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About the Author

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Introduction

India's membership of the Nuclear Suppliers Group (NSG) has been discussed at the annual plenary meeting of the Group every year since 2011. The statements issued after each of the meetings have been the same every year.¹ Despite the US assurances of discussing the membership in detail in 2011, there has been lack of any meaningful deliberation. The last meeting in June 2014 in Buenos Aires, Argentina, ended in a similar manner with NSG members still divided.² The lack of consensus was a result of an unclear assessment of the risks and merits of Indian membership. This paper will attempt to lead the debate in a meaningful direction for a more nuanced understanding of the consequences of India's NSG-membership.

Assessment of these consequences, to a large extent, depends on how the Group defines its role. To understand the risks and merits of India's membership, the paper will first examine how the Group has evolved over the years and understand the role the Group defines for itself. It must be noted here that while the ultimate goal of the NSG remains nuclear non-proliferation, this paper essentially looks at the means by which the NSG can contribute to that goal.

There are two broad narratives that sum up the role the NSG could take on. It could either be a group of like-minded states dedicated to common global non-proliferation norms or a group that brings into its

fold all states that can export nuclear technology, materials and equipment.³ With this debate on the role of the NSG as the framework, the paper will assess how India fares as a prospective member of the NSG. The paper will conclude by arguing that the NSG will have to strike a delicate balance between these two narratives and that India would aptly fit in that balance.

NSG “Membership” or “Participation”

Before examining the debate on the NSG's role and how India fits in with the Group, however, it is important to highlight how “participation” has been used to replace what earlier was referred to as “membership” in the discourse of NSG. Since its inception, the NSG (initially referred to as the London Club in 1975-77) has grown, with membership increasing from seven to 48, as of 2014. Despite the expansion, the Group has continued to face criticism from those outside as being a cartel or a club.⁴ This characterisation of the NSG as a cartel has been a challenge for the Group. To deal with this challenge, the Group in its public outreach document, “The Nuclear Suppliers Group: Its Origins, Role and Activities,” replaced “membership” with “participation”. This document, initially published in 1997 by the International Atomic Energy Agency (IAEA) as INFCIRC/539, included a section discussing the “membership” of the Group.⁵ However, the most recent versions, INFCIRC/539/Rev.4 and INFCIRC/539/Rev.5 published respectively in 2009 and 2012 by the IAEA, have replaced “membership” with “participation.”⁶ This semantic change, as has been argued by one official involved in drafting the documents, “was meant to discourage countries outside the NSG from concluding that the suppliers group was a “club” or a cartel.”⁷

Though this change in language used may provide the space in future for the NSG to consider new participants without offering them any decision-making role, the discourse as of now uses “participation” as a substitute for “membership”. This paper therefore will also use India's “participation” in the NSG to reflect what till now has been referred to as India's “membership”.

Narratives on the role of the NSG

The NSG was established with the goal of ensuring that no transfer of nuclear material, equipment or technology leads to the proliferation of nuclear weapons. From that perspective, inclusion of all states that can export sensitive nuclear material, equipment and technology should have been the goal of the NSG. But then there was also the need to ensure that only those states were included which were committed to the goal of nuclear non-proliferation. This was important not only because that was the ultimate goal of the NSG, but also because the NSG has been a consensus-driven body. These factors led to the debate on the narratives of how Participating Governments (PGs) of the NSG defined the Group's purpose.

Following the Indian peaceful nuclear explosion (PNE) in 1974, the nuclear powers were convinced that the Nuclear Non-Proliferation Treaty (NPT) alone would not halt the spread of nuclear weapons. This position was further consolidated with the developments in Iran, Iraq, North Korea, and elsewhere in subsequent years.⁸ The challenge for the Group was to universalise norms and practices of non-proliferation by involving states which could export nuclear material, equipment and technologies, irrespective of their NPT membership. As Ambassador Tadeusz Strulak, Chairman of the NSG in 1992, argues, getting greater

participation has been important for the NSG for it to be capable of ensuring better control over exports of nuclear know-how and thus keeping a check on proliferation.⁹

But at the same time, the NSG has had to ensure that the Group only takes in those states as participants which share a common position on the issue of proliferation. This is especially critical as all of its decision-making processes, which include updating the export control guidelines, the trigger list,¹⁰ as well as considering participation of new governments, are run through a broad consensus of all its current participating governments. Till the time the NSG considers changing its decision-making process from the current consensus-based approach, the efficiency of the Group will remain subject to the like-mindedness of its PGs. It, therefore, becomes important for the NSG to offer participation to only those states that are like-minded.

