



**Islamabad  
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*Supporting Dialogue for Peace & Development*

**29<sup>th</sup> NSG Plenary Meeting:**

# **BREAKING THE STALEMATE**

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# **29<sup>th</sup> NSG Plenary Meeting: Breaking the Stalemate**

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## 1. Introduction

Spread of the Nuclear weapons is considered as a threat to global security and peace. Nuclear proliferation pessimists and arms control experts' aim to limit the nuclear weapons states to the possible lowest numbers. For this purpose, multiple tools, including legally binding treaties, voluntary arrangements and regional committees, have been created to prevent nuclear proliferation. There are so called dedicated groups working towards the prevention of spread of nuclear materials and technology such as Nuclear Suppliers Group (NSG). NSG was created as an export control regime to regulate export of nuclear-related material and technology for peaceful purposes and prohibit the transfer of nuclear materials for weapons production. Today it comprises 48 states possessing nuclear materials and technology.<sup>1</sup> Pakistan, being a nuclear-weapon state and having a peaceful uses program, is an aspirant to join the NSG.

Pakistan and India formally submitted their applications for the NSG membership in May 2016.<sup>2</sup> Both applications are held up for the time being because of absence of consensus among the participating governments over the criteria for admission of non-NPT states. Both Pakistan and India are non-NPT states. Under the NSG guidelines, a non-NPT state cannot be admitted into the group as it is reserved exclusively for signatories of a major non-proliferation treaty (usually considered NPT). NSG, moreover, has two sets of guidelines delineated in key document INFCIR/254, which provides the guidelines for nuclear transfers and rules for transfer of nuclear-related dual-use equipment, materials, software, and related technology.<sup>3</sup> These guidelines, adopted in 1978, require the importing party to ensure that the trade shall not in any way contribute to proliferation of nuclear weapons. INFCIR/254 includes following guidelines for the membership of nuclear cartel:

- The candidate ought to have the ability to supply items (including items in transit) covered by the Annexes to Parts 1 and 2 of the NSG Guidelines;
- It's adherence to the Guidelines and actions in accordance with them;

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<sup>1</sup> "About the NSG," Nuclear Suppliers Group, <http://www.nuclearsuppliersgroup.org/en/about-nsg>.

<sup>2</sup> Zafar Nawaz Jaspal, "India-Pakistan Candidacy for NSG," Research Gate, June 2016, [https://www.researchgate.net/publication/309591807\\_India-Pakistan\\_Candidacy\\_for\\_NS\\_G](https://www.researchgate.net/publication/309591807_India-Pakistan_Candidacy_for_NS_G)

<sup>3</sup> Sario Bano, "India and the Nuclear Suppliers Group (NSG) Membership," Turkish Journal Of International Relations 12, no. 2: 58-73.

- The applicant should abide by the enforcement of a legally based domestic export control system which gives effect to the commitment to act in accordance with the Guidelines;
- The NSG aspirant expresses adherence to one or more of the non-proliferation regimes, the Treaties of Pelindaba, Rarotonga, Tlatelolco, Bangkok, Semipalatinsk or an equivalent international nuclear nonproliferation agreement, and is in full compliance with the obligations of such agreement(s);
- The applying state supports international efforts towards nonproliferation of Weapons of Mass Destruction and of their delivery vehicles.<sup>4</sup>

In this background, since 2016, three views are present in NSG regarding the membership of Non-NPT states: First, a country has to sign the NPT; second, a criteria based approach should be introduced for inclusion of non-NPT nuclear-weapon states in nuclear group.<sup>5</sup> And a third camp advocates India's entry for being likeminded.

Pakistan is committed to the aims of nuclear non-proliferation. Pakistan's adoption of Export Control Act in 2004, improvements in its strategic export control list and announcement of a NSG compliant list in 2005 and its further reviews demonstrates Islamabad's strong credentials for NSG membership. Pakistan also established the Strategic Export Control Division (SECDIV) in 2007. SECDIV regularly issues export control guidelines and Compliance Program Guidelines.<sup>6</sup> These measures have been acknowledged and appreciated by the world, but the request for membership of NSG has not moved forward. In NSG meetings, decision-making takes place on the principle of consensus, which has proven difficult to achieve.

