

Indian Quest for NSG Membership and Pakistan's Case

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Abstract

The ‘Nuclear Suppliers Group’ is a cartel of likeminded nations working together to form an alliance of countries that strive to uphold non-proliferation norms with that of regulation of nuclear technology and associated material. The cartel is operating since 1975, which was formed in the aftermath of 1974 Indian nuclear explosion ‘Smiling Buddha’, a glaring violation of ‘atoms for peace program’. Not in line with its manifesto neither in adherence to non- proliferation regime, the cartel in 2008 has extended a waiver to India to facilitate Indo-US civil nuclear cooperation. This has ignored the trail of Indian breach of non-proliferation regime with that of weak history of nuclear safety and security protocols. The diplomatic maneuvers furthered Indian ambitions when in May 2016 New Delhi formally applied for the NSG permanent membership. This study makes the point that grant of NSG membership to India, while pending Pakistan’s request would be antithetical to the very idea of establishment of the cartel itself. The study concludes that dependent on the strategic environment, convergences and divergences, NSG member states may shift from one end of the spectrum to the other, therefore, Pakistan must continue its diplomatic flux with respect to its admission into NSG. The study is deductive in nature and has used qualitative research methodology to evaluate the contextual analysis of the ‘Indian quest for NSG membership and Pakistan’s case.

Key Words: Nuclear fallacy, NSG, India, US, Pakistan, Non-proliferation, IAEA, Deterrence, Indo-US civil nuclear deal.

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Introduction

The driving force behind Indian objectives to join bilateral or multilateral institutions and groups is vested on its history of nuclear program, the basis of its 'nuclear doctrine', aspirations behind the civil nuclear cooperation and her ambitions of performing a regional and global power role (Ogden, 2011). In fact, all this is a cocktail of Indian grand ambitions. To better review Indian aspirations, 'Indo-US nuclear deal', foundations of which were laid down in 2005 and which was signed in 2006, has to be seen as a precursor or stepping stone for NSG membership (Heinzelman, 2008). India applied for membership of NSG in June 2008 and was taken to Group's fold in September 2008 by granting waiver after marathon parleys (Wastler, 2010). It allowed India not only to 'access civil nuclear technology' but also permitted to seek fuel from international market. Such a flexibility and exceptional allowance made India the only country in the world that even without signing NPT became a state which has received an open ended certificate of nuclear commerce with any nation willing to extend the cooperation. It was however a quasi-arrangement without right to full membership and voting rights in the Group's meetings.

India continued its efforts for full membership by projecting its nuclear credentials. When in November 2009, the then Indian Prime Minister Manmohan Singh visited the US; President Obama declared India a "natural ally" and assured full and timely action on

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Civil Nuclear Agreement signed between both the countries (Twinning & Fontaine, 2011). The move got a decisive boost during President Barack Obama's visit to India in 2010, where he announced US support for Indian membership in NSG. This opened the process of Indian bid to the export control cartel while setting up an internal "structured dialogue" to discuss and debate the possibility of inclusion (Hibbs, 2017).

To facilitate the possible Indian inclusion into NSG, the US along with Western partners initiated a rigorous diplomatic process to open membership of New Delhi into several other 'multilateral export control regimes'. The plan of action initially wanted India to join the "Missile Technology Control Regime (MTCR)" which it has been already given membership in June 2016 (Jalil, 2017). Later on in December 2017 it joined the 'Wassenaar Arrangement' and 'Australia Group' in January 2018. Out of four export control regimes, currently India is member of three groups (Rajagopalan, 2018).

In the last step India would be entered into NSG. Last but not the least, the remaining export control arrangements such as conventional and chemical would be opened for India to join. This somehow creates the process of Indian inclusion into the international nuclear order with that of powerful status of *de facto* 'great power'. Though, parallel to nuclear order, the US has already showed its full support and commitment to Indian inclusion into 'United Nations Security Council (UNSC)' permanent membership as a 'veto power' state (Nafey, 2005). Unfortunately for Indian aspirations and US

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lobbying, the NSG “structured dialogue” failed to reach a desired consensus. Providing exceptional waiver to accommodate nuclear trade with India in 2008 was an easy process that required mending with few rules but getting her into the cartel as a full member became a trickier track for the manifesto of the cartel and nations who still wanted to preserve the merit and legal obligations, resisted with full swing.

Indian Thinking for Membership of the NSG

a) Full NSG membership is the next “logical step towards global recognition of India” as a nuclear weapons state (Paul, Larson & Wohlforth, 2014).

b) The NSG membership is long overdue for a country that has “clean non-proliferation record” (Nayan, 2013).

c) India has necessary technological wherewithal to contribute to the NSG functioning.