Both these narratives on the role of the NSG hold valid arguments, while simultaneously carrying certain flaws and shortcomings that are important to understand. An assessment of these narratives provides an apt framework for a better and nuanced understanding of the merits and risks of India's participation. The next two sections, while assessing these two narratives individually, will simultaneously examine how India and the case for its participation fare under each of them.

NSG to include all nuclear exporting states

As mentioned in the previous section, the basis for the inception of the NSG was that the NPT alone was considered insufficient in prohibiting the spread of nuclear weapons. The case of France, as Ambassador Strulak asserts, succinctly illustrates the argument. He stated:

“The inclusion of France in the NSG had special significance, because France was not a party to the NPT and therefore was not a member of the Zangger Committee. The establishment of the NSG brought France, a major supplier, into the multi-lateral discussion with the other major suppliers”.¹¹

Right before joining the NSG, France was planning to export a plutonium separation plant to Pakistan, a country that was planning to launch a nuclear weapons programme. A French company, SGN (Societe Generale pour les Techniques Nouvelles), had signed a contract on 18 October 1974 with the Pakistan Atomic Energy Commission (PAEC) for the construction of a reprocessing facility which could have separated between 100 kg and 200 kg of plutonium per year.¹² France was then not party to the NPT and was therefore under no legal obligation to not export technologies and equipment to build the reprocessing facility in Pakistan.¹³ Thus, one of the primary aims of the NSG, beginning from its genesis, was to include France, in order to stop such export of nuclear technology and equipment that would have contributed to proliferation of nuclear weapons. Soon after joining the NSG, France terminated the contract in 1978¹⁴ and abandoned plans of exports to other states inching towards acquiring latent nuclear capabilities.

It can be argued that the need for the NSG to go beyond the NPT was imminent in the 1970s as the membership of the latter was quite limited then. The situation over the following decades, however, significantly changed as the NPT's membership grew. Today, the NPT is nearly a universal treaty, which 189 countries have signed. But this growth, impressive as it is, has been unable to unilaterally restrict what Kenneth Waltz calls the slow spread of nuclear weapons.¹⁵

Consider Iraq's case in the early 1990s. Though the attempt was unsuccessful, right after the end of the Cold War, Iraq did try to run a clandestine nuclear weapons programme by importing vast amounts of dual-use material, equipment and technology.¹⁶ Prior to the bombings by the US-led coalition, Iraq had acquired 36.3 kg of highly enriched uranium as research-reactor fuel.¹⁷ It had also acquired dual-use equipment to run the electromagnetic isotope separation (EMIS) programme in order to produce highly-enriched uranium (HEU) at Al Tarmiya and Ash Sharkat.¹⁸ Officially declaring the end of the Gulf War, the UN Security Council (UNSC) adopted Resolution 687 that called on Iraq to abide by its obligations to the NPT and asked the IAEA to ensure that Iraq's undeclared nuclear activities, if found, were terminated with immediate effect.¹⁹ All nuclear-related dual-use equipment was buried, excavated or moved between various sites to hide them from the initial two inspections. But the IAEA was able to trace them and dismantle them eventually.²⁰

This incident motivated the NSG PGs to gather in Hague in March 1991, after a gap of more than 13 years, to expand the NSG trigger list and include all nuclear related dual-use material, equipment and technologies in the list.²¹ Another example is the case of Iran. As a non-nuclear weapon state (NNWS) of the NPT, Iran is entitled to run a peaceful nuclear programme. But clandestine sensitive enrichment and reprocessing activities were reported by the Director General of the IAEA in 2003 that raised great concerns in the international community.²² It has been more than a decade and the major powers continue to remain worried while they attempt to bring Iran into compliance with its international obligations and ensure that Iran's nuclear programme remains peaceful. The decision of North Korea to leave the NPT in 2003²³ and develop and test nuclear explosive devices in

2006, 2009 and 2013²⁴ lends further credence to the view that the NPT on its own cannot prohibit the spread of nuclear weapons.