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<sup>4</sup> "Guidelines for Transfer of Nuclear-Related Dual-use Equipment, Material, Software, and Related Technology," NSG Part 2 Guidelines –INFCIRC/254/Rev. 10/Part 2, November 8, 2016, <https://www.iaea.org/sites/default/files/publications/documents/infcircs/1978/infcirc254r10p2.pdf>.

<sup>5</sup> Zamir Akram, "NSG revisited," Express Tribune, June 19, 2017, <https://tribune.com.pk/story/1439081/nsg-revisited/>.

<sup>6</sup> "Introduction," Strategic Export Control Division (SECDIV) Ministry Of Foreign Affairs, <http://www.secdiv.gov.pk/>

## 2. India's Case for NSG Membership

In 2005, the US took a strategic decision to enhance its strategic partnership with India and established a roadmap titled Next Steps in Strategic Partnership (NSSP). United States later backed India and helped it secure an exceptional waiver from NSG in 2008 under which Delhi is exempted from NSG guidelines and NSG members can have nuclear trade with it. The US and its allies including France, UK, and Japan have supported India's NSG membership case on the basis of "like-mindedness" and its so called non-proliferation commitments.<sup>7</sup> The US contends that India's exceptional non-proliferation record, as demonstrated by waiver granted to it in 2008, makes it a strong candidate for NSG membership.

The United States has sought to support India due to its strategic objectives in the region, most significantly for balancing rise of China to achieve its geo-political and economic interests in Indo-pacific region. The US has deepened its defense and strategic relationship with India and designated India as a key partner of its Indo-Pacific Rebalancing Strategy.<sup>8</sup> Therefore, the US is committed to assist India's defense and nuclear industry. Since then the US has facilitated India's admission in other export control regimes<sup>9</sup> such as Wassenaar Arrangement (WA), the MTCR, the Australia Group (AG) and the NSG. India is now member of three export control regimes due to the US efforts to mainstream India as a nuclear weapon state. MTCR membership has played key role in boosting India's missile and space program by enhancing India's access to sophisticated technology and hardware.

India's entry into MTCR, WA and AG, moreover, became easier due to absence of China in these cartels. It is an irony that China's request for MTCR membership has been pending for many years and taking advantage of China's absence in these export control regimes India was granted membership almost simultaneously. Experts believe that India's inclusion in these nuclear regimes was designed to strengthen its non-proliferation credentials. In contrast to the other export control regimes, India's case in NSG is a different ball game despite strong support of the US and

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<sup>7</sup> "Preferential treatment for India undermines NSG credibility: FO spokesman," Dawn, June 28, 2017, <https://www.dawn.com/news/1341953>

<sup>8</sup> Malik Qasim Mustafa, "US and Strategic Stability in South Asia: A Pakistani Perspective," Strategic Studies 36, no. 4 (2016).

<sup>9</sup> Mark Hibbs, "India's quest for NSG Membership," Carnegie Endowment for International Peace, July 2016, <https://carnegieendowment.org/2016/07/08/india-s-quest-for-nsg-membership-pub-64070>.

other western allies. India is lobbying hard to get the membership of the NSG to attain economic, political and diplomatic objectives<sup>10</sup> but its case has not been able to make any headway so far. Member states of NSG are currently examining the legal, political and technical aspects of membership applications of non-NPT states.

