fundamental role in shaping and influencing European debates concerning such matters as the adoption of an EU dual-use nuclear export control policy, so as to ensure that regional nuclear policies would remain benevolent and supportive of its vast nuclear interests. The nuclear programs of the other European countries, such as Germany and the UK, are of much smaller scale,⁶³ and in some cases, public opinion as well as policy makers are ambivalent towards nuclear energy investments. These governments are therefore far less vested in the formulation of nuclear policies within the EU and less proactive than France in lobbying for them.

Secondly, the importance that France assigns to nuclear weapons and nuclear deterrence finds no equal in the European context, and perhaps not even in the world. Nuclear weapons are deemed indispensable to the defense of the country, but they similarly hold a symbolic value. All governments since that of de Gaulle, albeit with very different agendas, have consistently reiterated the dogma that possession of nuclear weapons is vital to maintaining France's global status. The importance of nuclear weapons has been underscored in the French White Papers of 1972, 1994 and 2008, and in all presidential speeches laying out French defense policy since the 1960s. Such devotion to nuclear weapons has gained France the reputation as 'the last outpost of nuclear fundamentalism in the West'⁶⁴ but it has also given the country the necessary incentives to seek a leading

⁶³ According to the WNA, both Germany and the UK operate 17 nuclear reactors, providing roughly 15 percent of their national electricity demand

⁶⁴ B. Tertrais, Nuclear Deterrence the French Perspective, in O. Price and J. Mackby, eds., *Debating 21st Century Nuclear Issues*, (Washington, D.C.: Centre for Strategic and International Studies, 2007), p. 117

role in all collective decision-making processes regarding nuclear weapons, at the EU level in particular. Given the fact that the majority of EU member states are today against nuclear arsenals, control of regional processes is therefore key for France to avoid political isolation.

Thirdly, France has exhibited a desire to exercise leadership that the other two major powers, Germany and the UK, have not displayed. In the case of the UK, its 'special relationship' to the United States has largely prevented it from adhering whole-heartedly to the EU integration project and has frequently called into question its own independence in decision-making. As Chalmers notes, 'given how dependent the UK nuclear force now is on co-operation with the U.S., questions are often raised as to whether the UK really has the ability to use it independently'⁶⁵. Such dependence has also affected the ability - and willingness - of the UK to exercise leadership in the European Union context. Germany, on the other hand, deeply affected by the reputational costs of its past, has instead adopted a low profile position on all political and security matters, allowing France to assume leadership and to seize the institutional vacuum left by German near-invisibility within European security affairs⁶⁶. But the position of Germany is more nuanced. In this regard, Jan Taschau has observed, 'When it comes to negotiating outcomes frequently on the basis of joint French-German proposals, Germany always defers to the French preferences... it is not only because of the past. It is also because Germany lacks a culture of strategic thinking'⁶⁷.

⁶⁵ M. Chalmers, *The United Kingdom: A status quo nuclear power?*, in M. Chalmers, A. Somerville, and A. Berger, *Small Nuclear Forces: Five Perspectives*, (London: RUSI, 2011), pp. 17-18

⁶⁶ J. Techau, *No Strategy, Please, We're German – The Eight Elements that Shaped German Strategic Culture*, in Christopher Schnaubelt, ed, *Towards a Comprehensive Approach: Strategic and Operational Challenges*, NATO Defense College Forum Paper, 2011, no. 18

⁶⁷ Interview with Dr. Jan Techau, 24 May 2012, Brussels

French leadership in the establishment of EURATOM

As discussed in the previous section, France had several strategic reasons to raise the demand for an institution that could enhance European nuclear cooperation. In the establishment of EURATOM, two relations became instrumental: the high nuclear alignment between the United States and France and the high regional embeddedness between France and Germany. These two relations are to be viewed as interrelated, in the sense that the full commitment that the U.S. displayed in supporting French demand for the establishment of regional nuclear cooperation was offered upon the understanding that such an organisation would have involved Germany and would have led to a strengthening of relations between the two most powerful countries in Europe, on which the U.S. wanted to entrust the development of the region.

The United States backed and supported French President Jean Monnet's plan with unprecedented commitment. Such commitment, dubbed by Monnet himself as 'spectacular'⁶⁸, took on several forms. Both President Eisenhower personally and the U.S. officials of the State Department granted EURATOM several special conditions, which had never before - and have not since - been granted in any other bilateral nuclear deal. For example, the U.S. provided financial support to EURATOM so that it would be able to purchase the fuel from Washington. It agreed that EURATOM would handle self-inspections instead of U.S.-led inspections, so to preserve the secrecy of the EU nuclear technology program. Furthermore, it accepted the introduction of the controversial article 102 which states that 'control may not cover materials intended for the purposes of defence which are in the course of being specially prepared for such purposes or which after being so prepared are, in accordance with an operational plan, installed or stocked

⁶⁸ J. Kriege, *The Peaceful Atom as Political Weapon: EURATOM and American Foreign Policy in the Late 1950s*, p. 20

in a military establishment'. This article, which was promoted by France, was meant to legitimise the ambitions of France to pursue a nuclear military program.

Although initially the U.S. had not been in favour of a nuclearised Europe, it nonetheless conceded to the idea because of the heightening of the Cold war and the need to strengthen the defence forces of Europe both through NATO and through the individual defence efforts. The concessions made by the United States to the requests of France made the EURATOM project highly controversial, both within the U.S. and at the global level, because of the double standards that such a project entailed. Nevertheless, the U.S. Administration defended its support of EURATOM primarily in terms of the geo-political gains that the administration was hoping to realise through its establishment. A historical memo recounts that the underlying rationale for allowing EURATOM exceptionalism is 'to be found in the central role and commitment of the six nations to the free world's ideological, political and military opposition to international communism'⁶⁹.

If, on the one hand, the extremely positive and accommodating position of the U.S. to France's requests led to an expedited establishment of EURATOM, the positive and collaborative attitude of Germany on the other certainly further eased its establishment. Germany had been eager to play an accommodating position for several reasons. Firstly, the country was eager to demonstrate to France and to the other European countries its peaceful intentions and therefore to restore its reputation. It was Germany's hope that the development of trust and confidence in other European counterparts would have

⁶⁹ Kriege, *The Peaceful Atom as Political Weapon: EURATOM and American Foreign Policy in the Late 1950s*, p. 41

eventually translated into commercial deals and trading opportunities, once the European countries were not so threatened by a rising Germany⁷⁰.

Secondly, Germany too was interested in the pursuit of nuclear technology and even prior to the negotiations of EURATOM, the country had begun to pursue the development of nuclear reactors. Nevertheless, the post-war conditions that the country had been forced to accept at the end of WWII included several technological limitations that were severely impairing Germany's prospects of being able to develop a nuclear program on an industrial scale, on a par with that which France was actively pursuing. EURATOM could offer Germany the possibility to tap into others' technological expertise and benefit, albeit indirectly, from the collective production of nuclear energy.

The complex interdependence between France and Germany, which had been partially orchestrated by the United States, became all the more evident during the negotiations of the features of EURATOM. France was particularly adamant to retain the right to develop a nuclear weapon program, the viability of which the country had begun to explore in 1954. Article 102, however, which would have restricted EURATOM's authority of verification and inspection to only the civilian programs, drew severe criticism from other countries such as the Benelux and Italy, who instead asked for a full and comprehensive non-proliferation mandate for EURATOM.

Germany's support for the passing of the article was deemed indispensable by the French Government to (indirectly) secure the approval of the United States⁷¹. Therefore, as

⁷⁰ M. Eilstrup-Sangiovanni and D. Verdier, *European Integration as a Solution to War*, *European Journal of International Relations*, vol. 11, no. 1, 2005, p. 105

many historical records show, several bilateral agreements secretly signed between France and Germany allowed for the establishment of a secret pact between the two countries based on a series of conditions: France would be allowed to pursue its nuclear weapon program with the blessing of Germany, and Germany would have received technology assistance and military aid from France in return⁷². The construction of EURATOM and more so, the development of a strong bilateral relationship between France and Germany was to become the backbone of the EU regional nuclear regime. EURATOM constituted the first attempt towards an EU nuclear policy, while the Franco-German alliance would from that point largely define the features and the characteristics of the EU nuclear regime.

The aftermath of the Iraq discovery (1991)

The second phase of regional nuclear cooperation is characterised by high alignment between the U.S. and France, which led France to steer the EU nuclear cooperation towards a more open support of U.S. goals. The high embeddedness of France with EU integration and with Germany equally led towards the important creation of the first EU dual-use export regulation.

As previously discussed, the 1991 Iraqi crisis prompted the European Commission to articulate the demand for additional regional nuclear cooperation to target in particular the development of an export control regulation. However, the 1991 crisis also constituted an important turning point for France and for EU nuclear cooperation. More so than the demise of the Soviet Union, the discovery of the secret WMD program of Iraq's Saddam Hussein during the Gulf War triggered a radical change in France's

⁷¹ D. Smith, The European atomic energy community: the Limits of Supranationalism, *California Western International Law Journal*, vol. 1, 1970, pp. 33-59

⁷² A. Grosser, France and Germany: Divergent Outlooks, *Foreign Affairs*, vol. 48, no. 2, January 1970, p. 235

approach to nuclear proliferation, which had for several years been criticised as too bland⁷³.

Announcing its change of policy on 3 June 1991, becoming effective in August 1992, France decided to adhere to the NPT. Such an adherence was more symbolic than anything, as France had already signed the NPT in 1968 and had declared it would act as it had ratified. Nevertheless, it refused to ratify the Treaty officially because it perceived it to be a special agreement between the two superpowers to keep the global order skewed in their favour⁷⁴. The decision for France to adhere to the NPT had particular repercussions at the regional level, where for many years France's position on the outside of the NPT had prevented European countries from attending and participating in key global nuclear discussions as one entity.

Fouad El-Khatib recalled: 'France felt particularly responsible to show an unconditional support to the fight against nuclear non-proliferation, given the close cooperation that our government had with Iraq and other countries (like Pakistan and Iran) that will eventually end up proliferating. We don't assume any responsibility for their misbehaviour, let me be clear, but we were adamantly determined to show that France would not tolerate a nuclear cascade'⁷⁵. Francois Heisbourg, who at that time was serving in the Unit of Non-Proliferation in the French Ministry of Defence, added that in contrast to all other proliferation crises, the Iraq crisis had a particular meaning for

⁷³ In the late 1960s and throughout the 1970s, France assisted Israel, India, Yugoslavia, Argentina, Brazil, Chile, Indonesia, Iran, Iraq, Japan and Pakistan to develop or expand their nuclear programs. As Harald Muller has noted, 'by the mid-70s France asserts itself as a reliable and strong exporter on the international nuclear market. This was always cast as a blow to American non-proliferation policy, yet it may have opened the way for a more concerned and self-confident non-proliferation policy by western Europeans' in H. Muller, *Non-Proliferation Policy in Western Europe: Structural Aspects*, in H. Muller, ed., *A European Non-Proliferation Policy*, (Oxford: Clarendon Press, 1987), p. 87

⁷⁴ For example, France believed that the statement of the NPT that imposes states to negotiate in good faith towards disarmament would have substantially weakened small states such as France (because it would have deprived them of nuclear weapons). In the view of France, such states were the only credible protection against the conventional forces of gigantic states such as the Soviet Union

⁷⁵ Interview with Dr. Fouad El Khatib, Paris, 15 May, 2012

France: ‘of course we cared about North Korea and Pakistan and India and the rest of them, but Iraq was different. Iraq was in our neighbourhood, a three-hour flight from Paris, and it was the first time that Paris had to come to terms with the danger of a nuclear arms race in the Middle East’⁷⁶. For this reason, when the EU Council met in Lisbon in 1992 to discuss areas for cooperation within a strengthened European Union, France made sure that one of the key issues was ‘the promotion of regional stability [and] strengthening existing cooperation in issues of international interest, such as the fight against arms proliferation and terrorism’⁷⁷.

The clandestine Iraqi program had also a fundamental impact on relations between France and the United States. After its ratification of the NPT in 1992, France undertook a series of initiatives to strengthen the U.S. global nuclear agenda around the world. For instance, together with Germany, France prompted the European Commission to work with the United States in preparing a series of proposals for strengthening IAEA safeguards. Such proposals were then submitted to the IAEA Board of Governors in January 1993 and became the framework for the adoption of the model Additional Protocol in 1997.

Furthermore, in order to deal more directly with the issue of nuclear non-compliance, in 1994 France took the initiative within NATO to establish the Senior Defense Group on Proliferation (DGP), charged with identifying the security implications of proliferation for alliance defense planning, assessing allied military capabilities to protect against the

⁷⁶ Interview with Dr. Francois Heisbourg, FRS, 14 May, 2012, Paris

⁷⁷ In particular, the document cites the following priorities: ‘Strengthening existing cooperation in issues of international interest such as the fight against arms proliferation, terrorism and the traffic in illicit drugs’. In a section related to cooperation with Russia, as the former Soviet Union, it further states: ‘encouraging full compliance with all the treaties on disarmament and arms control to which they are parties, including those on non-proliferation’. European Council of Lisbon, Presidency Conclusions Report to the European Council in Lisbon, DOC SN 3321/2/92, 26-27 June 1992

threat, and recommending additional capabilities that may be required. Reasons for the importance of that initiative, particularly in the context of U.S.-France relations, are twofold: France signalled its willingness to re-engage with NATO after decades of isolation⁷⁸, specifically around nuclear non-proliferation and counter-proliferation, demonstrating that it now considered the U.S. to be the most important partner in this field. More importantly, the French initiative of 1994 closely followed the release by the U.S. of its first counter-proliferation initiative in 1993. When the U.S. released the 1993 Counter-Proliferation Initiative during the Clinton Administration, it was not welcomed by all of the country's allies, as it entailed a much harder approach to non-proliferation, whereas for many years states had dealt with those issues through multilateral and diplomatic means. The only country that completely and fully embraced the new hard line position was France, and France's leadership in the set-up of the Senior Defense Group clearly signaled France's support to the U.S. counter-proliferation approach.

Additionally, in line with the Clinton Administration goal of pursuing an indefinite extension of the NPT Treaty in 1995, France offered unconditional leadership within the EU and beyond to attain such a goal. French President Francois Mitterrand, holding the presidency of the EU in 1995, personally contacted several prime ministers and presidents of former French colonies to secure their favourable votes towards this goal, and asked other EU member states to do the same.

At the regional level, the high regional embeddedness of France with Germany and France's commitment towards the deepening of the EU integration brought forth several important initiatives, the most important of which was certainly the development of the

⁷⁸ R. Joseph, Proliferation, Counter-Proliferation and NATO, *Survival*, vol. 38, no. 1, Spring 1996, p.120

EU Dual-Use Regulation in 1994, later updated and strengthened in 2000 and 2009. The 1994 Regulation was marked by inconsistencies and mirrors some sharp differences among member states, between France and Germany in particular. These differences were not overcome during the round of negotiations leading up to the adoption of the 1994 Regulation and thus outcomes were to remain rather limited. Nevertheless, the establishment of the Regulation clearly marked the determination of the two countries to begin to respond collectively to proliferation risks by bearing some of the inevitable political and economic costs. In this respect it was an important step towards the further consolidation of an EU nuclear regime.