These instances also highlight the fact that mere NPT membership does not reflect the position that nations may take on nuclear proliferation. To add to that, there are three states – India, Israel, and Pakistan – outside the NPT that have declared (or are known to have) active nuclear weapons programmes. All of these states refuse to accede to the NPT as NNWSs and while they remain outside the NPT, they are under no obligation to restrict their nuclear exports. This was in fact an argument made by Ambassador Strulak when he said that “the challenge is of new suppliers who, if they are not somehow bound by NSG export control norms, might undermine the effectiveness of these norms and of the non-proliferation regime”.²⁵ If the NSG is to go beyond the NPT in ensuring that all states capable of exporting nuclear material, equipment and technologies come under its fold, it will have to consider factors other than the NPT-membership.

Among those outside the NPT, India, in particular, has shown keen interest in joining the NSG. While the conditional waiver given by the Group enables India to import nuclear and related material and technology that it needs to meet its growing energy requirements, full NSG participation will aptly complement India's plans to engage in export of nuclear equipment and reactors. India is already known to export dry storage equipment that meets Nuclear Quality Assurance–I standards and it has received orders for manufacturing large, heavy-walled metal storage casks.²⁶ Explaining further India's plans of becoming a “competitive” nuclear supplier, Dr. Srikumar Banerjee, Chairman of the Atomic Energy Commission of India and leader of the Indian delegation to the IAEA, had stated at the 54th General Conference of the IAEA on 22 September 2010 that:

“Indian industry is not only poised to play a bigger contribution to India's own nuclear programme but also is on the way to becoming a competitive supplier in the global market with regard to special steels, large size forgings, control instruments, software, other nuclear components and services”.²⁷

Further mapping out India's plans of exporting nuclear reactors, Dr. Banerjee, while addressing the 55th General Conference of the IAEA on 21 September 2011, had said:

“India has rich experience in the entire gamut of activities related to nuclear power plants, which places it in a position to export reactors, equipment and components, as well as services, to the global nuclear energy market. We possess all technologies and infrastructure relevant to small and medium sized [Pressurised Heavy Water Reactors] PHWRs of 220 MWe, 540 MWe and 700 MWe capacities, which would be a safe, proven and cost-effective option for countries with small grids planning to start their nuclear power programme. In this context, India is looking forward to exporting its proven Small and Medium Reactors (SMR)”.²⁸

India's plans of exporting nuclear reactors has also been acknowledged in a report presented to the US Congress in 2011, where it was noted that India would join the group of nations, including Canada, China, France, Japan, Russia, South Korea and the US, that export nuclear reactors “in the near term”.²⁹

While India works towards establishing itself as a nuclear exporter, it has taken voluntary measures to ensure strong nuclear export controls. For instance, it has voluntarily adopted the policy of not supplying enrichment and reprocessing (ENR) technology to countries that do not possess the technology already, a policy seen to be tougher than the NSG recommendations.³⁰ India has also taken voluntary measures to bring its domestic control regime up to international standards, as set out by the NSG. While making the statement on Civil Nuclear Cooperation with India, the PGs of the NSG acknowledged that India has “voluntarily” “[harmonised] its export control lists and guidelines with those of the Nuclear Suppliers Group and [has committed] to adhere to the Nuclear Suppliers Group Guidelines”.³¹ While this step taken voluntarily by India has contributed to the waiver that it received from the NSG in 2008, integration of India with the Group will provide further incentives for India to continue adhering to best international practices and contributing to global non-proliferation efforts. As India makes further progress in developing its nuclear research capabilities (and aims at engaging in nuclear energy commerce), inclusion of India as a participant at the NSG will strongly contribute to the Group's goal of universalising norms and practices of non-proliferation and must therefore be pursued.

The Procedural Arrangement of the NSG provides the set of factors the PGs should consider while evaluating a country's suitability as a new PG. According to the Procedural Arrangement:

“The new PG should be able to supply the items on the NSG control lists; adhere and act in accordance with the Guidelines; have in force a legally-based domestic export control system which gives effect to the commitment to

act in accordance with the Guidelines; be supportive of international efforts towards the non-proliferation of weapons of mass destruction and of their delivery vehicles; and be a party to and in full compliance with the obligations of the NPT, the Treaties of Pelindaba, Rarotonga, Tlatelolco or Bangkok, or an equivalent international nuclear non-proliferation agreement, and as appropriate have in force a full-scope safeguards agreement with the IAEA”.³²