Legal lacunae exist in India's NSG credentials; India has kept its civilian nuclear reactors out of IAEA safeguards. Additionally, there are studies by international experts and reports of various institutions regarding India's separation plan for civilian nuclear facilities that suggest that the separation is unsatisfactory. More significantly Indian stockpiles of approximately five tons of reactor grade plutonium, which are outside the IAEA safeguard, can be used for weapon production in future. Daryl G. Kimball (Executive Director at Arms Control Association) stated: "Based on its record, India does not meet the same standards of behavior as current NSG members, nor is it clear it shares the NSG's core nonproliferation goals, including preventing the spread of sensitive uranium-enrichment and plutonium reprocessing technologies."<sup>11</sup> He further states "India has actively sought to weaken the nonproliferation commitments it was required to take to receive an NSG exemption in 2008. For example, its civil-military nuclear separation plan is substandard, and its IAEA additional protocol arrangement is weaker than those of the NPT nuclear-weapon states. Although India maintains a nuclear test moratorium, leaders in New Delhi have not taken any steps toward signing the CTBT, and they have not agreed to build international nuclear test-explosion monitoring stations on Indian territory." In a report of Belfer Center of Harvard University, John Carlson asserted that India is diverting its reactor-grade plutonium from its unsafeguarded nuclear facilities.<sup>12</sup> At political level, India's inclusion in nuclear cartel will severely undermine the credibility of non-proliferation norms. India's dual-used nuclear facilities, unsafeguarded nuclear material, and its fast breeder reactors are viewed as strategic threat to regional states.<sup>13</sup> Disregarding all these realities, the US and its allies are more focused on geo-political dynamics of India's inclusion in NSG.

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<sup>10</sup> Ashok Sajjanhar, "Why is NSG Membership important for India?" IDSA Comment, June 21, 2016, [http://www.idsa.in/idsacomments/why-is-nsg-membership-importantfor-india\\_asajjanhar\\_210616](http://www.idsa.in/idsacomments/why-is-nsg-membership-importantfor-india_asajjanhar_210616).

<sup>11</sup> Daryl G. Kimball, "Obama's India Nuclear Blind Spot," Arms Control Association, June 2016, <https://www.armscontrol.org/taxonomy/term/23>.

<sup>12</sup> John Carlson, "India's Nuclear Safeguards: Not Fit for Purpose," Belfer Center of Harvard Kennedy School, January 2018, <https://www.belfercenter.org/sites/default/files/files/publication/India%E2%80%99s%20Nuclear%20Safeguards%20-%20Not%20Fit%20for%20Purpose.pdf>.

<sup>13</sup> Mansoor Ahmed, "India's Nuclear Exceptionalism," Belfer Center for Science and International Affairs, Harvard Kennedy School, May 2017, <https://www.belfercenter.org/publication/indias-nuclear-exceptionalism>.

### 3. Pakistan's Case for NSG Membership

Pakistan has been demanding a “Non-discriminatory Criteria based approach” for admitting non-NPT states including itself.

Pakistan is committed to non-proliferation efforts and is also participating in several international arrangements that aim to prevent proliferation of nuclear weapons related material and technology. Pakistan's credentials for NSG membership are rooted in its adherence to NSG guidelines and commitment to nuclear safety and security.

Pakistan's aspiration for NSG membership is based on four factors: desire to strengthen global non-proliferation regime; maintain strategic stability and balance of power in South Asia; develop ability to supply nuclear related items to member states; achieve technological advancement and benefit for socio-economic development.

It is important to note that Pakistan has taken multiple steps that strengthen its credentials not only for NSG membership but also show its strong commitment to non-proliferation. Pakistan's civilian nuclear facilities are under facility-specific IAEA safeguards (INFCIRC/66/Rev2) and Islamabad is willing to put its future civil nuclear facilities under IAEA safeguards.<sup>14</sup> Pakistan has supported Comprehensive Test Ban Treaty (CTBT), and shown inclination to negotiate Additional protocol agreement after fulfilling the internal appraisal process. Additionally, Pakistan is participating in the numerous voluntary arrangements on nuclear security i.e. Nuclear Security Summit (NSS)<sup>15</sup>, Container Security Initiative (CSI), and ratification of the 2005 amendment to the CPPNM and Proliferation Security Initiative (PSI).<sup>16</sup> These steps vouch for Pakistan's commitment to promote safety and security of nuclear related material and facilities. Director General IAEA Yukiya Amano significantly, during his visit to Pakistan's nuclear power Plants in Karachi on March 14, 2018, said: “I was very impressed to see that

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<sup>14</sup> Ian Stewart, Adil Sultan, “India, Pakistan and the NSG,” Project Alpha at King's College London, June 10, 2019, <https://www.kcl.ac.uk/news/india-pakistan-and-the-nsg>.