In the negotiation phase and throughout the drafting of the Regulation, two positions emerged: ‘one championed by France and the UK was that arms export policies designed within the EC framework should be restricted to military security concerns in general and the prevention of WMD proliferation in particular. A second opinion promoted by Germany and the Netherlands was that EC export control policy needed to be extended to conventional weapons and should involve the drafting of specific criteria to establish a common framework for export licence decisions by member states’⁷⁹. The issue at the core of such discussions was the preservation of EU member states’ authority over a more supranational solution, which was instead sought by Germany.

Two specific issues fought hard by both France and Germany display the differing inclinations. On the issue of issuing an export license to countries outside of the EU, the French lobbied for the competence to rest with the individual member states who, on assessing the risk of the transfer, may grant or deny such a license. Germany instead

⁷⁹ I. Davis, The EU Dual-Use Regulation: Breaking the supremacy of national sovereignty in arms and dual-use export controls, in I. Davis, ed., *The Regulation of Arms And Dual-Use Exports: Germany, Sweden and the UK*, (Oxford: Oxford University Press, 2002), p. 56

lobbied for a community license to be issued directly by the EU Community. The second issue was on the so-called ‘catch-all’ clause and involved suspicious cases of proliferation. Germany lobbied to have a regulation that would halt the transfer of technology only if there is an awareness that a particular export of dual-use goods is being or may be used in connection with WMD programmes. France, together with the UK, instead lobbied to have a broader clause that could prevent countries from transferring technology even on the ‘grounds for suspecting that the goods in question may be used for proliferation purposes’⁸⁰. These differences that existed between Germany and France were mainly rooted in their different economic structures at the national level and pressures from various lobby and interest groups operating in these countries⁸¹.

The final Regulation that was passed represents a problematic accommodation of these two positions. It split the responsibility between the member states and the Commission by assigning competence to the Commission on technical matters such as the execution and the enforcement of the regulation, but left member states with the political competence to decide individually what list of dual-use goods and countries they wanted to embargo⁸². This compromised solution largely favoured the position and interests of France, which had lobbied to maintain the decision-making power of the member states. In regards to the issue of the ‘catch-all’ clause, the political compromise that was devised instead favoured Germany because ultimately the regulation asserted that member states were obliged only to halt technology transfer in cases where there were demonstrable

⁸⁰ Davis, *The Regulation of Arms And Dual-Use Exports: Germany, Sweden and the UK*, p. 56

⁸¹ T. Guay, *The European Union, expansion of policy-making, and defence industrial policy*, *Journal of European Public Policy*, vol. 4, no. 3, 1997, pp. 404-421; A. Macleod, *Just defending national interests? Understanding French Policy towards Iraq since the end of the Gulf war*, *Journal of International Relations and Development*, vol. 7, 2004, pp. 356-387

⁸² S. Bauer, *The EU Code of conduct on arms exports – Enhancing the accountability of arms export policies?* *European Security*, vol. 12, 2004, pp. 129-147

intentions to proliferate, and left the application of the clause voluntary in cases where exporters had the simple suspicion of potential deviation of technology for bellicose purposes. While the attainment of the Regulation was celebrated as a landmark achievement for the European Commission, it was nonetheless weakened by the challenging compromise between France and Germany.

Ultimately, the political process of accommodation certainly led to a substantial watering down⁸³ of the effectiveness of the Regulation. Aware of the remarkable gaps that had been left open, both countries pledged to renegotiate a much firmer policy in due course. This would occur in 2008 at the height of the French Presidency, when France opened the negotiations for the reform of the EU Dual-Use Export Regulation. This was a clear sign of how significantly the cooperation between the two countries has evolved and how much both of them valued the further deepening of the EU integration.

The aftermath of 9/11

The third phase of expansion of the EU regional nuclear regime is characterised by the consolidated alignment between France and the U.S. on one hand, and the strengthening of cooperation between France and Germany on the other. As previously discussed, 9/11 raised the demand within the EU to secure the nuclear technology that was present in the region, but it equally led the EU to exercise a more explicit global role in strengthening existing global nuclear institutions that the U.S. had begun to pay little attention to. For France in particular the demand for cooperation raised in the aftermath of 9/11 could only be addressed through a further deepening EU integration.

⁸³ Davis, *The Regulation of Arms And Dual-Use Exports: Germany, Sweden and the UK*, p. 75

This time, however, France was also looking at widening EU presence on the global stage, to ensure EU participation and involvement in key global decision-making settings and initiatives. In order to achieve this, France provided the indispensable leadership to develop and strengthen the internal capacities of the EU to mitigate nuclear risks within its region. Thus through the 2003 WMD Strategy and even more so through the 2008 New Lines for Action, developed directly under the French Presidency of the EU, France suggested the undertaking of several new initiatives such as: the establishment of EU cooperation in terms of consular vigilance, particularly over scientists coming from nuclear threshold countries (such as North Korea, Iran and Pakistan) into the European area; a WMD Observer Center to strengthen EU risk and threat evaluation capacities; a network of independent European non-proliferation think tanks, and further improvement of national export control procedures.

France has also made nuclear terrorism one of its top European priorities, in line with the U.S. approach at the global level. In the landmark speech of President Jacques Chirac in 2006, and in the subsequent 2008 Defence White Paper issued by President Nicolas Sarkozy, France clearly elaborated its national view on the terrorist threat in saying: ‘the most serious currently identified scenario is the combination of a major terrorist attack on European soil, using non-conventional nuclear, chemical or biological-type means, together with a war situation in one of the strategically important zones for Europe’⁸⁴. This has translated into a series of activities by the EU. France has worked at the EU level to establish a comprehensive capacity-building approach to help countries fulfill these obligations.

⁸⁴ *The French White Paper on Defence and National Security*, 2008, p. 38

More significantly, considering its position in the 1990s, during Sarkozy's EU presidency France lobbied to revise and strengthen the 1994 EU Dual-Use Export Control, introducing significant modifications. After initiating a political review of its own export-control policies and bypassing its own position of 1994, France lobbied together with Germany, and with the support of the UK, for a new EU Dual-Use Export Control Regulation that would be more in line with the EU WMD Strategy adopted in 2003 and with UN Resolution 1540 at the global level. For these reasons, from the proposals to modify the existing EU Regulation that were adopted, some were related to strengthening the central role of the European Commission in identifying the list of goods that had to be carefully screened, in issuing authorisation for export outside the EU area, and in harmonising systems of control on the transit and brokering of goods across the EU area. This constituted a major step in the direction of consolidating the EU nuclear non-proliferation and nuclear security approach and gained global recognition and praise by many countries and by the United States in particular.

The high regional embeddedness between France and the European Union in the aftermath of 9/11 was complemented by high alignment between France and the United States on nuclear policies. Yet such a high alignment was developed in the context of ever-evolving, complex and ambivalent relations between the two countries. To depict the relationship between France and the United States as one of high alignment in the post-9/11 period defies the conventional wisdom that sees the two countries on a collision course, particularly over the question of the legitimacy of the American-led military operations in Iraq. Certainly, the clashes between the two countries should not be downplayed, although it needs to be put into perspective and contextualized.

Clashes between France and the United States similar to the one over the Iraqi invasion have occurred frequently in the course of their fluctuating alliance. These crises, however deep and long-lasting, have never succeeded in jeopardizing the cooperation between the two countries in sectors which they consider of high strategic relevance, such as defence and nuclear non-proliferation. In this sense, even if political relations between the two countries appeared – perhaps erroneously – to reach a low point⁸⁵ before and during the Iraqi invasion of 2003, negotiations and cooperation on the nuclear front were never halted⁸⁶. An empirical example of this is provided by the adoption of UN Resolution 1540 on nuclear, chemical and biological terrorism, with the United States and France as its chief cosponsors. Despite their acute differences over Iraq, the United States continued to consult with France on the most effective counter-proliferation methods and strategies, and these long-lasting consultations culminated in the adoption of Resolution 1540.

Similarly, the United States sought the involvement of France in the elaboration of the Proliferation Security Initiative (PSI), perhaps the most controversial counter-

⁸⁵ Historical records today also call into question the sharpness of the crisis between France and the United States over the Iraqi intervention. For example, according to David Malone, French diplomats and officials who sat on the UN Security Council during the deliberations over the Iraqi intervention recounted that France attempted to prevent a crisis with the United States at all costs and in large part aligned itself to the U.S. goals, despite its public arguments. He writes: “Jean-David Levitte, who shortly after the adoption of SCR 1441 moved on to represent France in Washington, believes that the Resolution could have provided a good basis for negotiation between Europeans and Americans had the Europeans been united” in D. Malone, *The International Struggle Over Iraq: Politics in the UN Security Council 1980-2005*, Oxford University Press, Oxford, 2006, p. 64. Recalling that France was then quite open to the use of force against Saddam Hussein as long as it was authorized by the Security Council, Malone also noted that France in mid-December 2002, signaled to the U.S. their willingness, under the right political dispensation, to mobilize 15,000 troops in support of the U.S. intervention. However, with the United Kingdom increasingly lined up behind the United States diplomatically and militarily, Washington had little reason to negotiate with Paris to meet the right conditions to use force against Iraq. The way in which France handled the crisis over Iraq demonstrated once again its intention to prevent at all costs a costly political fracture with the United States.

⁸⁶ An interesting interview with a senior French official of the Ministry of Defense helped me understand how nuclear cooperation between the two countries continued even during the row over the Iraqi invasion. One senior official recounted that given the acute personal enmity between President Chirac and President Bush, most of the negotiations and discussions particularly related to nuclear non-proliferation and nuclear security were downgraded from political to technical talks therefore allowing the bureaucratic staff of the two countries to continue cooperate in spite of the tensions between the two presidents.

proliferation strategy of the George W. Bush presidency. France was not simply one of the 11 handpicked countries supporting the U.S.-designed Proliferation Security Initiative in 2003, but also ‘one of the only countries that the U.S. consulted much before tabling the idea of the PSI initiative. We were having conversations with the American government on a possible joint counter-proliferation initiative already by the end of 2001’⁸⁷. Such conversations continued in 2002 and in 2003, during which France not only lent its technical expertise in the drafting of the PSI, but also provided important leadership in the identification of the eleven countries that would have constituted the core constituency of the Initiative, at least in its initial phase.

The hardening of the EU position on nuclear non-proliferation and counter-proliferation has been predominantly driven by the French leadership, but uneasiness over such a hard line on the part of some member states, including Germany, has led France to soften its own position and consequently soften the EU policies. In September 2003 France hosted a meeting on the PSI during which the ‘statement of interdiction principles’, also known as the Paris Principles, was approved. The statement ‘aimed at providing a preliminary framework for action shared by all PSI member states. Such a statement was necessary because some of the members felt uncomfortable with the looseness of the American initiative, as it had been originally proposed. Some feared that such an initiative would have led to unilateral use of force on which they had several reservations’⁸⁸.

From my interviews in Paris and Vienna with German officials, it appeared clear that one of the main countries holding reservations to lending unconditional support to the PSI was Germany. ‘In Germany we understand the PSI as a multilateral initiative which

⁸⁷ Interview with Dr. Bruno Gruselle, Strategic Research Foundation (FRS), 16 May 2012, Paris

⁸⁸ Interview with Dr. Fouad El-Khatib, 15 May 2012, Paris

implies predominantly intelligence gathering, information sharing, and in some specific instances also interdiction of ships and vessels, but these cases we believe are quite rare. German opinion would have a hard time accepting that the German navy goes around the world stopping and inspecting cargoes. For us it is a soft-power initiative, and we support it because of that nature'⁸⁹. Yet to the French, the approach of the PSI support is understood quite differently: 'France fully supports the initiative and we have no problem in stating that in some cases, this may imply the use of force. But we do not mean power projection. We have a statement of principles, and according to these principles we act. If the situation requires the intervention of intelligence corps or police corps, France has no issue with that. We take counter-proliferation very seriously'⁹⁰.

German hesitation has largely influenced the elaboration of the EU WMD strategy. Stefan Kornelius wrote: 'Germany is extremely cautious in applying force. Since bullying is not part of Germany's repertoire, Berlin frequently finds it difficult to employ hard talk, political punishment, economic sanctions or threats of military force'⁹¹. To secure the support of Berlin towards the WMD strategy and even more so towards the New Lines of Action, France has opted for a skilful compromise - 'effective multilateralism' - which ensures that the use of force will be the last resort, yet leaves that possibility open if multilateral institutions fail to deliver on their obligations.

On the front of nuclear security, the cooperation between the U.S. and France was epitomised in 2004 by the drafting and adoption of UN Security Council Resolution 1540 on Nuclear Terrorism. Several French officials explained that 'in the design phase

⁸⁹ Interview with the German Ambassador to the IAEA, Konrad Max Scharinger, at the NPT PrepCom, 7 May 2012, Vienna

⁹⁰ Interview with Anne Lazar-Sury, 17 May 2012, Paris

⁹¹ S. Kornelius, The Evolution of Germany's Non-Proliferation Policy, in Grand, et. all., U.S.-European Nonproliferation perspectives, A Transatlantic Conversation, p. 20

of the Resolution and in its actual drafting, U.S. officials met with French diplomats several times. The expertise that France had acquired dealing with terrorism in the Maghreb specifically was very precious to the U.S. and helped the American administration to adopt a more holistic approach to the overall issue of nuclear terrorism'⁹². France helped and continues to help the U.S. global nuclear security agenda in various ways, but one in particular reveals the extent to which the U.S. and France nuclear security agendas converge. Since 2006, France has advocated the global role of the European Union on nuclear security and suggested the opening of EU CBRN Risk Mitigation Centres of Excellence around the world, which are mandated to assist countries in the acquisition of the governance skills and expertise necessary to design and adopt border and export control regulations and thus be able to fulfil their obligations under Resolution 1540. This is a project that requires global engagement by the European Union and a long-term financial and human resource investment, and it clearly demonstrates the commitment of the EU towards the goal of fighting and eliminating the risks of nuclear terrorism.

Conclusions

In Chapter II, this thesis argued that: 'When both nuclear alignment to the United States and the degree of regional embedded-ness are high, the regional power will display *integrative leadership* and will seek to devise a regional nuclear regime that is characterized by the convergence in terms of goals and divergence in terms of methods from those of the U.S. global nuclear regime (substantial convergence)'.

France has displayed integrative leadership on two levels. Firstly, through its high nuclear alignment to the United States and its own aspirations to global prominence, the

⁹² Interview with Dr. Fouad El-Khatib, 15 May 2012, Paris

country has led the European Union to acquire an increasingly global role in nuclear governance in support of and in complement to the leadership played by the United States. After joining the PSI, France called for a meeting in Paris to define the principles and legal boundaries of the Proliferation Security Initiative. The initial version proposed by the U.S. (which was essentially a list of operational measures for countries to adopt in order to intervene in cases of suspicious proliferation) contained neither principles nor legal boundaries, nor did it define specific authorities bestowed to each signatory of the Initiative. France saw this version as problematic, especially given the reluctance of Germany to use force, and thus France called for a meeting in Paris to detail the Principles under which counter-proliferation activities were to be adopted. By defining and delimiting the legal boundaries, countries that were concerned by the increasing unilateralism of the U.S. could join the Initiative.