It was argued by the US in a communication – a “Food for Thought” Paper – on Indian NSG Membership that “the factors should be considered by Participating Governments and are not mandatory criteria that must be met by any proposed candidate for NSG”.³³

However, arguments have been made that if India's participation is to be endorsed after merely considering these factors and not making them mandatory criteria, the same yardstick should apply to other states for the NSG to remain non-discriminatory. This has been argued by the former Director General of the IAEA, Mohamed El Baradei, at an IAEA meeting, when he noted that in the long run, in order to be non-discriminatory, the NSG should consider both Israel and Pakistan as partners in the nuclear trade regime alongside India.³⁴ He has further argued that the “traditional strategy of treating such states as outsiders is no longer a realistic method of bringing these last few countries into the fold”.³⁵

But this narrative of the NSG that comes down to consideration of factors for inclusion of new participants in the NSG, irrespective of their NPT-membership, has a major flaw. In the process of expansion of

the Group, if a nation which is not committed to the goal of non-proliferation gets included, it may jeopardise the efficiency of the Group. Decision-making at the NSG is consensus-based and thus calls for member states which are equally committed to the goal on nuclear non-proliferation. While it is important for the NSG to bring into its fold all nuclear exporting countries, inclusion of countries which do not strictly associate themselves with the principle of non-proliferation may lead to obstacles in the decision-making process at the NSG.

The next section will examine the NSG as a group that only includes states that are equally committed to the goal of nuclear non-proliferation and assess how India fits in that narrative. It is interesting to note here that this issue of absence of like-mindedness is not just unique to non-NPT governments. The NSG has faced this problem even from its PGs that are party to the NPT, specifically on two occasions as examined below.

NSG to only include states committed to nuclear non-proliferation

It is critical that NSG includes only those nations that take the threat of nuclear proliferation with equal seriousness and are willing to make concerted efforts to curtail proliferation of nuclear weapons to the extent possible – also referred to nations that are “like-minded” on nuclear non-proliferation – because the NSG operates on consensus of its PGs. Thus, any decision, be it on the expansion of the trigger list, upgrading the export-control guidelines or inclusion of new PGs, requires consensus. Without it, the Group will fail to adapt to changing proliferation threats in future and its efficiency and credibility will decline.

This argument has been used by some of the current PGs and other international analysts to argue against India's participation in the NSG. It is said that India does not share the sense of mission that other NSG PGs have. It is also asserted that India's behaviour in the past does not suggest that it would become an advocate for stronger controls.³⁶ It is also argued that India's participation at the NSG would mean a decoupling of NPT and NSG memberships.³⁷ Further, it is argued that India would seek to loosen guidelines to ease nuclear trade. Those opposed to India also point out that it has not signed the Comprehensive Test-Ban treaty (CTBT), unlike other NSG PGs and that it continues to produce fissile material. To top all of that, the sceptics argue that India could block any future initiative of the group to strengthen NSG guidelines or commodity control lists to respond to new proliferation threats.³⁸

Before examining all these arguments and assessing as to how like-minded India is, it is vital to understand how committed the current NSG PGs already are or have been in the past to the goal of nuclear non-proliferation. Take, for instance, the decade of the 1980s, when the NSG was completely inactive. Though the PGs continued applying the nuclear-export guidelines and 12 new states joined the Group, they did not meet even once from 1978 to 1990 to update either the export-control guidelines or the trigger list of nuclear material, equipment and technologies.³⁹ Ambassador Strulak argues that the Group's inactivity was a result of the unwillingness of some NSG suppliers to move beyond the conditions for nuclear exports which had already been established in 1977.⁴⁰ He further argues that it was the consideration of full-scope safeguards as a condition for participation in nuclear trade that proved a hurdle in the 1980s.⁴¹ It clearly reflects that the NSG PGs, right after the inception of the Group, appeared to be not as like-minded, at least for the next decade, as they were expected to be.