<sup>15</sup> Talat Masood, “The Nuclear Security Summit and Pakistan's perspective,” Express Tribune, March 30, 2016, <https://tribune.com.pk/story/1075131/the-nuclear-security-summit-and-pakistans-perspective/>.

<sup>16</sup> “Pakistan's Nuclear Security Regime,” Ministry of Foreign Affairs, <http://www.mofa.gov.pk/documents/PNSR.pdf>

Pakistan has taken all possible nuclear safety and security measures.”<sup>17</sup> This shows the world’s confidence in Pakistan’s ability to safely and securely manage its nuclear installations and its continuous efforts to better its credentials.

It is at the same time vital to note that the nuclear capability not only ensures defense of a state against external aggression, but the peaceful uses of nuclear technology have now become an indispensable priority to fulfill domestic needs of energy and economic progress. It is regrettable that despite Pakistan’s strong NSG credentials and obvious weaknesses in India’s case, India continues to enjoy the NSG waiver, practically availing all privileges of a full member, whereas Pakistan is being made to wait out till NSG members achieve consensus on how to proceed with the cases of non-NPT states.

Exceptional and discriminatory attitude of NSG participating states was observed on many occasions. Ambassador Rafael Mariano Grossi presented a formula that was tailored to suit India’s case.

#### **4. Grossi’s Nine-Point Formula for India-Pakistan NSG Applications**

On 6 December 2016, Ambassador Rafael Mariano Grossi, the former chair of Nuclear Suppliers Group, presented a nine-point proposal for NSG membership. Independent analysts believe that Grossi Proposal was made to suit India while putting Pakistan at a disadvantage,<sup>18</sup> as India had already taken most of the measures he proposed during its successful bid for NSG waiver in 2008. The following nine points were presented in Grossi’s proposal<sup>19</sup>:

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<sup>17</sup> “Pakistan has the safest nuclear reactors: IAEA DG,” Pakistan Today, March 14, 2018, <https://www.pakistantoday.com.pk/2018/03/14/pakistan-has-the-safest-nuclear-reactors-iaea-dg/>.

<sup>18</sup> Malik Qasim Mustafa, “NSG Membership Debate: Recent Developments,” Institute of Strategic Studies, Issue Brief, January 2017, [http://issi.org.pk/wp-content/uploads/2017/01/Final-Issue\\_Qasim\\_dated\\_05-1-2017.pdf](http://issi.org.pk/wp-content/uploads/2017/01/Final-Issue_Qasim_dated_05-1-2017.pdf)

<sup>19</sup> Asma Khalid, “Dynamics of Grossi’s proposed criteria for NSG membership,” Daily Times, January 3, 2017, <https://dailytimes.com.pk/37001/dynamics-of-grossis-proposed-criteria-for-nsg-membership/>.

S.No	Grossi Formula Point	Analysis
1.	The prospective member to implement and should have brought into force a clear and strict separation of current and future civilian nuclear facilities from non-civilian nuclear facilities in the country.	Under 2008 exemption India has already notified a separation plan, whereas Pakistan has so far not formally notified its separation plan to IAEA despite having separate military and civilian's facilities. Therefore, in the context of proposed NSG criteria, Pakistan was technically ineligible for NSG membership.
2.	New NSG aspirant to provide and maintain a declaration to the IAEA that identifies all current and future civilian nuclear facilities	The tricky part is India has already provided such declaration to the IAEA, and Pakistan can do so under the IAEA safeguard. Analysts are of the view that Pakistan can take such standard steps so that in future if NSG introduced some criteria, then Pakistan could have already made its case stronger with one step ahead preparation.
3.	New NSG applicant should have in force a safeguards agreement with the IAEA covering all declared civilian facilities, and all future civilian facilities which the IAEA and the NSG applicant determine are eligible for safeguards	India has already discussed safeguards agreement and was eligible to apply for membership according to this point. On the other hand, Pakistan has to first negotiate such agreement after which its application could be considered for NSG membership. Hence, this point was just tailor-made to accommodate India.
4.	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.	This point also suited India as it had already signed the additional protocol with IAEA. Though India's additional protocol with IAEA had deficiencies but it would have helped India fulfill the proposed criteria. Pakistan has no hesitation in signing the additional protocol with IAEA but it will take time and in this regard India had advantage over Pakistan.
5.	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.	Both states agree to provide such commitment.
6.	A commitment not to conduct any nuclear explosive test.	Both states have announced voluntary moratorium on nuclear testing clause but such commitments are more of political nature without any legal restraint and any member state can back out as India previously violated the IAEA safeguards.