Secondly, France has played an integrative role within the European Union itself. In the first phase it worked towards cooperation with Germany, and since then it has increasingly worked towards the strengthening of an EU role in global and regional nuclear governance, at times even sacrificing some of its own interests. For this reason, the country has been willing and able to accommodate other preferences, particularly those of Germany, which France considers its most important counterpart in the establishment of EU integration. This has led France to accept some minor political accommodations, such as agreeing to soften the position of the EU on counter-proliferation or accepting the political costs deriving from the formulation of an EU dual-use export control policy.

High Nuclear Alignment between France and the United States

In many historical accounts, relations between France and the United States are depicted as the relationship between rival siblings or a love-hate relationship. There is little doubt that such relations have been punctuated by animosity and tension, such as in 1966, when President de Gaulle announced the withdrawal of France from NATO, or in 2003, when President Chirac voiced, without hesitation, his dissent against the U.S. invasion of Iraq. Over the years, this long tradition of outspoken criticism has given France a reputation as a difficult negotiating partner for the U.S.⁹³. Nevertheless, these crises have gradually dissolved, and have left few marks on a relationship that can undeniably be declared solid. Furthermore, while in some instances the foreign policies of both countries have led them in altogether different directions, their cooperation on nuclear issues has consistently enjoyed almost perfect alignment. As Fouad El-Khatib told me, ‘the nuclear sector is one of the sectors where our cooperation with the U.S. has been, is, and will remain excellent’.

This chapter has underscored the many obvious affinities between the two countries. One that has not been explored thus far and deserves further attention is the centrality of nuclear weapons in both national defense policies. David Yost has written: ‘if there is a domain in which one cannot radically contrast Paris and Washington, it is surely nuclear policy. The only difference that can be noted is that nuclear weapons hold a more central place in the defense policy of France⁹⁴ than for the United States. The French doctrine is much closer to U.S. (and UK) doctrine than generally thought. Washington and Paris

⁹³ C. Cogan, *French Negotiating Behaviour: Dealing with La Grande Nation*, (Washington D.C.: United States Institute of Peace Press, 2003), p. 8

⁹⁴ Despite the misrepresentation of Bush policies, since the 1970s the U.S. has attempted to move away from a defense system centred on nuclear capabilities, in contrast to France, which has instead upheld nuclear deterrence as the cornerstone of its defense strategy. Frequently because of its conservative position on nuclear deterrence, France has been referred to as ‘the last outpost of nuclear fundamentalism in the West’, cited in Price and Mackby, eds., *Debating 21st Century Nuclear Issues*, p. 117

share a common view about the fundamentally political role of nuclear weapons, which are identified as an instrument of deterrence rather than a war-fighting tool. The countries oppose a no-first-use doctrine as they believe it would weaken deterrence by allowing an adversary to calculate the risks inherent in his aggression.’⁹⁵.

Noting that the alignment between the two countries on their respective approaches towards nuclear non-proliferation, counter-proliferation and nuclear security has already been underscored, a final note should highlight their additional similarities in the attainment of nuclear disarmament. In the case of France, the country has undertaken unilateral disarmament between 1990 and 2008, which led to an ‘almost 50 percent reduction of its nuclear arsenal to less than 300 total warheads’⁹⁶. It also has supported nuclear-disarmament policies at the global level. Since 1996 it has supported the Comprehensive Test Ban Treaty (CTBT), becoming the first nuclear-weapons state to support the zero-option – ‘the banning of any nuclear test or nuclear explosion at whatever level’⁹⁷. In these specific instances France displays a stronger record than the United States in terms of nuclear disarmament. Nevertheless, the position of both countries is remarkably similar in the way in which complete nuclear disarmament is cast as conditional upon progress made on the nuclear non-proliferation front, and given the absence of satisfactory conditions at present, France, exactly like the U.S., ‘intends to retain nuclear weapons as long as it judges necessary for its security’⁹⁸.

⁹⁵Bruno Tertrais has argued that ‘Since the 1960s, the U.S. has sought to reduce the role of nuclear weapons in its defense strategy. Although France has acknowledged the improvement of conventional capabilities, it has never been willing to recognize a major strategic role for conventional deterrence to the point of making it equivalent to nuclear deterrence.’ Price and Mackby, eds., *Debating 21st Century Nuclear Issues*, p. 131

⁹⁶ C. Grand, *France, Nuclear Weapons, and NonProliferation*, in Grand, et. all., *U.S.-European Nonproliferation perspectives, A Transatlantic Conversation*, p. 9

⁹⁷ Intervention by the French Delegate at the 2000, NPT Review Conference, NPT/CONF.2000/28. PART IV, p. 135 delegate

⁹⁸ Price and Mackby, eds., *Debating 21st Century Nuclear Issues*, p. 131

The clearest evidence of the alignment between Paris and Washington can be seen in the way they have handled the Iranian crisis. Both countries, in contrast to the UK and Germany, have clearly favoured a hard-power approach from the onset. In 2008, during an emblematic speech at Cherbourg outlining his nuclear posture, President Sarkozy remarked: ‘Iran is increasing the range of its missiles, while grave suspicions surround its nuclear program; it is indeed Europe’s security that is at stake. In the face of proliferation, the international community must remain united and resolute. Because we want peace, we must show no weakness to those who violate international norms’⁹⁹. Such rhetoric remarkably echoed the U.S. approach. During the 2007 NPT review conference, the U.S. representative stated: ‘The U.S. remains gravely concerned by violations by Iran and North Korea ... We should not forget that it is incumbent upon the NPT regime not merely to discuss but also to remedy violations of the Treaty’s core of non-proliferation obligations’¹⁰⁰.

High regional embeddedness: France and ‘L’Europe puissance’

While cooperation between the U.S. and France on nuclear issues has grown steadily over time, such cooperation has led to an increasing involvement of the European Union in new areas of intervention, such as counter-proliferation and nuclear security, where the soft-power approach espoused by Germany and others is at times questioned.

France’s full commitment towards the regional European project has led the country to soften its own approach to nuclear non-proliferation, to secure broader support. In Paris, the rhetoric of Mitterrand, who in 1988 stated that ‘France is our homeland, but Europe

⁹⁹ Speech by Nicolas Sarkozy, President of the French Republic, Presentation of Le Terrible in Cherbourg, March 21, 2008

¹⁰⁰ Statement by Dr. Christopher Ford at the 2007 NPT PrepCom, Committee on Regional Issues. The text of the speech is available at: <http://www.scoop.co.nz/stories/WO0705/S00401.htm>

is our future', remains relevant. France has worked incessantly to boost European integration and to strengthen EU capacities on the nuclear front. A case in point is the continuing lobby of France to maintain EU involvement in multilateral initiatives such as the Proliferation Security Initiative and UN Resolution 1540. As discussed at the beginning of the chapter there is very little disagreement among European countries over issues related to nuclear non-proliferation and nuclear security and the many conversations I held with the EU officials in both Vienna and Brussels reiterated that the weakest link in EU nuclear cooperation lies elsewhere, in the nuclear disarmament front. According to France officials, the country continues to be in compliance with Article VI of the NPT, and its record confirms its commitment. Nevertheless, for France the renunciation of nuclear weapons would not only unacceptably expose the country to vital threats, but concurrently it would irremediably compromise the security of the other EU member states. This idea is vividly expressed in the 2008 Defense Strategy, in which France's vision for Europe and its security is articulated: 'France wants to be in the front rank of this drive for progressive political unification, which does not mean uniformity [...] It will work for a more unified, stronger European Union with a greater presence in the field of security and defense'¹⁰¹. Elsewhere, the document says: 'by its very existence, the French nuclear deterrent also contributes to the security of Europe. An aggressor considering an attack on Europe must be aware of this. Our commitment to the security of our European partners is the expression of an ever-closer union as enshrined in the Treaty of Lisbon. That is why France proposes a dialogue on the role of deterrence, and its contribution to the common security, to those of its European partners that wish to take part'¹⁰².

¹⁰¹ The French White Paper on Defense and National Security, p. 75

¹⁰² The French White Paper on Defense and National Security, p. 65

Regime interplay and the future of the EU nuclear governance

The interplay that emerges between the EU and U.S. nuclear regimes is reinforcing, and it demonstrates the affinity of European countries to U.S. nuclear goals. For the U.S., the EU contribution is extremely important, particularly in a time of globalising nuclear risks and a shrinking U.S. budget. According to Antonio Missiroli: ‘the leadership that Europe has displayed on nuclear security issues in particular demonstrates the political canniness of the EU in being able to read the international context and move promptly towards offering an institutional solution’¹⁰³.

If the cooperation between the U.S. and the EU is critical for the U.S. global initiatives, it is however equally important for Europe, for at least two main reasons. Cooperating on nuclear risks has offered many countries within the EU the possibility of strengthening or even acquiring critical capacities such as intelligence gathering, the implementation of counter-terrorism policies, and export control regulations. This has already contributed to the indirect strengthening of the backbones of the EU security architecture, which has lagged behind in recent years. In addition, it has offered the possibility for the EU to work together towards the formulation of security related policies with a global impact. Prior to the establishment of the EU strategy on WMD, EU positions were largely inexistent, or they were conveyed through U.S.-crafted settings such as NATO. Today the EU is represented at global meetings such as the NPT Review Conferences, and this provides an outstanding opportunity for its own members to reflect together on the vision for the EU in the future. In that future, a decision on the presence of nuclear weapons in Europe will have to be taken. Until then, the unity among its members will be significant, but not fully realised.

¹⁰³ Interview with Antonio Missiroli, 21 May 2012, Brussels

Chapter VII: Regional Powers and Global Nuclear Governance

The purpose of this thesis has been to explore the drivers of regional nuclear cooperation and to analyse how these newly formed regional nuclear regimes diverge or converge with the U.S. interests at the global level. Whereas the previous three chapters have provided empirical evidence, this chapter provides the first analytical linking between the empirical materials contained in the three preceding chapters with the theoretical framework formulated in Chapter II. This chapter is organized as follows: In the first section, it summarizes briefly in which ways each of the three empirical chapters confirms or rejects the hypotheses formulated in Chapter II. This section is also enriched by a brief illustration of a fourth-case study – the leadership of South Africa in the establishment of a southern African nuclear regime. The second section of the chapter offers an overview of the theory and the case-studies in comparative analysis, and seeks to highlight how conditions of regional nuclear cooperation have played out differently in the three distinct cases. Finally, the chapter closes with some considerations of other contingent factors that my thesis has not explored systematically, but that have nonetheless played a role in the way in which regional nuclear cooperation has come about in the regions of Latin America, Southeast Asia and Europe.

Application of the theoretical claims and hypotheses to each of the case-studies individually

In Chapter II, the thesis formulates four hypotheses that were then explored through empirical investigation in three case-studies.

My first hypothesis states that when both the nuclear alignment to the United States and the degree of regional embeddedness are low, the leadership that the regional power displays will be *hedging*. The regional power will seek to devise a regional nuclear regime which is characterised by complete divergence in terms of goals and methods from the U.S. global nuclear regime.

The regional nuclear regime in Latin America fits this first hypothesis. The enduring antagonism between Brazil and the United States, particularly in the nuclear sector, has affected to a large extent the ways in which the regional nuclear regime has been conceived and has emerged in the region. The hostility between the two countries began in the 1950s, when the military regime in power in Brazil began to dwell on the possibility of developing a nuclear military program¹ and peaked in the 1960s, when Brazil refused to sign the NPT, which it defined as a global injustice². The low alignment to the U.S. is exemplified by the divergences of nuclear preferences of the two countries: where Brazil has acted as a global leader in driving the agenda of nuclear disarmament the United States has sustained the development of nuclear non-proliferation policies. Where the U.S. has undertaken several strategies to combat nuclear terrorism, Brazil has emphasised that the only effective strategy is nuclear disarmament. Finally, on a more operational level, whereas the U.S. has lobbied for the adoption of the AP, Brazil has consistently resisted such a call (and rather has pledged to never commit to any other global nuclear deal, in the absence of concrete progress towards disarmament). Given the high dissatisfaction of the country with the status quo enforced by the United States, Brazil has seized regional cooperation as an opportunity to boost the agenda of nuclear disarmament and to re-address some of the policies that Brazil opposes at the global

¹ M. Barletta, *The Military Nuclear Program in Brazil*, (Stanford University, 2007)

² D. De Jesus, The Brazilian Way, *The Nonproliferation Review*, vol. 17, no. 3, 2010, pp. 551-567

level. Over time, relations between the two countries have smoothed over, although a high degree of mistrust remains evident in the nuclear realm³ and profound differences remain over nuclear policies priorities both at the regional and global level.

In situations of low global nuclear alignment, my theory predicts that the regional power will seek to exploit and capture the demand for regional nuclear cooperation to devise a regional nuclear regime that diverges from the one espoused by the United States at the global level. Historically, as Chapter IV has illustrated, whereas the United States has clearly promoted a global nuclear non-proliferation agenda, Brazil – in the confined space of Latin American nuclear cooperation – has sought the establishment of governance mechanisms aimed at contributing to the pursuit of nuclear disarmament⁴. One such mechanism is the Treaty for the Prohibition of *Nuclear Weapons* in Latin America, known as the *Treaty of Tlatelolco*, which Brazil designed and lobbied for in the aftermath of the Cuban Missile Crisis in 1962, and which bans nuclear-weapons states from transporting, transferring and testing nuclear warheads in the region. Not coincidentally, the Treaty of Tlatelolco, with its specific disarmament objectives, was proposed by Brazil in 1962, during the so-called “independent foreign policy” phase of President Jânio Quadros. It was precisely during this acute crisis for the United States and during the pursuit of a more independent, stronger voice in world politics that Brazil saw regional nuclear cooperation as a possible window-of-opportunity to challenge, albeit indirectly, U.S. dominance of the nuclear issue-area at the global level.

³ The level of distrust is epitomised by the refusal of Brazil to extend cooperation and support to the U.S.-led Proliferation Security Initiative and by its skeptical view of UN Resolution 1540. In particular, Brazil accused the UN Security Council and the U.S., as the leading state, of exercising authority not granted by the UN Charter. In adopting UN Resolution 1540, the Security Council acted as a legislative rather than an executive body, and proceeded to draft a resolution that requires states to adopt national nuclear security regulations aimed at the mitigation of risks related to nuclear terrorism

⁴ At the global level, Brazil was already active in nuclear matters at the beginning of the 1960s and through its participation in the Eighteen-Nation Committee on Disarmament, it staunchly lobbied for the pursuit of worldwide nuclear disarmament. The country has been the initiator of many important initiatives, including the first drafting of the Limited Test-Ban Treaty, eventually ratified by the Soviet Union, the United Kingdom and the United States in 1963

Yet the low global nuclear alignment between Brazil and the United States explains only in part how the regional nuclear regime in Latin America has ultimately been designed. In addition to its inimical relations with the United States, Brazil also was trying to manage its problematic and difficult relations with some of its Latin American neighbors. This regional friction largely affected Brazil's ability to assert clear leadership in the establishment of a regional nuclear regime, and prevented the country from fully satisfying its nuclear preferences. Throughout the history of regional nuclear cooperation in Latin America, as the chapter indicates, the leadership of Brazil has been heavily contested and frequently challenged – in particular by Mexico and Argentina, which have attempted to assert themselves as contenders individually or by aligning with the United States. This has resulted in the increasing alienation of Brazil and the formulation of a rather sketchy regional nuclear policy. For instance, during the negotiations of the Treaty of Tlatelolco, the accommodating position of Mexico towards the United States, and Mexico's ability to build a coalition of countries supporting its position, forced Brazil into a subordinate role and ultimately led to a watering-down of some parts of the treaty which dealt with the nuclear disarmament provisions. Despite Brazil's preferences, Mexico succeeded in allowing the five permanent Security Council members to deliver interpretative statements prior to their signing of the Treaty of Tlatelolco. In more recent years, particularly after 9/11, the increasing economic dependence of Argentina and Mexico on the United States has led to a growing closeness between those two countries and the United States. This has been particularly visible in the nuclear realm, in the areas of terrorism, nuclear security and counter-proliferation where the two Latin American countries have increasingly acted as sponsors and supporters of U.S. nuclear policies. This closeness has further alienated Brazil, which

continues to remain somewhat distant from U.S. nuclear interests and harbors a desire to use regional nuclear platforms to rival and challenge the global American nuclear agenda.