Membership would also help fuel starving country India to procure nuclear technology and buy more fuel. Joining the cartel would also give India an exceptional opportunity to learn from the international nuclear industry and benefit from global market (Jog, 2013).

d) By letting India in, the NSG would set an example that if a country displays good proliferation behavior, it would be rewarded by membership (Wadsworth, 2015).

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e) Admitting India to the NSG would be another step in elevating the civil nuclear cooperation that Obama and Modi had envisioned.

Why India Should not Become a Member of the NSG:

a) India is not a party to NPT. Since India does not subscribe to the dominant forum on the non-proliferation, how can it be admitted to a body based on NPT's principles?

b) How will India reconcile its stand on the NPT with core non-proliferation premise of the NSG?

c) Isn't ironic that a Group that was created because of India's breach of an agreement is now considering admitting it as a member?

d) Admitting India would have implications for the credibility of the NSG as well as global non-proliferation regime.

e) For India, “membership of NSG is a matter of prestige”, a significant milestone on the road to great power status. The NSG should not facilitate that by legitimizing a state that has not lived by the rules of the game.

f) By granting a membership status, the NSG would force Pakistan to take steps to safeguard its interests thereby jeopardizing peace and stability in South Asia. Thus aggravating a situation instead of improving it as is the idea behind the NSG.

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g) The “waiver from NSG guidelines was not given as a reward for India’s non-proliferation behavior but, rather, ‘hammered through by Washington’, which sought to establish closer strategic and commercial relations with New Delhi” (Wadsworth, 2015).

h) The NSG waiver “violates the core bargain of the NPT of giving up the right to develop nuclear weapons in exchange for assistance with the development of nuclear energy programs and other benefits of nuclear technology” (Wadsworth, 2015).

i) Pakistan’s nuclear program is a direct result of India’s. The waiver and membership would further exacerbate the situation.

Internal Debate in India as to Why the NSG Membership?

It has been a matter of internal debate in India as to why should India seeks membership of an informal group which is referred to in IAEA documents only as “certain states” (Jacob, 2016). The argument is that since “India already enjoys a unique status given by the 2008 NSG waiver, therefore, India does not need to pursue her NSG membership. The waiver covers all the items in the NSG lists and it has no sunset clause. India needs no further waiver to import from willing exporters anything it needs for IAEA safeguarded civil nuclear facilities” (Wastler, 2010). Furthermore, her efforts for membership and eventually if at all the membership is granted, it might put more pressure on her to sign CTBT and NPT, which India does not seek to undertake in any foreseeable future or scenario.

- **Advantages to India:**

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With the arguments given in preceding paragraph, it becomes important to outline those prospective significant advantages to India which still make her keen to become a member of the NSG.

a) Nuclear politics has given few nations quite an influential role in international relations where nuclear commerce being most viable energy option to developing countries has made them 'rule-adhering-nations'. Due to this factor, the so-called nuclear club has received much attention over the period of time. India being the 'rule-adhering-nation' wants to enter into the nuclear club of 'rule-creating-nations'. This would allow India to add another star necessary to achieve great power status.

b) Indian requirement of nuclear fuel and materials for its nuclear program will be met through an assured supply chain by virtue of better access to nuclear trading countries.

c) Entering into the elite nuclear club would allow Indian access to global market to exploit both export and import avenues. With the passage of time deliberate research and development investment on the nuclear industry could make India a leading exporter of nuclear related materials. Through this, Indian industry would witness innovation and high-tech manufacturing necessary to boost the pace of its economy.

d) Indian entry into NSG as a full member would give her recognition and legal status in the nuclear regime with greater confidence required to act like an international stakeholder.

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e) The 'Indo-US nuclear deal' has already boosted Indian political, military and strategic profile at the global order. Entry into the cartel will be another step into the desired direction.

f) Indian Nuclear technology may not be termed as very advanced. However, with the membership, it gives her an opportunity and possibility to improve and introduce sophistication in already held technology by way of accessibility to foreign advanced technologies in the field.

g) If India gets membership, it can block Pakistan's entry by playing the cardinal of NSG working such as 'every decision made through consensus; therefore, not agreeing to grant of membership to Pakistan by India would suffice it to take NSG out of Pakistan's reach.

h) Besides global politics, there are definite elements of domestic political mileage which are eyed by PM Modi's Government. It can gain much needed domestic applause on the basis of this feat being projected as work of a successful foreign policy.