Another instance which captures the absence of like-mindedness among the current NSG participants is the case of China and its plan of exporting nuclear reactors to Pakistan. China joined the NSG in 2004 and was required to subject any new supply arrangements with Pakistan thereafter to full-scope safeguards. In 2004, China informed the NSG that it intended to continue civilian nuclear cooperation with Pakistan under the terms of a bilateral nuclear cooperation agreement signed in the 1980s, under the grandfather clause.⁴² It also informed that it would continue supplying fuel and services for the Chashma-1 and Chashma-2 power reactors exported to Pakistan before 2004.⁴³ China, however, did not mention or disclose any plans of exporting additional nuclear reactors to Pakistan.⁴⁴

In 2006, newspapers reported that China intended to export more nuclear reactors to Pakistan at the Chashma site.⁴⁵ Although China denied any such plans during the then Chinese President Hu Jintao's November 2006 visit to Pakistan, later in 2010, it was confirmed that China was indeed planning to export two more nuclear reactors, Chashma-3 and Chashma-4.⁴⁶ Responding to the clarification sought by other NSG PGs in 2010, China issued a statement claiming that the new plans for export were grandfathered under its bilateral pact with Pakistan before it had joined the NSG.⁴⁷ But by not submitting this plan to the NSG in 2004, China highlighted the absence of like-mindedness within the NSG.

While both these instances illustrate that absence of like-mindedness among the NSG PGs is not a new phenomenon, they also capture the role geopolitics plays in affecting the efficiency of the Group. An examination of the Indian track record on proliferation, on the other

hand, shows it to be more committed to nuclear non proliferation than some of the NSG PGs.

There are two aspects of proliferation that must be examined in the Indian context in order to better assess India's commitment. Firstly, from the perspective of its own nuclear programme, it must be noted that following the emergence of a nuclear threat in its neighbourhood, India had sought a nuclear umbrella in the 1960s, but the same was refused by the superpowers. There on, India was forced to rely on itself for its security.⁴⁸ Even after conducting the peaceful nuclear explosion (PNE) in 1974, which was the ostensible reason for the inception of the NSG, the absence of any attempts at weaponisation in the Indian nuclear programme exemplified the restraint India practised.

As far as the CTBT is concerned, it must not be forgotten that India had, in fact, actively participated in the negotiations for the formulation of the treaty from 1993 to 1996, as it saw CTBT as one of the foundational steps towards the realisation of a world free of nuclear weapons, an idea that dominated Indian political discourse on nuclear weapons post-independence. However, the failure of the CTBT to actively contribute to global and non-discriminatory nuclear disarmament and address Indian national security concerns compelled it to refrain from signing the Treaty.⁴⁹ Considering that most of the nuclear weapons states have already tested and developed efficient device designs, and only require laboratories to build new devices, banning tests for other states can be argued to be unfair. Also, while India has allowed the CTBT to enter into force, China and the US, after having signed the Treaty, did not ratify it. While China pointed to India's position as the reason for not ratifying the CTBT, the US used China's decision to not ratify it either. If India's security concerns are weighted as equal to China's and the US's, then

responsibility for the deadlock over the CTBT should also be distributed equally among the three nations.

Even though India emerged as a de facto nuclear power after the May 1998 test, it did not press for such recognition from the international community.⁵⁰ After the test, “restraint became a crucial pillar of Indian nuclear doctrine”.⁵¹ The then Prime Minister, Atal Bihari Vajpayee, announced after conducting the tests that, “our intentions were, are and always will be peaceful, but we do not want to cover our action with a veil of needless ambiguity.” He also mentioned that “ours will never be weapons of aggression.” It was declared that India would be content with *minimum* nuclear deterrent and promised that unlike other nuclear weapons powers, it did not intend to build a large arsenal or create an elaborate command and control system.⁵²

Secondly, from the perspective of furthering proliferation, India has set high standards for itself. This position stems from the foundational belief in India that nuclear proliferation is a threat to international stability.⁵³ Though this may seem contradictory, given India has developed its own nuclear arsenal, it is not, for it was the growing nuclear threat to India in the 1960s and early 1970s, and the refusal of the superpowers to provide India with nuclear cover which incentivised testing of a nuclear device. Indeed, the Indian record in protecting its technology from leaking has been far better than that of many of the other nuclear powers. It is the reason why India refused to help other nations, for instance Libya, with transfer of sensitive nuclear material and technology.⁵⁴ It was also announced that India, “as a responsible state possessing nuclear weapons” was tightening export controls.⁵⁵ India has also ratified the Vienna Convention on the Physical Protection of Nuclear Material (CPPNM), including the 2005 Amendment.⁵⁶ Two

relevant legislations (amendments) were passed after 2004 – the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act of 2005,⁵⁷ also known as the Weapons of Mass Destruction (WMD) Act; and the amended Foreign Trade (Development & Regulation) Act 2010.⁵⁸