As the disagreements among the three Latin American countries increase over nuclear priorities and policies, Brazil has begun to display uneasiness and a readiness to go it alone to avoid compromising further. As a result, in recent years Brazil has been trying to establish a more Brazil-oriented South American platform (including nuclear) that could exclude from it countries such as Mexico that are perceived to be allies of the United States. Ultimately, Brazil's low global nuclear alignment with the United States and the low alignment among Brazil, Argentina and Mexico have led to an highly fragmented regional nuclear regime, diverging in both goals and methods from the U.S. interests while being weakened by contradictory intra-regional policies.

My second hypothesis states that when the nuclear alignment to the United States is low and the degree of regional embeddedness is high, the leadership that the regional power displays will be *strategic*. The regional power will seek to devise a regional nuclear regime characterised by divergence in terms of goals and convergence in terms of methods with the U.S. global nuclear regime.

The regional nuclear regime in Southeast Asia fits this hypothesis. The relationship between Indonesia and the United States can be depicted as one of low nuclear alignment. Acting as a leader of the Non-Aligned Movement (NAM), Indonesia has engaged actively since 1963 in multilateral settings to lobby for nuclear disarmament

among nuclear-weapon states⁵. Such staunch commitment towards the pursuit of nuclear disarmament led Indonesia to reject the NPT, arguing that the treaty was officially institutionalising inequality⁶. More recently, Indonesia unilaterally rejected the Proliferation Security Initiative, and in 2008 it was the only member state in the UN Security Council abstaining in a vote on a U.S.-drafted resolution to impose stricter sanctions on Iran because of its controversial uranium enrichment program⁷. Although at the bilateral and global level, antagonism with the United States is straightforward; at the regional level Indonesia has emerged as far softer and more accommodating to U.S. nuclear interests. While maintaining its staunch support for nuclear disarmament at the regional level, Indonesia has nonetheless extended cooperation to other ASEAN members more inclined to cooperate with the U.S. on issues such as nuclear terrorism. Indonesia signed, albeit reluctantly, the 2002 ASEAN-U.S. Joint Declaration for Cooperation to Combat International Terrorism that was lobbied for by Singapore, and in 2011 it signed the more significant ASEAN Convention on Counter-Terrorism, largely designed by Singapore⁸ and particularly significant because it extends the support of ASEAN towards the U.S. nuclear security agenda.

The central motivation underpinning the inconsistent behaviour of Indonesia towards the United States and its nuclear primacy can be found in the high regional embeddedness of Indonesia within ASEAN. The centrality that Indonesia assigns to the regional organisation and the high economic interdependence that the country entertains with Singapore have forced Indonesia to accept costly compromises in favour of U.S.

⁵ S. Dunlop, and G. Mukhatzhanova, Indonesia Takes the Lead on the CTBT, *James Martin Center for Nonproliferation Studies*, 4 May 2010

⁶ H. Djalal, Proliferation Security Initiative (PSI): Indonesia Perspective, *The Indonesian Quarterly*, vol. 35, no. 2, 2007

⁷ R.S. Gayatri, *Iran's Nuclear Issue in Indonesia's perspective*, (Indriana Kartini, Jakarta: LIPI Press, 2005)

⁸ J. Gershman, Is Southeast Asia the second front?, *Foreign Affairs*, vol. 81, no. 4, 2002, pp. 60-74

interests. Given the special relationship between Singapore and the U.S., the small city-state has been the most powerful advocate of the U.S. nuclear agenda in Southeast Asia, thus affecting the position of Indonesia in the region. Indonesia has nevertheless succeeded in placing the goal of nuclear disarmament at the centre of regional nuclear efforts, while conceding on many other fronts. Therefore the regional nuclear regime in Southeast Asia diverges substantially from the U.S. nuclear interests, although it does satisfy some of the goals and many of the methods adopted by the U.S. at the global level.

My third hypothesis states that when both the nuclear alignment to the United States and the degree of regional embeddedness are high, the leadership that the regional power displays will be *integrative*. The regional power will seek to devise a regional regime characterised by substantial convergence: convergence in terms of goals, and divergence in terms of methods from the U.S. global nuclear regime.

The regional nuclear regime operating within the area of the European Union fits the third hypothesis. The high nuclear alignment between France and the United States has been critical in prompting EU nuclear cooperation in support of the U.S. global nuclear agenda. There are many areas of convergence between France and the United States, but in particular the two countries prioritise concerns of nuclear non-proliferation and nuclear security above everything else, and they are both rather skeptical of the possibility of undertaking complete nuclear disarmament. That alignment of interests between the two countries has brought to life several important global initiatives, such as the Franco-American UN Resolution 1540 and the open support that France provided to

the U.S. led Proliferation Security Initiative⁹. Yet although there is a high degree of alignment between the two countries at the bilateral level, at the regional level France has gradually dampened its synonymy with the United States. For instance, it has supported the EU Strategy against *Proliferation of Weapons of Mass Destruction (2003)* that adopts the counter-proliferation approach of the United States as last resort, but primarily emphasises the adoption of multilateralism, dialogue and confidence-building mechanisms over coercive measures and military operations. Nevertheless, France's leadership in the formation of regional nuclear policies in Europe has not only been influenced by the positive – despite some bumpy clashes – relationship with the United States, but has also been intensely influenced by the on-going calculus of France over the prospects for European integration. All goals and policies that France shared with the United States have been checked and examined in terms of the impact that these very same policies may have on the regional integration process. For this reason, because of its desire to continuously integrate the global and the regional nuclear dimensions, France has been defined in this thesis as an integrative leader. If alignment to particular U.S. policies was judged good for France's national interest, but dangerous or malign for the regional integration process, France sought an accommodation or a softening of such policies to secure European backing, and in particular Germany support, which France has always perceived to be an indispensable pillar in the formation of an European confederation of states. When Germany has expressed some degree of dissatisfaction with the strong-handed approach displayed by the United States on counter-proliferation, France has sought to soften such a policy by securing a more EU-centric approach

⁹ France has 'provided full support for the PSI since its inception and is one of the eleven founding countries' This support has seen the coordination of several counter-proliferation operations jointly conducted by France and the United States. France has also been instrumental in the ratification of UN Resolution 1540 on nuclear terrorism, which the U.S. considers to be the bedrock of current global nuclear governance. In 2002, France (jointly with India) presented at the United Nations a resolution on 'Measures to prevent terrorists from acquiring weapons of mass destruction'. That resolution paved the way for additional discussions on nuclear terrorism, eventually leading to the U.S.-drafted Resolution 1540

through the EU's WMD strategy and its emphasis on "effective multilateralism" – despite the fact that France itself did not object to the more coercive approach advocated by the Bush Administration. By prioritising goals such as nuclear non-proliferation and nuclear security, the EU regional nuclear regime substantially converges with U.S. interests at the global level. Yet by adopting methods alternative to those supported by the U.S. at the global level, the EU is offering nuclear leadership distinct from and integrative of that of the United States.

My fourth hypothesis states that when the nuclear alignment to the United States is high and the degree of regional embeddedness is low, the leadership that the regional power displays will be *accommodating*. The regional power will seek to devise a regional nuclear regime which is characterised by complete convergence in terms of goals and methods to the U.S global nuclear regime.

Although the case of the regional nuclear regime as it is emerging in the region of Southern Africa will not be directly explored by the thesis, it is nonetheless worth a short consideration¹⁰. Concerned about the possibility that Africa could become 'the dump of nuclear waste'¹¹, South Africa has lent its leadership and governing expertise in the design and management of several institutions, notably the African Commission on Nuclear Energy (AFCONE) and the Forum of Nuclear Regulatory Bodies in Africa. The

¹⁰ The decision to exclude the case study of Africa from this dissertation is primarily because the nuclear institutions in Southern Africa are still in their infancy. The African Commission on Nuclear Energy was created in 2008, and many of its institutional features are still under discussion by its members

¹¹ During a telephone interview on 27 January 2011 with Dr. Ivor Richard Fung, Director of the U.N. Regional Centre for Peace and Disarmament in Africa, he highlighted two important current aspects of nuclear institution building in Africa. The first is that Africa does not have issues of nuclear proliferation which may be endemic in other regions. Given the extremely low technological capacities of many African countries, nuclear risks related to the diffusion of technology in the continent remain for the moment extremely low. Yet because of its low governance capacities, Africa may be the perfect target of non-state actors or rogue states interested in smuggling nuclear technology undisturbed. In addition, a genuine fear among the most developed countries in southern Africa, notably South Africa, Botswana and Namibia, is the possibility that Africa could be used as a 'dump for toxic and nuclear waste'. Hence the creation of nuclear institutions is more a preventive mechanism than a mitigation strategy of present risks. Mr. Fung stressed the role that the United States has played alongside South Africa in the creation of these institutions

scope of these institutions is extremely limited, at least for the time being, as South Africa works on building the capacities of neighbouring countries to respond to risks deriving chiefly from nuclear smuggling. Yet through these institutions, South Africa has been able to attain two important goals. At the global level, after a long period of isolation caused by the apartheid regime and its problematic nuclear posture in the 1970s, the country has regained credibility in the eyes of the U.S. by sustaining regional efforts to mitigate risks related to nuclear proliferation and nuclear terrorism¹². At the regional level, South Africa has been able to establish mechanisms that consolidate its leadership, giving the country a chance to monitor, although indirectly, the nuclear posture of its unstable neighbouring countries. Given the fundamental absence of any credible challenger to its leadership, South Africa has designed these regional nuclear policies almost single-handedly. Given the high alignment with the U.S., the regional nuclear regime completely converges both in terms of goals and in terms of methods with the U.S. at the global level.

Table 1 - Hypotheses on the Modalities of Regional Powers' leadership and resulting Interplay between the Regional and the U.S. Global Nuclear Regimes (reproduced from Chapter II)

Regional Embeddedness	Nuclear Alignment	
	Low	High
Low	Hedging Leadership Hypotheses: Divergence in terms of goals and methods (complete divergence) Empirical analysis: Brazil and the regional nuclear regime in Latin America (Chapter IV)	Integrative Leadership Hypotheses: Convergence in terms of goals and divergence in terms of methods (substantial convergence) Empirical analysis: France and the regional nuclear regime in Europe (Chapter VI)
High	Strategic Leadership Hypotheses: Divergence in terms of goals, convergence in terms of methods (substantial divergence) Empirical analysis: Indonesia and the regional nuclear regime in Southeast Asia (Chapter V)	Accommodating Leadership Hypotheses: Convergence in terms of goals and convergence in terms of methods (complete convergence) Empirical analysis: South Africa and the African Nuclear Regime (briefly discussed in Chapter II)

¹² Phone Interview with Dr. Ivor Richard Fung, 27 January 2011

Using comparative analysis to understand the underpinnings of regional nuclear regimes

This thesis opens with the preliminary observation that the nuclear issue-area, similar to other international cooperation domains, has witnessed a significant increase in the number of institutions and multilateral arrangements in recent years. In establishing the theoretical framework of this study, it was then hypothesised in Chapters I and II of this thesis that the main drivers underpinning the phenomenon of institutional proliferation in the nuclear sector were: 1) on the demand side, the emergence of nuclear risks involving only geographically limited areas, hence triggering a demand for more localised institutions 2) on the supply side, the presence of a regional power necessary to instigate and facilitate the institutionalisation of cooperation. In the section that follows I examine the role of each of these variables in the three case-studies. The purpose here is to highlight both communalities and differences among the cases.

The role of nuclear risks

The thesis has conceptually separated nuclear risks from threats because, as discussed in the first two chapters, they possess a different nature and they therefore spark different institutional reactions from the states that face them.

The three case studies explored in the preceding chapters highlight the existence of two types of nuclear risks as drivers of regional nuclear cooperation: risks deriving from geopolitical changes (driven by great powers) and risks which are more localised, deriving from the competition and rivalry between regional players in the quest for regional leadership and in the absence of regional institutions.

Frequently, the most intense nuclear risks have originated from geo-political changes driven by great powers. The case of Latin America is clearly a case in point. In the case of the Cuban Missile Crisis (1962), at the height of the Cold War, the Soviet Union sought to directly challenge U.S. security through the provocative deployment of nuclear warheads at the very border of Latin America with the United States. Overall, the shock and the deep sense of insecurity generated by the crisis, particularly among Latin American countries, inspired these countries to research for a collective mechanism to mitigate the risk of becoming entangled in a super-power competition and possibly becoming the playground of a nuclear arms race. The pursuit of neutrality for the region of Latin America and for its individual nations through the negotiation of the Treaty of Tlatelolco (1962) was therefore a strategy designed to insulate Latin American countries from the risks deriving from a fierce rivalry between two superpowers.

A similar pattern emerges in the case of Southeast Asia, with the internationalisation of the Kamporean War between Vietnam and Cambodia and also the explosion of the first Chinese atomic bomb in 1964, both of which placed the region squarely at the centre of the geo-strategic competition among main powers, the Soviet Union and the United States in particular, but with the involvement of China and India at the margins. Therefore, as in the case of Latin America, the idea of ensuring neutrality for the region so as to protect its states from potential manipulations by great powers became the fundamental driver behind the design and the negotiation of the Declaration of the Zone of Peace, Freedom and Neutrality (ZOPFAN) in 1971 and later the Bangkok Treaty, in 1983. In both of these cases, risks emerge from competition among superpowers and from the specific features of the power distribution at the systemic level.

The case of Europe is of course rather different. The inclusion of Western Europe in the NATO alliance bound the security and defence policy of the region to that of the United States and pre-empted any possibility for European countries to pursue neutrality in the face of rivalry between superpowers. In this sense, given the existence of an automatic alignment of Western Europe to the United States, geo-strategic manoeuvring between the Soviet Union and the United States did not prompt Europe towards cooperation in the mitigation of negative externalities, but towards the strengthening of defense cooperation in support of the United States. Therefore, in contrast to Latin America and Southeast Asia, the origin of regional nuclear cooperation in Europe is not risks originating from the geo-political level, but rather the mistrust harboured by France vis-à-vis Germany and France's need to ensure an institutional containment of Germany in the post-WWII era.