US Support for Indian Membership

Subsequent to US president visit to New Delhi in November 2010, when Barack Obama stood beside the Indian leadership and declared Washington's support for India's "full membership" of the NSG (The Whitehouse, 2010), both countries embarked on extension of strategic-cum-diplomatic relations. Continuing the diplomatic posturing, the US in 2011 ahead of 'NSG Consultative Group and Plenary Meeting' held in Netherlands; circulated a paper of 'Food for

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Thought’ which initiated the formal discussion on Indian membership to the nuclear cartel (Bano, 2014). Later on, during a Seattle meeting which held on 21-22 June 2011, many member states echoed their reservations to include a country that has never adhere its international commitments with that of nuclear non-proliferation regime (Pate, 2015). A country not bound to his international obligations was deemed necessary to cast-aside. US has been advocating Indian membership into the cartel with a plea that nuclear track of the country along with her commitment to NPT norms shall be the core component of its membership into NSG. This in- fact qualifies India into the category of ‘like-minded-country’. Hence, ‘criteria-based- membership’ shall not be applied on India (Lodhi, 2011).

In continuation to ongoing efforts to position NSG case, in 2014 when Indian prime minister Modi visited US, the joint statement ‘reaffirmed’ that New Delhi was "ready for the membership" of the NSG (D’Souza, 2014). On reciprocal basis the same was repeated in January 2015 when Obama traveled to India and issued a statement (The Whitehouse, 2015).

Pushing the Indian case further, United States once again urged the members of the NSG to support Indian bid before its plenary meeting in Seoul on 23-24 June 2014. US State Department Spokesman John Kirby told reporters that “the United States calls on Nuclear Suppliers Group (NSG) participating governments to support India’s application when it comes up at the NSG plenary” (The Indian

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Express, 2016). In May 2016, through continuous US efforts and Indian lobbying to mold the NSG member states, a time came when New Delhi finally decided to file its formal application to join the nuclear cartel (Roche, 2016).

US support to Indian membership can be seen in certain background which would essentially benefit America both in terms of its ‘strategic shift’ to Asia as well as promoting its economy.

a) Indian membership of the NSG, gives India a stature which will not only satisfy India in her endeavors to attain a regional and then global power status but it also serves grand US interest in implementing its ‘Pivot to Asia Policy’ (Campbell, 2013). One of the pillars of the American strategy is to contain China in her bid to emerge as a ‘global power’.

b) US nuclear industry is also to benefit from the inclusion of India. Though it can be argued that the industry was to otherwise benefit in the wake of US-India nuclear deal. But NSG membership gives legality and further expansion in opportunities to do business with India.

Pakistan’s Case for NSG Membership

Immediately, after Indian application to NSG, Pakistan within a week also applied for its membership in May 2016 (Baaber, 2016). It is important to highlight that contrary to Indian norms, Pakistan has been following its international obligations with that of voluntary code of conduct necessary to ensure standards of nuclear commerce.

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For example, in 2004 Pakistan has adopted a robust ‘Export Control Act’ and had been updating her credentials under the NSG list. Islamabad’s NSG compliance list was announced back in 2005 that further followed two subsequent reviews, one in 2007 and the other in 2012 (Ehtisham, 2018). This shows Pakistan’s voluntary adherence to the obligations of NSG much before Indian application to the cartel. Furthermore, when Obama regime was making the case for Indian membership to export control regimes, Pakistan has also been keenly pursuing its interest. For example, in April 2010 during a ‘Nuclear Security Summit’ that was held in Washington, Pakistan had eagerly told the participating nations that “it has strong credentials to become a member of the Nuclear Suppliers Group and other multilateral export control regimes, on non-discriminatory basis” (Economic Times, 2018). Specifically, Pakistan in her national statement that it made to the ‘Summit’ stressed “it has, over the years, streamlined and strengthened its export control regime and enhanced its engagement with multilateral export control regimes” (NSS, 2010). The same has been reciprocated in NSG plenary meetings.

Provision of civil nuclear energy is an important and sustainable source to advance plans of economic development for any developed or developing nation. Keeping in view the importance of such an enormous relevance of civil nuclear energy in developmental discourse of 21st century, Pakistan has already envisioned its ‘Energy Security Plan’ that manifests a ‘Nuclear Power Programme 2050’ (Dawn, 2015). The plan of action under nuclear power program is a reflection of Pakistan’s current energy shortfall with that of future

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energy requirements for an ever increasing population and its stress on economic growth. Issues related to energy deficit cannot be fixed without international cooperation. That is why the ambitious nuclear power program envisions about 40,000 MW power necessary to cope up contemporary and future energy challenges. In this regard, role of international cooperation in the civil nuclear energy is vital for Pakistan's energy needs. Moreover, Pakistan due to its advance capability in the 'nuclear fuel cycle' and in the areas of 'nuclear power generation' with that of 'application of nuclear technology', would be of great help to those nations who wanted to get benefit from its services under the auspices of IAEA.