S.No	Grossi Formula Point	Analysis
7.	A clear description of NSG applicant's intentions plans, and policies in support of the Comprehensive Test Ban Treaty (CTBT) upon becoming a Participating Government.	Both states were asked to declare their commitment on CTBT. This requirement too was formulated in a manner that suited India as states were not asked to sign CTBT due to India's rejection of the treaty.
8.	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.	Both India and Pakistan have already committed to not use any of the transferred items for military purposes.
9.	An understanding that due to the unique nature of the non-NPT Party applications, the applicant would join a consensus of all other Participating Governments on the merits of any non-NPT Party application	The last clause of proposed criteria was just to project that this criterion is not state-specific and that the group has maintained its objectivity by imposing a pre-condition on India that it will not oppose Pakistan's entry when Pakistan fulfilled the new criteria, which was actually developed for India. But the catch in this clause was that pro-India lobby in the group could still block Pakistan's membership on behalf of India as NSG works through consensus

The analysis of Grossi's formula confirms that India was being given special treatment in the nuclear cartel and country-specific proposals were formulated to favor India. Such instances show that major powers use non-proliferation regimes as a tool to advance their own interests even at the cost of undermining the global non-proliferation efforts. Grossi's formula was rejected by China and other NSG member states.

The 27<sup>th</sup> NSG Plenary meeting was held in Switzerland (Bern) on 22-23 June, 2017. Bern meeting was the fourth meeting since India-Pakistan applied for NSG membership. One of the 14 agenda points pertained to the membership applications of non-NPT member states. The position of member states remained unchanged during Bern meeting. It was, however, agreed that NSG will continue to deliberate on the issue of membership of non-NPT states and an informal meeting was

planned for November 2017.<sup>20</sup> Subsequently, India-Pakistan membership issue was not on the agenda for discussion during the 28th NSG plenary meeting held in Jūrmala, Latvia from 14 to 15 June 2018. Only various aspects of India's relationship with NSG and 2008 Statement on Civil Nuclear Cooperation were discussed.<sup>21</sup> This indicates the diminishing enthusiasm of NSG members about granting membership to non-NPT states. Though the process has slowed down, but it is still in motion and in this regard one cannot overlook the significance of forthcoming 29th NSG Plenary meeting being held in Nur-Sultan , Kazakhstan on 20-21 June.

## 5. Dimensions of NSG Membership

The inclusion of non-NPT member states in NSG is linked to global strategic dynamics of 21<sup>st</sup> century. The critical issue of inclusion of India and Pakistan in 48 member nuclear group is connected with three significant dimensions: commercial interests, political norm and global strategic dynamics<sup>22</sup> as parallel to geo-political dimension.

- **Commercial interest:** The main reason behind the Indo-US civil nuclear agreement and NSG waiver to India was commercial interest of the US. The US wants greater access to Indian markets and to get a sizable share in Indian defense and nuclear imports.
- **Political norm:** This dimension is of lesser significance as India-US nuclear cooperation and 2008 NSG waiver had allowed India to acquire nuclear related technology from NSG members. Moreover, nuclear co-operation failed to prevent nuclear proliferation.
- **Global Strategic Dynamics and Geo-politics:** This dimension constitutes the most significant element of NSG politics. In December, 2017, Washington declared that 'great-power competition' was the foremost threat to its national security. China and Russia are the primary strategic competitors to US dominance. Terrorism, which had remained

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<sup>20</sup> "Public Statement Plenary Meeting Of The Nuclear Suppliers Group, Bern, Switzerland, 22–23 June 2017," Nuclear Suppliers Group, June 23, 2017,

[http://www.nuclearsuppliersgroup.org/images/NSGPlenaryBernPublic\\_Statement\\_final.pdf](http://www.nuclearsuppliersgroup.org/images/NSGPlenaryBernPublic_Statement_final.pdf).