The risks generated as a result of the 9/11 attacks on the United States can equally be considered as deriving from geo-strategic changes which, in contrast to the case of the Cold War, involve almost exclusively the United States. The attacks on the World Trade Centre became a source of risks for regions insofar as it triggered a substantial change in the priorities of the United States both at the security level and at the defence level and because it propelled the U.S. to re-engage in key regions, through highly invasive policies.

No other region has experienced the shift in U.S. foreign and defense policy so dramatically as Southeast Asia. Firstly, after several years of rather low-key engagement, initiated in 1992 with a partial withdrawal of U.S. troops from the region, in the wake of 9/11 the United States devised several new strategies of intervention in Southeast Asia.

At the bilateral level, the U.S. military cooperation with the Philippines, culminating in the actual deployment of U.S. troops in the country, together with the substantial provision of weapons, and capacity-building training to military and police forces of other ASEAN member-states largely led to an overall militarisation of the region, in open contrast with the fundamental idea of the ZOPFAN to maintain neutrality and peace in the region as far as possible. Secondly, the transfer of weapons and military aid began to affect the power distribution within the region and to alter the nature of intra-regional relations and the equilibrium of Southeast Asia. Most notably, U.S. presence in the region boosted the influence and power of countries such as Singapore that were tied into a “special relationship” with the United States, hence substantially undermining the power of other countries, such as Indonesia, as *primus inter pares*. Thirdly, the United States sought also institutional involvement and ambitiously aimed to affect the agenda of regional cooperation by devising new institutions more favourable to their own agenda hence challenging previous regional policies and in general disrupting the institutional coherence within ASEAN. For example, the United States spent several years lobbying for the creation of a working group within the ASEAN Regional Forum (ARF) to deal with nuclear non-proliferation issues. Yet this new emphasis on nuclear non-proliferation clashed with the preferences of Indonesia, as leader within ASEAN, to maintain the emphasis of regional cooperation towards nuclear disarmament. This strained regional nuclear cooperation as countries siding with the United States vigorously lobbied for the re-orientation of regional cooperation towards nuclear non-proliferation, whereas Indonesia opposed the change and increasing interference from the United States.

In Latin America the re-engagement of the U.S. after 9/11 has been relatively less dramatic than in Southeast Asia although it has led to a series of similar risks. Firstly, as in Southeast Asia, it has led to a strengthening of bilateral alliances to the United States, from nations such as Argentina and Mexico, and consequently this has affected intra-regional relations and forced countries such as Brazil into a state of isolation and vulnerability. In addition, through the engagement at the inter-hemispheric level within the Organization of the American States (OAS), the U.S. has also begun to steer the regional nuclear cooperation towards issues such as nuclear terrorism and the prevention of Weapons of Mass Destruction Proliferation.

In the cases of both Latin America and Southeast Asia, the re-engagement of the U.S. with the regions has raised similar risks: through the consolidation of alliances and bilateral relations, it has challenged the primacy and leadership of countries like Brazil and Indonesia, which hold a clear sense of regional entitlement and for many years benefited from the absence of the U.S. from their regions; and through the development of new institutions, it has substantially influenced the regional nuclear agenda and affected nuclear disarmament policies built precisely in order to restrict the power of the United States in these regions.

The events of 9/11 constituted an important source of risks for Europe also, although for different reasons than in the two other regional cases. In the case of Europe, 9/11 sparked the need to enhance cooperation within Europe to protect the nuclear technology material present in the area. Equally, it served as an important motivating factor to expand its role in nuclear governance, in order to continue supporting multilateral institutions at a time when the United States was increasingly embracing a more unilateral posture. Therefore,

9/11 offered the EU the opportunity to begin to develop its nuclear leadership and to exercise it both at the regional and - even more so - on the global stage.

Finally, another source of risks emerging from the empirical examination is the competition and rivalry among regional players in the absence of regional institutions able to constrain and mitigate such rivalry. The empirical examination of the formation of regional nuclear cooperation in the European and Latin American regions clearly highlights how more indigenous risks played a key role in promoting the initiation (in the case of Europe) and the consolidation (in the case of Latin America) of regional nuclear cooperation.

In the case of Europe, relations between France and Germany in the immediate aftermath of WWII were incredibly strained and clearly marked by deep-rooted fear and mistrust, particularly on the part of France. In the absence of any regional mechanism that could limit and mitigate the potential risk of a German re-armament, France sought to co-opt Germany into a collective agreement that could keep Germany under control while serving as a mechanism to boost confidence between the two neighbouring countries. The collective management and sharing of “strategic resources” such as minerals and nuclear technology (in the form of raw material and know-how) were therefore used as incentives to establish cooperation.

In the case of Latin America, the rivalry and competition triggered between Brazil and Argentina in the 60s led the two countries, albeit for a brief period, to the verge of a nuclear arms race as a result of initiating parallel clandestine military programs. The danger of such rivalry to spiral into a more deadly nuclear stand-off was further

deepened by the absence of any regional institution which could mitigate and tame the rivalry between the two parties¹³. Therefore Argentina, in a condition of greater political and technological vulnerability than Brazil, took the initiative to halt competition with Brazil through the establishment of a collective institution such as ABACC, through which the sharing of information on each party's nuclear program has since served as an effective mechanism to reduce mistrust between the two countries.

The case of Southeast Asia is slightly different. Rivalry at the regional level does not seem to be sufficient to propel regional nuclear cooperation. This is not due to a lack of disagreement (nor of competition) among the Southeast Asian countries, but rather it is linked to the nature of such disagreements and the time at which they have begun to surface. In contrast to the other two regions, regional competition on nuclear related issues in Southeast Asia has never reached the level of hostility seen in the case of Argentina and Brazil, nor has it ever sparked concerns as in the case of France and Germany. This is in part due to the fact that nuclear technology has not seen the same diffusion in Southeast Asia as it has in Latin America and in Europe. Yet importantly, the disagreements that have emerged between countries, between Singapore and Indonesia in particular, on specific nuclear policies (for instance the design of the Treaty of Bangkok) have taken place in an already institutionalised context, with ASEAN already operating as a key forum in which to hold discussions and reach accommodating collective solutions.

¹³ In the case of Latin America, for example, the Treaty of Tlatelolco entered into force but neither Brazil nor Argentina agreed to ratify it, therefore in reality although there was in existence a regional nuclear architecture, such a structure had no power to restrain the two countries

The role of regional powers

The second factor in determining the formation of regional nuclear cooperation, this thesis states, is the presence of a regional power. Two different types of capabilities have emerged as key for the regional powers to be able to exercise credible leadership in regional nuclear institution building:

- 1) Economic capabilities (such as economic and military capabilities)
- 2) Nuclear capabilities (such as technological expertise and know-how)

Obviously, material factors such as economic capabilities provide regional powers with the possibility of acting as leaders and of bearing the costs of leadership, which at times will also involve the provision of incentives to its followers. Nevertheless, in the nuclear context, technological capabilities and know-how bear particular clout as they strengthen the credibility of the country seeking to lead a collective process to design nuclear policies. The possession of nuclear technology (civilian as well as military) is for the regional power itself an important incentive to remain engaged in multilateral governance processes (whether they be regional or global), in order to formulate policies favourable to its own nuclear interests.

In the case of Indonesia, as the chapter shows, it is not so much its economic development (comparable to that of Malaysia and possibly weaker than that of Singapore) which grants the country the role of *primus inter pares* in leading nuclear negotiations but it is rather the possession of the oldest and largest nuclear research program in the region and the expertise that the country has accumulated in both regional and multilateral settings. In the case of Brazil, there are two primary elements on which its leadership is justified and sustained. First, a clear economic superiority that has granted the country more freedom and autonomy from the United States than granted to

the other two regional players, Mexico and Argentina, both of which have become increasingly dependent on the U.S. economy. Second, given the importance that nuclear energy enjoys in both development and security considerations of the country, Brazil has consistently displayed a clear interest in participating and influencing regional and global nuclear policies. Finally in the case of France, the enormous economic gains that the country draws from its nuclear energy production and its undeniable technological superiority are fundamental and reasonable incentives to keep France at the forefront of global and regional nuclear negotiations. Furthermore, the possession of nuclear weapons and the centrality assigned to these weapons in the context of the national defence posture of France favours a clear engagement of the country to halt or prevent any possible collective decision making process that could potentially hold harmful effects for its nuclear arsenal.

Regional powers as spoiler and leader

Chapter II has highlighted the way in which regional powers are instrumental in the creation and support of regional nuclear cooperation. Later in this chapter the ways in which the empirical analysis relates to the hypotheses laid out in Chapter II will be highlighted, however it is salient at this stage to outline the role that regional powers have played as spoilers.

Chapter II argues that regional powers, more than any other state in their respective regions, possess the material and technological capabilities to respond to risks as they emerge in their own regions, and to create momentum and support towards a collective solution to such risks. However, from the empirical analysis it also emerges that precisely because of the uniqueness of their position, regional powers can equally choose

to act as spoilers to halt processes of cooperation when they are perceived as damaging to their own interests.

Instances of regional powers acting as regional spoilers appear across all the three case studies, although with some substantial differences. In the case of Latin America, Brazil does not hesitate to undermine the multilateral process of the Treaty of Tlatelolco, led by Mexico, so as to maintain the right to pursue a nuclear program at a later stage. In more recent times, the country has equally acted as a spoiler to obstruct the nuclear agenda fostered by the United States with regional players such as Argentina and Mexico.

The case of France is slightly different. For instance, the country did not hesitate to bargain hard in order to protect its economic interests during the negotiations of the EU Dual-Use Export Control Regulation and this has undermined the overall effectiveness of the Regulation. Nonetheless, France has increasingly shown its willingness to act as a responsible regional power particularly to enhance and strengthen the EU integration process and in the ten years following 9/11, it has certainly fulfilled this commitment.

The case of Indonesia is, again different and perhaps more complex and nuanced. In trying to delay certain decision making processes, such as the one led by Singapore towards the adoption of a Convention on Counter-Terrorism in Southeast Asia, the country has exhibited some spoiler traits. For instance, the country signed the Convention in 2007, but only ratified it in 2011. Nevertheless, rather than simply acting as a spoiler in regional cooperation processes, Indonesia has opted for a more pragmatic, tit-for-tat approach, seeking to have some of its interests satisfied even during the process of political accommodations with Singapore. Thus for example, in the case of

the establishment of the ARF Working group on Nuclear Non-Proliferation and Disarmament, rather than simply resisting the creation of such a group, Indonesia has lobbied to influence the mandate of the group itself to ensure that the focus of the group was not limited only to the creation of non-proliferation policies but would equally entail debates on nuclear disarmament, which clearly remains the priority of Indonesia.

The difference between Indonesia and the other two countries (France and Brazil) in acting as a regional spoiler depends on one element in particular: Indonesia is much more dependent on ASEAN and on the regional process than the other two countries are with their corresponding regions. Both Brazil and France possess global interests and have strong economic ties at the global level and over the years they have consistently developed significant support networks outside of their own regions. Hence they can afford, albeit temporarily, to sustain isolated or unpopular policies and absorb the political costs deriving from them. Instead, Indonesia has always been rather vulnerable because of its economic interdependence with Singapore and has always opted for conciliatory positions rather than unilateral postures that could be significantly damaging to its economic interests.

The surfacing of cases of regional spoilers, even if not foreseen in the initial elaboration of the theoretical framework of this thesis, are nonetheless extremely important for two reasons: firstly, these cases serve to underscore the importance of regional powers in their regional contexts and reinforce the idea of the centrality of these countries in the realisation of regional nuclear policies. For example, the global role acquired by Europe in nuclear governance was made possible by the decision of France to sign and ratify the NPT in 1992 and to devote remarkable resources to the consolidation of the EU nuclear

regime from that point on. Likewise, only when Indonesia finally agrees to ratify the Convention on Counter-Terrorism in Southeast Asia will nuclear security cooperation be given top priority by ASEAN security cooperation. Secondly, these regional spoiling acts highlight the fact that risks and capabilities per se are not the only elements playing a role in the considerations of regional powers but that other contingent factors, explained later in this chapter, also play a fundamental role in influencing the way in which regional nuclear cooperation evolves.

This thesis, however, suggests focussing on the relation between the regional power and the United States on the one hand, and the relation between the regional power and other countries in its region on the other to explain why and how regional powers choose to use their capabilities to lend leadership for regional nuclear cooperation.

Nuclear alignment to U.S. global preferences

Nuclear alignment is defined as the degree of proximity displayed by the regional power to the nuclear preferences of the United States at the global level. This relation is fundamental because it influences the goals that regional nuclear cooperation will seek to satisfy. As previously stated, regional nuclear cooperation is established for functional reasons and triggered by the presence of nuclear risks. Yet the response that the region provides to these risks is not formulated in an institutional vacuum but rather it is placed in a context already densely populated by institutions and arrangements operating at the global level and predominantly responding to the interests of the United States, the originator of many of the existing global nuclear institutions and arrangements. This means that in providing the necessary leadership to create regional nuclear solutions,

regional powers will not simply look at the risks at hand but also at the U.S. interests within global nuclear institutions.

When relations with the United States are at a low, this translates to a fundamental disapproval of the goals and interests that the U.S. is satisfying through global nuclear institutions. The dissatisfaction of regional powers with the global status quo can take two forms: it may push regional powers to act as spoilers when regional processes are supporting U.S. interests and their position may serve to undermine such processes. The behaviour displayed by Brazil at OAS from 9/11 onwards is a prime example of how dissatisfaction may lead to passive resistance, rather than open opposition¹⁴.

In the majority of cases, however, regional powers will instead aim to use their material superiority to devise regional nuclear cooperation that seeks to challenge and counter-balance the policies at the global level that they oppose. The cases of regional cooperation in Southeast Asia and in Latin America provide a good illustration. In both cases, in devising cooperation, the leadership provided by Brazil and Indonesia is not limited to addressing the risks that the region faces, but extend rather ambitiously beyond the functional scope of responding to risks. For example, when caught between the competition of superpowers during the Cold war, in the cases of both Southeast Asia and Latin America, regional powers do not engage simply to devise a declaration of neutrality of their own region (as it was instead proposed for instance by Malaysia in the case of Southeast Asia), rather they pursue a much broader outcome which tackles the current risks but which equally affects and restricts the power of, in particular, the United

¹⁴ Although as Chapter IV remarks, Brazil counterbalanced its passive resistance within OAS with its more explicit activism towards the establishment of institutions in South America, geared towards its own political and security interests

States. Such an ambitious plan is clearly present in the intentions of Brazil during the negotiations of the Tlatelolco Treaty when the country does not only aspire to protect the region from the competition between superpowers but in addition fiercely demands the inclusion of a clause that could ban the transit of nuclear weapons states from the region itself.

In situations of low alignment with the United States, regional powers tend to prioritise goals which are opposed to the ones advanced by the United States. Given the fact that the U.S. has clearly favoured a global approach centred around nuclear non-proliferation and on nuclear security in more recent years, regional powers that do not share this approach have instead responded by prioritising regional policies of nuclear disarmament. Conversely, the case of Europe demonstrates the effect of high alignment between the regional power and the United States. In the European case, the convergence between France and the United States even in the early stages of negotiations for the establishment of EURATOM in 1957 has not only led Europe to develop regional nuclear policies in full support of the U.S. global agenda, but has extensively and increasingly expanded the role of European policy beyond its geographical area and its intervening power into new regions such as Central Asia and Southeast Asia.