With all these prerequisites that are fully harmonized with those of the NSG, MTCR, Wassanar Arrangement and Australia Group; Pakistan has been in continuous efforts to secure support of international community to mainstream Islamabad into the 'multilateral export control regime'. Pakistan's resolve to enter into NSG is adamant to its commitment and international support for non-proliferation of nuclear related technology and associated means of delivery. When it comes to nuclear status of Pakistan, it is undoubtedly was a factor of national security and territorial integrity that compelled the nation to seek weapons of ultimate deterrence against the bullying attitude of India who has been a key to destabilize and disintegrate Pakistan. Indian role to fuel insurgency in East Pakistan in 1971 through its active military participation had disintegrated Pakistan. Later on, in 1974 the so-called 'Smiling Buddha' nuclear explosion nuclearized the region. Under such

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circumstances Pakistan was compelled to follow Indian foot- steps.

Though, it is important to note that the credentials of defending and promoting the norms and spirit of non-proliferation that Pakistan has been pushing forward are quite impressive and far mature then the Indian trail of violations and discrepancies with respect to export control as well as safety and security of its nuclear reactors (Wable, 2007).

Contrary to US-led-Indian move that has crafted a version of ‘like-minded-country’ is amicably resisted by Pakistan with ‘criteria-based-membership’ into NSG (Farooq & Gul, 2018).

Criteria based approach tolerates the aspirations of non-NPT nations to acquire NSG membership while putting emphasis on their nuclear credentials, whereas the like-minded approach is more of political in nature rather credential based. Pakistan’s emphasis on ‘criteria- based-membership’ has received much weightage by the several NSG nations. It is important to point out that the ‘criteria-based’ approach adamantly addresses the issues of strategic stability and global norms vested in the non-proliferation regime. Getting India into NSG under ‘like- minded’ approach lefts Pakistan aside, hence negatively impacts on the strategic stability with that of non-proliferation regime, which has always negated the very acceptance of nations, whose nuclear career is full of violations and breaches. Furthermore, India is also a non-NPT state. It’s entry into nuclear club whose fundamental objective is to protect NPT regime will be complete abhorrence to the idea of non-proliferation itself. Thanks to

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the vigilant and resilient nations member of NSG who have maintained their resolve not to include a violator of international nuclear norms into the cartel. This is evident to the fact that when India in 2016 submitted its formal application to NSG, the then US Secretary of State John Kerry along with President Obama made personal calls to members of the cartel to favor the ‘like-minded’ inclusion of India. To the utmost satisfaction for ‘criteria-based’ approach, US-led-Indian plea failed to receive the consensus (Naz, 2018).

- **Pakistan's stand for the NSG Membership:**

Pakistan's position on the NSG membership can be summarized as follows:

- a) The NSG should follow a non-discriminatory criteria based approach while granting memberships (Ahmad, 2014). Such an approach would make the whole exercise transparent and objective devoid of any political or other considerations.
- b) If the NSG follows a country-specific approach, it would cast a shadow on its functioning and tarnish its image.
- c) Pakistan has the necessary credentials to become the member of the NSG. It has over forty years of operating nuclear power plants, has requisite expertise and comprehensive export controls that are in line with the NSG guidelines.
- d) Pakistan needs nuclear power to overcome power

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shortages. NSG membership would provide it access to the international nuclear market.

Response of NSG States on Indian Membership for NSG

Though NSG members had granted an exceptional waiver to India in 2008, but Indian struggle for inclusion in the cartel has faced mix response. Member states voiced their concern over considerations of membership status for a NPT non-signatory country. Despite all out diplomatic efforts put in by US and India no favorable decision could emerge from the ‘Plenary Meeting’ in Seoul on 23-24 June 2016 (Syed, 2016). China along with few other members took the position that Indian bid “would be considered only after ‘rules for entry’ of non-NPT states are finalized by the elite group” (The Times of India, 2016). In October 2016 on the side lines of BRICS Summit hosted by India in Goa, PM Modi talked with the Chinese President Xi Jinping to get India into the cartel (NDTV, 2016). Regardless of Indian efforts to mold Chinese stance on its entry into NSG, China remained non-committal. Though Chinese position is quite favorable for Pakistan, Turkey was the only country which openly stated that both India and Pakistan should be given simultaneous NSG membership (Sharma, 2017). The matter remains pending on the rules for non-NPT countries, thus the Indian case was not placed at the agenda for the special meeting held in Vienna on November 11, 2016. Later on, in June 2017 plenary meeting of NSG

held in Switzerland, India was again unsuccessful due to Chinese opposition. June 2018 plenary meeting of Latvia does not

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have even placed Indian case on the agenda (NTI, 2018).

