“Hard” Governance

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“SOFT” AND “HARD” GOVERNANCE

1. Level of Bondage:
   - “Soft” Form of Governance vs. “Hard” Form of Governance
2. Types of Instruments
   - “Soft” Legalization vs. “Hard” Legalization
   - “Soft” Law vs. “Hard” Law
HARD GOVERNANCE AGENDA

Among the steps by 2020:

1. Defining the Nuclear Security and Clarifying its Scope
2. Universalizing the Current Regime
3. Creating a Unifying Instrument
DEFINING NUCLEAR SECURITY

IAEA’s definition:
- “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”

Expansion of scope?:
- How far?
- Protection from terrorism, cyber attack (other malicious acts)
- Fissile materials and radioactive sources
Universal participation:
  - Limitations of like-minded approach
  - Related to expansion of scope

Developing a Checklist:
  - Nuclear security governance checklist
  - Measuring progress
Framework Convention on Nuclear Security:
- No additional obligation, but general principles that may embrace the fragmented legal obligations
- COP approach
- Peer review mechanism
- Streamlining resources and funds for capacity building
- Cooperative, not impeaching
- Open to all States
Framework Convention on Nuclear Security:

- Long-term option
- In the Summit process: exploring its feasibility as a piece of hard Governance for better nuclear security (as a gift basket)
- No more “too much soft” or “too many soft”
- Enhancing hybridity between soft and hard laws