



**INSTITUTE OF
STRATEGIC STUDIES**

web: www.issi.org.pk
phone: +92-920-4423, 24
fax: +92-920-4658

Issue Brief

NSG Membership Debate: Recent Developments

Malik Qasim Mustafa, Senior Research Fellow, ISSI

January 05, 2017

The debate over extending membership of Nuclear Suppliers Group (NSG) to non-NPT nuclear weapons states, particularly to India and Pakistan has been intensified lately. Major powers including US, key officials and nuclear experts, supportive of India's entry into the NSG, are putting pressure on the NSG and are coming up with certain proposals like the Grossi formula, which are not only discriminatory in nature against non-NPT states like Pakistan, but they could also undermine the spirit of international nuclear non-proliferation regime.

When one looks at the spirit and mandate of NSG, it is evident that during the June 2016 twenty-sixth NSG Plenary Meeting at Seoul, the NSG Participating Governments (PGs) focused on reinforcing the spirit and the purpose of the Nuclear Non-Proliferation Treaty (NPT) and stressed on NPT's full, complete and effective implementation to counter the evolving nuclear threats.¹ The group "reaffirmed its determination to continue to cooperate closely in order to deter, hinder and prevent the transfer of controlled items or technology that could contribute to nuclear weapons or other nuclear explosive devices." At this Plenary Meeting, the Indian bid to seek the NSG membership was blocked by more than 10 PGs, including China, and Pakistan's application also yielded no positive response due to their non-NPT status.² Afterwards, the US and India increased their diplomatic efforts to convince NSG PGs including China, to accommodate India into the Group. However, the stalemate continued during the extraordinary meeting of the NSG PGs at Vienna in November 2016. At least 12 NSG members at the meeting called for a criteria-based approach. These included China, Turkey, Kazakhstan, Belarus, Italy, Ireland, Switzerland, Austria, New Zealand, Belgium, Brazil and Russia.³ At that meeting China also maintained that any formula worked out should be non-discriminatory and applicable to all non-NPT states.

Since the June 2016 Seoul meeting, the NSG Chair, Ambassador Song of South Korea, and the previous Chair, Ambassador Rafael Mariano Grossi of Argentina, were willingly co-opted to pave the way for India.⁴ Ambassador Grossi was tasked to engage the NSG PGs to build a consensus for India's entry. As a result, on December 6, 2016, he came up with a "revised version of a draft 'Exchange of Notes' for Non-NPT applicants,⁵ also known as Grossi formula. The formula outlines following nine guidelines or criteria for the non-NPT states for their NSG membership:⁶

- A clear and strict separation of current and future civilian nuclear facilities from non-civilian nuclear facilities.
- A declaration to the IAEA that identifies all current and future civilian nuclear facilities.

- Have in force a safeguards agreement with the IAEA covering all declared civilian facilities, and all future civilian facilities which the IAEA and determine are eligible for safeguards.
- Have in force with the IAEA an Additional Protocol covering the identified civilian nuclear facilities, which together with a safeguards agreement, allows the IAEA to detect the diversion of safeguarded nuclear material and to ensure that safeguarded nuclear material is used exclusively for peaceful purposes.
- A commitment not to use any item transferred either directly or indirectly from a NSG Participating Government or any item derived from transferred items in unsafeguarded facilities or activities.
- A commitment not to conduct any nuclear explosive test.
- A clear description of intentions plans, and policies in support of the Comprehensive Test Ban Treaty upon becoming a Participating Government.
- A commitment to support and strengthen the multilateral non-proliferation and disarmament regime by working towards the total elimination of nuclear weapons and enhancing the peaceful uses of nuclear energy.
- An understanding that due to the unique nature of the non-NPT Party applications would join a consensus of all other Participating Governments on the merits of any non-NPT Party application.