Prevalent strategic environment has been given due cognizance while analyzing positions taken by NSG member states. Comparison of voting pattern of 2008 waiver and result of subsequent plenary meetings, explicitly establishes linkage between existing geo-strategic environment and member states' behavior. It would; therefore be naïve to consider positions taken by member states to be their permanent stances. Based on views expressed by various member countries in the 'twenty-sixth Seoul plenary meeting' of NSG; states behaviors can be divided in three groups. The groups and possible reasons, in case of important players only, will be outlined here:-

a) First Group. Countries which supported Indian membership, without any caveats attached.

- **US.** US have confluence of long term strategic interests with India. These stem primarily from following, and it is in this backdrop that US is likely to keep pushing for India's inclusion in the Group.

- i. US strategy of rebalancing against China.
- ii. Geo-economic considerations.
- iii. Indian role in Afghanistan.
- iv. Increasing military cooperation, latest example being of Logistics Exchange Memorandum of Agreement (LEMOA)

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(Panda, 2016).

- **Russia.** Russia and India enjoy complementary interests and main areas of convergence are:-

- i. With reference to Iran, Russian interests overlap with India.

- ii. Economic incentives.

- iii. India is a major importer of Russian arms. Deal of S-400 is just an exemplary development.

- iv. Long history of close relationship with India.

- **EU, Scandinavian Countries, South Korea, Estonia.** Are in favor of India while being aligned to US narrative. Besides, they can further their economic interest as well.

b) Second Group. Second group comprised the countries opposing Indian membership.

Their point view was based on the argument that :-

- i. Decision on any planned expansion of the Group should be based on Criteria.

- ✓ Considerations for the new entrant should include that It is adhering “to the NPT or a nuclear weapon free zone treaty”.

- ✓ Has “the capability to supply the goods listed in the

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NSG guidelines”.

✓ Possesses “the ability to ensure implementation of nuclear export control regimes in compliance with NSG rules”.

✓ Within this group, the countries can be divided in further two sub groups.

a. Those which supported Indian Membership but insisted on criteria based approach. These included Switzerland, Belgium, Mexico, Kazakhstan, Poland, Latvia, South Africa, and Bulgaria.

b. Those which supported criteria based approach before discussing any applicant. These included China, Brazil, Austria, New Zealand, Ireland, Norway, Italy and Turkey.

- **China.** China is undoubtedly an emerging global power. Hitherto, it has built partnerships through developing common economic interests, but of late it has also started asserting itself in security domain as well. In the current strategic environment, following reasons are attributed to China’s opposition of Indian membership:-

i. China looks at US support of Indian membership from the prism of China containment policy.

ii. Advances in Indo-US relations and Indian assertions in the Asia-Pacific region have perturbed China.

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iii. China will not like India, a longtime rival or contestant, to be part of a prestigious nuclear group which will have repercussions in contextual framework of Indo- China strategic stability.

iv. China supports criteria based approach and in the same context supports Pakistani application. Besides an enduring Pak-China friendship, China has strategic economic interests linked with Pakistan such as CPEC.

c) **Third Group.** This group comprised 12 countries which did not express their position. These countries primarily considered criteria based approach for expansion of the Group. However, non-expression of views by these countries cannot be taken as assurance for their future opposition to Indian or support to Pakistani membership.

Conclusion

Emphasis on ‘criteria-based-approach’ and rejection of country specific approach was evident in the public statement given after the July 2018 ‘plenary meeting’ of NSG held in Seoul which stated that “Participating governments reiterated their firm support for the full, complete and effective implementation of the NPT as the cornerstone of the international non-proliferation regime” (Economic Times, 2018). This was in fact a clear indication to India that no exceptional treatment would be available for New Delhi.

Grant of NSG Membership to India, while pending Pakistan’s request would be antithetical to the very idea of establishment of the

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cartel itself. As discussed in this part, any such move, wherein an exceptional treatment is administered will have serious regional implications. In the light of preceding arguments, it can be concluded that dependent on the strategic environment, convergences and divergences of NSG member states may shift from one end of the spectrum to the other, therefore, this possible flux leads to emergence of more than one possible scenarios with respect to admission or otherwise of India and Pakistan in the NSG.

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