The WMD Act is designed to implement India's commitment to the UNSC Resolution (UNSCR) 1540.⁵⁹ The primary objective of the Act is to prevent non-state actors from acquiring sensitive technologies which may be used for the production of weapons of mass destruction. The WMD Act introduced most of the global export control practices into the Indian export controls system. The Act also includes the concept of deemed export. 'Deemed export' refers to transfer of knowledge to a foreigner residing in the supplier country.⁶⁰ This rule, in principle, is relevant to all commercial, medical, research, and educational institutions to prevent transfer of dual-use technologies which can be used for building nuclear weapons (and other WMDs). According to Section 12(4), Explanation (b) of the Act on “Regulation of export, transfer, retransfer, transit and transshipment”:

“When any technology is notified under this Act or any other relevant Act, as being subject to transfer controls, the transfer of such technology shall be restricted to the extent notified there under...The transfer of technology may take place through either or both of the following modes of transfer... (b) by a person or from a place outside India to a person, or a place, which is also outside India (but only where the transfer is by, or within the control of, person, who is a citizen of India, or any person who is a resident in India)”.⁶¹

India has simultaneously adopted policies to prohibit transfer of ENR technology⁶² to countries that do not already have access to the technology. India has also developed a system for pre-licence screening.⁶³ The case of India being a responsible nuclear power was strongly made when it pitched for the civil nuclear deal with the US. The Indian Prime Minister, Dr. Manmohan Singh, addressing the US Congress in 2005 stated:

I would reiterate that India's track record in nuclear non-proliferation is impeccable. We have adhered scrupulously to every rule and canon in this area. We have done so even though we have witnessed unchecked nuclear proliferation in our neighbourhood, which has directly affected our security interests. This is because India, as a responsible nuclear power, is fully conscious of the immense responsibilities that come with the possession of advanced technologies, both civilian and strategic. We have never been, and will never be, a source of proliferation of sensitive technologies.⁶⁴

Shyam Saran, the then Indian Foreign Secretary, while addressing US legislators at the Heritage Foundation in March 2006, reiterated India's "exemplary non-proliferation record of four decades and more".⁶⁵ The Indian government, during these negotiations with the US, also proclaimed its willingness to enter into negotiations on a fissile material cut-off treaty (FMCT).⁶⁶ The support for restrictions on the diffusion of nuclear material furthered the acceptance of India as a responsible nuclear power in the US and in the rest of the world. The US Under-Secretary of State for Political Affairs, Nicholas Burns, was quoted at an official briefing saying that:

“India has a record of non-proliferation which is exceptional; very strong commitment to protection of fissile material, other nuclear materials and nuclear technology; and there is a transparency about the Indian Government's programme, which has been very welcomed.”⁶⁷

During US President Barack Obama's official visit to India in November 2010, it was announced that the US would support India's participation at the NSG. In May 2011, the US circulated the “United States Communication – “Food for Thought” paper on Indian NSG Membership”.⁶⁸ While considering factors supporting India's participation in the NSG, the US specifically emphasised two critical conditions. First, the nation should “be supportive of international efforts towards the non-proliferation of weapons of mass destruction and of their delivery vehicles”.⁶⁹ Second, it should “have in force a legally-based domestic export control system which gives effect to the commitment to act in accordance with the Guidelines” of the NSG. The paper further argued that:

“NSG PGs would be justified in assessing India to be a “like-minded” partner based on the steps India has taken and will take to separate its military and civil nuclear programmes, to place additional facilities under IAEA safeguards, to participate actively in nuclear non-proliferation-related activities, and its responsible export control policies and enforcement”.⁷⁰

Following up on its commitment under the 2008 US-India civil nuclear deal, India separated its civil and military nuclear programmes and in July

2014 confirmed the ratification of the additional protocol with the IAEA which puts all its civil nuclear facilities under safeguards.⁷¹

Conclusion: The Unique Case of India

Though India is yet to officially approach the NSG for participation, it has expressed its interest on several occasions now. Following the NSG's decision to waive the condition of full-scope safeguards for India to engage in global nuclear trade, many nations led by the US have backed India's full participation in the NSG. This has led to a discussion on how the NSG defines its role and mandate. Examination of the two narratives on the role of the NSG showcases the need for the Group to maintain a delicate balance between them.