On December 29, 2016 Pakistan Foreign Office rejected the Grossi formula on the grounds that it is discriminatory and unhelpful for advancing global non-proliferation objectives.⁷ Pakistan, like other developing nation, is interested in the use of peaceful nuclear technology for energy purposes and has always supported a non-discriminatory criteria-based approach for the entry of non-NPT states into the NSG for peaceful international nuclear trade. Pakistan wants to see the NSG as a credible and rule-based group rather than a cartel driven by commercial and political interests. Pakistan's former Ambassador Zamir Akram believes that Ambassador Song and Grossi have violated their mandate which was aimed at developing an objective and equitable membership criteria for non-NPT states. Instead, they engaged secretly and surreptitiously with selected countries, mainly in India's favour, to develop membership criteria.⁸ International arms control expert like Daryal G. Kimball believe that such formula sets low bar

for NSG membership, remains vague and open to wide interpretation and it would not require India to take an additional non-proliferation commitments beyond its 2008 country-specific exemptions from the NSG.⁹ According to this formula, for countries like Pakistan, the NSG membership requires to get a similar IAEA full-scope safeguard exemption, like India, first. This reflects that Pakistan cannot get a simultaneous entry into the NSG with India, which shows that Grossi formula is discriminatory in nature even with reference to the entry of non-NPT states into the NSG.

Other Pakistani experts believe that Pakistan's civilian nuclear programme is already separate from its military, and Pakistan has no intention of mixing it.¹⁰ They believe that the country is open to address separation related concerns and willing to adopt the IAEA Additional Protocol on its civilian nuclear programme, as its civilian nuclear facilities are already under the IAEA safeguards. However, acceptance of Grossi formula or any similar future proposals would only pave the way for India's entry into the NSG. Such proposals are meant to block Pakistan's entry into the NSG, as after India's entry it will allow it to permanently block Pakistan's entry into the Group. On the issue of future nuclear testing, Pakistan has already made its position clear. It is not only following a unilateral moratorium on nuclear testing, but it has even proposed to India a bilateral agreement on banning nuclear tests. Therefore, Grossi formula will not resolve the issue, it will complicate the situation further and the NSG membership debate will become a political issue rather than promoting the use of peaceful nuclear technology as an inalienable right of every state.

The debate over India and Pakistan's entry into the NSG has now reached to a critical stage. Despite Pakistan's improved nuclear credentials, the international community is trying to treat Pakistan differently on the nuclear front. Even they themselves acknowledge that Pakistan's recent efforts are aimed at strengthening the nuclear non-proliferation regime. The international community has already failed to bring India to the folds of non-proliferation regime. Only Indian entry into the NSG will compel even other NPT non-weapon states that acquiring nuclear weapons will give them more security and leverage. It is time for the international community to think out of the box and work for a practical and a strong international non-proliferation regime. As any selective or country-specific approach will not only undermine the NSG, but it will also work against the norms of nuclear non-proliferation regime. Such approach is also detrimental to the already fragile strategic stability in the South Asian region, as it would fuel an open-ended nuclear arms race in the south Asian region. A non-discriminatory and equal entry approach will help strengthen international nuclear non-proliferation regime.

Notes and References

-
- ¹ Public Statement, "Plenary Meeting of the Nuclear Suppliers Group," held at Seoul, Republic Of Korea, Nuclear Suppliers Group (NSG), http://www.nuclearsuppliersgroup.org/images/2016_Public_Statement_Final.pdf June 23–24, June 2016.
 - ² "China Thwarts India's NSG Membership Bid," *Live Mint*, June 25, 2016, <http://www.livemint.com/Politics/Kt9rHil08i1PSht9B3NIJ/No-decision-on-IndiasNSG-membership-as-China-rejects-bendi.html>
 - ³ "Setback for India as Consensus Eludes NSG Meeting," *Dawn*, November 17, 2016, Internet edition, <http://www.dawn.com/news/1296891>.
 - ⁴ Zamir Akram, "NSG Deadlock," *The Express Tribune*, December 30, 2016, Internet Edition, <http://tribune.com.pk/story/1279755/nsg-deadlock/>.
 - ⁵ Daryal G. Kimball, "NSG Membership Proposal Would Undermine Nonproliferation," *Arms Control Association*, December 21, 2016, <https://www.armscontrol.org/blog/ArmsControlNow/2016-12-21/NSG-Membership-Proposal-Would-Undermine-Nonproliferation>.
 - ⁶ Ibid.
 - ⁷ "Pakistan Rejects New Formula for NSG Membership," *Dawn*, December 30, 2016, Internet Edition, <http://www.dawn.com/news/1305297>.
 - ⁸ Akram, "NSG Deadlock."
 - ⁹ Kimball, "NSG Membership Proposal Would Undermine Nonproliferation."
 - ¹⁰ "Process for NSG Membership Politicised: Pakistan," *Dawn*, December 31, 2016, Internet edition, <http://www.dawn.com/news/1305484>.