<sup>21</sup> "Public Statement of the 2018 NSG Plenary-Jurmala, Latvia," Nuclear Suppliers Group, June 15, 2018,

<http://www.nuclearsuppliersgroup.org/de/20-news/192-public-statement-of-the-2018-nsg-plenary-jurmala>.

<sup>22</sup> "Criteria, Candidacy and Upcoming NSG Plenary Meeting" Center for Research and Security Studies (CRSS) Blogs, June 20, 2017,

<https://crssblog.com/criteria-candidacy-and-upcoming-nsg-plenary-meeting-maimuna-ashraf/>.

predominant threat since 2002, was downgraded to second place in the American threat perception. Consequently, US sought withdrawal of its troops from Syria and Afghanistan to move military and economic resources towards meeting the challenges of great-power competition. As US sought to check rising China, it deepened its defense relationship with India. US also designated India as a key partner of its Indo-Pacific rebalancing strategy to balance rising China.

India is enjoying exceptional treatment as a major US defense partner. Their bilateral cooperation has grown in momentum and it was only due to US support that India was able to bag membership of elite clubs like MTCR, Australia Group and Wassenaar Arrangement, besides enjoying NSG waiver. India gave little or nothing in return to the US for its favors. India's eight civilian nuclear facilities are still outside the IAEA safeguards.<sup>23</sup> Moreover, India is not willing to negotiate on CTBT and, it could potentially use the nuclear fuel and nuclear reactors provided to it under India-US cooperation to increase fissile material stocks for weapons production.

Preferential treatment extended to India and efforts for its inclusion in NSG without getting it to address shortcomings in the fulfillment of its non-proliferation commitments will undermine global non-proliferation efforts and undermine South Asia's strategic stability.

## **6. Impact on Non-Proliferation Efforts**

Exceptional treatment for India has already undermined the efficacy of non-proliferation regime. NSG waiver to India is in violation of NSG guidelines as non-NPT states cannot avail the privileges available to NSG members. India-US nuclear co-operation is violative of Articles I, II and IV of NPT. For instance, under Article I of the treaty, transfer of nuclear material and technology by NWS is prohibited. But the treaty has failed to stop the transfer of nuclear technology and NSG exemption of 2008 doesn't compel India to cap its production of fissile material. The 2008 waiver has instead allowed India to increase its stocks of fissile material.<sup>24</sup>

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<sup>23</sup> John Carlson, *India's Nuclear Safeguards: Not Fit for Purpose*. Harvard Kennedy School, Belfer Center for Science and International Affairs, 2018.

<sup>24</sup> "India can increase fissile material stocks through NSG waiver, says foreign secretary," *Dawn*, February 12, 2016.

India-US civil nuclear agreement and the NSG waiver for India appear to be aimed at helping India (a non-NPT state) undertake military buildup for carrying forward the US strategic ambitions in the Asian region. Furthermore, the US agreement with India for joint production and development of military related technologies such as mini UAVs , distinctive kits for C130 aircrafts and designing/ development of jet engine technology has played central role in speedy development of India's military capabilities program.

## **7. South Asia's Strategic Stability**

India is enjoying preferential treatment from various NSG member countries, who for various reasons are turning a blind eye to the reality that providing nuclear related material and technology to India, while ignoring Pakistan's application was disturbing South Asia's strategic stability. The situation is furthermore injecting a never ending nuclear arms race in the region.<sup>25</sup> Such preferential treatment for India would increase defense production gap between the two nuclear neighbors, and the resulting imbalance will trigger security dilemma in the region. It would, therefore, destabilize deterrence stability and security situation in South Asia.