The nature of Regional Embeddedness

Obviously regional powers cannot establish regional cooperation by themselves but they have to be able to develop and gather consensus around their suggested policies and they have to be able to maintain and expand momentum when dialogue with the other players appears to stall. Therefore relations between regional powers and the other countries within their own region are of fundamental importance. As Stefan Schirm has observed

that “successful leadership depends not only on resources and ambition but also crucially upon the support of followers”¹⁵ and this is particularly true for regional powers. Although these countries are powerful and influential, it was noted in the definitions provided in Chapter I and Chapter II that regional powers are differentiated from great powers in the extent to which their power and influence is related and dependent on regional dynamics. Therefore the convergence or divergence of preferences between regional powers and the other regional players becomes a critical element in determining the success of regional cooperation and the modalities through which some cooperation will come to life.

In the regional context, two elements however seem to be particularly critical: the proximity of the regional power to its strongest regional contender, and the level of commitment of the regional power to the regional cooperation process itself.

Above all, what influences the way in which regional nuclear cooperation comes about is the affinity of preferences between the regional power and its closest regional contender. Where the two countries display similar goals, then regional cooperation will emerge rather easily; conversely, in situations where the preferences of the two countries oppose each other, then the formulation of regional nuclear policies will be much more complex and overall it will be characterised by inconsistencies and institutional fragmentation.

From the standpoint of relations between the regional power and its closest regional contender, such relations emerge as preponderant in all three empirical case studies. In the cases of Latin America and Southeast Asia, it is particularly important for two

¹⁵ S. Schirm, Leaders in need of followers: Emerging powers in global governance, *European Journal of International Relations*, June 2010 vol. 16 no. 2, p. 199

reasons: in contrast to the European context, regional cooperation is less institutionalised and therefore successful cooperation has to rely more heavily on intergovernmental relations and on the individual ability of countries to smooth out their differences and to accommodate other stances. More importantly, however, in the context of Southeast Asia and Latin America regional contenders are generally the countries that most depend on U.S. power. Although it is true also in Europe that countries are in a more or less close interdependence with the U.S., the difference in the level of closeness to the U.S. is generally mainstreamed across European member states.

In the context of Southeast Asia and Latin America, economic dependence on the U.S. is a key factor for some countries, but equally has fundamental repercussions for the regional dynamics. First, it is through economic entanglements that the United States is able to interfere in and influence the set-up of regional integration processes, hence undermining the preferences of other players, such as regional powers. In addition, the alignment of some regional players to the United States generates high suspicion and mistrust in other countries and affects the ability of regional neighbours to work together in the construction of collective policies, particularly in sectors like the nuclear that are so close to vital national security matters.

This is obviously the case in Latin America. In this case, the proximity of the position of Mexico and Argentina to the United States has provided the U.S. with an invaluable opportunity to closely influence the design of regional nuclear policies and to re-balance the nuclear agenda towards its own nuclear goals. Nevertheless, that very partnership, although capable of influencing the regional nuclear agenda, proved to be insufficient to coerce Brazil into accepting that agenda. The impasse between Brazil on the one hand,

and Mexico and Argentina on the other, has led to a significant fragmentation of the regional nuclear cooperation process and to the formulation of several policies that are largely inconsistent with one another.

At the level of Southeast Asia, relations between Indonesia and Singapore are the most influential on overall regional dynamics not only because of stark differences (and thus differing preferences) between the two countries but also because of the clear alignment between Singapore and the United States, which makes the former more insistent on advancing the American nuclear agenda. Although Singapore is not economically dependent on the United States, as in the cases of Mexico and Argentina, nonetheless the country clearly relies on the United States in the provision of primarily security and defence. Hence, every instance in which regional cooperation would have entailed a substantial weakening of U.S. role in the Southeast Asian region, Singapore has promptly intervened to halt the process. It is not a coincidence that the country has been the most vocal in the region in their opposition to the strongest resistance against the Treaty of Bangkok, because of the substantial potential impact on U.S. military presence in the region.

At a European level, relations between France and Germany instead show convergence, after an initial short period of mistrust, on almost all nuclear policies and this clearly guarantees significant support of France in the provision of leadership with the European Union. While there have been divergences, such as in the negotiations over an EU export control policy, they have not differed over the goal itself – both countries understood that an export control policy was indispensable for a credible regional non-proliferation strategy – yet they disagreed on the modalities through which such a goal ought to be

pursued and realised. Therefore it cannot be denied that also in the European context, in relations between France and Germany, a sort of accommodation process has occurred yet it has simply entailed the modalities of cooperation, while leaving intact the objectives of regional cooperation on which both countries have previously begun to agree.

Aside from the preferences of the regional contender, the other element that influences regional power leadership is the commitment of the regional power to the regional cooperation process itself. Commitment is a vague concept in IR literature and is difficult both to explain and to measure in abstract terms, yet the case studies have provided examples of its clear manifestation in the regional cooperation process, especially in the Southeast Asian and European case studies.

The commitment of Indonesia to ASEAN is undoubtedly one of the factors that have had the most influence on the willingness of the country to seek an accommodating solution from Singapore on several fronts. Whereas consensus rules within ASEAN, Indonesia had no interest or reason to ratify the Convention on Counter-Terrorism, for example, and yet the country accepted the political costs entangled in that decision and finally ratified it in 2011. The attention that Indonesia has always paid to the regional integration process and to avoiding an undermining of the unity among ASEAN members explains why the country has decided to accept significant compromises also on its nuclear policies and to lend support to the policies espoused instead by Singapore. Of course, without harming the integration process, the country has tried wherever possible to resist by advancing alternative policies, but the process has stagnated and Indonesia has demonstrated readiness to pay the political costs in favour of ASEAN unity.

The commitment to the regional process is also visible in the European context. France, especially in the very last phase of regional integration on nuclear policies has shown an impressive openness to other positions, in particular that of Germany, which harbours reservations about the use of coercive measures in counter-proliferation tactics. It has not been always like this. France is not a country that has ever feared to take an unpopular decision, nor has the country ever hesitated to adopt unilateral policies where they were deemed more appropriate to satisfy the national interest. On the other hand, France has also been the country that more than any other in Europe has acted to design and materialise a European collective defence and security architecture.

The cases of both Indonesia and France are described in this thesis as examples of high commitment to regional processes, yet these countries differ in the way in which they have shown their unwavering commitment to regional integration itself. Indonesia has always opted for accommodating positions and placed ASEAN on top of its foreign policy priorities. France, on the other hand, has promoted and sustained a process of regional integration through both regional engagement and national empowerment, two processes that it does not view as mutually exclusive. Rather, the country has always maintained the belief that in order to have a stronger Europe, the pursuit of a stronger France was indispensable.

What about Brazil? This thesis argues that Brazil is a case of low regional embeddedness, in which together with the clear absence of strong regional organisations and significant challenges to Brazil's power, Brazil itself has increasingly shown low

commitment towards regional integration processes and towards regional cooperation altogether.

The limitation of the model and contingent factors

As I highlighted in Chapter II, the typology of regional powers' leadership is built through the dynamic interaction of the two variables: global nuclear alignment and regional embeddedness. If the level of antagonism or amity that the regional power entertains with the United States on nuclear policies provides the incentive for the regional power to seek leadership in support of or to challenge global nuclear institutions, its relations with the region, and in particular with regional secondary players, generate a sort of constraining effect where regional powers' preferences – whether pro or anti U.S. ones – are smoothed or sharpened through regional dynamics.

In Chapter II, the thesis acknowledges that the model as it has been built is static, and it explains at length the rationale for such a theoretical choice. The key assumption is that nuclear preferences of countries – be it a regional power, a secondary player, or the United States itself – have not changed dramatically in the course of 60 years of nuclear governance. The case-studies demonstrate that this assumption holds some truth and that a static model, in spite of its inevitable limitations, accounts for a significant amount in terms of the type of leadership that regional powers have displayed in the establishment of regional nuclear policies.

In this last section, I acknowledge that in all three case-studies, some important historical events have significantly challenged both the statism of the model and my ability to categorize each regional power in one of the four cells of my matrix. Three historical

events that have been explained have raised some particular challenges: Brazilian-Argentinian cooperation in 1991, German-French relations in post-World War II Europe and relations between Indonesia and the United States after 9/11. These cases have challenged the ability of the model to capture changes in either the global preferences of the regional power or its relation with the region.

The case of Brazil has been depicted throughout my thesis as a case of hedging leadership, whereby Brazil entertains low nuclear alignment with the United States and so is therefore motivated to challenge U.S. interests at the global level, and low regional embeddedness, which severely constraints Brazil in the establishment and exercise of regional leadership. That combination prompts Brazil to pursue more unilaterally aggressive policies, and ultimately fragmenting the regional nuclear regime in Latin America. My model posits that the nature of the relations of Brazil with the United States and its region have always been low, and they will continue to be low at least in the near future. Yet something has changed in relations between Brazil and Argentina which is not fully acknowledged in the thesis. In 1991, the two countries signed a bilateral nuclear cooperation agreement, which ended officially years of tensions and nuclear stand-off and signaled the beginning of long-term cooperation between the two countries. This also led both countries to sign and ratify the Treaty of Tlatelolco, and eventually the NPT. Yet I continue to define the relationship as of low regional embeddedness for two main reasons. First, historical records show that despite having reached an agreement, the creation of the ABACC between the two countries was not the culmination of long-lasting cooperation between the two, but rather an initial attempt to reduce mistrust through the establishment of a system of deterrence through verification. Second, despite the fact that the agreement ultimately improved regional cooperation, the main incentive

for Brazil to pursue an agreement with Argentina was not the desire to contribute or strengthen the regional integration process in Latin America (for which Brazil showed very little interest) but rather in order to satisfy a specific strategic interest – reduction of hostility with Argentina.

A second case relates to relations between Germany and France in the immediate post-World War II era. The thesis classifies France as having high nuclear alignment with the United States and high regional embeddedness with Europe, yet particularly in the immediate aftermath of the war, relations between Germany and France presented some problems of categorization. Historical records showed the deep mistrust that France entertained towards West Germany and its absolute determination to establish constraining mechanisms that would impair a possible reunification of Germany. Yet I describe the relation as of high embeddedness, despite France's acute sense of vulnerability and fear in regard to its neighboring country. Such a choice was dictated by two considerations. First, whereas the bilateral relationship between France and Germany could not be defined as high, the commitment of France to establish a European institution of some sort showed France's commitment to regional integration processes from very early on. So although its relations with Germany may be considered towards the low-end, France's overall commitment to the construction of Europe overall has to be marked as high. More importantly, while many historical records showed the level of mistrust of France vis-a-vis Germany, others show that French cooperation with West Germany, particularly on military matters, began relatively early on, in the 1950s. This secret cooperation between the two countries would be key in the negotiations of EURATOM –France opposed the introduction of a clause that would have prohibited the

development of nuclear weapons in Europe, and received the political support of Germany, which was already largely benefitting France's technology transfer.

The third problematic case is Indonesia's relations with the United States after 9-11. The thesis posits that Indonesia leadership is built on a low nuclear alignment with the United States and high regional embeddedness. Yet, as the chapter also notes, Indonesia has progressively, albeit slowly, converged with the United States on many nuclear policies. The chapter continues to cast the relationship as one of low alignment for several reasons. First and foremost, the relation has been defined as low because of the role that Indonesia plays and continues to play at the global level as the enduring chairman of the Non-Aligned Movement's working group on nuclear disarmament, and around which it has built its own international image as a "principle-based country" whose highest goal is to attain a world free of nuclear weapons. Such statements are not simple rhetoric, but articulate very substantial differences that the country continues to entertain with the United States. In addition, it may be difficult to understand today whether the slow convergence towards the United States derives from an actual change in Indonesia's preferences, or more from an increasing pressure from other regional players. For instance, the historical decision of Indonesia to ratify the CTBT in 2010 can be seen as either the result of a shift in Indonesia's preferences and its increasing willingness to improve its relations with the United States, or the increasing regional influence acquired by U.S. allies like Singapore and the Philippines to put pressure on Indonesia to improve its relation with the United States. The chapter therefore seeks an intermediate solution and continues to cast the relations of Indonesia with the United States as low – but does acknowledge nonetheless that something may be changing in that relationship.

From these examples, it can be evinced that although my model has provided some good explanations about the way in which regional powers cast their leadership in regional nuclear policies, I struggled with a few cases in which changes in the preferences of regional powers or other secondary players might have occurred.

The role of contingent and other factors

The analysis of regional nuclear complexes and their modalities, through which they can be said to be convergent with, or divergent from the U.S. preferences, must however be complemented by the acknowledgement of how other contingent factors may play an important role in the formation of these regional nuclear regimes.

The first contingent factor is constituted by the character and nature of the political elite who have guided the process of regional nuclear cooperation. The ability of some leaders to read systemic conditions as favourable to the formation of regional nuclear policies is a critical factor in explaining why in similar circumstances some regions have been able to create regional nuclear regimes where others have failed. In the case of Brazil, the Cuban Missile Crisis was undoubtedly fundamental in encouraging the country to consider the creation of a regional Nuclear Weapon-Free Zone, yet it was President Quadros' capabilities and his personal opposition to the United States and to the U.S. nuclear posture that gave the country the necessary political backing to initiate the process of treaty elaboration. Similarly in Indonesia, the change of regime from the anti-American Sukarno to the more pragmatic administration of Soeharto profoundly influenced the way in which Indonesia was able to rebuild regional trust and confidence within Southeast Asia, indispensable for the successful negotiations towards the Treaty of Bangkok.

The second contingent factor is the interrelation of issues to explain the reasons for, and the ways in which some policies have been formulated in a particular way. A clear case is the turning point in the rivalrous relations between Argentina and Brazil in 1975. The decision of the United States government to suspend the agreement for technology transfer to Brazil was perceived as particularly damaging to Brazil, not least because it undermined its nuclear program but also because it was taken at a time in which spiking oil prices triggered by the 'Oil Shock' had forced countries like Brazil to search for alternative sources of energy. Therefore Brazil began to search for other nuclear export markets, such as West Germany, which then prompted the U.S. to opt for an embargo against Brazil but equally triggered the solidarity of Argentina. This in turn signalled the beginning of the rapprochement between Brazil and Argentina. It is impossible to determine whether without the oil crisis and the exigent necessity of Brazil for energy sources, the decision of the U.S. to halt technology transfer would have prompted the same response.

This thesis acknowledges that the theoretical framework developed in Chapter II does not and cannot fully account for each of the individual factors that may have influenced the specific outcome of one or more of the three regional nuclear institution building processes. Nevertheless, the variables selected and examined in the empirical material have proven to provide a more than substantial explanation of the critical elements that have both driven and characterised the emergence of regional nuclear regimes in Latin America, Southeast Asia and Europe over the past 60 years and their interplay with the United States global nuclear regime.

Final considerations on the methodology

Currently the thesis presents variables in a binary way. This presents critical limitations and in some instances forced conclusions. In a possible revision of the theoretical framework, the inclusion of a third category of degree – Medium – adds additional flexibility and richness to the current model.