Since its inception, the NSG has gone beyond the NPT to ensure that export of nuclear or related material, equipment and technologies does not lead to proliferation of nuclear weapons. While NPT membership has grown, the cases of Iraq, Iran and North Korea, among others, demonstrate the inability of the NPT alone to restrict nuclear proliferation. Meanwhile, there are countries outside of the NPT which have an active nuclear programme and the capacity to engage in export of nuclear or related material, equipment and technologies. Their inclusion is bound to enhance NSG's ability to check exports that may contribute to proliferation of nuclear weapons. However, there is also need to take into account the levels of commitment of the PGs of the NSG to nuclear non-proliferation. The Group runs on consensus and inclusion of members who are not motivated enough to aptly tackle the challenges of nuclear proliferation may harm the Group's capacity to function efficiently, be it on upgrading the guidelines, or the trigger list, or with consideration of new members of the Group. But considering

that the NPT fails to ascertain the commitment of a government to the goal of nuclear non-proliferation, the NSG would benefit by going beyond the NPT in assessing the like-mindedness of the PGs at the NSG.

The examination of the case of India, within the framework of the debate on the role of the NSG, showcases it to be indeed unique, as it was called during the negotiations for the NSG waiver it got in September 2008.⁷² On the one hand, India has expressed interest in exporting indigenised nuclear equipment, technologies and reactors which fall under the NSG's list of controlled items. With the global nuclear expansion, where about 60 countries are considering the introduction of nuclear energy, India will find markets to export these items.⁷² On the other, it has voluntarily taken all effective measures to ensure that no export of nuclear know-how occurs that can contribute to nuclear proliferation, even though it is outside the NSG. It has never supplied sensitive nuclear or related material, equipment or technologies which could lead to the spread of these weapons. It has demonstrated responsible export control practices that are at par with international standards.

The PGs at the NSG need to urgently question the purpose of the Group. If it is to keep proliferation in check and ensure no export of nuclear material, equipment and technologies which contribute to the spread of nuclear weapons, then the NSG PGs will have to go beyond the NPT-factor in assessing the prospects of each new case. The NPT has played a significant role in curbing nuclear proliferation, but it also has its flaws and limitations, as has been examined. The NPT membership certainly does not demonstrate the like-mindedness of nations in their approach to nuclear non-proliferation.

While geopolitics will continue to have an impact on the performance of the Group, it will be critical for the Group to ensure that geopolitics does not outweigh its ultimate goal of ensuring non-proliferation of nuclear weapons. India with its “impeccable” record will strengthen the NSG. As Ashley Tellis puts it, “Indian membership in the NSG is the next logical step”.⁷⁴

Endnotes:

1. “NSG Public Statement”, *Nuclear Suppliers Group Plenary*, Noordwijk, the Netherlands, 23-24 June 2011, available at http://www.nuclearsuppliersgroup.org/images/Files/Documents-page/Public_Statements/2011-06-Public_statement_2011_NSg_v7_-_final.pdf; “NSG Public Statement”, *Nuclear Suppliers Group Plenary*, Seattle, United States, 21-22 June 2012, available at http://www.nuclearsuppliersgroup.org/images/Files/Documents-page/Public_Statements/2012-06-Seattle_NSg_Public_Statement__FINAL_.pdf; “Public Statement (Final)”, *Nuclear Suppliers Group Plenary*, Prague, Czech Republic, 13-14 June 2013, available at http://www.nuclearsuppliersgroup.org/images/Files/Documents-page/Public_Statements/2013-06-Prague-NSG_6_PUBLIC_STATEMENT_HOD_final.pdf.
2. The statement issued after the conclusion of the annual plenary meeting of the NSG repeated the same statement as that of last three years'. See “Public Statement,” *Nuclear Suppliers Group Plenary*, Buenos Aires, Argentina, 26, available at http://www.nuclearsuppliersgroup.org/images/2014_PublicStatement_BA.pdf.
3. This debate has been captured in the discussion on the future of the NSG in Mark Hibbs and Toby Dalton, “Nuclear Suppliers Group: Don't Rush New Membership,” *Proliferation Analysis*, June 14, 2012, <http://carnegieendowment.org/2012/06/14/nuclear-suppliers-group-don-t-rush-new-membership>.
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