## **8. Breaking the Stalemate: A Way Forward**

In view of the above mentioned scenario it is important to examine as to what should be Pakistan's strategy to secure NSG membership? Pakistan has a complete program for peaceful uses of nuclear energy. According to available information, Pakistan has nuclear power plants, nuclear fuel cycle capabilities, agriculture-biotechnology research centers, research reactors and medical and oncology centers. It has the manpower, expertise, technology and infrastructure. These sophisticated capabilities prove that Pakistan possesses a modest program. Therefore, NSG is significant for Pakistan to further develop these capabilities to meet its domestic needs specially the energy requirements.

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<sup>25</sup> Zafar Khan, "India's Grand Nuclear Strategy: a Road towards Deployment of Ballistic Missile Defense System," *Regional Studies* XXXIV, no. 1 (2016): 48-64.

The 29<sup>th</sup> NSG plenary meeting is scheduled to be held in Nur-Sultan , Kazakhstan on 20-21 June but chances of any forward movement on membership for India-Pakistan are very slim and in all likelihood the stalemate would persist. Pakistan can, however, take the following initiatives to achieve its objectives:

- **First**, Pakistan should intensify its political and diplomatic campaign to convince the NSG member states about its credentials and capabilities and aggressively advocate for a “non-discriminatory criteria based approach”.
- **Second**, Pakistan should highlight the implication of the preferential treatment being enjoyed by India for regional peace and stability and the possible repercussions of its formal admission into the export control regime. Fears that India would use its membership to develop reserves of fuel by diverting the continuous supply intended for its civilian program to the weapons side and may eventually resume nuclear testing need to be convincingly and credibly explained to the NSG members.
- **Third**, Pakistan should prepare itself for eventual criteria as one step ahead approach that may at some stage be set for admitting non-NPT states in NSG folds. This could be done by notifying the plan for separation of civilian and military nuclear facilities and signing the additional protocol with IAEA. Though Pakistan has no hesitation in doing do but it will take time.
- **Fourth**, Pakistan possesses a modest civilian nuclear program. Therefore, Pakistan should explore and initiate nuclear cooperation with developing states under IAEA safeguards instead of waiting for the nod of NSG members. This could include participation in global sustainable development projects requiring utilization of peaceful nuclear technology. This would in particular help improve the narrative about Pakistan’s nuclear program, by lessening the focus on the security dimension.

Since, NSG, as per its rules, technically requires India to fully comply with its non-proliferation objectives and guarantee that the cooperation with NSG members and other states for peaceful use of nuclear energy is not misused for weapons production; therefore, diplomatic

pressure should be developed on India by exposing the existing lacunae in the fulfillment of its non-proliferation commitments. This would also make it difficult for India to exploit the cooperative arrangements for advancing its weapons program.

In this regard, it is necessary that:

- India must provide the declaration that its existing as well as future civilian facilities and nuclear reactors will remain under IAEA permanent safeguards.
- All foreign nuclear technology and material should be kept under IAEA safeguards.
- No exception should be granted to use the safeguarded material with unsafeguarded material.
- India should clearly pledge its support for CTBT and other disarmament agreements to be negotiated in future.
- Additional Protocol should apply to civilian nuclear material and facilities in India.<sup>26</sup>

The US used the pretext of A.Q. Khan case to deny Pakistan access to nuclear and other high end technologies while ignoring Indian “state sponsored nuclear proliferation” and shortcomings in fulfillment of its non-proliferation commitments due to its geo-political and strategic interests in Indo-Pacific region. A greater irony is that the NSG members conveniently overlook the fact that NSG creation was in response to India’s nuclear tests of 1974, which India conducted after illegally diverting nuclear fuel from civilian energy program to weapon development. The world, therefore, needs to stop blindly trusting Indian non-proliferation assurances and should instead seek uniform application of a criteria based approach for admitting non-NPT states. Membership of non-NPT states, when done through a fair, uniform and transparent process will strengthen the non-proliferation regime, besides helping in maintaining the strategic stability in South Asia.

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<sup>26</sup> Muhammad Kamran Akhtar, “NSG membership of Non-NPT states,” *Nuclear Paper series*, no.04 (2016):10.