Most specifically, some of the cases in which fitting within the current typology was problematic could be accommodated more easily in an expanded version of the matrix. For example, Brazil during the Treaty of Tlatelolco would display both a hedging leadership against the United States by pursuing a nuclear disarmament agenda, but at the same time a more strategic and accommodating leadership towards its region by seeking the development of a regional nuclear-disarmament policy. Brazil's negotiations with Argentina in 1991 would be something of a hybrid between strategic and integrative leadership, where there is a willingness to accommodate secondary players' interests (those of Argentina in this case) and at the same time to accommodate some of the pressure from the United States for a more explicit commitment towards nuclear non-proliferation.

Similarly, in the case of Singapore-Indonesia and the United States, the relations between Indonesia and the United States could be described in more nuanced terms as a case of medium global nuclear alignment (rather than low). Indonesia not only has compromised with Singapore on several nuclear policies, including the adoption of the ASEAN convention on counter-terrorism (2007), but also at the bilateral level has signaled its intention to improve relations with the United States (the ratification of the Comprehensive Nuclear-Test-Ban Treaty in 2010). In this sense Indonesia has displayed

both regional awareness and some commitment at the bilateral level to support and cooperate with the United States. This important shift in both rhetoric and policy of Indonesia towards the United States is not appropriately captured as a low nuclear alignment.

In the case of France, Germany and the United States may be depicted in slightly different terms as an hybrid integrative leadership leaning towards strategic. Although Chapter VI presents France, particularly after 9-11, as being in full convergence with the United States, it nonetheless acknowledges the existence of some differences that the country has entertained with the United States, particularly over the war in Iraq. The chapter also took note of how France sought to Europeanize and customize U.S. nuclear proposals to make them more acceptable to the EU and its main players. In accepting to support the Proliferation Security Initiative, France convened the Paris Conference meeting which crafted the international legal framework for the PSI itself and, equally, limited the use of force for counter-proliferation strategies (a French idea that the U.S. accepted but did not itself propose). In large part the desire to contain and frame counter-proliferation strategies into a legalistic framework came from France realizing that German support would not have materialized without it. But the framework also came from France's desire to make the U.S. agenda less unilateral and more multilateral, a value that France has shared with Germany. While the leadership of France has been integrative in bringing together both the regional and the global nuclear agendas, it can also be defined as strategic insofar as France used Germany's position to soften the American agenda through a more European approach.

The inclusion of a third measurement would obviate some of the inevitable limitations deriving from a binary measurement of the two variables, as it would allow for more “grey-areas” to come to the fore and to need explanation. On the other hand, the inclusion of this additional measurement would require the development of additional types of leaderships – the hybrids.

Chapter VIII: Conclusion

The research project of this thesis opens with the preliminary consideration that in the International Relations scholarship today, the phenomenon of institutional proliferation, as it is visibly occurring in international sectors such as the environment, economics and also in the security realm, has predominantly been explained as a *problem of inter-state cooperation*. This phenomenon, according to neoliberal institutionalists such as Daniel Drezner and Kal Raustiala, has some negative externalities that severely impact on the governance of the issue-area in which proliferation occurs, because the presence of multiple and competing institutions incentivises states to resort to forum-shopping, lessens the legal coherence of a given issue-area and overall leads states to defect more easily from accords to which they have previously subscribed.

More importantly, institutional proliferation perpetuates the power asymmetry within the global system because great powers and the United States, as the global hegemon, can more comfortably bargain in multiple institutional settings simultaneously, thereby maximising their chances of seeing their agenda fully satisfied. The thesis recognises this line of argumentation as valid, and offers an integrative and complementary argument. The phenomenon of institutional proliferation, this thesis claims, must be regarded as a far more complex phenomenon, which under certain conditions may be set in motion by powerful states' desire to influence the governance processes of a given issue-area. In some cases, states may resort to the formation of sub-global institutions because they oppose in very fundamental ways the functioning and mandate of global institutions

operating in that issue-area. In other cases, they provide the leadership for the proliferation of institutions because, although they agree with the mandate of existing institutions, they seek to enhance their influence and their power in the actual governance of the issue-area itself.

To assess the empirical validity of this claim, formulated largely through deductive reasoning, the thesis explores the formation of regional nuclear regimes in three regions of the world and seeks to examine their origins and also their features in terms of the goals and methods that these regional nuclear regimes are designed to pursue and apply. In exploring the establishment and expansion of regional nuclear regimes, a special leading role is imputed to regional powers. Due to their material superiority and the special status that they hold within their corresponding region, this thesis argues that these states are more concerned than other minor states about the biased orientation of the global status quo in favour of American interests and are furthermore concerned that despite their special position within their regions, such a position is not adequately reflected in global structures and institutions.

From the empirical analysis of the relationship between institutional proliferation and power, two sets of conclusions emerge: the first is related to the role played by power asymmetry on the global level in instigating regional powers to lead in the formation of regional nuclear regimes; the second relates to the role played by power in the relations between regional power and other secondary regional players in the construction of regional nuclear regimes.

Regional powers and the United States: a normative competition

In line with the argument developed by neoliberal institutionalists, the functional dimension of institutional proliferation is also valid in the case of nuclear. Institutional proliferation is instigated by the presence of nuclear risks or the unfolding of crises with a nuclear component, both of which raise the demand for institution building at the regional level in order to address these specific risks or crises.

Functional considerations underpin both global and regional nuclear institution building processes. In Chapter III, for example, the thesis highlighted how the formation of several global nuclear institutions has occurred particularly in the immediate aftermath of crises, such as the discovery of the Iraqi clandestine program of Weapons of Mass Destruction in 1991, and the attacks of 9/11. This implies that at the global level too, institutional proliferation has been driven by the determination of the U.S. as the main designer of the current global nuclear architecture to respond promptly to those crises and their effects. Similarly, at the regional level, local risks compel states to devise new locally tailored institutions that are better equipped than global institutions to respond to local nuclear risks.

Nevertheless, the most important argument developed by the thesis is the idea that alongside functional considerations, strategic considerations harboured by regional powers are another main incentive for these states to lead in the establishment of regional nuclear regimes. Regional nuclear regimes therefore serve a double purpose: to respond to and mitigate the risks for which they were created; and to reflect those preferences of regional powers in nuclear governance that global institutions are not

able to satisfy. In this sense, these institutions enable regional powers to challenge and compete with the U.S. global nuclear leadership.

What emerges from the empirical analysis, however, demands a significant clarification of what is meant by ‘competition’ in the context of this study. In the introduction, this thesis has devoted attention to clarifying the concept of cooperating to compete, which captures both the focus and the framework of the thesis. The concept embeds two forms of competition: hard competition and soft competition. The former refers to cases in which regional powers initiate or strengthening the formation of sub-global institutions in order to explicitly challenge the functioning and mandate of global institutions perceived to be skewed in favor of American interests. Institutional proliferation in this case is a mechanism of resistance to and rejection of the global hegemonic role of the United States. Soft competition refers to cases in which regional powers do support the functioning and mandate of global institutions, and their nuclear preferences align to those of the United States. In these cases, regional powers may still seek to devise sub-global institutions for two correlated reasons: to strengthen global institutions by enhancing the implementation of their mandate at the regional level, and to enhance the regional power’s influence in the overall governance of the issue-area. So the establishment of these institutions offers regional powers a platform from which to exercise more power and influence that they would otherwise have at the individual level.

Yet from the study of the formation of regional nuclear regimes, and from the several conversations I held with officials of the three regional powers examined (Brazil, Indonesia and France), it appears that another dimension of competition norm and

value- driven leadership plays a critical role in the decision of regional powers to undertake regional nuclear institution-building. The desire to compete with the United States in nuclear governance – even in the hardest cases of competition reviewed in this thesis (the case of hedging leadership of Brazil) – has nothing to do with the conventional idea of competition based on relative gains and accumulation of material capabilities, as contained in the IR frameworks of neorealism and neoliberalism in particular.

The desire of these states to compete with the U.S. is not dictated by the need to have more material capabilities or for the U.S. to have less of them. The competition underpinning leadership towards regional nuclear institution- building should be characterised as *normative*, as it is fundamentally driven by the desire to see realised a new form of global nuclear governance, one that differs in operating norms, principles and values from the status quo perpetuated by the U.S. leadership. This is certainly true for both Indonesia and Brazil, which in their direct bilateral relations with the United States and their interaction at both the global and regional levels have advanced an agenda based on nuclear disarmament and consistently emphasized that “nuclear deterrence” as a system of collective defense is not longer realistic under present circumstances. Beyond opposing resistance to a perceived U.S. global nuclear agenda, these states have called into question not only American policies at the global level, but also the overall idea of “security” and “defense” as it continues to be embedded in nuclear strategies, particularly those of nuclear-weapons states. In the case of France, which has agreed with and supported the United States on almost all nuclear policies and initiatives throughout the past sixty years, the country has consistently remarked that global nuclear governance requires a democratic,

participatory approach and cannot be decided based solely on power and material capabilities. Moreover, the refusal of the country to sign the NPT in 1968, which in the view of the French government would have de facto institutionalized “a global condominium” among the then-two superpowers, showed the willingness of France to oppose a treaty that it considered normatively unfair – in spite of the fact that the NPT would have allowed France to maintain intact its own nuclear arsenal.

The three cases, in other words, in spite of their obvious differences, show the willingness of regional powers to reject and oppose policies based on much broader normative considerations that have been frequently overlooked in the existing literature, which is almost entirely focused on the idea of competition over material capabilities.

In order to capture the normative dimension of the competition between regional powers and the United States, I chose to examine relations between the United States and the regional powers on the basis of their *nuclear alignment*, which is the degree of proximity of the regional powers’ nuclear preferences to those exhibited by the U.S. at the global level. No relationship is measured or studied on the basis of the difference in material capabilities, because the fundamental assumption is that normative difference is the root of competition, rather than the unachievable desire to surpass the U.S. in terms of material capabilities. The fact that competition between the regional powers and the U.S. is normative and not material-based is exemplified by the fact that regional powers entertain a rather complex and multifaceted relationship with the United States. Both Brazil and Indonesia, whose nuclear alignment with the United States has been illustrated as low in Chapter IV and

Chapter V respectively, have consistently received military and economic aid from the United States and they continue to cooperate with the U.S. in several sectors. Nevertheless, on global nuclear governance they have both displayed a rather rivalrous attitude towards the United States, which derives mainly from their perception of the current global nuclear regime as unfair and unbalanced. In the case of France, the country has not only received large and extensive military aid from the United States but it has actively supported U.S. nuclear goals. Nonetheless, has consistently remolded the American agenda, tailoring it to the European context and infusing it with values and principles – such as the adherence to international law, respect and support for multilateralism, and so on – which France considers of utmost importance in global nuclear governance and in the overall international system.

Regional powers and their visionary leadership

According to neoliberal institutionalist logic, the ability of a regional grouping of states to respond effectively to the institutional demand generated by the presence of nuclear risks is somehow implicit and inherent. The neoliberal institutionalist logic simply asserts: ‘given the presence of a specific problem, regional actors, together or as a small group, would step up appropriately so as to devise an institution capable of responding to that specific problem’. However, the establishment of regional nuclear institutions, as the empirical analysis shows, is a far more complex undertaking. It is largely a political process, and not a technical one, and involves states with divergent interests and understandings of the situation and its solution. It entails the accommodation of many different interests, brought forward by states with varying levels of resource and power. Because the process of institution building is political,

the outcome is not necessarily the most efficient and appropriate to resolve the specific problem that instigated its creation.

Two elements that are particularly related to the power and leadership of the regional powers emerge from the empirical analysis. Firstly, in the creation of regional nuclear regimes, regional settings reveal themselves to be competitive rather than cooperative contexts and the leadership of the regional power is never accepted as a *de facto* leadership, but is consistently tested and in some cases even rivalled and challenged. This is certainly true in the case of Latin America, where rivalry among Argentina, Brazil and Mexico is a constant trait of intra-regional relations. It is also observed in Southeast Asia, where Singapore seems to entertain a far more trustworthy relation with the United States than it does with Indonesia. This is demonstrated by the fact that the small city-state continues to demand the presence of the U.S. to guarantee its security, instead of relying on regional cooperation. In such contexts, exercising leadership for regional powers is a controversial and difficult matter, as they have to be able to assert sufficient credibility and strength to gain the trust of other regional players without being perceived as the regional hegemon. Also in the European case, the leadership of France has been frequently constrained – although never radically challenged – by its most important partner, Germany. In the immediate aftermath of World War II, with the establishment of EURATOM, one of the first European institutions, the partnership – or better said, the directorate – of France and Germany began to emerge. This directorate became indispensable in the further evolution of the political and economic integration of the European Union. It also became the actual pillar of the EU Security and Defense Policy, which today includes also a specific mandate on weapons of mass destruction. Although France

has been the leading power, driving the process of integration at multiple levels, the support it has received from Germany has been pivotal for the actual materialization of the integration process. Germany, differently from Argentina and Mexico, or Singapore, frequently has been in agreement with France, particularly over issues of foreign policy where Germany struggles to assert itself. This has led to an acceptance by Germany of the role of France as leader, despite some important clashes – especially when the governance of the nuclear sector intersects with economic interests. For instance, in 1994, it was because of the inability of the two countries to find a negotiated solution that the Dual Use Export Control policy that resulted from the negotiations contained several inconsistencies which severely harmed its effectiveness.

The level of competition present at the regional level and in full display in the processes of nuclear institution building can be explained by two factors.

Firstly, many of the nuclear institution building processes have de facto antedated the formation and establishment of regional organisations or have occurred at a time when regional organisations were substantially weak. In this sense, they took place in a context in which regional socialisation had not yet occurred and there were no collective structures - such as organisations operating on a solely regional level - to dilute any distrust among regional players. Secondly, nuclear governance is one of the most highly strategic priorities for the United States and the country has an interest in monitoring and influencing all institution building processes that occur in this specific issue-area, considering the repercussions that these processes may generate. Particularly after 9/11, the securitization turn of U.S. Foreign Policy and

the impelling necessity to respond to an increasingly threatening environment prompted the American government to sponsor some controversial initiatives to halt proliferation among rogue states and non-state actors. The subsequent debates inevitably sparked and deepened pre-existing intra-regional differences among countries. This new agenda entailed a more loose use of coercive measures (as in the case of the Proliferation Security Initiative) as well as the recurrence of *a la carte*-multilateralism in its enforcement. In each region, this approach sharpened the divide between countries willing to support such an agenda and its methods, and the countries unwilling to fully support it either because of divergence in the actual goals or because of a fundamental rejection of its methods.

Secondly, the actual power exercised by the regional powers in order to influence regional negotiations towards the establishment of regional nuclear regimes does not necessarily derive from their material superiority, but is largely based on something that can be referred to as *visionary leadership*. All three empirical case studies underscore some common elements among the regional powers. These states possess an almost unique capacity to read the regional as well as the global geo-strategic context, which other, secondary players are unable to do. Regional powers are also grandiose in their ambitions whereas secondary players tend to be far more pragmatic and short-term oriented in their foreign policy considerations. More importantly, the leadership of these regional powers is based on their ability to develop and project a clear long-term vision for their region, which includes the element of regional nuclear cooperation. In this sense, these regional powers are visionary leaders.

Indonesia is the country in Southeast Asia that more than any other has defined the collective identity of Southeast Asia as a region. The normative idea of security based on national and regional resilience and imbued in the ASEAN Charter as well as mainstreamed in ASEAN policies, for example, derives from the concept '*Ketahanan Nasional*'¹, present within the indigenous Javanese tradition of Indonesia and which emerged during Indonesia's struggle for independence in the 1940s and 50s.

France too, has projected and advocated for an European Confederation of States since the end of World War II and it is France's commitment, more so than its material resources, that have led the European Union gradually but steadily to embrace the idea of a common foreign security and defense policy, still in development. The ownership of a regional vision distinguishes the leadership of regional powers from that of other states, who may have the same material capabilities as regional powers (Germany in the case of the EU, and Malaysia or Singapore in the case of Southeast Asia), but lack that fundamental ability to develop a holistic approach to regional cooperation and development.

This thesis captures the idea of regional powers' vision-based leadership with the concept of 'regional embeddedness', of which a key element is the commitment displayed by a regional power to the regional integration process. Both Indonesia's and France's relations to their respective regions are described as one of high regional embeddedness. This is so because despite some preferences divergences – even acute ones – between the regional powers and their secondary players, regional

¹ The idea of security for the Indonesians substantially means to be able to develop an environment (both domestic and international) in which the ideological, political, economic, social, cultural and military needs of a nation or a region are harmoniously satisfied.

powers themselves have frequently softened their own positions so to reach a common regional solution, and with it to further deepen and empower the regional integration process. For instance Indonesia, despite its differences with Singapore on the feasibility and desirability of a nuclear-weapons-free-zone treaty in Southeast Asia, eventually adopted a soft approach and allowed the treaty to retain a clause that allows foreign military bases – albeit temporarily – to be stationed in the region. This clause addressed some of Singapore’s fear of a potential American withdrawal from the region, while it allowed Indonesia to gain the necessary support of Singapore for the adoption of a truly regional disarmament treaty. Similarly France, especially after 9/11, has displayed increasing willingness to seek compromise solutions, especially with Germany, to continue empower and nurture the complex integration process of the European Union. In this sense, France has supported the counter-proliferation strategy of the United States at the global level, but at the regional level it has acknowledged the concerns of Germany for a more multilateral approach. Under French guidance, the EU’s WMD strategy contains key principles and values that Germany considers uncompromisable.

Brazil, on the other hand, has offered a very different type of leadership. My thesis defines its relations with Latin America as of low regional embeddedness, despite the fact that the country was one of the first to suggest the development of a regional nuclear weapons-free-zone treaty for Latin America. In the immediate aftermath of the Cuban missile crisis in 1962, Brazil certainly acted as a visionary state in drafting and proposing to the other Latin American countries the ratification of the Tlatelolco Treaty. Nevertheless, as the historical account shows, the actual commitment that Brazil entertained to the regional integration process was of very short duration. By

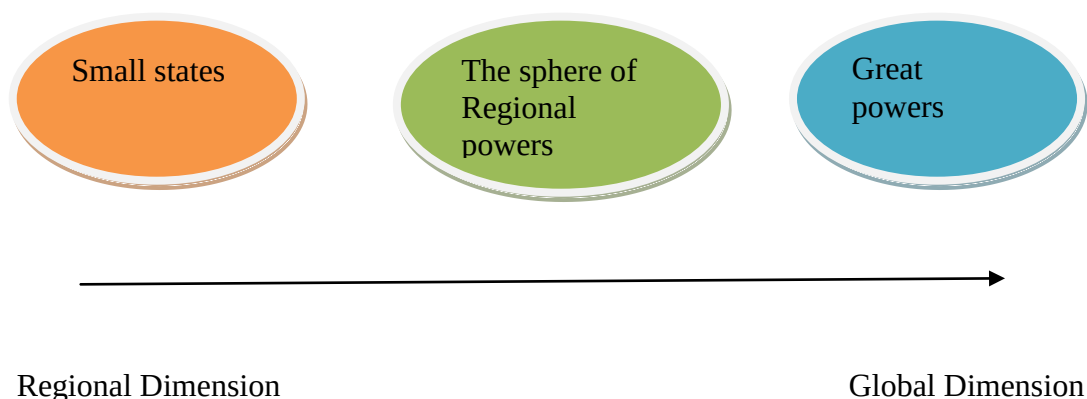
1964, with the change of regime in Brazil, the country began entertaining the possibility of “go-it-alone,” and since then, it has engaged pragmatically, without fully committing to any regional integration process per se. In several instances which the thesis illustrates, the country has shown deep interest in challenging the United States’ global nuclear agenda without paying sufficient attention to the unintended consequences that such opposition would have created on the actual integration process of Latin America. The continuous opposition of Brazil to the adoption of regional borders and control policy in Latin America, as required under Resolution 1540, has not only affected the global nuclear security agenda, but has equally fragmented regional nuclear cooperation. Mexico and Argentina, both aligned to the United States in this respect, have sought to gather consensus from other Latin American countries in support of several U.S. initiatives. But their leadership has been checkmated by Brazil, which has mobilized other countries, including Venezuela and Bolivia, to challenge pro-U.S. nuclear agenda items. This has undermined the possibility of real cooperation among Latin American countries on important issues such as nuclear terrorism and proliferation of weapons of mass destruction. The unwillingness of Brazil to soften its positions and to seek accommodating solutions with Argentina and Mexico show that Brazil has engaged with the regional setting in a very self-interested fashion, and towards the satisfaction of its own interests with very regard for the integration of the region as a whole.

It is only in very recent times that Brazil has begun to display a more comprehensive and collective vision on a South American integration project. Its visionary leadership has materialised into two institutions: MERCOSUR for the economic integration and UNASUR for the political and security integration of South America,

respectively. These institutions are, however, of recent formation and Brazil's vision for South America remains for the time being largely undefined.

Future applications of the framework

The theoretical framework developed in Chapter II and then applied to the three case studies of regional nuclear cooperation in Latin America (Chapter IV), Southeast Asia (Chapter V) and Europe (Chapter VI), can be further modified in future research to explain other illustrations of regional nuclear cooperation that this thesis in its current version does not consider. If we place the three cases thus far examined on a scale that represents the degree of influence that the regional (the relation between the regional powers and its secondary players) and global dimension (the relation between the United States and the regional power) have on the formulation of regional nuclear policies, it can be observed that all three case studies sit at the center of such a scale. Both dimensions, in other words, are almost identically influential in the way in which they condition and shape the leadership of the regional power, and consequently the ways in which the regional nuclear regime will be designed and will interplay with the global institutions.



This is so because regional powers by definition and by their power status are continuously constrained by regional and global forces. By changing the variable “regional power” to “great powers” or “small powers”, new possibilities for theoretical analysis emerge. In which ways, for instance, does the presence of a great power within a region change the dynamics of cooperation? In which ways will a possible “regional nuclear regime” emerge and be designed under the leadership of a great power?

A category of regional nuclear cooperation that has not been considered in this thesis encompasses all cases in which this cooperation has materialized in regions where regional powers coexist alongside great powers. An example is the emerging regional nuclear regime in Central Asia where, together with the active role of Kazakhstan, Russia, the great power operating in the region, has been pivotal in how the Central Asia Nuclear-Weapons-Free-Zone Treaty has been formulated. Another example is the rising informal nuclear cooperation in East Asia, driven simultaneously by Japan and China.

Some important questions emerge on each of these cases. For example, do these cases qualify as regional nuclear regimes or should they be considered global regimes because of the presence of a great power? If they are examples of regional nuclear cooperation, in which ways should the theoretical framework be modified to be able to explain them? At the moment, nuclear cooperation in these two regions is at a very young stage, and it is difficult to determine the path that they will eventually take – whether they will remain confined to informal cooperation, or whether they will become inter-regional or trans-national in nature. But what it is

increasingly clear is that together with regional powers, and with the United States at the global level, major powers are also asserting their leadership in nuclear governance through the provision of leadership in areas where they have a clear strategic upper hand.

To explain these instances of cooperation, my theoretical framework will have to be revised in more than one way. For instance, the thesis asserts that to explain the emergence of regional nuclear cooperation at present, the concurrent existence of two conditions is indispensable: local nuclear risks and a regional power. Yet in situations where a great power is present, the existence of local nuclear risks appears a much less relevant condition for the materialization of regional nuclear cooperation. Regional powers are described in my thesis as facilitators of cooperation processes, and therefore rely on regional assistance by other secondary players. But great powers already own the necessary resources to act as regional hegemons, and therefore are less vulnerable to the leadership-follower nexus of regional powers. Great powers can coerce regional players into agreements, something that regional powers are unable to do. In this framework, therefore, the main variable that affects the establishment of regional nuclear cooperation is not functional (the presence of risks), but strategic (the level of alignment to the United States). Where regional nuclear cooperation provides sufficient benefits to a great power in the pursuit of global-power status, then it will likely materialize independently from a clear demand-driven condition. In short, in instances of regional nuclear cooperation in the presence of a great power, the competition dimension with the United States will outweigh the functional need to establish cooperation to respond to specific risks.

A second case that the thesis does not consider is the possible emergence of nuclear cooperation among all states within a region in the absence of a clear regional power. So far, not many examples can be listed in this category, but it can't be excluded *a priori* that some kind of cooperation may emerge among a small group of like-minded states in the future to address specific nuclear concerns they all share. This scenario presents a situation which is diametrically opposed to the precedent in which a great power was present in a given region. In the context of small-states cooperation, the strategic dimension of the competition with the United States remains, but it becomes far less important than the functional dimension of addressing local nuclear risks. In the absence of a facilitator, cooperation will be less ambitious because states will most likely chose to cooperate on a "common-denominator" rationale, choosing to cooperate only to address compelling issues. In contrast to the previous case, the regional dimension will be the most important influencing factor to determine how regional nuclear cooperation will be designed and shaped, and factors like economic interdependence or the presence of a regional organization will be critical in shaping the orientation of the regional nuclear regime.

Alongside these considerations on how the model can be modified to include an explanation of other instances of regional nuclear cooperation not considered in this thesis, two other important changes will likely enhance the chances of this thesis to be translated into a publishable manuscript. First, the thesis reviews only cases in which regional nuclear cooperation has materialized, and shows how and why regional powers have provided the necessary leadership to establish regional nuclear regimes. However, an important inclusion for a future manuscript would be the examination of a case of failed nuclear cooperation. The example that is briefly

referred to in Chapter 2 of the thesis is the case of Gulf cooperation, whereby, despite the acute nuclear risks that the region is currently facing, regional nuclear cooperation failed to materialize because of high rivalry among states in the region in taking the leadership role. In the case of the Gulf, the United Arab Emirates had sought to assert itself as regional leader, but its leading role was obstructed and challenged by Saudi Arabia. Ultimately the prospect for regional cooperation was severely damaged and undermined by the inability of these two countries to overcome differences in this regard. Yet very little empirical research exists on this case, and a thorough examination of this failed attempt to nuclear cooperation would help further understanding of the actual role that regional powers play in the establishment of regional nuclear regimes.

Future research and wider policy relevance

The thesis underscores some important aspects of the complex and multifaceted relationship between power and institutional proliferation, as it unfolds in the specific context of nuclear governance. One such aspect is the idea that the leadership of regional powers in driving institutional proliferation and the type of competition that they entertain with the United States, which subsequently affects the way in which they seek to design regional nuclear regimes, must principally be understood as normative rather than material-based. However, the thesis highlights two main areas in which further research must be conducted.

The first issue that warrants further exploration is the issue of how to measure and assess states' dissatisfaction with the institutional status quo. This thesis presents cases in which regional powers, particularly dissatisfied with the status quo, lead the

process towards formulation of regional nuclear policies. In the IR literature thus far, dissatisfaction has been studied only on the basis of its visible manifestations and consequences: we know that there is dissatisfaction with a specific institution when a state voices feelings of doubt and/or resentment, or takes actions in pursuit of solutions to their dissatisfaction. Yet we are fundamentally unable to predict when and how a given level of dissatisfaction leads to specific behaviors in foreign policy. This is not a minor question, particularly in the realm of nuclear governance. The current general understanding is that the global nuclear institutions are in a state of crisis, multilateral processes are in a stalemate, and dialogue among key countries is stagnant. It is frequently noted that many countries today harbour clear resentment of the NPT process, which has proven unable to move nuclear-weapons states to fulfil their obligations. So then how can we know when the current level of satisfaction will reach a sufficient intensity to lead to a new collective decision making process?

The second area for further research relates to the conditions that favour the rise of visionary states in both regional and global settings. In the thesis, the three regional powers explored are cast as countries with an explicit sense of regional entitlement and a belief that they are fundamentally exceptional and destined to lead in their own regional context. Factors called upon to explain why some states possess this sense of entitlement include their historical record, their geo-strategic position, their size and their resource endowment. However, these factors are not accurate enough to predict when a visionary state may emerge in the global system. Other countries that possess these elements have not necessarily been able to emerge as a visionary country. Key examples are Saudi Arabia, Canada and Japan. These cases of failed visionary states, despite the fact that they possess similar elements to the regional powers, leave open

the idea that other underlying factors remain unexplored to explain when and how a state becomes a visionary state.

Finally, outside of the theoretical considerations, some important policy conclusions on how the nuclear sector has been thus far governed, may lead to the formulation of recommendations on how to design governance structures in other sectors similar to the nuclear. Examples of these may be high technology sectors such as the satellite, biotechnology and nanotechnology sectors, which presently lack multilateral governance institutions, but are increasingly receiving attention from many countries. With the increase in investments among countries, institutions will have to be designed and put in place in order to resolve collective problems that will inevitably arise.

These sectors are very similar to the nuclear sector 70 years ago. In these sectors, the United States today sits rather comfortably on an almost unrivalled and unprecedented technological superiority, resembling the superiority that the U.S. possessed in the 1940s during and after the Manhattan project, which allowed the country to become the first to possess nuclear weapons. At that time, the U.S. leadership thought it would be possible to regulate the nuclear sector and to respond to existing and future nuclear risks by devising global institutions that could simultaneously preserve its primacy. The idea of double-standard governance put in place through the NPT, the UN Commission on Disarmament and through the IAEA, and capable of preserving American exceptionalism and technological superiority, has been the leitmotif of nuclear governance and the feature that has largely backfired leading to increasing institutional proliferation at the sub-global level.

Because many of the U.S.-crafted global institutions had been devised at the peak of American superiority, they have been created to perpetuate such superiority, but continue to be ill-designed to accommodate and reflect the shift in power and values that are occurring within the nuclear sector. This continues to weaken the credibility and the effectiveness of global institutions, further triggering institutional proliferation at other governance levels.

Current problems in nuclear governance present a critical opportunity for states, and for the U.S. in particular, to devise better institutions in other technological sectors in which the U.S. today holds undeniable supremacy. History of the regional nuclear regimes illustrates the need for the U.S. to move from power-based to principle-based leadership, by which the genuine desire to prevent and solve collective risks tops the concern to maximise its own self interests in the immediacy. It is therefore necessary that the U.S. engages in the design of more democratic and cosmopolitan institutions, flexible to accommodate the rise and fall of countries yet fundamentally able to continue to facilitate collective processes of cooperation and risk mitigation, despite the change and shift in power distribution among countries. This, in my view, would truly constitute a step forward towards more perfect global governance.

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